bia (H. R. 16482)—to the Committee on the District of Columbia.

By Mr. KNAPP: Petition of Mexico Legion, No. 445, against the passage of the bill to amend and codify the statutes relating to classification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of the American Federation of Trades Unions, of York, Pa., indorsing the copyright bill—to the Committee on Patents.

By Mr. LINDSAY: Petition of the Trades League of Philadelphia, for bill S. 6923 (1-cent letter postage)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the International Association of Master House Painters and Decorators of the United States and Canada, for district attorneys to investigate illegal acts of labor organizations—to the Committee on Labor.

By Mr. LORIMER: Petition of E. M. Wright, favoring the Murphy bill limiting the hours of service of railway telegraph operators to eight hours—to the Committee on Interstate and Foreign Commerce.

Also, petition of G. Kunaupt, for the Murphy House bill limiting the hours of service of railway telegraph operators—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Papers to accompany bill for relief of James B. David—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of citizens of Oakes, Dickey County, N. Dak., and citizens of Hofflund, Williams County, N. Dak., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Resolution of E. D. Baker Post, No. 8, Grand Army of Republic, appreciative of the passage of the service-pension law—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of Frankfort Legion, No. 707, against the bill to amend and codify the statutes relating to the classification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of the Chamber of Commerce of New Haven, Conn., for uniform laws relating to bills of lading—to the Committee on the Judiciary.

By Mr. REYBURN: Petition of the Moyer, Haywood, and Pettibone Protest Conference of Philadelphia, against the injustice of the prosecution of Moyer, Haywood, and Pettibone—to the Committee on the Judiciary.

By Mr. RUCKER: Petition of citizens of Hale, Mo., against the injustice of legal procedure in cases of Haywood, Pettibone, et al.—to the Committee on the Judiciary.

Also, petition of citizens of Green City, Mo., for the Beveridge-Parsons bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *March 2, 1907.*

The Senate met at 11 o'clock a. m.

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.

SALARIES OF DISTRICT JUDGES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Attorney-General submitting an estimate of appropriation for inclusion in the general deficiency appropriation bill for payment of salaries of district judges for the northern district of Alabama, the southern district of Ohio, and the district of Nebraska; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in each of the following causes, which causes were referred to the court by the resolution of the Senate under the act of March 3, 1887, known as the "Tucker Act:"

In the cause of S. A. Bates, administrator of Walter Shirley, deceased, *v.* The United States;

In the cause of Sarah Jane Bellah, executrix of the estate of James W. Bellah, deceased, *v.* The United States;

In the cause of Samuel R. Barton, administrator of the estate of Stephen Barton, deceased, *v.* The United States;

In the cause of Samuel R. Barton, in his own right, *v.* The United States;

In the cause of J. R. Barclay, administrator of Henry Ingram, deceased, *v.* The United States;

In the cause of Adelaide Dillon, administratrix of William Dillon, deceased, *v.* The United States;

In the cause of Ernest Bragazzi, residuary legatee of Nicholas White, deceased, *v.* The United States;

In the cause of Jefferson Dickerson *v.* The United States;

In the cause of Anna M. Anderson and Charles L. G. Anderson, executors of George W. Anderson, deceased, *v.* The United States;

In the cause of William Stilman, administrator of George Denny, deceased, *v.* The United States;

In the cause of Margaret J. Gillespie, administratrix of the estate of John C. Gillespie, deceased, *v.* The United States; and

In the cause of Corning & Co. *v.* The United States.

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

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a list of sundry cases referred to the court by resolution of the Senate under the act of March 3, 1887, which cases were dismissed for want of prosecution on the dates therein set out; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a list of claims sent to the court by resolution of the Senate under the act of March 3, 1887, and dismissed on motion of the Assistant Attorney-General on the date set opposite the names of each of the claimants:

In the cause of Montgomery Patton *v.* The United States, February 6, 1906; and

In the cause of Thomas Smith *v.* The United States, January 16, 1905.

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

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a list of sundry cases referred to the court by resolution of the Senate of March 3, 1887, which were dismissed for want of jurisdiction, on the dates therein set out; which, with the accompanying papers, were 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. 8303. An act to establish the Foundation for the Promotion of Industrial Peace; and

S. 8540. An act to ratify a certain lease with the Seneca Nation of Indians.

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

S. 529. An act to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage;

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; and

S. 8189. An act granting to the St. Louis, Iron Mountain and Southern Railway Company, a corporation, the right to construct, maintain, and operate a single-track railway across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, reserved for use in connection with the construction of Lock No. 1, upper White River, Arkansas.

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

H. R. 3268. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;

H. R. 10305. An act to provide for the repayment of certain customs dues;

H. R. 19500. An act for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph S. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin; and

H. R. 24816. An act to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by the mix-

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ture with suitable denaturing materials," approved June 7, 1906.

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

H. R. 25692. An act to provide for an additional district judge for the northern district of California; and

H. R. 25851. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for prior years, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 7840) granting an increase of pension to Lewis A. Towne.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MILLER, Mr. WALDO, and Mr. BEALL of Texas managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23650) to quiet titles to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARSHALL, Mr. BURKE of South Dakota, and Mr. ZENOR managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the following bills:

S. 8572. An act permitting the building of a dam across the Savannah River at Andersonville shoals;

S. 8581. An act permitting the building of a dam across the Savannah River at Trotters shoals;

S. 8583. An act permitting the building of a dam across the Savannah River at Calhoun Falls;

S. 8584. An act permitting the building of a dam across the Savannah River at Hattons Ford; and

H. R. 3518. An act for the relief of Copiah County, Miss.

ENROLLED BILLS SIGNED.

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

H. R. 6104. An act to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails;

H. R. 8984. An act to amend the laws governing labor or improvements upon mining claims in Alaska;

H. R. 11040. An act to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys;

H. R. 15909. An act for the relief of the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the U. S. Army transport *Meade;*

H. R. 19275. An act for the relief of T. E. Boyt;

H. R. 20128. An act to complete the naval record of Patrick Naddy;

H. R. 23630. An act authorizing the President to nominate and appoint Birchie O. Mahaffey, John A. Cleveland, and Traugett F. Keller as second lieutenants in the United States Army;

H. R. 24122. An act in reference to the expatriation of citizens and their protection abroad;

H. R. 24925. An act making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes;

H. R. 24991. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 25630. An act to amend an act entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," approved June 8, 1906;

H. R. 25738. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River;

H. R. 25846. An act permitting the building of a dam across the Savannah River at Calhoun Falls;

H. R. 25847. An act permitting the building of a dam across the Savannah River at Hattons Ford;

H. R. 25848. An act permitting the building of a dam across the Savannah River at Andersonville shoals;

H. R. 25850. An act permitting the building of a dam across the Savannah River at Trotters shoals;

H. J. Res. 31. Joint resolution authorizing the wearing of the distinctive badge adopted by the Army and Navy Union upon all occasions of ceremony; and

H. J. Res. 240. Joint resolution to create a joint committee to consider the revision and codification of the laws of the United States.

HOUSE BILLS REFERRED.

Mr. ALLISON. I ask that the general deficiency appropriation bill may be laid before the Senate and referred to the Committee on Appropriations.

The VICE-PRESIDENT. The Chair lays before the Senate bills from the House of Representatives for reference.

The bill (H. R. 25851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 25692) to provide for an additional district judge for the northern district of California was read twice by its title.

Mr. PERKINS. I ask that the bill may lie on the table for the present.

The VICE-PRESIDENT. Without objection, the bill will lie on the table.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution, in the nature of a telegram, of the legislature of the State of Washington; which was ordered to lie on the table and be printed in the RECORD, as follows:

OLYMPIA, WASH., *March 1, 1907.*

The PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.:

I have the honor to transmit herewith copy of joint resolution adopted this date by the Washington State legislature, Washington State senate joint resolution No. 5, by Senator Piper:

Whereas an international exposition to be known as the "Alaskan-Yukon Pacific Exposition" will be held at the city of Seattle, Wash., from June 1 to October 15, 1909.

Whereas the primary purposes of said exposition are: (1) To demonstrate the vast and constantly increasing importance of the commerce of the Pacific Ocean countries in North America, South America, Asia, and Oceania. (2) To bring to the notice of the world the resources and potentialities of the Alaska and Yukon territories of the United States and the Dominion of Canada. (3) To demonstrate the marvelous progress of western America.

Whereas all lines of American manufacture and production would be vastly benefited by enlarged trade relations between the United States and the Pacific Ocean countries, as markets which now buy little or nothing from us would be opened to our commodities; our dealings with Pacific Ocean customers, particularly with those living in Asia and Oceania, would be facilitated if our operators possessed more intimate knowledge of economic conditions in the Pacific Ocean countries, the lack of which knowledge has been emphasized in the consular reports of the United States covering a long period of years;

Whereas the territory of Alaska, if supplied with adequate rail transportation and developed to the same degree that Finland is, would support through agriculture alone a population of 5,000,000;

Whereas no exposition has ever been held in the United States having for one of its main objects the promotion of Pacific commerce and the advancement of the trade of the United States with Pacific Ocean countries;

Resolved, That the Government of the United States be, and is hereby, invited to encourage the holding of said exposition by exhibiting from its Executive Departments, the Smithsonian Institution, the National Museum, and the Library of Congress such articles and material as illustrate the functions and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; that the Government of the United States is also invited to aid the inhabitants of the Territory of Alaska, the Territory of Hawaii, and the Philippine Islands in providing and maintaining appropriate and creditable exhibits of their products and resources at said exposition.

Resolved, That the States and Territories of the United States of America be, and they are hereby, invited to participate in said exposition by making exhibits of their arts, sciences, and industries, and by the erection of State buildings.

Resolved further, That the secretary of the senate is hereby authorized and directed to transmit by telegraph a certified copy of this resolution to the Senate and House of Representatives of the Congress of the United States and to mail copy to the governors of each State and Territory of the Union. The foregoing is certified to be a true copy of senate joint resolution No. 5, adopted by the Washington state legislature March, 1907. (Signed by J. W. Lysons, secretary of the Washington State senate.

J. W. LYSONS,
Secretary of the Washington State Senate.

The VICE-PRESIDENT presented petitions, in the nature of telegrams, from sundry telegraph operators of Rivervale, Ind.; Watseka, Ill.; Quitman, Miss.; Riverton, Ala.; Middleton, Tenn., and Troy, Ohio, praying for the adoption of an amendment to the so-called "sixteen-hour bill," relating to railroad employees and telegraph operators; which were ordered to lie on the table.

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

Mr. BURNHAM presented a petition of J. A. Reed and N. Bourque, of Windham Junction, and of W. H. Meserve and 28 other citizens of Penacock, all in the State of New Hampshire, praying for the enactment of legislation to limit the hours of employment of railroad employees and telegraph operators; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Claremont, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a memorial of Providence Legion, No. 1704, National Protective Legion, of Providence, R. I., remonstrating against any reclassification of second-class mail matter as will increase the postal charges for carrying the publications of benevolent and fraternal societies; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of T. Ray, of East Greenwich; J. J. Callahan, of East Greenwich; W. Hall, M. C. Sipple, E. T. Gardner, J. R. Maxwell, and G. W. Brackett, of Providence; T. F. Fox, of Warren; George E. Joslin, of Providence; J. E. Dixon, S. E. Boardman, H. G. Buchanan, and J. W. Touhy, of Providence; E. M. Locke, of Bradford, and A. L. Kenyon, of East Greenwich, all in the State of Rhode Island, praying for the enactment of legislation to limit the hours of employment of railroad telegraphers to nine hours; which were ordered to lie on the table.

Mr. BURROWS. I present sundry telegrams of telegraph operators in the State of Michigan, relative to the eight-hour bill. I ask that the telegrams be noted in the RECORD and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows:

From L. D. Bissell, H. Wilkins, M. Walton, and E. Taylor, of Mount Pleasant, Mich.; from O. M. Mullen, of Lansing, Mich.; from H. H. Bartlett and O. E. Gilbert, of Mackinaw City, Mich.; from Messrs. Rourke and Northrop, of Rives Junction, Mich.; from Messrs. Lewis and Wilson, of Middlesville, Mich.; from S. O. F. Foster, E. Vargason, and Oscar Pettit, of Otter Lake, Mich.; from Messrs. Marshall and Healy, of Nashville, Mich.; from Charles Rafferty and S. O. Flood, of Bay City, Mich.; from A. O. Bourassa and W. H. Crecine, of West Branch, Mich.; from S. W. C. Banfield, F. H. Lee, J. H. Taylor, of Wixom, Mich.; from E. E. Warner, of Irving, Mich.; from Messrs. Lewis and McIntyre, of Eaton Rapids, Mich.; from S. Laley and E. S. Woods, of West Branch, Mich.; from Messrs. Lueberhorst, Berry, and Berry, of Bay City, Mich.; from C. H. Kaiser and L. Ruppert, of Pinconning, Mich.; from L. V. Whitney and G. H. Robertson, of Bay City, Mich.; from D. C. and C. E. Honey, of Standish, Mich.; from C. I. Thompson and C. J. Deidrich, of Vassar, Mich.; from Albert Miller, M. Fohey, F. Hutchingan, F. Beatty, G. Grable, F. Jones, Clifford Marsh, F. Hanson, George Mitts, J. Wright, P. Townsend, Harry Marks, H. Quackenbush, J. Holiday, R. Smith, W. Young, John Ditton, and Fred. Novare, of Detroit, Mich.; from C. R. Cany and M. J. Granger, of Lansing, Mich.; from G. A. Needham, C. E. Carpenter, H. M. Sargent, W. A. McTaggart, of Owosso, Mich.; Judge Nelson Sharpe and B. Bennett, of West Branch, Mich.; from Frank B. Fangboner, Thomas R. Hodson, and Daniel Odea, of Rochester, Mich.; from J. C. Ryan, of Daily, Mich.; from G. C. Gillespie, G. W. Shoupe, J. C. Gessell, A. Hamilton, Claude Halfrisch, L. N. Burr, of Orien, Mich., and of G. W. Hagle, of Thomas, Mich.; from A. M. Beekman, of Charlotte, Mich.; from C. W. Pierce, of Marengo, Mich.; from F. F. Perry, J. W. McNamee, E. C. West, E. L. Bryant, and J. B. Ide, of Lakeland, Mich.; L. W. Kirkpatrick, A. S. Williams, E. E. Albertson, N. P. Morse, R. P. McDonald, D. W. Brown, C. A. Schoemaker, A. P. Mills, C. Calkins, Glenn Blackmore, and W. Rogers, of Unionville, Mich.; from Fred Stephenson and Mora Taylor, of Matamora, Mich., and C. A. Smith, of Hunters Creek, Mich.; from H. M. Garrison, of Holt, Mich.; from C. A. Campbell and M. K. Campbell, of Mason, Mich.; from C. H. Swan, H. W. Robinson, and S. E. Marsh, of Cheboygan, Mich.; from E. J. Bennett, F. G. Wicks, O. K. Benner, M. S. Hatch, V. C. Vise, F. A. Barrett, L. G. McMurray, G. H. Moulton, and G. E. Emerson, of Niles, Mich.; and from the chairman of the Calhoun County Republican committee, of Marshall, Mich.

Mr. BURROWS presented a memorial of sundry citizens of Rose City, Mich., and a petition of sundry citizens of Michigan, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Shipmasters' Association of Detroit, Mich., praying for the enactment of legislation providing for a retired list of officers and men in the Life-Saving Service; which was referred to the Committee on Commerce.

He also presented a memorial of Detroit Camp, No. 10, United Spanish War Veterans, of Detroit, Mich., remonstrating against the discontinuance of the United States pension agency at that city; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Coldwater, Lawton, Garfield Township, Lansing, Van Buren, and Leslie, all in the State of Michigan, 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 petitions of sundry citizens of Detroit, Midland, Chatham, Brooklyn, Marion City, and Birmingham, all in the State of Michigan, praying for the adoption of certain amendments to the service-pension law approved February 6, 1907; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Ludington, Detroit, Bay City, Grand Rapids, and Wyandotte, all in the State of Michigan, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

Mr. PERKINS presented petitions of sundry citizens of Upland, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PERKINS (for Mr. FLINT) presented petitions of sundry citizens of Highland, San Pedro, and Orange, 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. FULTON. I present a concurrent resolution of the legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

The concurrent resolution was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, 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 senate concurrent resolution No. 22, adopted by the senate of the State of Oregon February 19, 1907, and by the house of representatives of the State of Oregon February 20, 1907, original of which resolution was filed in this office February 21, 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 21st day of February, A. D. 1907.

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

Senate concurrent resolution No. 22, relating to national reciprocal demurrage.

Whereas the principle and practice of reciprocal demurrage have proven to be essentially fair in States that have enacted legislation requiring reciprocal demurrage on interstate business; and

Whereas the principle and practice of reciprocal demurrage should be incorporated in national legislation to cover interstate business; and

Whereas recommendations have been made by representatives of large commercial and shipping interests to the President of the United States, to Congress, and to the Interstate Commerce Commission that the Interstate Commerce Commission be given authority by an act of Congress to apply the principle and practice of reciprocal demurrage to transportation and shipping on interstate business: Therefore, be it

Resolved by the senate (the house of representatives concurring), The legislative assembly of the State of Oregon hereby indorses the recommendation that Congress do enact at the pending session a law granting and conferring upon the Interstate Commerce Commission authority to make rules and regulations for reciprocal demurrage on interstate business; and be it further

Resolved, That the secretary of state be, and he hereby is, instructed to transmit to the President of the United States and to the clerks of the Senate and House of Representatives of the Congress of the United States a copy of this resolution.

Concurred in by the House February 20, 1907.

FRANK DAVEY, *Speaker.*

Adopted by the Senate February 19, 1907.

E. W. HAINES, *President.*

Senate concurrent resolution No. 22.

FRANK S. GRANT, *Chief Clerk.*

Filed February 21, 1907.

F. W. BENSON, *Secretary of State.*

Mr. CULLOM presented petitions of sundry citizens of Illinois, praying for the adoption of an amendment to the service-pension law, approved February 6, 1907, providing for an allowance of attorneys' fees; which were referred to the Committee on Pensions.

Mr. WARREN. I present sundry telegrams of telegraph operators in the State of Wyoming, relative to the eight-hour bill. I ask that the telegrams be noted in the RECORD, and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows: From F. V. Marsh, of Wolton, Wyo.; from E. L. Stump, of Denver, Colo.; from Mr. and Mrs. McYantis, of Hanna, Wyo.; from Mr. and Mrs. T. R. Grimshaw and O. Selland, of Rock Springs, Wyo.; from J. W. Knightlinger, C. H. Carlson, Henry Didlake, J. M. Small, R. D. Handiboe, and H. H. Miles, of Rawlins, Wyo.; from W. B. Ross, C. L. Carlson, E. D. Gerrons, J. B. Dales, C. W. Foss, and S. D. Irwin, of Cheyenne, Wyo.; F. F. Tighe, of Rock River, Wyo.; W. H. Seibert, of Bosler, Wyo.; J. T. Brackley and L. E. Kein, of Dana, Wyo.; S. R. B. Stuart, A. E. Greyson, H. E. Brown, R. L. Beyer, E. G. Buck, and Charles Moore, of Cheyenne, Wyo.; from W. E. Fuller, of Medicine Bow, Wyo.; from Mr. and Mrs. H. H. Norton, of Lookout, Wyo.; from C. Z. Harriman, of Medicine Bow, Wyo.; from W. C. Simmons, C. A. Hansen, and O. O. Shields, of Walcott, Wyo.; from N. J. Welty, of Howell, Wyo.; from T. E. Alsup, of Norwood, Mo.; Cronberg Brothers, S. W. Johnson, Ed. Walters, of Medicine Bow, Wyo.; P. R. Thomas, of Grenville, Wyo.; W. J. Curtis, of Rock River, Wyo.; H. C. Kelsey and A. C. Canny, of Buford, Wyo.; from C. A. Mercer, of Gillette, Wyo.; from G. W. Stone, of Ridge, Wyo., and from Mr. and Mrs. S. E. Tolliver, of Medicine Bow. Wyo.

Mr. WARREN presented a petition of the Commercial Club of Wheatland, Wyo., praying for the enactment of legislation providing that the grazing lands in Wyoming shall be leased under proper regulations; which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the enactment of legislation providing for a uniform system of bills of lading; which was referred to the Committee on Interstate Commerce.

Mr. CULBERSON presented petitions of sundry citizens of Texas City, Tex., 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 Menard and Kimball counties, in the State of Texas, praying for the enactment of legislation providing for the limitation of future speculation in farm products; which was referred to the Commitee on Agriculture and Forestry.

Mr. HOPKINS. I present sundry telegrams of telegraph operators in the State of Illinois, relative to the eight-hour bill. I ask that the telegrams be noted in the RECORD, and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows: From C. N. Miller, T. B. Welsh, M. H. Grorg, W. H. Adams, N. H. Burton, F. E. Anxier, and G. W. Mertz, of Ashley, Ill.; K. H. Donner, S. D. Rowe, A. R. Mead, and M. E. Wilcox, of Apple River, Ill.; C. W. Parkins, W. R. Birce, James Hansberry, and V. C. Conklin, of Council Hill, Ill.; G. R. Stewart, of Chicago, Ill.; from R. A. Bandy, of Deerfield, Ill.; E. V. Kinzy, C. R. Martin and J. E. Flack, of Colchester, Ill.; from George C. Cannon, of Ropalu, Ill.; from Charles Lund, F. K. Kline, and John Foster, of Abingdon, Ill.; from B. H. Waters, J. J. McAndrews, and James F. German, of Riverton, Ill.; from G. R. Hankins, of Stockdale, Ill.; from R. L. Shannon, of Anna, Ill.; from Rad. Burnett, F. G. Alexander, and J. F. Ormsby, of Anna, Ill.; from W. C. Webster, of Claremont, Ill.; from John Ostendorff, F. G. Handley, T. J. Fentress, J. W. Wells, J. R. Kane, M. P. Gallagher, J. Brown, A. E. Griffin, E. V. Estabrook, O. L. Groff, and M. F. Houlahan, of East Dubuque, Ill.; from E. B. Huntington, J. L. Phelps, J. C. Whitaker, L. Goding, M. G. Stout, S. J. Woodward, E. H. Roe, T. E. Davis, and J. H. McCualiffe, of Carbondale, Ill., and from John Chassells, of Salem, Ill.

Mr. HOPKINS presented memorials of 55 old soldiers of Chicago, Ill., remonstrating against the provision in the service-pension law approved February 6, 1907, prohibiting pension agents from collecting a fee for services rendered to old soldiers under that law; which were referred to the Committee on Pensions.

He also presented a petition from the Moline Plow Company, of Moline, Ill., praying for the establishment of an immigration station at New Orleans, La.; which was ordered to lie on the table.

Mr. McENERY. I present sundry telegrams from telegraph operators in the State of Louisiana. I ask that the telegrams be noted in the RECORD and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows: From Leopold De Jan, P. T. Blackshear, Jonas Roos, A. D. Hokell, J. L. Wilson, P. Hosslin, P. A. Sandoz, W. V. Larcade, D. Roos, A. M. Pratter, T. W. Childs, J. Hugh Walker, Louis Halpsen, K. S. Jacobs, A. R. Morhinvon, G. E. Sandos, Leon S. Haas, T. O. Toder, J. R. Robin, J. E. Pitre, M. L. Chachere, M. Winsberg, F. B. Richard, James J. Bailey, R. V. Miles, A. Iztet Stigg, M. P. Stagg, A. S. Jones, B. H. Pavy, Judge E. T. Lewis, H. H. Sandoz, W. J. Sandoz, Robert Chachert, L. Simon, A. D. Shotwell, Albert Clary, C. T. Bienva, H. K. Roumain, J. E. Shune, Aaron Jacobs, R. L. Wiggins, C. P. Richard, R. A. Guider, J. R. Pavy, Eugene L. Gerde, Allen Sandoz, C. P. Dunbar, Ira W. Sylvester, Beatty Smith, A. J. Isaacks, I. Isaac, F. G. Chachere, L. S. Isaacs, B. Bennett, J. O. Appel, L. J. Dossman, D. M. Fontenot, C. F. Bailey, R. Lee Garland, M. A. Fields, F. Cliff Allen, H. L. Estorge, A. S. Simpson, and Messrs. Borther and Crawford, of Opelousas, La.; from G. R. Pattison and B. A. Marshall, of Gloster, La.; from T. W. Powers, of Forest, La.; from Sam Wilkinson, W. L. Myers, A. W. Miller, W. Brown, Ed. Dunning, James Cranberry, P. Cameron, George Muller, C. J. Davis, S. Holt, C. W. Floyd, Charles Thompson, C. L. Fisher, Ed. Bordages, Walter Robertson, John Miller, F. Cummings, George Stewart, I. L. Cooper, T. Garth, and J. L. Youngblood, of New Orleans, La.; from F. B. Perkins, of Torras, La.; from Mr. Ashly, of White Castle, La.; from C. A. Douglas, of Lettsworth, La.; from H. J. Smith and G. Trichel, of Cypress, La.; from W. S. Rheams, C. W. Floy, and J. F. Brown, of Kenner, La.

Mr. KITTREDGE. I present sundry telegrams from telegraph operators in the State of South Dakota. I ask that the telegrams be noted in the RECORD and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows: From F. B. Dantry, H. C. Dunham, and C. H. Tinkham, of Desmet, S. Dak., and from Boylan, Scholes, Hoffman, Brown, Blanchard, Floete, Carlon, Beardsley, Schroeder, and McKinnon, of Armour, S. Dak.

Mr. LODGE presented a petition of the International Association of Master House Painters and Decorators of the United States and Canada, praying for an investigation of illegal organizations of labor in restraint of trade and interstate commerce; which was referred to the Committee on Interstate Commerce.

Mr. WARNER presented the petition of Mrs. Litha G. Sholley, of Missouri, praying that she be granted a pension of $12 a month because of her services as an army nurse in the civil war; which was referred to the Committee on Pensions.

Mr. DEPEW presented a memorial of sundry citizens of Lockport, 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 petitions of sundry citizens of Utica and Brooklyn, in the State of New York, praying for the adoption of certain amendments to the present denatured-alcohol law; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, Oneonta, Franklin, Gaines, Hornell, Plattsburg, Watertown, and Seward, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. ANKENY presented a petition of the Lumber Manufacturers' Joint Committee, of Seattle, Wash., praying for the enactment of a reciprocal-demurrage law; which was referred to the Committee on Interstate Commerce.

Mr. KNOX presented petitions of sundry citizens of South Abington and of the congregation of the East End Presbyterian Church, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of Local Division No. 108, Order of Railroad Telegraphers, of Elkland; Order of Railroad Telegraphers of Pittsburg; C. R. Carty, of Bristol; J. E. Shaver, of Erie; W. J. Jones, of Erie; sundry telegraphers of Titusville, Sunbury, and Priceburg; P. J. Doohr, of Spartansburg; P. J. Barrett, of Spartansburg; sundry telegraphers of Emporium;

Division No. 92, Order of Railroad Telegraphers, of Dubois; H. S. Palmer, of Centerville; M. A. Nach, of Centerville; C. H. Cook, of Erie; F. T. Conners, of Erie; Rev. W. H. Lesler, of West Alexander; C. F. Mann, of Coraopolis; C. W. McCauley, of McKees Rocks; H. M. Michael, of Quakake; A. F. Wallaner, of Quakake; J. G. Gurtner, of Sunbury; D. McDonnell, of Union City; F. B. Burt, of Union City; W. D. Hile, of Sunbury; Frank Bucher, of Sunbury; A. W. Yeager, of Sunbury; H. A. Schoffstall, of Sunbury; D. M. Campsey, of Claysville; C. H. Kimberling, of Taylorstown; J. A. Ives, of Ernest; M. J. Harrington, of Creekside; C. R. Caty, of Bristol; John L. Franks, of Altoona; T. H. Dougherty, of Driftwood; Frank Cipperly, of Pittston; F. D. Lyman, of Conneaut Lake; sundry telegraphers of Montgomery; H. W. Kach, of Milton; A. K. Ranck, of Milton; L. V. Thayer, of Atlantic; of sundry telegraphers, Punxsutawney; E. W. Hershy, of Homestead; D. C. Barman, of Pittsburg; A. P. Blair, of East Bradford; H. K. Klingensmith, of Pittsburg; Rev. Thomas Boyle, of Pittsburg; C. E. Tomlinson, of West Alexander; Will Carr, of West Alexander; J. W. Sampson, of Priceburg; L. Davis, of West Alexander; Harry Cope, of Northumberland; Homer Dauberman, of Northumberland; of sundry telegraphers of Elgin; L. D. Jacobs, of Elkland; H. C. Wigton, of Branchton; of sundry citizens of Pittston; Thomas Hefferman, of Wilkes-Barre; of sundry citizens of Greenville; P. L. McCrea, of Eagle Rock; H. G. Greer, of Eagle Rock; S. M. Bell, of West Alexander; J. F. Sullivan, of Driftwood; O. H. McKinney, of Coraopolis; G. W. Schnably, of Coraopolis, all in the State of Pennsylvania, praying for the enactment of legislation limiting the hours of service of railroad telegraphers; which were ordered to lie on the table.

He also presented petitions of Local Branch No. 45, Glass Bottle Blowers' Association, of Allentown; Branch 115, Glass Bottle Blowers' Association; of Point Marion; Lodge No. 46, Amalgamated Association of Iron, Steel, and Tin Workers, of Hyde; Branch No. 1, Glass Bottle Blowers' Association, of Pittsburg; Branch No. 72, Glass Bottle Blowers' Association, of Smethport; Local Union No. 93, United Garment Workers of America, of Erie; Local Union No. 51, United Garment Workers of America, of Pittsburg, and Local Union No. 28, Travelers' Goods and Leather Novelty Workers' International Union of America, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and manufactures; which were referred to the Committee on Education and Labor.

Mr. DICK. I present sundry telegrams of telegraph operators in the State of Ohio, relative to the eight-hour bill. I ask that the telegrams be noted in the RECORD and that they may lie on the table.

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

The telegrams were ordered to lie on the table, as follows:

From Davis, Winchell, Fletcher, Summers, Edson, Erskine, Brubaker, Slausburger, Scott, Hostetter, Baker, and Gage, operators, of Montpelier; from F. E. Everett, of Wellston; from W. W. Wires and Charles Middleton, of Cozaddale; from F. E. Dean, of Carthage; from J. F. McKenna, of Wren; from J. P. Rankin, of Ironton; from Lester Sims, of Wellston; from L. L. Crider and O. K. Cecil, of Middletown; from E. N. Vanetta, of Newark; from O. C. Borden and J. E. Cook, of Leesburg; from W. H. Husted, of Richwood; from A. R. Moore, secretary, of Chicago Junction; from R. A. Mason, of Chicago Junction; from F. B. Elliso, of Latty; from J. W. Redman and L. V. Stipp, of Fostoria; from Hazelton and Zimmerman, of Colby; from L. T. Agnew, of Oakwood; from Eugene F. Stenger, of Miamisburg; from H. R. Kist, of Euclid; from W. H. Owens, of Warren; from C. A. Hedeen, of Bellevue; from A. F. Hixon, of Bellevue; from F. W. Rumple, of Bellevue; from H. E. Girard, of Ohio City; from Kirkwood, of Kirkwood; from C. A. Shubert, of Mansfield; from C. F. Pickers and A. B. Hopping, of North Bend; from J. A. Jones, of McGuffey; from O. B. Shannon, C. P. Ellison, and P. F. Adams, of Akron; from C. N. Aldrich, of Erie Depot; from Myers, Anderson, Humphrey, and Hadley, of Plymouth; from Cahoon, Shiner, Taylor, Conderton, and Smith, of Silver Creek; from A. W. Morrow, of Muessellman; from F. L. Shoemaker, of Jackson; from H. N. Gowen, of Wellston; from John Tynan, John Smith, Walter Pfeifer, Harry Young, Walter Robins, Charles Sechrist, John Ickers, Charles Heinlen, Martin Burke, of Marion; from Hall, Christopher, Steele, and Dean, of Winston Place; from W. E. Swoveland, of Glenmore; from George Smith, of Lynchburg; from Joe Reed, of Miamisburg; from O. A. Faust, of Plymouth; from J. R. Elliott, P. D. Way, E. B. Mushrush, J. H. Shanly, H. Haines, and R. E. Hoard, of Kent; from F. E. Wise and A. J. Oxender, of Polk; from C. W. McCoppin and E. Bartram, of Owega; from J. J. Dorshem, of Kemp; from J. B. Taft and Fred Sprague, of Braceville; from J. Oglesbee and C. F. Vermillion, of Foraker; from W. Dedgar and C. O. Roberts, of Nankin; from W. S. Burton, of Martel; from J. E. Cyphers, of Martel; from I. S. Jones, of Saybrook; from George Apel, Charles Brown, and Denver Young, of Franklin Furnace; from F. H. Bolhagen, F. J. Kelley, O. H. Drewett, G. Robinett, C. H. Stedwell, J. J. Brown, R. D. Waddell, F. P. Marshall, C. J. Stedwell, H. O. Wiltz, R. A. Sinclair, C. E. Benjamin, J. N. Curtiss, C. D. Teffingwell, E. J. Parrish, J. B. Conners, and A. E. Giddins; from O. C. Knight, of Peebles; from B. E. Miller, A. E. Drennen, and E. D. Curtis, of Medina County; from C. E. Burton, J. C. Woodruff, R. W. Wight, G. A. Zahnke, J. R. Woodring, H. A. Niswanger, P. H. Keane, J. T. Beares, and C. R. Curran, of Oak Harbor; from P. G. Dowler, of Vigo; from A. R. Moore, of Chicago Junction; from P. E. Jackson, Z. Volk, and H. J. McElroy, of Cincinnati; from J. E. Purney, of Huron; from J. A. Anderson, of Old Fort Station; from F. C. Hanes, of Euclid; from R. H. Fields, W. E. Cecil, M. W. Hoag, J. B. Devinney, Marvin, and Dennis, of Lodi; from Elmer Reny, of Sherwood; from C. H. Russell, of Oakwood; from C. W. Hudson, of Payne; from Charles Woolport, of Green Springs; from O. G. Jump and B. W. Sarr, of Shinrock; from H. E. Fling, of Payne; from J. H. Bell, of New Concord; from Yeager, Grace, Ferree, and Martel, of Ucasville; from W. H. McCurdy, sr., W. H. McCurdy, jr., R. W. Bell, A. C. Wilson, J. D. Mackey, and Robert Chults, of Wheelersburg; from J. M. Johnston, J. E. Rickey, L. B. Funk, J. T. Welch, W. G. Simonton, L. E. Plymale, L. N. Scott, F. Staker, L. Perry, H. Serey, H. B. Stratton, W. M. Hunt, H. C. Calhoun, and L. S. Welch, of Ironton; from C. A. Truitt, of Siam; from T. G. Beatty, of Cecil; from Pat McCarthy, of Cecil; from S. W. McCormick and R. D. Erwin, of Chillicothe; from Humphrey and Anderson, of Plymouth; from C. R. Weane, of Cecil; from O. A. Faust, of Plymouth; from W. E. Fleckner and O. F. Fleckner, of Lacarne; from R. C. Burns, of Sherradsville; from D. S. Donovan, of Cincinnati; from F. N. Bartlett, J. C. Plato, M. D. Fleckner, Walter Bell, W. F. Burrer, Otis Altford, and M. W. Durand, of Elyria; from E. B. Seiple, J. E. Baker, and D. W. Gikbert, of Bellevue; from C. W. Brown, of Constitution; from J. E. Killen, J. W. Burkam, and O. R. Granger, of Columbus; from L. S. Browning, of Middlefield; from F. E. Klinchans and M. H. Fierce, of Lacarne; from R. B. Willis, F. S. Parkers, B. D. Lewis, and W. A. Butler, of Leipsic; from Eldon Ickes, Leroy Anderson, and Delbert N. Brewer, of Maple Grove; from F. F. Cowley, of Mertiner; and from W. J. Howey, G. H. Sariff, J. J. Dieter, L. G. Van Verankin, A. M. Yant, C. E. Marshall, G. G. Steinmetz, F. H. Elson, A. L. Brennan, P. W. Adams, A. Gilletty, W. H. Saltsman, T. C. Cahill, W. C. Gealson, C. C. Robertson, C. H. McGhee, and J. W. Burho, of Homer, all in the State of Ohio.

Mr. DICK presented petitions of 148 ex-Union soldiers of the State of Ohio, praying for a modification of the present service-pension law permitting the employment of an attorney in filing pension claims; which were referred to the Committee on Pensions.

Mr. DANIEL presented the memorial of W. D. Hemingway, B. P. Miles, and Lewis Feuerstein, executive committee of the oyster packers and planters of tidewater Virginia, remonstrating against the enactment of any legislation to restrict the interstate commerce in opened oysters; which was referred to the Committee on Interstate Commerce.

Mr. DRYDEN presented the petition of Theodore H. Smith, of New York City, N. Y., praying for the enactment of legislation providing for a currency reform; which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Camden, N. J., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill;" which were ordered to lie on the table.

He also presented the petition of John H. Kelling, of Jersey City, N. J., and the petition of F. W. Coleman, of Paterson, N. J., praying for the passage of the so-called "sixteen-hour bill," relating to railroad employees and telegraph operators; which were ordered to lie on the table.

He also presented sundry memorials of citizens of Trenton, N. J., remonstrating against 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 Woman's Christian Temperance Union of Trenton, N. J., praying for the enactment of

legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LONG presented sundry petitions of the Wichita Produce Company, of Wichita, Kans., praying for the enactment of legislation providing for an investigation into the legality of the business done by the various express companies in the United States; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the International Association of Master House Painters and Decorators of the United States and Canada, praying for the enactment of legislation providing for an investigation of the illegal acts of labor organizations in restraint of trade and interstate commerce, as is done in similar acts of organized capital; which was referred to the Committee on the Judiciary.

He also presented memorials of Subordinate Orders Nos. 47, 89, 108, 109, 234, 305, 387, 415, 206, 340, 1, 18, and 326, of Altamont, Savonburg, Hallowell, Syracuse, Wayside, Independence, Augusta, Wauneta, Parker, St. Paul, Erie, and Chanute, all of the Anti-Horse Thief Association, and of the Olathe Court, No. 27, Tribe of Ben Hur, of Olathe, all in the State of Kansas, remonstrating against the enactment of legislation to amend the laws relating to the classification of second-class mail matter and the rates of postage thereon; which were referred to the Committee on Post-Offices and Post-Roads.

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

Mr. PROCTOR presented a petition of the O. L. Hinds Company, of St. Albans, Vt., praying for the enactment of legislation for the protection of labor and industries from the competition of convict labor and manufactures; which was referred to the Committee on Education and Labor.

Mr. DEPEW presented a memorial of sundry citizens of Fernwood, 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 memorial of Swift Post, No. 94, Department of New York, Grand Army of the Republic, of Geneva, 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 petition of the Central Republican Club of the thirty-first assembly district of New York City, N. Y., praying for the enactment of legislation to increase the salaries of Government clerks; which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Dunkirk and Pulaski, and of the Woman's Christian Temperance Union of Kendall, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. ALDRICH presented petitions of sundry citizens of Woonsocket, East Greenwich, Providence, Cumberland, Cranston, South Kingston, Wakefield, Warwick, and Westerly, all in the State of Rhode Island, 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 memorial of sundry citizens of Westerly, R. I., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. SPOONER. I present a joint resolution of the legislature of the State of Wisconsin, which I ask may be printed in the RECORD and referred to the Committee on Finance.

The joint resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Joint resolution (No. 60, A) relating to the revision of the tariff.

Whereas the present Dingley law has been on the statute books of the United States for a period of nearly ten years without material change; and

Whereas this period has been one of greatest industrial and financial development and owing to the unprecedented development of the nation, resulting from this protective policy, economic conditions have so changed that many of the schedules in said law are acknowledged to be detrimental to the best interests of the country: Be it

Resolved by the assembly (the senate concurring), That we memorialize the President of the United States that he call a special session of Congress as soon as possible after March 4, 1907, to revise the existing tariff law to harmonize with the present industrial and economic conditions: And be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and each of the Senators and Representatives from this State.

H. L. EKERN,
Speaker of the Assembly.
W. D. CONNOR,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
A. R. EMERSON,
Chief Clerk of the Senate.

Joint resolution (No. 52, A) relating to revision of the tariff.

Resolved by the assembly (the senate concurring), That there should be an immediate revision of the tariff, and that copies of this resolution, properly authenticated, be transmitted without delay to each Member of the Wisconsin delegation in Congress.

H. L. EKERN,
Speaker of the Assembly.
W. D. CONNOR,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
A. R. EMERSON,
Chief Clerk of the Senate.

RIGHT OF ASYLUM IN ANOTHER STATE.

Mr. CARMACK. Mr. President, in behalf of a number of labor organizations of the country, including some in my own State, representing, I understand, 2,000,000 citizens, I present sundry petitions praying that an investigation be made by Congress into the alleged kidnaping of three citizens of Colorado and their transfer to the State of Idaho.

The VICE-PRESIDENT. The petitions will be referred to the Committee on the Judiciary.

Mr. CARMACK. If it be in order in this connection, I should like to ask unanimous consent to have printed in the RECORD the dissenting opinion of Associate Justice McKenna in that case.

Mr. HEYBURN. I should like to ask the Senator if he would object to having both the opinion of the court and the dissenting opinion printed in the RECORD.

Mr. CARMACK. I have none. I do not make that request. The Senator can make it.

Mr. HEYBURN. If the dissenting opinion be printed, I suggest, in fairness to the court, that the court's opinion should be printed with it.

Mr. CARMACK. I have no objection to it in the world.

The VICE-PRESIDENT. Without objection, the opinion of the court and the dissenting opinion will be printed in the RECORD.

Mr. FRYE. The request was made that the opinion of the court should also be printed.

The VICE-PRESIDENT. The Chair so put the question.

The matter referred to is as follows:

[Supreme Court of the United States. No. 249. October term, 1906. George A. Pettibone, appellant, *v.* Jasper C. Nichols, sheriff. Appeal from the circuit court of the United States for the district of Idaho. December 3, 1906.]

Mr. Justice Harlan delivered the opinion of the court:

This is an appeal from a judgment of the circuit court of the United States for the district of Idaho refusing, upon habeas corpus, to discharge the appellant who alleged that he was held in custody by the sheriff of Canyon County, in that State, in violation of the Constitution and laws of the United States.

It appears that on the 12th day of February, 1906, a criminal complaint verified by the oath of the prosecuting attorney of that county and charging Pettibone with having murdered Frank Steunenberg at Caldwell, Idaho, on the 30th day of December, 1905, was filed in the office of the probate judge. Thereupon, a warrant of arrest based upon that complaint having been issued, application was made to the governor of Idaho for a requisition upon the governor of Colorado (in which State the accused was alleged then to be) for the arrest of Pettibone and his delivery to the agent of Idaho, to be conveyed to the latter State and there dealt with in accordance with law. The papers on which the governor of Idaho based his requisition distinctly charged that Pettibone was in that State at the time Steunenberg was murdered and was a fugitive from its justice.

A requisition by the governor of Idaho was accordingly issued and was duly honored by the governor of Colorado, who issued a warrant commanding the arrest of Pettibone and his delivery to the authorized agent of Idaho, to be conveyed to the latter State. Pettibone was arrested under that warrant and carried to Idaho by its agent and was there delivered by order of the probate judge into the custody of the warden of the State penitentiary, the jail of the county being deemed at that time an unfit place.

On the 23d day of February, 1906, Pettibone sued out a writ of habeas corpus from the supreme court of Idaho. The warden made a return, stating the circumstances under which the accused came into his custody and also that the charge against Pettibone was then under investigation by the grand jury. To this return the accused made an answer embodying the same matters as were alleged in the application for the writ of habeas corpus and charging, in substance, that his presence in Idaho had been procured by connivance, conspiracy, and fraud on the part of the executive officers of Idaho and that his detention was in violation of the provisions of the Constitution of the United States and of the act of Congress relating to fugitives from justice.

Subsequently, March 7, 1906, the grand jury returned an indictment against Pettibone, William D. Haywood, Charles H. Moyer, and John L. Simpkins, charging them with the murder of Steunenberg on the 30th of December, 1905, at Caldwell, Idaho. Having been arrested and being in custody under that indictment, the officer holding Pettibone

made an amended return stating the fact of the above indictment and that he was then held under a bench warrant based thereon.

At the hearing before the supreme court of the State the officers having Pettibone in custody moved to strike from the answer of the accused all allegations relating to the manner and method of obtaining his presence within the State. That motion was sustained March 12, 1906, and the prisoner was remanded to await his trial under the above indictment. The supreme court of Idaho held the action of the governor of Colorado to be at least quasi judicial and in effect a determination that Pettibone was charged with the commission of a crime in the latter State and was a fugitive from its justice; that after the prisoner came within the jurisdiction of the demanding State he could not raise in its courts the question whether he was or had been as a matter of fact a fugitive from the justice of that State; that the courts of Idaho had no jurisdiction to inquire into the acts or motives of the executive of the State delivering the prisoner; that "one who commits a crime against the laws of a State, whether committed by him while in person on its soil or absent in a foreign jurisdiction and acting through some other agency or medium, has no vested right of asylum in a sister State," and the fact "that a wrong is committed against him in the manner or method pursued in subjecting his person to the jurisdiction of the complaining State and that such wrong is redressible either in the civil or criminal courts can constitute no legal or just reason why he himself should not answer the charge against him when brought before the proper tribunal." (Ex parte Pettibone, 85 Pac., 902; Ex parte Moyer, 85 ib., 897.)

From the judgment of the supreme court of Idaho a writ of error was prosecuted to this court. That case is No. 265 on the docket of the present term, but the record has not been printed. But the parties agree that the same questions are presented on this appeal as arise in that case, and as this case is one of urgency in the affairs of a State we have acceded to the request that they may be argued and determined on this appeal.

On the 15th of March, 1906, after the final judgment in the supreme court of Idaho, Pettibone made application to the circuit court of the United States sitting in Idaho for a writ of habeas corpus, alleging that he was restrained of his liberty by the sheriff of Canyon County in violation of the Constitution and laws of the United States. As was done in the supreme court of Idaho, the accused set out numerous facts and circumstances which, he contended, showed that his personal presence in Idaho was secured by fraud and connivance on the part of the executive officers and agents of both Idaho and Colorado, in violation of the constitutional and statutory provisions relating to fugitives from justice. Consequently, it was argued, the court in Idaho did not acquire jurisdiction over his person. The officer having Pettibone in custody made return to the writ that he then held the accused under the bench warrant issued against him. It was stipulated that the application for the writ of habeas corpus might be taken as his answer to the return. Subsequently, on motion, that answer was stricken out by the circuit court as immaterial, the writ of habeas corpus was quashed, and Pettibone was remanded to the custody of the State.

As the application for the writ of habeas corpus was, by stipulation of the parties, taken as the answer of the accused to the return of the officer holding him in custody, and as that answer was stricken out by the court below as immaterial, we must, on this appeal, regard as true all the facts sufficiently alleged in the application which, in a legal sense, bear upon the question whether the detention of the accused by the State authorities was in violation of the Constitution or laws of the United States.

That application is too lengthy to be incorporated at large in this opinion. It is sufficient to say that its allegations present the case of a conspiracy between the governors of Idaho and Colorado and the respective officers and agents of those States to have the accused taken from Colorado to Idaho under such circumstances and in such way as would deprive him, while in Colorado, of the privilege of invoking the jurisdiction of the courts there for his protection against wrongful deportation from the State—it being alleged that the governor of Idaho, the prosecuting attorney of Canyon County, and the private counsel who advised them well knew all the time that "he was not in the State of Idaho on the 30th day of December, 1905, nor at any time near that date." The application also alleged that the accused "is not and was not a fugitive from justice; that he was not present in the State of Idaho when the alleged crime was alleged to have been committed, nor for months prior thereto, nor thereafter, until brought into the State as aforesaid."

In the forefront of this case is the fact that the appellant is held in actual custody for trial under an indictment in one of the courts of Idaho for the crime of murder charged to have been committed in that State against its laws, and it is the purpose of the State to try the question of his guilt or innocence of that charge.

Undoubtedly, the circuit court had jurisdiction to discharge the appellant from the custody of the State authorities if their exercise of jurisdiction over his person would be in violation of any rights secured to him by the Constitution or laws of the United States. But that court had a discretion as to the time and mode in which, by the exercise of such power, it would by its process obstruct or delay a criminal prosecution in the State court. The duty of a Federal court to interfere on habeas corpus for the protection of one alleged to be restrained of his liberty in violation of the Constitution or laws of the United States must often be controlled by the special circumstances of the case, and unless in some emergency demanding prompt action, the party held in custody by a State and seeking to be enlarged will be left to stand his trial in the State court, which, it will be assumed, will enforce—as it has the power to do equally with a court of the United States (Robb *v.* Connolly, 111 U. S., 624, 637)—any right secured by the supreme law of the land. "When the State court," this court has said, "shall have finally acted upon the case, the circuit court has still a discretion whether, under all the circumstances then existing, the accused if convicted shall be put to his writ of error from the highest court of the State, or whether it will proceed, by writ of habeas corpus, summarily to determine whether the petitioner is restrained of his liberty in violation of the Constitution of the United States." (Ex parte Royall, 117 U. S., 241, 251–253.) To the same effect are numerous cases in this court, among which may be named Ex parte Fonda, 117 United States, 516; New York *v.* Eno, 155 United States, 89, 93; Cook *v.* Hart, 146 United States, 183, 192; Minnesota *v.* Brundage, 180 United States, 499, 501; Reid *v.* Jones, 187 United States, 153; Riggins *v.* United States, 199 United States 547, 549. This rule firmly established for the guidance of the courts of the United States is applicable here, although it appears that the supreme court of Idaho has already decided some of the questions now raised. But the question of Pettibone's guilt of the crime of having murdered Steunenberg has not, however, been finally determined and can not be except by a trial under the laws and in the courts of Idaho. If he should be acquitted by the jury, then no question will remain as to a violation of the Constitution and laws of the United States by the methods adopted to secure his personal presence within the State of Idaho.

The appellant, however, contends that the principle settled in Ex parte Royall and other like cases can have application only where the State has legally acquired jurisdiction over the person of the accused, and can not apply when, as is alleged to be the case here, his presence in Idaho was obtained by fraud and by a violation of rights guaranteed by the Constitution and laws of the United States. Under such circumstances, it is contended, no jurisdiction could legally attach for the purpose of trying the accused under the indictment for murder.

In support of this view we have been referred to that clause of the Constitution of the United States providing that if "a person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime." (Article IV, section 2.) Also to section 5278 of the Revised Statutes, in which it is provided that "whenever the executive authority of any State or Territory demands any person as a fugitive from justice of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured, and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months from the time of the arrest the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand shall be paid by such State or Territory."

Looking, first, at what was alleged to have occurred in the State of Colorado touching the arrest of the petitioner and his deportation from that State, we do not perceive that anything done there, however, hastily or inconsiderately done, can be adjudged to be in violation of the Constitution or laws of the United States. We pass by both as immaterial and inappropriate any consideration of the motives that induced the action of the governor of Colorado. This court will not inquire as to the motives which guided the chief magistrate of a State when executing the functions of his office. Manifestly, whatever authority may have been conferred upon the governor of Colorado by the constitution or laws of his State, he was not required, indeed, was not authorized, by the Constitution or laws of the United States to have the petitioner arrested unless within the meaning of such Constitution and laws he was a fugitive from the justice of Idaho. Therefore he would not have violated his duty if it had been made a condition of surrendering the petitioner that evidence be furnished that he was a fugitive from justice within the meaning of the Constitution of the United States. Upon the governor of Colorado rested the responsibility of determining, in some proper mode, what the fact was. But he was not obliged to demand proof of such fact by evidence apart from the requisition papers. As those papers showed that the accused was regularly charged by indictment with the crime of murder committed in Idaho and was a fugitive from its justice, the governor of Colorado was entitled to accept such papers, coming as they did from the governor of another State, as prima facie sufficient for a warrant of arrest. His failure to require independent proof of the fact that petitioner was a fugitive from justice can not be regarded as an infringement of any right of the petitioner under the Constitution or laws of the United States. (Ex parte Reggel, 114 U. S., 642, 652, 653.) In Munsey *v.* Clough (196 U. S., 364, 372) this court said that the issuing of a warrant of arrest by the governor of the surrendering State, "with or without a recital therein that the person demanded is a fugitive from justice, must be regarded as sufficient to justify the removal, until the presumption in favor of the legality and regularity of the warrant in overthrown by contrary proof in a legal proceeding to review the action of the governor. (Roberts *v.* Reilly, supra; Hyatt *v.* Cockran, 188 U. S., 691. See also In re Keller, 28 Fed. Rep., 681, 686.)

But the petitioner contends that his arrest and deportation from Colorado was, by fraud and connivance, so arranged and carried out as to deprive him of an opportunity to prove before the governor of that State that he was not a fugitive from justice, as well as opportunity to appeal to some court in Colorado to prevent his illegal deportation from its territory. If we should assume upon the present record that the facts are as alleged, it is not perceived that they make a case of the violation of the Constitution or laws of the United States. It is true, as contended by the petitioner, that if he was not a fugitive from justice within the meaning of the Constitution no warrant for his arrest could have been properly or legally issued by the governor of Colorado. It is equally true that, even after the issuing of such a warrant, before his deportation from Colorado, it was competent for a court, Federal or State, sitting in that State to inquire whether he was in fact a fugitive from justice, and if found not to be to discharge him from the custody of the Idaho agent and prevent his deportation from Colorado. (Robb *v.* Connolly, 111 U. S., 624, 639; Ex parte Reggel, supra; Hyatt *v.* Cockran, 188 U. S., 691, 719; Munsey *v.* Clough, 196 U. S., 364, 374.) But it was not shown by proof before the governor of Colorado that the petitioner, alleged in the requisition papers to be a fugitive from justice, was not one, nor was the jurisdiction of any court sitting in that State invoked to prevent his being taken out of the State and carried to Idaho. That he had no reasonable opportunity to present these facts before being taken from Colorado constitutes no legal reason why he should be discharged from the custody of the Idaho authorities. No obligation was imposed by the Constitution or laws of the United States upon the agent of Idaho to so time the arrest of the petitioner and so conduct his deportation from Colorado as to afford him a convenient opportunity before some judicial tribunal sitting in Colorado to test the question whether he was a fugitive from justice and as such liable, under the act of Congress, to be conveyed to Idaho for trial there. In England, in the case of one arrested for the purpose of deporting him to another country, it is provided that there shall be no surrender of the accused to the demanding country until after the expiration of a specified time from the arrest, during which period the prisoner has an opportunity to institute habeas corpus proceedings. (Extradition act of 1870, 33 and 34 Vict., ch. 52, sec. 11; 2 Butler on the Treaty-Making Power, sec. 436; 1 Moore on Extradition, 741, 742.) There is no similar act of Congress in respect of a person arrested in one of the

States of the Union as a fugitive from the justice of another State. The speediness, therefore, with which the Idaho agent removed the accused from Colorado can not be urged as a violation of a constitutional right and constitutes no legal reason for discharging him from the custody of the State of Idaho.

We come now to inquire whether the petitioner was entitled to his discharge upon making proof in the circuit court of the United States, sitting in Idaho, that he was brought into that State as a fugitive from justice when he was not, in fact, such a fugitive. Of course it can not be contended that the circuit court, sitting in Idaho, could rightfully discharge the petitioner upon proof simply that he did not commit the crime of murder charged against him. His guilt or innocence of that charge is within the exclusive jurisdiction of the Idaho State court. The constitutional and statutory provisions referred to were based upon the theory that, as between the States, the proper place for the inquiry into the question of the guilt or innocence of an alleged fugitive from justice is in the courts of the State where the offense is charged to have been committed. The question therefore in the court below was not whether the accused was guilty or innocent, but whether the Idaho court could properly be prevented from proceeding in the trial of that issue, upon proof being made in the circuit court of the United States, sitting in that State, that the petitioner was not a fugitive from justice and not liable, in virtue of the Constitution and laws of the United States, to arrest in Colorado under the warrant of its governor and carried into Idaho. As the petitioner is within the jurisdiction of Idaho, and is held by its authorities for trial, are the particular methods by which he was brought within her limits at all material in the proceeding by habeas corpus?

It is contended by the State that this question was determined in its favor by the former decisions of this court. This is controverted by the petitioner, and we must therefore, and particularly because of the unusual character of this case and the importance of the questions involved, see what this court has heretofore adjudged.

In Ker *v.* Illinois (119 U. S., 436), it appeared that at the trial in an Illinois court of a person charged with having committed a crime against the laws of that State, the accused sought by plea in abatement to defeat the jurisdiction of the court upon the ground that, in violation of law, he had been seized in Peru and forcibly brought against his will into the United States and delivered to the authorities of Illinois; all of which the accused contended was in violation not only of due process of law as guaranteed by the fourteenth amendment, but of the treaty between the United States and Peru negotiated in 1870 and proclaimed in 1874. One of the articles of that treaty bound the contracting countries, upon a requisition by either country, to deliver up to justice persons who, being accused or convicted of certain named crimes committed within the jurisdiction of the requiring party, should seek an asylum or should be found within the territories of the other, the fact of the commission being so established "as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial if the crime had been there committed." (18 Stat., 719, 720.) The plea stated, among other things, that the defendant protested against his arrest and was refused opportunity from the time of his being seized in Peru until he was delivered to the authorities of Illinois of communicating with any person or seeking any advice or assistance in regard to procuring his release by legal process or otherwise.

The court overruled the plea of abatement, and the trial in the State court proceeded, resulting in a verdict of guilty. The judgment was affirmed by the supreme court of Illinois, and this court affirmed, upon writ of error, the judgment of the latter court. It was held by the unanimous judgment of this court that, so far as any question of Federal right was involved, no error was committed by the State court, and that, notwithstanding the illegal methods pursued in bringing the accused within the jurisdiction of Illinois, his trial in the State court did not involve a violation of the due process clause of the Constitution nor any article in the treaty with Peru, although the case was a clear one "of kidnaping within the dominion of Peru, without any pretense of authority under the treaty or from the Government of the United States." The principle upon which the judgment rested was that, when a criminal is brought or is in fact within the jurisdiction and custody of a State, charged with a crime against its laws, the State may, so far as the Constitution and laws of the United States are concerned, proceed against him for that crime, and need not inquire as to the particular methods employed to bring him into the State. The case, the court said, "does not stand, when the party is in court and required to plead to an indictment, as it would have stood upon a writ of habeas corpus in California, or in any State through which he was carried in the progress of the extradition, to test the authority by which he was held." In meeting the contention that the accused, Ker, by virtue of the treaty with Peru, acquired by his residence a right of asylum, this court said: "There is no language in this treaty, or in any other treaty made by this country on the subject of extradition, of which we are aware, which says in terms that a party fleeing from the United States to escape punishment for crime becomes thereby entitled to an asylum in the country to which he has fled; indeed, the absurdity of such a proposition would at once prevent the making of a treaty of that kind. * * * It is idle, therefore, to claim that, either by express terms or by implication, there is given to a fugitive from justice in one of these countries any right to remain and reside in the other; and if the right of asylum means anything, it must mean this. The right of the Government of Peru voluntarily to give a party in Ker's condition an asylum in that country is quite a different thing from the right in him to demand and insist upon security in such an asylum. The treaty, so far as it regulates the right of asylum at all, is intended to limit this right in the case of one who is proved to be a criminal fleeing from justice, so that, on proper demand and proceedings had therein, the government of the country of the asylum shall deliver him up to the country where the crime was committed. And to this extent, and to this alone, the treaty does regulate or impose a restriction upon the right of the government of the country of the asylum to protect the criminal from removal therefrom. * * * We think it very clear, therefore, that, in invoking the jurisdiction of this court upon the ground that the prisoner was denied a right conferred upon him by a treaty of the United States, he has failed to establish the existence of any such right."

If Ker, by virtue of the treaty with Peru, and because of his forcible and illegal abduction from that country, did not acquire an exemption from the criminal process of the courts of Illinois, whose laws he had violated, it is difficult to see how Pettibone acquired, by virtue of the Constitution and laws of the United States, an exemption from prosecution by the State of Idaho, which has custody of his person.

An instructive case on this subject is Mahon *v.* Justice (127 U. S., 700). The governor of Kentucky made a requisition upon the governor of West Virginia for Mahon, who was charged with the crime of murder in Kentucky, and was alleged to have fled from its jurisdiction and taken refuge in West Virginia. While the two governors were in correspondence on the subject a body of armed men, without warrant or other legal process, arrested Mahon in West Virginia, and by force and against his will conveyed him out of West Virginia and delivered him to the jailor of Pike County, Ky., in the courts of which he stood indicted for murder. Thereupon the governor of West Virginia, on behalf of that State, applied to the district court of the United States for the Kentucky district for a writ of habeas corpus and his return to the jurisdiction of West Virginia. This court, after observing that the States of the Union were not absolutely sovereign and could not declare war or authorize reprisals on other States, and that their ability to prevent the forcible abduction of persons from their territory consists solely in their power to punish all violations of their criminal laws committed within it, whether by their own citizens or by citizens of other States, said: "If such violators have escaped from the jurisdiction of the State invaded, their surrender can be secured upon proper demand on the executive of the State to which they have fled. The surrender of the fugitives in such cases to the State whose laws have been violated is the only aid provided by the laws of the United States for the punishment of depredations and violence committed in one State by intruders and lawless bands from another State. The offenses committed by such parties are against the State; and the laws of the United States merely provide the means by which their presence can be secured in case they have fled from its justice. No mode is provided by which a person unlawfully abducted from one State to another can be restored to the State from which he was taken if held upon any process of law for offenses against the State to which he has been carried. If not thus held, he can, like any other person wrongfully deprived of his liberty, obtain his release on habeas corpus.

"Whether Congress might not provide for the compulsory restoration to the State of parties wrongfully abducted from its territory upon application of the parties, or of the State, and whether such provision would not greatly tend to the public peace along the borders of the several States, are not matters for present consideration. It is sufficient now that no means for such redress through the courts of the United States have as yet been provided. The abduction of Mahon by Phillips and his aids was made, as appears from the return of the respondent to the writ, and from the findings of the court below, without any warrant or authority from the governor of West Virginia. It is true that Phillips was appointed by the governor of Kentucky as agent of the State to receive Mahon upon his surrender on the requisition; but no surrender having been made, the arrest of Mahon and his abduction from the State were lawless and indefensible acts, for which Phillips and his aids may justly be punished under the laws of West Virginia. The process emanating from the governor of Kentucky furnished no ground for charging any complicity on the part of that State in the wrong done to the State of West Virginia." Again: "It is true, also, that the accused had the right while in West Virginia of insisting that he should not be surrendered to the governor of Kentucky by the governor of West Virginia, except in pursuance of the acts of Congress, and that he was entitled to release from any arrest in that State not made in accordance with them; but having been subsequently arrested in Kentucky under the writs issued on the indictments against him, the question is not as to the validity of the proceeding in West Virginia, but as to the legality of his detention in Kentucky. There is no comity between the States by which a person held upon an indictment for a criminal offense in one State can be turned over to the authorities of another, though abducted from the latter. If there were any such comity, its enforcement would not be a matter within the jurisdiction of the courts of the United States. By comity nothing more is meant than that courtesy on the part of one State by which within her territory the laws of another State are recognized and enforced, or another State is assisted in the execution of her laws. From its nature the courts of the United States can not compel its exercise when it is refused; it is admissible only upon the consent of the State and when consistent with her own interests and policy. (Bank of Augusta *v.* Earle, 13 Pet. 519, 589; Story's Conflict of Law, § 30.) The only question, therefore, presented for our determination is whether a person indicted for a felony in one State, forcibly abducted from another State and brought to the State where he was indicted by parties acting without warrant or authority of law, is entitled under the Constitution or laws of the United States to release from detention under the indictment by reason of such forcible and unlawful abduction."

After a review of the authorities, including the case of Ker *v.* Illinois, above cited, the court concluded: "So in this case it is contended that, because under the Constitution and laws of the United States a fugitive from justice from one State to another can be surrendered to the State where the crime was committed, upon proper proceedings taken, he has the right of asylum in the State to which he has fled unless removed in conformity with such proceedings, and that this right can be enforced in the courts of the United States. But the plain answer to this contention is that the laws of the United States do not recognize any such right of asylum as is here claimed on the part of a fugitive from justice in any State to which he has fled; nor have they, as already stated, made any provision for the return of parties who by violence and without lawful authority have been abducted from a State. There is, therefore, no authority in the courts of the United States to act upon any such alleged right. In Ker *v.* Illinois the court said that the question of how far the forcible seizure of the defendant in another country and his conveyance by violence, force, or fraud to this country could be made available to resist trial in the State court for the offense charged upon him was one which it did not feel called upon to decide, for in that transaction it did not see that the Constitution or laws or treaties of the United States guaranteed to him any protection. So in his case we say that, whatever effect may be given by the State court to the illegal mode in which the defendant was brought from another State, no right secured under the Constitution or laws of the United States was violated by his arrest in Kentucky, and imprisonment there, upon the indictments found against him for murder in that State."

These principles determine the present case and require an affirmance of the judgment of the circuit court. It is true the decision in the Mahon case was by a divided court, but its authority is none the less controlling. The principle upon which it rests has been several times recognized and reaffirmed by this court and is no longer to be questioned. It was held in Cook *v.* Hart, 146 United States, 183, 192, that the cases of Ker *v.* Illinois and Mahon *v.* Justice established these propositions: "1. That this court will not interfere to relieve persons who have been arrested and taken by violence from the territory of one State to that of another, where they are held under process legally issued from the courts of the latter State. 2. That the question of the applicability of this doctrine to a particular case is as much within the province of a State court as a question of common law or of the law of nations, as it is of the courts of the United States;" in Lascelles *v.*

Georgia, 148 United States, 537, 543, that it was settled in the Ker and Mahon cases that, "except in the case of a fugitive surrended by a foreign government, there is nothing in the Constitution, treaties, or laws of the United States which exempts an offender, brought before the courts of a State for an offense against its laws, from trial and punishment, even though brought from another State by unlawful violence or by abuse of legal process;" and in Adams *v.* New York, 192 United States, 585, 596 (the same cases being referred to), that "if a person is brought within the jurisdiction of one State from another or from a foreign country by the unlawful use of force, which would render the officer liable to a civil action or in a criminal proceeding because of the forcible abduction, such fact would not prevent the trial of the person thus abducted in the State wherein he had committed an offense." See also In re Johnson, 167 United States, 120, 127, in which the court recognized the principle that when a party in a civil suit has, by some trick or device, been brought within the jurisdiction of a court, he may have the process served upon him set aside, but that a different rule prevails in criminal cases involving the public interests.

To the above citations we may add In re Moore (75 Fed. Rep., 821), in which it appeared or was alleged that one accused of crime against the laws of a State and in the custody of its authorities for trial was brought back from another State as a fugitive from justice by means of an extradition warrant procured by false affidavits. In his application to the circuit court of the United States for a writ of habeas corpus the petition stated facts and circumstances tending to show that he was not a fugitive from justice. The application was dismissed. After stating that the executive warrant issued by the surrendering State had performed its office and that the petitioner was not held in virtue of it, the court said: "His imprisonment is not illegal unless his extradition makes it so, and an illegal extradition is no greater violation of his rights of person than his forcible abduction. If a forcible abduction from another State and conveyance within the jurisdiction of the court holding him is no objection to his detention and trial for the offense charged, as held in Mahon *v.* Justice (127 U. S., 712) and in Ker *v.* Illinois (119 U. S., 437), no more is the objection allowed if the abduction has been accomplished under the forms of law. The conclusion is the same in each case. The act complained of does not relate to the restraint from which the petitioner seeks to be relieved, but to the means by which he was brought within the jurisdiction of the court under whose process he is held. It is settled that a party is not excused from answering to the State whose laws he has violated because violence has been done him in bringing him within the State. Moreover, if any injury was done in this case in issuing the requisition upon the State of Washington without grounds therefor, the injury was not to the petitioner, but to that State whose jurisdiction was imposed upon by what was done. The United States do not recognize any right of asylum in the State where a party charged with a crime committed in another State is found, nor have they made any provision for the return of parties who, by violence and without lawful authority, have been abducted from a State, and whatever effect may be given by a State court to the illegal mode in which a defendant is brought from another State no right secured under the Constitution and laws of the United States is violated by his arrest and imprisonment for crimes committed in the State into which he is brought. (Mahon *v.* Justice, 127 U. S., 715.)"

The principle announced in the Mahon and other cases above cited was not a new one. It has been distinctly recognized in the courts of England and in many States of the Union. In Ex parte Scott (9 B. & C., 446; 17 E. C. L., 204; 1829) one accused of crime against the laws of England, and who was in custody for trial, sought to be discharged upon habeas corpus because she had been improperly apprehended in a foreign country. Lord Tenterden, C. J., said: "The question, therefore, is this, whether if a person charged with a crime is found in this country it is the duty of the court to take care that such a party shall be amenable to justice or whether we are to consider the circumstances under which she was brought here. I thought, and still continue to think, that we can not inquire into them. If the act complained of were done against the law of a foreign country that country might have vindicated its own law. If it gave her a right of action, she may sue upon it." Some of the American cases, to the same general effect, are cited in Mahon *v.* Justice, namely, State *v.* Smith, 1 Bailey, South Carolina, 283; State *v.* Brewster, 7 Vermont, 118; State *v.* Ross, 21 Iowa, 467. See also Dow's case, 18 Pennsylvania State, 37; State *v.* Kealy, 89 Iowa, 94, 97; Ex parte Barker, 87 Alabama, 4, 8; People *v.* Pratt, 78 California, 345, 349; Church on Habeas Corpus, section 483, and authorities cited in notes, and note to Fetter's case, 57 American Decisions, 389, 400.

It is said that the present case is distinguishable from the Mahon case in the fact that the illegal abduction complained of in the latter was by persons who neither acted nor assumed to act under the authority of the State into the custody of whose authorities they delivered Mahon; whereas in this case it is alleged that Idaho secured the presence of Pettibone within its limits through a conspiracy on the part of its governor and other officers. This difference in the cases is not, we think, of any consequence as to the principle involved; for the question now is—and such was the fundamental question in Mahon's case—whether a circuit court of the United States, when asked upon habeas corpus to discharge a person held in actual custody by a State for trial in one of its courts under an indictment charging a crime against its laws, can properly take into account the methods whereby the State obtained such custody. That question was determined in the negative in the Ker and Mahon cases. It was there adjudged that in such a case neither the Constitution nor laws of the United States entitled the person so held to be discharged from custody and allowed to depart from the State. If, as suggested, the application of these principles may be attended by mischievious consequences, involving the personal safety of individuals within the limits of the respective States, the remedy is with the lawmaking department of the Government. Congress has long been informed by judicial decisions as to the state of the law upon this general subject.

In this connection it may be well to say that we have not overlooked the allegation that the governor and other officers of Idaho well knew at the time the requisition was made upon the governor of Colorado that Pettibone was not in Idaho on December 30, 1905, nor at any time near that date, and had the purpose in all they did to evade the constitutional and statutory provisions relating to fugitives from justice. To say nothing of the impropriety of any such facts being made the subject of judicial inquiry in a Federal court, the issue thus attempted to be presented was wholly immaterial. Even were it conceded, for the purposes of this case, that the governor of Idaho wrongfully issued his requisition, and that the governor of Colorado erred in honoring it and in issuing his warrant of arrest, the vital fact remains that Pettibone is held by Idaho in actual custody for trial under an indictment charging him with crime against its laws, and he seeks the aid of the circuit court to relieve him from custody, so that he may leave that State, and thereby defeat the prosecution against him without a trial. In the present case it is not necessary to go behind the indictment and inquire as to how it happened that he came within reach of the process of the Idaho court in which the indictment is pending. And any investigation as to the motives which induced the action taken by the governors of Idaho and Colorado would, as already suggested, be improper as well as irrelevant to the real question to be now determined. It must be conclusively presumed that those officers proceeded throughout this affair with no evil purpose and with no other motive than to enforce the law.

We perceive no error in the action of the circuit court, and its final order is affirmed.

[Supreme Court of the United States. No. 249.—October term, 1906. George A. Pettibone, appellant, *v.* Jasper C. Nichols, sheriff. Appeal from the circuit court of the United States for the district of Idaho. December 3, 1906.]

Mr. Justice McKenna dissenting.

I am constrained to dissent from the opinion and judgment of the court. The principle announced, as I understand it, is that "a circuit court of the United States, when asked upon habeas corpus to discharge a person held in actual custody by a State for trial in one of its courts under an indictment charging a crime against its laws, can not properly take into account the methods whereby the State obtained such custody." In other words, and to illuminate the principle by the light of the facts in this case—facts, I mean, as alleged, and which we must assume to be true for the purpose of our discussion—that the officers of one State may falsely represent that a person was personally present in the State and committed a crime there, and had fled from its justice, may arrest such person and take him from another State, the officers of the latter knowing of the false accusation and conniving in and aiding its purpose, thereby depriving him of an opportunity to appeal to the courts, and that such person can not invoke the rights guaranteed to him by the Constitution and statutes of the United States in the State to which he is taken. And this, it is said, is supported by the cases of Ker *v.* Illinois (119 U. S., 436), and Mahon *v.* Justice (127 U. S., 700). These cases, extreme as they are, do not justify, in my judgment, the conclusion deduced from them. In neither case was the State the actor in the wrongs that brought within its confines the accused person. In the case at bar, the States, through their officers, are the offenders. They, by an illegal exertion of power, deprived the accused of a constitutional right. The distinction is important to be observed. It finds expression in Mahon *v.* Justice. But it does not need emphasizing. Kidnaping is a crime, pure and simple. It is difficult to accomplish, hazardous at every step. All the officers of the law are supposed to be on guard against it. All of the officers of the law may be invoked against it. But how is it when the law becomes the kidnaper, when the officers of the law, using the forms and exerting its power, become abductors? This is not a distinction without a difference—another form of the crime of kidnaping distinguished only from that committed by an individual by circumstances. If a State may say to one within her borders and upon whom her process is served, "I will not inquire how you came here; I must execute my laws and remit you to proceedings against those who have wronged you," may she so plead against her own offenses? May she claim that by mere physical presence within her borders an accused person is within her jurisdiction denuded of his constitutional rights, though he has been brought there by her violence? And constitutional rights the accused in this case certainly did have, and valuable ones.

The foundation of extradition between the States is that the accused should be a fugitive from justice from the demanding State, and he may challenge the fact by habeas corpus immediately upon his arrest. If he refute the fact he can not be removed. (Hyatt *v.* Corkran, 198 U. S., 691.) And the right to resist removal is not a right of asylum. To call it so in the State where the accused is is misleading. It is the right to be free from molestation. It is the right of personal liberty in its most complete sense. And this right was vindicated in Hyatt *v.* Corkran, and the fiction of a constructive presence in a State and a constructive flight from a constructive presence rejected. This decision illustrates at once the value of the right and the value of the means to enforce the right. It is to be hoped that our criminal jurisprudence will not need for its efficient administration the destruction of either the right or the means to enforce it. The decision in the case at bar, as I view it, brings us perilously near both results. Is this exaggeration? What are the facts in the case at bar as alleged in the petition, and which it is conceded must be assumed to be true? The complaint, which was the foundation of the extradition proceedings, charged against the accused the crime of murder on the 30th of December, 1905, at Caldwell, in the county of Canyon, State of Idaho, by killing one Frank Steunenberg, by throwing an explosive bomb at and against his person. The accused avers in his petition that he had not been "in the State of Idaho, in any way, shape, or form, for a period of more than ten years" prior to the acts of which he complained, and that the governor of Idaho knew accused had not been in the State the day the murder was committed, "nor at any time near that day." A conspiracy is alleged between the governor of the State of Idaho and his advisers, and that the governor of the State of Colorado took part in the conspiracy, the purpose of which was "to avoid the Constitution of the United States and the act of Congress made in pursuance thereof, and to prevent the accused from asserting his constitutional right under clause 2, section 2, of Article IV of the Constitution of the United States and the act made pursuant thereof." The manner in which the alleged conspiracy had been executed was set out in detail. It was in effect that the agent of the State of Idaho arrived in Denver Thursday, February 15, 1906, but it was agreed between him and the officers of Colorado that the arrest of the accused should not be made until some time in the night of Saturday, after business hours—after the courts had closed and judges and lawyers had departed to their homes; that the arrest should be kept a secret and the body of the accused should be clandestinely hurried out of the State of Colorado with all possible speed, without the knowledge of his friends or his counsel; that he was at the usual place of business during Thursday, Friday, and Saturday, but no attempt was made to arrest him until 11.30 o'clock p. m. Saturday, when his house was surrounded and he arrested. Moyer was arrested under the same circumstances at 8.45, and he and accused "thrown into the county jail of the city and county of Denver."

It is further alleged that, in pursuance of the conspiracy, between the hours of 5 and 6 o'clock on Sunday morning, February 18, the officers of the State and "certain armed guards, being a part of the forces of the militia of the State of Colorado," provided a special train for the purpose of forcibly removing him from the State of Colorado, and between said hours he was forcibly placed on said train and re-

moved with all possible speed to the State of Idaho; that prior to his removal, and at all times after his incarceration in the jail at Denver he requested to be allowed to communicate with his friends and his counsel and his family and the privilege was absolutely denied him. The train, it is alleged, made no stop at any considerable station, but proceeded at great and unusual speed, and that he was accompanied by and surrounded with armed guards, members of the State militia of Colorado, under the orders and directions of the adjutant-general of the State.

I submit that the facts in this case are different in kind and transcend in consequences those in the cases of Ker *v.* Illinois and Mahon *v.* Justice, and differ from and transcend them as the power of a State transcends the power of an individual. No individual or individuals could have accomplished what the power of the two States accomplished; no individual or individuals could have commanded the means and success; could have made two arrests of prominent citizens by invading their homes; could have commanded the resources of jails, armed guards, and special trains; could have successfully timed all acts to prevent inquiry and judicial interference.

The accused, as soon as he could have done so, submitted his rights to the consideration of the courts. He could not have done so in Colorado; he could not have done so on the way from Colorado. At the first instant that the State of Idaho relaxed its restraining power he invoked the aid of habeas corpus successively of the supreme court of the State and of the circuit court of the United States. He should not have been dismissed from court, and the action of the circuit court in so doing should be reversed.

I also dissent in Nos. 250, 251, 265, 266, and 267.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 7677) to appoint Warren C. Beach a captain in the Army and place him on the retired list, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 20490) for the relief of Frank J. Ladner, asked to be discharged from the further consideration of the bill, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. LATIMER, from the Committee on Immigration, to whom was referred the bill (S. 8565) to provide for the establishment of an immigration station at Charleston, in the State of South Carolina, and the erection of a public building in said city, on a site to be selected for said station, reported it with an amendment, and submitted a report thereon.

Mr. McLAURIN, from the Committee on Public Lands, to whom was referred the bill (H. R. 20490) for the relief of Frank J. Ladner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 22182) to authorize W. D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs, reported it with an amendment, and submitted a report thereon.

BRIDGES IN LOUISIANA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25811) to authorize the Monroe, Farmerville and Northwestern Railway Company to construct a bridge over the Ouachita River and one over the D'Arbonne River, in Louisiana, to report it favorably without amendment.

Mr. McENERY. I ask 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 bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEZEKIAH DAVIS.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 21091) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis, to report it favorably without amendment, and I submit a report thereon. It is a short bill to correct a military record, and I ask unanimous consent for its present consideration.

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

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

TOBE HOLT.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 16659) to correct the military record of Tobe Holt, to report it with an amendment, and I submit a report thereon. I ask that the bill be put on its passage.

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

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 to any person by virtue of the passage of this act.

So as to make the bill read:

That Tobe Holt, alias Lewis Holt, be held and considered to have been honorably discharged from Company K, One hundred and tenth United States Colored Infantry, on May 6, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable to any person 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.

NATCHEZ ELECTRIC STREET RAILWAY AND POWER COMPANY.

Mr. WARREN. I report back without amendment from the Committee on Military Affairs the bill (H. R. 19751) to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway along the national cemetery roadway at Natchez, Miss. I call the attention of the Senator from Mississippi [Mr. McLAURIN] to the bill.

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

SAVANNAH RIVER DAM.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25849) permitting the building of a dam across the Savannah River at Cherokee Shoals, to report it favorably without amendment, and I ask for its present consideration.

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

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

REPAYMENT TO CERTAIN ENTRYMEN.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 22588) for the relief of homestead entrymen who have paid more than the lawful purchase money, to report it favorably without amendment. It is a short bill, and I ask for its present consideration.

The Secretary read the bill.

Mr. KEAN. Is there a report accompanying the bill?

Mr. HANSBROUGH. I do not think a report is necessary.

Mr. KEAN. Then an explanation is necessary.

Mr. HANSBROUGH. Of course I know the deep interest the Senator from New Jersey has in all public-land questions, having once been a member of the Committee on Public Lands and having resigned from the committee. The bill has passed the House. It provides for the repayment to certain entrymen of the amount they paid in excess of what they were entitled to pay. There are probably not over a dozen instances in the country where three or four dollars or $10 is due to individuals. I do not think the bill is of sufficient importance to go over the cases, and certainly the committee did not think it of sufficient importance to present a written report.

The VICE-PRESIDENT. Objection is made to the consideration of the bill.

Mr. KEAN. I beg pardon; I do not object. I understand from the Senator from North Dakota that the bill covers only nine or ten cases.

Mr. HANSBROUGH. And it is recommended by the Commissioner of the General Land Office.

Mr. KEAN. I do not object to its consideration.

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

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

COLORADO STATE AGRICULTURAL COLLEGE.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 15859) ceding certain lands to Colorado State Agricultural College, to report it favorably without amendment, and I submit a report thereon. I call the attention of the Senator from Colorado to the bill.

Mr. TELLER. I ask for the present consideration of the bill.

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

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

SUNDRY CIVIL APPROPRIATION BILL—PANAMA RAILROAD.

Mr. ALLISON. Mr. President, I desire to call the attention of the Senator from Texas [Mr. CULBERSON] to what occurred on yesterday in the consideration of the conference report on the sundry civil appropriation bill.

The Senator asked me a question with reference to a particular amendment, and in the haste of the moment I answered him that it was still in disagreement. That amendment was modified by the conferees and agreed to. So I made a mistake in my answer to the Senator from Texas. The modification is, I think, such as to be satisfactory to the Senator from Alabama [Mr. MORGAN], or, if not, it seemed satisfactory to the conferees at least. It is amendment No. 125, which provides for the transfer of certain balances so that the balances may be paid to the Panama Railroad Company.

Mr. CULBERSON. From what page of the RECORD does the Senator read?

Mr. ALLISON. It is on page 214 of the bill. It relates to an appropriation last year.

Mr. CULBERSON. On what page?

Mr. ALLISON. Page 214 of the last print. It is amendment No. 125.

Mr. CULBERSON. The copy of the bill that I have has only 198 pages.

Mr. ALLISON. I will hand the Senator a copy of the last print.

The appropriation last year was for $1,000,000, and it is found in the sundry civil act of that year. It reads as follows:

To continue the reequipment of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, $1,000,000; no part of said sum shall have been so expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing 4 per cent interest payable to the United States shall have been delivered to the Secretary of the Treasury of the United States and by him accepted.

It is the transfer of the unexpended balance of this appropriation that is provided for in the sundry civil bill of this year, and it is amendment No. 125. The amendment provides that whatever balance there is of this sum may be paid to the Panama Railway Company on account of any indebtedness the Panama Canal Company may owe to the railway company. The whole question is a matter of bookkeeping, as the Government of the United States owns the railroad and of course the canal itself; but we have provided that this sum, whatever it is, shall receive the approval of the Canal Commission, and that the amounts on account of the reimbursement shall be audited as all other accounts of the Commission are audited. So it seems that the appropriation is protected by the provision that is in the bill as finally agreed to in conference.

Mr. CULBERSON. Did I understand the Senator correctly as saying that the change provided by the conferees is agreeable to the Senator from Alabama?

Mr. ALLISON. No; I did not say that, because I did not have an opportunity of communicating with the Senator from Alabama on the subject, nor did the conferees have an opportunity.

Mr. CULBERSON. I understood the Senator to say it was thought to be acceptable to the Senator from Alabama, or at least to the conferees.

Mr. ALLISON. I did not say that it was acceptable to the Senator from Alabama.

Mr. CULBERSON. Of course I accept the explanation of the Senator as to what he said.

Mr. ALLISON. At the moment yesterday I misapprehended the situation, as we had really first agreed to disagree upon that amendment, and then returned to it and one or two other amendments, and finally, with a modification, we agreed to it.

Mr. CULBERSON. Mr. President, there is nothing that I can say just now, nor until I have had an opportunity to confer with the Senator from Alabama about the matter, as he proposed the amendment and wrote a letter to the Committee on Appropriations with reference to it. I will endeavor, if it be practicable, to see him this morning or to communicate with him in some way so that if I think it proper to take any action in the matter it can be taken. I suppose nothing can be done except to move a reconsideration of the vote, which was taken under a misapprehension, at least so far as I am concerned. Necessarily the explanation of the Senator from Iowa is entirely satisfactory as to how the mistake occurred.

Mr. ALLISON. I do not know whether the conference report can be reconsidered, it having been agreed to also by the House; but the amendment as now amended by the conferees can not be criticised by the Senator from Alabama, I think.

BELL FOR JAMESTOWN EXPOSITION.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. J. Res. 236) authorizing the Secretary of the Navy to furnish metal for a bell, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Navy to deliver to the Pocahontas Bell Association, if the same can be done without detriment to the public service, such condemned historic metal as he may deem proper, not to exceed 2,000 pounds in weight, to be used in casting a bell to be placed on the Virginia building at the Jamestown Exposition; but the Government shall be at no expense in connection with this gift.

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

SETH DAVIS.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 25801) granting an honorable discharge to Seth Davis to report it favorably without amendment. It is a short bill, and I ask for its present consideration. I submit a report to accompany 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 provides that Seth Davis shall hereafter be held and considered to have been honorably discharged from the military service of the United States as first lieutenant Company E, Fourth Regiment Michigan Volunteer Infantry, on April 23, 1866, and that the Secretary of War shall issue to him an honorable discharge as of that date; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of the act.

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

LOUISIANA MOLASSES COMPANY, ETC.

Mr. ALDRICH. From the Committee on Finance I report back favorably without amendment the bill (H. R. 24833) for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the vinegar factory of the Louisiana Molasses Company (Limited) and the distillery of the Louisiana Distilling Company, both situated in New Orleans, La., and having their respective premises separated from each other by a distance of only 425 feet in a direct line, may, to avoid special hardship to the proprietors of said premises, both continue to be operated as now situated and in like manner as they have been operated for seven and one-half years past in the belief that the premises were duly separated according to law, notwithstanding that the said premises are not distant from each other full 600 feet in a direct line, as required by the general statutes in that respect.

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

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I submit a conference report on the disagreeing votes upon the pension appropriation bill. I should like to call the attention of Senators to this report, as many of them seem to be considerably interested in the subject of which the report treats. I will explain it after it has been read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference have been unable to agree.

P. J. McCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.

WASHINGTON GARDNER,
W. P. BROWNLOW,
JOHN A. SULLIVAN,
Managers on the part of the House.

Mr. McCUMBER. Mr. President, the committee of conference has met several times. There has been no disagreement

with reference to any amendment of the Senate except the amendment which reestablished the several pension agencies. Senators will remember that the House struck out all of the pension agencies from the bill except one—in other words, they abolished seventeen out of the eighteen pension agencies. The Senate amended the bill by reinstating all the pension agencies. In order to conform the bill to what was required, if we kept the other seventeen agencies, other amendments became necessary, all of which were adopted by the Senate. The amendment of the Senate reestablishing the seventeen agencies and amendments that bear directly upon that and perfect the legislation are the only amendments that are in controversy at present between the two Houses.

The report which the Committee on Pensions sent to the Senate some time ago clearly indicated, though in a very brief form, the reasons for reestablishing the several agencies. It may be said that the principal reason which governed in reestablishing them was that it was deemed practically for the best interest of the service that the disbursements should be made as near as possible to the place where the claimant under pension legislation resided, and in addition we deemed it wise that all branches of the Government, so far as practicable, might be conducted not necessarily at the capital, but at several points throughout the country, so that the people might thereby become acquainted with and be brought in closer relation to Government business.

Mr. CARTER. Mr. President——

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

Mr. McCUMBER. Certainly.

Mr. CARTER. The Senator has stated that the pension agencies were to be reestablished. May I not inquire of him if he does not mean "continued" instead of "reestablished?"

Mr. McCUMBER. Well, I mean that, so far as the bill is concerned, the bill as it came from the House abolished seventeen agencies.

Mr. CARTER. Under existing law, should that provision of the bill be not enacted, the pension agencies would continue.

Mr. McCUMBER. If the provision placed in the bill by the House should not be adopted, the present pension agencies would continue.

Mr. BERRY. Will the Senator yield to me for a question?

Mr. McCUMBER. Certainly.

Mr. BERRY. It is about another matter. I was informed by some one that the general pension law, as recently passed, in some way did not provide for certain Mexican-war pensioners, or rather that it was intended to cut out those of a certain class. The Senator from North Dakota told me, I think, that he expected to correct it in this bill. I wish to know if that was done.

Mr. McCUMBER. It was done. It is in the second amendment, on page 2 of the bill.

Mr. BERRY. There is no objection to that on the part of the House?

Mr. McCUMBER. There is no objection whatever to that. The only question is upon the continuance of the appropriation for seventeen agencies, and we have agreed upon every matter but that one single proposition and those which are directly related to that proposition.

It has been estimated, Mr. President, that there will be a saving of from $100,000 to $150,000 by abolishing all of these agencies except one, and continuing that one in the city of Washington. I must say, after reading the testimony that has been given in this case and after receiving communication from the Department, taking into consideration the fact that we have greatly increased the labor of the Pension Bureau for the ensuing year, there will be no saving whatever in clerkships, and there will be simply the saving of $4,000 a year for each one of the seventeen agencies and $4,500 per year for rent necessary for the New York agency. I believe that the inconvenience to the veterans of the civil war will much more than balance the saving that will be attained by reason of abolishing the agencies.

Mr. President, if we were to have but a single disbursing agency, in my candid opinion we ought to place it as near the center of the soldier population in the United States as possible. It ought not to be in Washington. Chicago would certainly be a much better place for the convenience of all the ex-soldiers throughout the United States than the city of Washington.

It was suggested by the Commissioner of Pensions that we might cut the agencies down to nine. That was brought into the House with a favorable report. It was, however, amended in the House whereby all the agencies were abolished but one, with the idea that that agency would be continued at the city of Washington. There is no reason I know of why it should be continued at the city of Washington more than New York or Boston or Chicago or Knoxville or any other place near the center of the United States.

Now, Mr. President, that is all I have to say on the subject.

Mr. LONG. I wish to ask the Senator from North Dakota a question.

Mr. McCUMBER. Certainly.

Mr. LONG. The agency in the United States paying the largest amount in pensions is one at Topeka, Kans.

Mr. McCUMBER. The Senator is correct.

Mr. LONG. Is that one of the agencies discontinued by the House bill?

Mr. McCUMBER. Certainly. Every one of the agencies is abolished by the House provision, with the exception of one, and that is to be at the city of Washington.

Mr. LONG. I understand the Commissioner of Pensions recommended the discontinuance of nine of these agencies.

Mr. McCUMBER. He did.

Mr. LONG. I do not wish to take the time of the Senate to discuss the question except to say that I believe the Senate should insist upon its amendment and continue these agencies. The agency at Topeka, Kans., pays out the largest amount of any agency in the United States and should be continued. It is one of the nine agencies that the Commissioner of Pensions recommends should be continued. This agency should be continued for the convenience of the ex-soldiers of Kansas and adjoining States. The Senate should insist upon its amendment and thus continue all these agencies.

Mr. HOPKINS. Mr. President, I heartily concur in the opinion just expressed by the Senator from Kansas [Mr. LONG] as to the propriety of the conferees on the part of the Senate insisting that these agencies shall not be abolished or consolidated in one office in Washington. I have made some little investigation of what took place in the other branch of Congress at the time these amendments were adopted on the pension appropriation bill, and I confess that I fail to find any valid reason for the action that was taken to abolish all of the eighteen agencies except one.

Senators must remember that the establishment of these agencies was made a part of the law of the land after mature deliberation not only on the part of the Senate, but the House as well, and it was approved by the President many years ago. Under the law it is so arranged that the agencies are not fixed in any definite place, but they are arranged by the order of the Department so as to best subserve the interests of the ex-soldiers of the country who are pensioners under the law. It has been found during all the period we have had these agencies that they have worked well; and, as has just been stated by the Senator from Kansas, in order to facilitate the payment of pensions at Topeka, Kans., one was established there which has grown to be one of the largest in the United States. It is of great benefit to the old soldiers of the Middle West.

In my own State, at Chicago, we have a very large pension agency, which serves the interests, I should say, of from one hundred and fifty to two hundred thousand soldiers, and it will be a great hardship upon all those pensioners, in my judgment, if that agency shall be abolished.

Mr. President, the Commissioner of Pensions did not recommend the provision that was adopted by the House. No authority in any of the Departments that has anything to do with the administration of this law has recommended any such provision as that which has been adopted by the House. It was one of those impulsive actions upon the part of that body which, it seems to me, has neither rhyme nor reason in its favor.

I certainly hope that the conferees on the part of the Senate, in the interest of the old soldiers of the country, will insist that this provision proposed by the other House shall go out of the bill.

Mr. CURTIS. Mr. President, I hope the Senate will insist upon its amendment. I am satisfied, upon a careful investigation of this question that it will be found that no saving to the Government can be made by agreeing to the House proposition. In the city of Washington there are now paid 54,000 pensioners, which payment requires the services of twenty-four clerks. At Topeka are paid 115,000 pensioners, and thirty-nine clerks do the work. At Topeka as many as 13,000 vouchers have been paid in one day, while in the city of Washington, I am informed, that 3,000 per day is the record. If you consolidate these pension agencies, it will be necessary to have all the rolls at every agency of the United States copied and brought to Washington. The copying of those rolls will cost the Government at least $500,000.

At the present time rent is paid only in the city of New York; but if you bring the rolls here, you must rent buildings, and

this alone, with the additional room required for the clerks to be hired to do the work will vastly increase the expense. To remove all the agencies from among the soldiers, will also cause a delay in the delivery of the pension checks to the pensioners, in some cases seven or eight days. That would be very undesirable to the old soldiers, and I hope the Senate will insist on its disagreement to the House proposition.

Mr. PERKINS. Mr. President, I want to emphasize what has just been so well said by the Senator from Kansas [Mr. CURTIS]. We have a pension agency in San Francisco, where there are a large number of clerks employed. We are 3,000 miles from the capital, and it would be imposing a great hardship and a great injustice upon those who are entitled to pensions to require them to wait until they can communicate with the Government here at Washington.

Mr. BEVERIDGE. Mr. President——

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

Mr. PERKINS. I do.

Mr. BEVERIDGE. I should like to know, and I think other Senators would like to know, what excuse was given for this extraordinary and almost revolutionary provision of the other House for the wiping out of the pension agencies.

Mr. PERKINS. I presume the chairman of the Committee on Pensions [Mr. McCUMBER] can answer that question better than I, but it seems to me it is the result of a desire to centralize all authority here at the national capital. Certainly it is not in the interest of economy and it is not in the interest of the convenience of the old soldiers. Our pension agency is now in the public building in San Francisco, and the people of that great State and the soldiers there are thereby accommodated. To transfer that agency to Washington would impose an additional expense upon the Government without saving—taking it in an economical point of view—one dollar of the expense now required for the conduct of the business of that agency.

Mr. McCUMBER. Mr. President, answering the question of the Senator from Indiana [Mr. BEVERIDGE], I desire to say that the claim of the other House, as shown by the arguments there, was that there would be some economy in the matter of disbursement as to these seventeen agencies, affording, of course, some economy in the matter of a few clerkships that would be saved by reason of this transfer of the work to the city of Washington.

Right here I want to call attention to one fact, and that is that under the present law the President of the United States may discontinue any of these agencies if he considers that the service will be benefited either from an economical standpoint or from any other standpoint by reason of diminishing their number.

Mr. HOPKINS. Mr. President, I want to ask the chairman of the Committee on Pensions is it not a fact that no tabulated statement has been made as to what the expenses would be here as compared with the present expenses, where the eighteen pension agencies are operated, and that the contention that there will be an economy in that direction is simply a statement that is made without any facts being shown to sustain it?

Mr. McCUMBER. The conferees on the part of the House based their claim for economy on these propositions: First, that there will be a saving of the salaries of seventeen agents, which amount to $4,000 a year each; and then they assume that it will reduce the clerkships to a certain extent. It is shown by the evidence that the pension agencies that disburse the larger amounts cost less per capita of soldiers to whom the disbursements are made, and therefore, by still further concentrating, it is contended we could make the cost of such disbursement still less.

Mr. CULLOM. Mr. President, I desire to ask the chairman of the Committee on Pensions whether he favors this scheme of consolidation?

Mr. McCUMBER. I do not.

Mr. CULLOM. I am glad of that.

Mr. McCUMBER. I reported against it.

Mr. CULLOM. I hope the chairman of the committee will continue to insist on the Senate amendment.

Mr. ALLISON. I ask the chairman of the committee when these pension agencies are proposed to be abolished by this House proposition?

Mr. McCUMBER. Immediately.

Mr. ALLISON. Mr. President, I hope that that will not be done. I think, in view of the legislation we have passed at this session, granting additional service pensions, that it is not wise to so change the method of paying pensions as to entirely revolutionize the system. While it may be easy to show on paper that the situation is such that a single agency could be managed more economically than seventeen different agencies, I think it will be found that, if the agencies are all concentrated in the city of Washington, with the additional charges for rental, clerk hire, and all the surroundings of a great bureau here at Washington to pay pensions, it will in the end increase rather than diminish the cost.

Mr. McCUMBER. I call the Senator's attention to the fact that in the outlying agencies the salaries of clerks will average, I think, less than $900 a year, while the cost of clerk hire in the city of Washington for the same service will average more than $1,200 a year.

Mr. ALLISON. That is true. I am sure there is no economy in the proposed change.

Mr. SCOTT. Mr. President, the conferees on the part of the Senate on the pension appropriation bill have taken a very firm stand for sustaining the law as it now exists. I have given this matter considerable thought and I am satisfied that if the proposition of the House should prevail no economy would be brought about by the abolition of the various pension agencies outside of Washington. There might possibly be a very small saving, but certainly it would throw everything into confusion, and especially at this time when the new pension law we passed here a few weeks ago is just going into effect.

The Commissioner of Pensions told me that there were already between 75,000 and 100,000 applications for pensions under the law we have recently passed. We should not, therefore, change the places of paying the pensions and disarrange the business at this time. I have insisted with the conferees of the House that the matter should at least go over for a year, until we can see what will be the effect of the new law and how much additional work will be thrown on the different agencies in the payment of pensions in consequence of it.

I hope the Senate will stand by the conferees in the position they have taken on this question.

Mr. CULLOM. The Senate will do so, of course.

Mr. BEVERIDGE. Mr. President, I have listened with more than common interest to the statements which have been made in the last few minutes in reference to the proposition of the other House; which seems to be not only extraordinary, but absurd. One statement, it seems to me, is sufficient to demolish the whole contention, and that is, Mr. President, that there are still nearly 1,000,000 of the old soldiers and their widows on the pension rolls of the Republic, scattered from ocean to ocean and from Mexico to the Dominion. The gentlemen who want to change the system and direct the whole administration of this department from Washington alone need not be in such great haste. It will not be very long until the years shall have completed this work; but there are still a million of these recipients of the Government's bounty and the Government's justice. So it appears that the proposition to take the pension agencies from their midst, where the pensions are paid to them directly, is not only an extraordinary act, but an absurd one, without the shadow of a reasonable excuse for it.

I hope that the Senate will unanimously stand by its conferees persistently in the position they have taken against the proposition which the House has advanced.

Mr. HANSBROUGH. Mr. President, I earnestly hope that the Senate will sustain its conferees in the position they have taken respecting this matter. The Senator from Iowa [Mr. ALLISON] sounded the keynote of the situation when he said that to concentrate these agencies in the city of Washington would eventually result in greater expense than that which is now incurred by the various agencies scattered throughout the country.

We all know what it means to establish a bureau in the city of Washington. At first it may involve an insignificant sum, but it only requires a few years, Mr. President, for it to become a very elaborate and expensive affair. That is precisely, in my judgment, what would happen in this case if we should concentrate the various pension agencies here in the city of Washington.

Mr. FRYE. Mr. President, I sincerely hope the conferees on the part of the Senate will adhere to their present position. The attempt has been made to consolidate these pension agencies again and again, and after careful investigation every time the proposition has been decided against. I do not believe there is a pensioner in the United States of America who is in favor of the consolidation of these pension agencies and locating a bureau for the transaction of the business in the city of Washington. I hope the conferees will adhere to their position.

Mr. CARMACK. Mr. President, I believe I am as much in favor of economy as any Senator on this floor, but I do not believe that economy should be the only consideration in judging the merits of any measure that may be proposed. I agree with the Senator from North Dakota [Mr. McCUMBER], the chairman of the Committee on Pensions, that we ought not to concentrate

too much of administration in the city of Washington, and that wherever it can be performed elsewhere without injury to the public service it ought to be done.

I wish to express my opinion, furthermore, that if this measure were passed and the pension agencies were abolished, it would not result in any economy to the Government. The very moment these agencies were all concentrated in the city of Washington there would be a demand for increased salaries of clerks, and they would inevitably be increased by 33⅓ per cent, to put them on a level with the salaries of other clerks now in the city of Washington. I believe it would be best for the administration of our pension laws that the pension agencies should be retained.

Mr. GALLINGER. Mr. President, I have necessarily been absent from the Chamber and confess to not having a very correct idea of what has been going on this morning, but I assume from what I have heard that this is a discussion as to the desirability of abolishing the pension agencies in the country and putting the matter in the hands of one agent in the city of Washington. I want simply to say in reference to that that when the present agencies were established there were less than one-half as many pensioners in the country as there are to-day. So that, if there ever was need for these agencies, there is a greater need now for these agencies than there has been in the past, at least a much greater need than there was when they were established.

Again, Mr. President, our recent legislation is going to bring a very great amount of additional work for the pension agents of the country. I think 100,000 applications have come in under the act we recently passed, and it does seem to me that this is an inopportune time to make this proposed consolidation, whether it be claimed that it is in the interests of economy or for any other purpose.

I know that the old soldiers do not want this thing done, and I think we ought to take that matter into very serious consideration. I have here, Mr. President, a letter from the War Veterans and Sons' Association, with headquarters at Brooklyn, N. Y., which is a very strong presentation of the matter, and I will ask permission to place it in the RECORD.

The VICE-PRESIDENT. In the absence of objection, the letter referred to by the Senator from New Hampshire will be printed in the RECORD.

The letter referred to is as follows:

WAR VETERANS AND SONS' ASSOCIATION,
ROOM 2, BOROUGH HALL,
Brooklyn, N. Y., February 6, 1907.

DEAR SIR AND COMRADE: At a regular meeting of the War Veterans and Sons' Association of the United States of America (Incorporated), held on February 6, 1907, at their headquarters, room 2, Borough Hall, the following resolutions were adopted and ordered sent to all Members of Congress and United States Senators, and all kindred organizations which have the interests of the veterans and their widows at heart, urging them to use their best endeavors to prevent the enacting of a bill presented in Congress having in view the abolition of the seventeen pension agencies, located in convenient sections of the United States, and centralizing the payment of pensions from one agency at Washington, D. C.; and

Whereas the sole reason for this proposed sweeping change is the possibility of an insignificant saving in the cost of disbursing the amount paid to pensioners which has been reduced to a minimum, being now less than 3½ mills per dollar; Therefore, be it

Resolved, That the War Veterans and Sons of the United States of America hereby most earnestly protest against the abolishment of the pension agencies as now established. The present system is most satisfactory to the pensioners residing, as they do, within a radius of two or three hundred miles of the agency making the payment; enabling them to receive their payments within a few days after date on which they become due. Should the contemplated change occur, there must result delay in payments, causing unnecessary hardships and inconvenience to all pensioners, especially that type of men who may be classed the saviors of our glorious country, who defended the Government and the Constitution in the darkest days of its history, the veterans of the civil war; and be it further

Resolved, That we leave no stone unturned that will help to annul this injustice to our comrades who are on the pension roll.

P. S. M. MUNRO, *President.*

WILLIAM H. FAINTER, *Secretary.*

Mr. GALLINGER. I trust, Mr. President, that the conferees on the part of the Senate may stand firm in this matter, and that we may be permitted to continue this work as we have been doing in the past. If in the future, as this vanishing army of men who saved the country diminishes, it is deemed desirable to do this thing, then let it be done, but let it be done with greater deliberation and more consideration than the matter has received up to the present moment.

Mr. LODGE. Mr. President, I desire merely to add a word to what has been said by the Senator from New Hampshire [Mr. GALLINGER]. I know that in my State and in all the region thereabouts the abolition of pension agencies would be a cause of great inconvenience and would be a real misfortune to the veterans who receive pensions. I see no good reason for abolishing the agencies at this time. The pensioners are growing old; they are accustomed to going to the agencies which are within easy reach of their homes, and to compel them to collect their pensions from Washington would put them not only to trouble, but to some expense. I do not believe any money would be saved in the long run by adopting the proposed change, and I am sure the old soldiers would suffer from it.

I only say this, Mr. President, because I hope the conferees will realize that the feeling of the Senate, or of many Senators at least, is very strong on this point, and that they are anxious that the conferees should stand firm on the Senate amendment, which I believe to be a thoroughly proper one.

Mr. DICK. Mr. President, all the reasons advanced are good in themselves, but the one which I think more strongly emphasizes the importance of not changing this arrangement at this time is the fact that recently we have passed legislation which adds perhaps 100,000 pensioners to the pension roll. Already the Department is overwhelmed with applications. The men now engaged in the work at the established agencies are better able to care for it expeditiously and satisfactorily than new men in a new bureau could possibly do.

In order that the sentiment of the Senate may be properly tested, Mr. President, upon the matter, I move that the Senate recede from its amendment and that a vote be taken upon that motion. I shall vote against the motion, because I am for the proposition as represented in the Senate amendment, but, in order that the sentiment of the Senate may be tested, I make that motion.

Mr. BEVERIDGE. Should not the motion be that the Senate insist on its amendment?

Mr. DICK. My reply to that is that it seems to me that a vote on this motion would more thoroughly sound the sentiment of the Senate than would a motion put in any other form.

Mr. HEMENWAY obtained the floor.

Mr. FRYE. Will the Senator allow me a word?

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

Mr. HEMENWAY. Certainly.

Mr. FRYE. A motion to adhere would not do; if the Senate voted to adhere that would kill the bill.

Mr. FORAKER. I want to have a motion that will mean what we want to do. I believe in making such a motion as we want to see carried. I want to adhere to the position that the Senate has taken in regard to the matter, and I want to support the conferees. I do not care about the form of the motion, if it means what we want to vote to do. I want to add a word, Mr. President, of hearty sympathy——

Mr. SPOONER. Will the Senator from Ohio change his motion——

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

Mr. HEMENWAY. I intended to discuss the motion made by the Senator from Ohio [Mr. DICK], but I yielded to the Senator from Ohio [Mr. FORAKER].

Mr. FORAKER. I only wanted to say what I had almost concluded saying when I was interrupted, that I am in hearty sympathy with all that has been said here in favor of retaining these agencies as they are now established. I am opposed to this everlasting concentration of everything in Washington. Let us have something as it has been heretofore, especially that which is popular and which the public demand seems to require. I hope the Senate conferees will maintain their position.

Mr. HEMENWAY. Mr. President, the Senator from Ohio [Mr. FORAKER] has expressed my thought. I see no reason why all of this work should be concentrated in Washington. The fact is, that salaries paid at the various agencies in the States are not as high as the salaries paid in Washington; living is not as high, and, from the standpoint of economy, there is nothing to be gained by the proposed change; but it will result in great detriment to those who are receiving pensions, delay in transmitting their checks, etc.

Mr. GALLINGER. If the Senator will permit me, on just that point, I wish to say that out of ten clerks in the pension agency in New Hampshire seven are only receiving $60 a month. If this work were transferred to Washington, we know what would happen so far as expenditures are concerned.

Mr. HEMENWAY. I am obliged to the Senator for calling attention to that fact. If the work were done in Washington, the salaries of the clerks would be at least $1,200 a year.

Mr. KNOX. Mr. President——

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

Mr. HEMENWAY. Certainly.

Mr. KNOX. I should like to have the Senator from Indiana state the exact question and the parliamentary form that it is in. Some of us upon this side have not been able to hear.

Mr. HEMENWAY. The motion made by the Senator from Ohio [Mr. DICK] was that the Senate recede from its amendment. That would simply take the sense of the Senate on that proposition.

Mr. KNOX. What is the exact proposition? That is what we want to know.

Mr. HEMENWAY. To recede from the amendment of the Senate. The House, as I understand, in the appropriation bill provided that all local pension agencies should be discontinued and that the business should be transacted in the city of Washington. The Senate amended that by striking out the provision. I will ask the chairman of the Committee on Pensions if that is not correct?

Mr. McCUMBER. Yes.

Mr. HEMENWAY. The Senate amended that by striking out the provision and leaving the agencies as they now exist. The motion of the Senator from Ohio would simply take the sense of the Senate on that proposition, and those believing that the agencies should be continued as they now exist would vote against his motion. A motion to further insist might be the proper motion.

Mr. CULLOM. In my judgment that would be the proper motion.

Mr. HEMENWAY. I do not know but that it would be the proper motion.

Mr. CULLOM. The proper motion is to further insist upon the Senate amendment.

Mr. HEMENWAY. The proper motion would be to further insist upon the Senate amendment; and, with the permission of the Senator from Ohio [Mr. DICK], I would move to amend his motion so that it will be that the Senate further insist on its amendment disagreed to by the House of Representatives to the bill.

Mr. DICK. Mr. President, since it is my purpose to get the strongest possible expression of the Senate favorable to the contention of the Senate conferees, I accept the suggestion of the Senator from Indiana [Mr. HEMENWAY] and will change the form of the motion so as to make it that the Senate further insist upon its amendment, instead of receding.

Mr. HEMENWAY. I suggest that we have a yea-and-nay vote on that motion.

Mr. HEYBURN. Mr. President, I think it has not been developed that other States than those having agencies within their borders are particularly interested in this matter. My State is in the California district, and so are Montana and Washington and the entire line of States on the Pacific coast.

Mr. PERKINS. And Oregon and Nevada.

Mr. HEYBURN. Yes; and Oregon and Nevada. It is a very great convenience to pensioners within that Pacific coast district to have an agency in San Francisco, which is the center of the pension business in that region, and our pensioners receive their checks from that office. It is an agency that is not established upon such an expensive basis as that on which the Departments are run in Washington. If it is transferred to Washington, it would be placed upon the expensive basis upon which business of that kind is done in Washington, whereas if transacted at any agency it is comparatively an inexpensive proposition. Senators from the Pacific coast will undoubtedly join in resisting a change that would result in the abolition of our central agency for the distribution of pensions on the Pacific coast.

Mr. FRYE. Let us have a vote.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio that the Senate further insist upon its amendment.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. OVERMAN. I ask that the question be stated.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio [Mr. DICK] that the Senate further insist upon its amendment disagreed to by the House of Representatives. Upon that motion the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I am sure he would vote "yea" if present. I would vote the same way. So I will vote. I vote "yea."

Mr. ELKINS (when his name was called). Although paired, I will vote on this question. I vote "yea."

The roll call was concluded.

Mr. DEPEW. I wish to announce that my colleague [Mr. PLATT] is unavoidably absent. He sends me word that if he were present he would vote "yea."

Mr. WARNER. My colleague [Mr. STONE] is unavoidably detained from the Chamber.

Mr. CLAPP. I desire to say in this connection—and I wish the announcement to stand for any other vote that may be taken to-day—that my colleague [Mr. NELSON] is detained at his home by sickness.

Mr. BRANDEGEE. I wish to announce that the junior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate by illness.

Mr. BURROWS. My colleague [Mr. SMITH] is temporarily absent from the Chamber. If present he would vote "yea."

The result was announced—yeas 62, nays 1, as follows:

YEAS—62.

Aldrich	Culberson	Hansbrough	Newlands
Allee	Cullom	Hemenway	Nixon
Allison	Curtis	Heyburn	Overman
Ankeny	Depew	Hopkins	Perkins
Bacon	Dick	Kean	Pettus
Berry	Dillingham	Kittredge	Piles
Beveridge	Du Pont	Knox	Proctor
Blackburn	Elkins	Latimer	Rayner
Brandegee	Flint	Lodge	Scott
Burnham	Foraker	Long	Sutherland
Burrows	Frazier	McCreary	Teller
Carmack	Frye	McCumber	Tillman
Carter	Fulton	McEnery	Warner
Clapp	Gallinger	McLaurin	Whyte
Clark, Mont.	Gamble	Mallory	
Clay	Hale	Millard	

NAY—1.

Burkett

NOT VOTING—27.

Bailey	Dryden	Mulkey	Smoot
Bulkeley	Dubois	Nelson	Spooner
Clark, Wyo.	Foster	Patterson	Stone
Clarke, Ark.	La Follette	Penrose	Taliaferro
Crane	Martin	Platt	Warren
Daniel	Money	Simmons	Wetmore
Dolliver	Morgan	Smith	

So the motion of Mr. DICK was agreed to.

Mr. McCUMBER. The Senate having expressed itself upon this question, I move that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO.

MEXICAN KICKAPOOS.

Mr. GALLINGER. I ask that the message from the House of Representatives in reference to the shipping bill be laid before the Senate.

Mr. TELLER. I desire to call up a joint resolution.

Mr. GALLINGER. I yield to the Senator from Colorado.

Mr. TELLER. I ask leave, on behalf of the Committee on Indian Affairs, to call up the joint resolution (S. R. 95) relating to proceedings to set aside deeds alleged to have been made by Mexican Kickapoos. It has been on the table some days. I should like to have it passed, if possible. There are certain amendments.

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

Mr. CARMACK. Who presented the joint resolution, may I ask?

Mr. TELLER. The Committee on Indian Affairs.

Mr. CARMACK. All right.

Mr. TELLER. I presented it for the committee. There are some modifications.

The VICE-PRESIDENT. The amendments proposed by the Senator from Colorado will be stated.

The amendments were, on page 1, line 5, after the word "of," to insert "all of;" in line 12, after the word "Mexico," to insert "or elsewhere;" in line 3, on page 2, to strike out the words "specially employed;" in line 5 to strike out "and their trustees;" in line 6, before the word "aside," to strike out "to;" in line 7, after the word "Indians," to strike out "and their trustees;" and in line 9 to strike out "and he is further directed to prosecute, in the proper courts, any and all parties to said frauds; and he is authorized to employ for said purposes suitable attorney or attorneys as his assistant or assistants who has or have the confidence of said Indians;" so as to make the joint resolution read:

Resolved, etc., That the Committee on Indian Affairs of the Senate be, and it hereby is, directed to file with the Attorney-General of the United States a copy of all of the testimony taken by it under Senate resolutions Nos. 220 and 261, Fifty-ninth Congress, second session, and that upon the filing of such testimony the Attorney-General be, and he hereby is, authorized, in his discretion, to investigate any and all conveyances purporting to have been executed and acknowledged in the Republic of Mexico or elsewhere, of lands situated in Oklahoma and heretofore allotted to Mexican Kickapoo Indians now nonresident in the United States, and if the said conveyances, or any of them, appear to have been procured by fraud or fraudulently executed, he shall, by his assistant or assistants, appear in and defray the costs of and prosecute proceedings in the proper courts on behalf of said Indians and their trustees, to cancel and set aside said conveyances, and

to clear the title of said Indians to said land from any and all cloud thereon, the result of such fraudulent conveyances; and for said purpose and the payment of costs in suits to set aside said fraudulent conveyances there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, the same to be immediately available.

The amendments were agreed to.

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

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

BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 8621) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 8623) to confer jurisdiction upon the Court of Claims to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 8624) to restore Leonard Martin Cox to the Corps of Civil Engineers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WETMORE introduced a bill (S. 8625) granting an increase of pension to Henry E. Wells; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 8626) to purchase a site for the postal service in the city of Austin, Tex., and to construct thereon a suitable building; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. FRYE submitted an amendment proposing to appropriate $5,000 to reimburse officers and enlisted men of the United States Revenue-Cutter Service who were on duty under orders at San Francisco during the earthquake and fire, April 18, 1906, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. BURNHAM submitted an amendment proposing to appropriate $15,000 to pay the State of New Hampshire for certain tracts of land forming the site of Fort Constitution, Portsmouth Harbor, New Hampshire, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS.

On motion of Mr. McENERY, it was

Ordered, That the papers in the case of the bill S. 1221, first session, Fifty-ninth Congress, for the relief of J. de L. Lafitte, be withdrawn from the files of the Senate, there being no adverse report thereon.

THE MERCHANT MARINE.

Mr. GALLINGER. I have asked a privileged question, that a message from the House be laid before the Senate, but if Senators have morning business to present I have no disposition to shut it out, and I will yield to such Senators.

Mr. FULTON. Mr. President——

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

Mr. FULTON. I do.

Mr. GALLINGER. I yield to the Senator from Oregon.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. FULTON. I submit a resolution, for which I ask present consideration.

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

The Secretary read as follows:

IN THE SENATE OF THE UNITED STATES,
March 2, 1907.

Resolved, That the claims of Capt. E. St. John Greble and other officers and enlisted men of the United States Army (S. 283); county court of Randolph County, W. Va. (S. 291); heirs of Richard R. Mosley (S. 310); creditors of the Deposit Savings Association of Mobile, Ala. (S. 346); heirs of Celestine Sarra, deceased (S. 351); William B. Duncan, administrator de bonis non of David S. Jones, deceased (S. 370); T. L. Love (S. 374); estate of H. West, deceased (S. 403); estate of John S. Sturdy, deceased (S. 405); legal heirs of the late John George Bauer (S. 413); M. A. Shelton (S. 650); R. L. Foster, surviving partner (S. 651); Georgia Railroad and Banking Company (S. 819); estate of William Johnson, deceased (S. 905); Hyland C. Kirk and others, assignees of Addison C. Fletcher (S. 1048); J. A. Shackleton (S. 1183); William H. Howard and Oliver D. Lewis (S. 1193); B. J. D. Irwin (S. 1209); Susan B. Schroeder, daughter of Susan Allen, deceased (S. 1280); heirs of George Gardner (S. 1293); estate of Oliver Milburn, deceased (S. 1333); drafted men of Pendleton and other counties, in the State of Kentucky (S. 1451); David Tuckwiller and Sarah Bettie Wilson (S. 1503); reopening and readjustment of the accounts of Joseph A. Mower, deceased, late major-general, United States Army, and for other purposes (S. 1553); heirs of Jenkins & Havens (S. 1554); heirs of Joseph H. Etheridge and William D. Etheridge (S. 1766); estate of Esau Berry, deceased (S. 1776); O. P. Cobb's heirs and others (S. 1859); Sarah Jane Bellah, administratrix of the estate of James W. Bellah, deceased (S. 1870); J. C. Brooks (S. 1877); Mrs. C. A. Hale (S. 1932); James C. Burke (S. 2063); Clotilda Freund, assignee of Frank W. Freund (S. 2088); heirs of Henry N. Harris, deceased (S. 2131); estate of George P. Carmichael, deceased (S. 2147); estate of F. A. De Georgis, deceased (S. 2149); estate of Robert B. Smith, deceased (S. 2150); estate of Edward R. Phillips, deceased (S. 2584); estate of Joseph P. Mahaney (S. 2599); Samuel S. Dennis (S. 2608); heirs of William B. Etheridge (S. 2609); heirs of John D. Matthews (S. 2610); Joseph Disney (S. 2740); John B. Warren (S. 2814); estate of Jean Louis Malvean, deceased (S. 2894); estate of George Neck, sr. (S. 2903); estate of James R. Young, deceased (S. 2906); Arvillen Broussard (S. 2911); Mrs. E. C. McIntyre (S. 2916); estate of C. E. Booty (S. 2917); estate of Louis Baron, deceased (S. 2918); estate of William Griffith, deceased (S. 2922); estate of George W. Dyson, deceased (S. 2944); estate of Adelon Vigues, deceased (S. 2930); heirs of Syrus Ratliff, deceased (S. 2931); estate of Emilie Rost, deceased (S. 2937); estate of John R. Temple, deceased (S. 2943); Elias Weaver (S. 3003); George H. Hogan (S. 3004); estate of William Curtis, deceased (S. 3049); estate of Peter H. Gold, deceased (S. 3050); estate of Green Guest, deceased (S. 3051); heirs of George Orville Ragland, deceased (S. 3056); Joseph Lightfoot (S. 3061); William H. Hillard (S. 3062); estate of Caswell B. Derrick, deceased (S. 3064); estate of Benjamin B. Coffey, deceased (S. 3070); estate of B. G. Chandler, deceased (S. 3072); estate of John Black, deceased (S. 3074); estate of James Woosley, deceased (S. 3082); James H. Young, Benjamin F. Young, and F. A. Young (S. 3083); estate of Elizabeth Blakemore, deceased (S. 3091); estate of Livi Jones, deceased (S. 3093); estate of Samuel H. Gilbert, deceased (S. 3099); heirs of Nicholas Stonestreet, deceased (S. 3135); estate of Alexander Russell, deceased (S. 3356); estate of D. U. Ford, deceased (S. 3362); Jane P. Moore (S. 3374); estate of Benjamin Hawes, deceased (S. 3377); estate of Francis Griffing, deceased (S. 3378); estate of Milton Crawford, deceased (S. 3380); estate of Nancey Barrow, deceased (S. 3384); B. V. McGuffie, sr. (S. 3387); Mrs. Virginia Grant (S. 3389); estate of Jane N. Gibson, deceased (S. 3394); estate of J. B. Lewis, deceased (S. 3397); estate of R. T. Brown, deceased (S. 3399); A. W. Tedcastle, guardian of Frances L. Snell (S. 3421); heirs of Allison Nailor, sr., deceased (S. 3448); Francis O'Bannon (S. 3451); James M. Shilling (S. 3462); T. J. Coagar (S. 3501); John M. Jamieson (S. 3510); John L. Brown and the estates of A. T. Redditt and William G. Judkins (S. 3542); Willie Anna Hobgood (S. 3559); estate of Thomas V. Provence, deceased (S. 3710); estate of Alexander F. Beckham, deceased (S. 3829); estate of Isaac Haynes, decesaed (S. 3867); estate of William Shreve, deceased (S. 3871); estate of Thomas A. Dough, deceased (S. 3887); estate of William Keith (S. 3974); estate of Jonathan H. Ellison, deceased (S. 3975); heirs of Dr. J. B. Owen (S. 3981); estate of David Heller, deceased, and E. Mary Heller (S. 4098); occupants and owners of property of Camp Tyler, in Cook County, Ill. (S. 4149); estate of George W. Taylor, deceased (S. 4260); Lorenzo D. Corrick, administrator of William Corrick, deceased (S. 4276); estate of William Flannigan, deceased (S. 4374); Hosmer, Crampton & Hammond and others (S. 4402); George W. Landram and H. M. Henson, only surviving heirs of Hubbard Landram and Hugh Henson, deceased (S. 4540); heirs of Thomas J. Williams, deceased (S. 4620); estate of Hiram Anderson, deceased (S. 4657); heirs of John Schwartzenburg, sr., deceased (S. 4659); estate of Alfred L. Shotwell (S. 4696); estate of John W. Hester, deceased (S. 4713); estate of Anton Borchert (S. 4731); Aaron C. Dean (S. 4798); estate of Sion Johnson, deceased (S. 4801); estate of Joshua Hill, deceased (S. 4808); John Alexander Besonen (S. 4809); estate of Dr. O. P. Hill, deceased (S. 4824); heirs of T. N. Ferrell, deceased (S. 4867); Anna M. Orne (S. 5087); trustees of Trinity Protestant Episcopal Church, of Martinsburg, W. Va. (S. 5180); Robert Langston (S. 5230); estate of T. H. Goodloe, deceased (S. 5237); Virginia K. Hahn and Mary E. Carroll, heirs of James Bridger (S. 5242); A. Boschke, civil engineer: *Provided*, That any testimony, affidavits, and other papers of file in either House of Congress relating to said claim shall be considered by the court as competent evidence and such weight given thereto as, in its judgment, is right and proper (S. 5336).

Joseph E. Funkhouser (S. 5413); estate of the late Christina Turner (S. 5422); legal representatives of P. M. Craigmiles, deceased (S. 5424); legal representatives of the estate of James Maney (S. 5425); John Sharp and John Dickson (S. 5464); heirs of S. W. Thrift (S. 5496); estate of John McFarland, deceased (S. 5576); Mary Christopher, heir of Lowell G. Spaulding, deceased (S. 5619); heirs of Richard Terrell (S. 5642); Mary E. Macgregor (S. 5647); estate of John Jones, deceased (S. 5651); heirs of Mrs. D. J. Booth, deceased (S. 5652); estate of William McCreight, deceased (S. 5654); heirs of Alfred Mullins, deceased (S. 5656); estate of Solomon Landis, deceased (S. 5663); estate of John Bunch, deceased (S. 5667); estate of F. L. Hammond, deceased (S. 5688); estate of John M. Rook, deceased (S. 5792); Frances M. Egan, administratrix of Patrick Egan, deceased (S. 5831); Julia D. Harris, administratrix of the estate of Stephen Daggett, deceased (S. 6013); estate of Charlotte A. Armstrong, deceased (S. 6021); L. A. Jopeline (S. 6048); estate of Mary F. Birdsong, deceased (S. 6069); Burwell J. Curry (S. 6107); village of Graysville, in Catoosa County, Ga. (S. 6201); estate of Francis A. Gonzales and Antonio Gonzales (S. 6242); heirs of John R. Savage, deceased (S. 6291); heirs of James Downs and Christine Downs, deceased (S. 6335); estate of George W. McGrew, deceased (S. 6337); Sampson Snyder (S. 6341); city of Glasgow, Mo. (S. 6387); George Ivers, administrator de bonis non of William Ivers, deceased (S. 6403); heirs of Thomas P. Mathews (S. 6442); trustees of the Presbyterian Church of Macon, Mo. (S. 6449); trustees of the Methodist Episcopal Church of Macon, Mo. (S. 6450); Methodist Episcopal Church South, of Charleston, Tenn. (S. 6479); George K. Hathaway, administrator of John R. Hathaway, deceased (S. 6502); Mrs. Emily Miller (S. 6528); heirs of George M. Hamner, deceased (S. 6550); deacons of the First Presbyterian Church of Bowling Green, Ky. (S. 6620); trustees of the African Baptist Church of Paris, Ky. (S. 6621); trustees of the Green River Collegiate Institute, as successor to Hart Seminary, of Munfordville, Ky. (S. 6622); trustees of the Methodist Episcopal Church of Jumping Branch, W. Va. (S. 6638); trustees of

the Methodist Episcopal Church of Ravenswood, W. Va. (S. 6639); trustees of Christ Protestant Episcopal Church, Bunker Hill, W. Va. (S. 6640); trustees of the Missionary Baptist Church, of Webster, W. Va. (S. 6641); trustees of the Fetterman (now West Main Street) Methodist Episcopal Church, of Grafton, W. Va. (S. 6642); Caledonia Lodge, No. 4, Independent Order of Odd Fellows, of Shepherdstown W. Va. (S. 6643); trustees of the Methodist Episcopal Church of Paw Paw, W. Va. (S. 6644); estate of William L. Bradley (S. 6646); estate of John Fields, sr., deceased (S. 6727); heirs of Nathaniel Tarr, deceased (S. 6737); trustees of the Colored Baptist Church of New Castle, Ky. (S. 6744); trustees of the Christian Church of Mount Sterling, Ky. (S. 6746); vestry of Christ Protestant Episcopal Church, of Bowling Green, Ky. (S. 6747); trustees of the Sulphur Wells Christian Church, near Nicholasville, Ky. (S. 6748); trustees of the Baptist Church of Brandenburg, Ky. (S. 6749); trustees of the St. Paul African Methodist Episcopal Church, of Paris, Ky. (S. 6750); trustees of St. James Evangelical Lutheran Church, of Gettysburg, Pa. (S. 6752), St. Francis Xavier Roman Catholic Church, of Gettysburg, Pa. (S. 6753); Locust Dale Academy, of Madison County, Va. (S. 6757); trustees of Piney Branch (or Yellow) Church, of Spottsylvania County, Va. (S. 6758); trustees of the Tabernacle Methodist Church of Spottsylvania County, Va. (S. 6759); trustees of Salem Baptist Church, Spottsylvania County, Va. (S. 6760); trustees of Zoan Baptist Church of Spottsylvania County, Va. (S. 6761); trustees of the Liberty Baptist Church and the trustees of the Liberty Methodist Episcopal Church South, of Bealton, Va. (S. 6762); trustees of the Old School Baptist Church, of Upperville, Va. (S. 6763); trustees of the Methodist Episcopal Church South, of Paris, Va. (S. 6764); trustees of Chappawamsic Primitive Baptist Church, of Stafford County, Va. (S. 6765); trustees of the Little River Missionary Baptist Church, near Aldie, Va. (S. 6766); trustees of Ralls Lodge, No. 33, Ancient Free and Accepted Masons, of Madisonville, Mo. (S. 6777); trustees of the Beaufort Library Society, of Beaufort, S. C. (S. 6781); vestry and church wardens of the Episcopal Church of the Parish of Christ Church, South Carolina (S. 6782); trustees of the Ewing Institute, of Perryville, Ky. (S. 6831); trustees of the Christian Church of Perryville, Ky. (S. 6832); trustees of Trinity Presbyterian Church, of Lavacca, Catahoula Parish, La. (S. 6854); personal representatives of James Rhodes, deceased (S. 6874); trustees of Lutheran Parsonage, of Effingham County, Ga. (S. 6880); session of the Presbyterian Church of Greenwood, Prince William County, Va. (S. 6886); trustees of the Primitive Baptist Church, of Front Royal, Va. (S. 6887); trustees of the Jerusalem Baptist Church and the vestry of Zion Protestant Episcopal Church, of Fairfax Court House, Va. (S. 6888); trustees of the Methodist Episcopal Church South, of Unison, Va. (S. 6889); trustees of the Trinity Methodist Church South, of Cattlets, Va. (S. 6890); trustees of the Methodist Protestant Church of Fox Hill, Va. (S. 6891); trustees of the Methodist Episcopal Church South, of Upperville, Va. (S. 6892); heirs of Thomas N. Towson (S. 6893); trustees of Cedar Grove Church, of Culpeper County, Va. (S. 6894); trustees of the Methodist Episcopal Church South, of Gravelly Run, Dinwiddie County, Va. (S. 6895).

Academy of Richmond County, Ga. (S. 6968); trustees of the Union Presbyterian Church of Cross Keys, Va. (S. 6979); trustees of the Baptist Church of Falls Church, Va. (S. 6980); trustees of Tabernacle Methodist Episcopal Church South, of Culpeper County, Va. (S. 6981); trustees of the Presbyterian Church of the town of Culpeper, Culpeper County, Va. (S. 6982); trustees of Providence Church, of Culpeper County, Va. (S. 6983); trustees of the Baptist Church of Paris, Ky. (S. 7030); session of the Presbyterian Church of Perryville, Ky. (S. 7031); Presbyterian Church and the Green River Masonic Lodge, No. 88, of Munfordville, Ky. (S. 7032); trustees of the Baptist Church of Harrodsburg, Ky. (S. 7033); trustees of Harpeth Academy, of Franklin, Williamson County, Tenn. (S. 7081); trustees of the Tonoloway Baptist Church, of Fulton County, Pa. (S. 7085); consistory of the Trinity Reformed Church, of Gettysburg, Pa. (S. 7086); consistory of St. Mark's German Reformed Church, of Gettysburg, Pa. (S. 7087); Frank M. Wyant (S. 7095); trustees of the Methodist Episcopal Church South, of Point Pleasant, W. Va. (S. 7109); trustees of the Methodist Episcopal Church South, of Great Cacapon, W. Va. (S. 7110); trustees of the Mount Olive Primitive Baptist Church, of Philippi, W. Va. (S. 7111); trustees of the Methodist Episcopal Church South, of Ravenswood, W. Va. (S. 7112); trustees of the German Baptist Brethren Church, of Greenland Gap, W. Va. (S. 7113); trustees of the Methodist Episcopal Church of Philippi, W. Va. (S. 7114); trustees of the Methodist Episcopal Church South, of Perryville, Ky. (S. 7120); trustees of the First Presbyterian Church of Paris, Ky. (S. 7121); trustees of the Methodist Episcopal Church South, of Harrodsburg, Ky. (S. 7122); trustees of the Cumberland Presbyterian Church of Henderson, Ky. (S. 7123); trustees of the Baptist Church of Bowling Green, Ky. (S. 7124); treasurer of Salt River Lodge, No. 180, Free Ancient and Accepted Masons, of Mount Washington, Ky. (S. 7125); directors of the Presbyterian Theological Seminary of Kentucky (S. 7126); trustees of the Jessamine Female Institute, successor of Bethel Academy, of Nicholasville, Ky. (S. 7127); trustees of the First Baptist Church of Danville, Ky. (S. 7131); trustees of the Antioch Methodist Episcopal Church South, of Stewart, Mercer County, Ky. (S. 7132); trustees of the Methodist Episcopal Church South, of Mount Sterling Ky. (S. 7133); trustees of the Regular Baptist Church of Richmond, Ky. (S. 7134); vestry of the Trinity Protestant Episcopal Church, of Danville, Ky. (S. 7135); trustees of the Presbyterian Church of Clarksburg, W. Va. (S. 7158); trustees of the Methodist Episcopal Church of Mannington, W. Va. (S. 7159); stewards of the Methodist Episcopal Church South, of Bowling Green, Ky. (S. 7205); trustees of the Central University, of Kentucky (formerly Center College), of Danville, Ky. (S. 7206); trustees of the Methodist Episcopal Church South, of Danville, Ky. (S. 7207); deacons of the African Baptist Church of Richmond, Ky. (S. 7208); secretary and treasurer of Harrison Masonic Lodge, No. 122, of Brandenburg, Ky. (S. 7209); trustees of the Presbyterian Church of Mount Sterling, Ky. (S. 7210); J. Howard Mitchell (S. 7228); estate of Leon Lemelle, deceased (S. 7251); estate of Ovid Decuir, deceased (S. 7254); Harvillen Norris (S. 7255); estate of Ozam D. Metoyer, deceased (S. 7259); estates of Theofile Metoyer and Elena Metoyer, deceased (S. 7261); estate of Charles Christophe, deceased (S. 7364); trustees of the Evangelical Lutheran Church of Burkittsville, Md. (S. 7274); vestry of St. Thomas Protestant Episcopal Church, of Hancock, Md. (S. 7275); trustees of the African Methodist Episcopal Church of Hagerstown, Md. (S. 7276); corporation of the Methodist Episcopal Church of Hancock, Md. (S. 7277); consistory of Grace Reformed Church, of Knoxville, Md. (S. 7278); Eliza Leathers, widow and administratrix of Alfred Leathers, deceased (S. 7297); trustees of the Assembly Presbyterian Church, of Harrodsburg, Ky. (S. 7298); heirs of Claude M. Johnson and of Rosa Vertner Jeffrey (S. 7301); J. P. Dieter (S. 7318); trustees of the Baptist Church of Gallipolis, Ohio (S. 7332); trustees of the Reformed Church of Burkittsville, Md. (S. 7345); council of Zion Evangelical Lutheran Church, of Williamsport, Md. (S. 7346); Frederick Academy of the Visitation, of Frederick, Md. (S. 7347); trustees of the Presbyterian Church of Hancock, Md. (S. 7348); trustees of the Providence Methodist Episcopal Church, near Suffolk, Nansemond County, Va. (S. 7386); trustees of the Primitive Baptist Church of Waterlick, Va. (S. 7387); trustees of the Methodist Episcopal Church South, of Snickersville (now Bluemont), Va. (S. 7388); trustees of the Old Goose Creek Church, near Markham, Va. (S. 7389); trustees of the Methodist Episcopal Church South, of Middleburg, Va. (S. 7390); St. Patrick's Roman Catholic Church, of Little Orleans, Md. (S. 7392); secretary and treasurer of Lexington Lodge, No. 1, Free and Accepted Masons, of Lexington, Ky. (S. 7438); trustees of the Methodist Episcopal Church South, of Brandenburg, Ky. (S. 7439); secretary and treasurer of the Chamberlain Philosophical and Literary Society, of Danville, Ky. (S. 7440); trustees of the Baptist Church of Shepherdsville, Ky. (S. 7441); trustees of the Glasgow graded common schools, of Glasgow, Ky. (S. 7442); rector of St. Augustine's Roman Catholic Church, of Lebanon, Ky. (S. 7443); trustees of the First Presbyterian Church of Danville, Ky. (S. 7444); Mrs. Zerelda P. Allen and others (S. 7464); heirs of Joel S. Calvert (S. 7465); heirs of H. D. Flowers, deceased (S. 7466).

Trustees of the Sandy Hook School, of Sandy Hook, Md. (S. 7538); trustees of the Burkittsville School, of Burkittsville, Md. (S. 7539); rector of St. Peter's Roman Catholic Church, of Hancock, Md. (S. 7540); trustees of the Frederick Presbyterian Church, of Frederick, Md. (S. 7541); trustees of the Harpeth Academy, of Williamson County, Tenn. (S. 7544); trustees of the Porter Female Academy, of Williamson County, Tenn. (S. 7546); trustees of the Presbyterian Church of Gallipolis, Ohio (S. 7559); trustees of the Presbyterian Church of Macon, Mo. (S. 7584); trustees of the Methodist Episcopal Church of Macon, Mo. (S. 7585); town of Nicholasville, Ky., and the Presbyterian Church of Nicholasville, Ky. (S. 7592); estate of John Houy (S. 7688); estate of Dr. Joseph Richard Martin, deceased (S. 7689); Jacob A. Paulk, in his own right and as administrator of the estate of Jonathan Paulk, deceased (S. 7719); heirs of A. E. Mills, deceased (S. 7721); estate of Louisa Harper, deceased (S. 7748); estate of Rebecca E. Sexton, deceased (S. 7749); estate of M. W. Ham, deceased (S. 7752); heirs of Denis O'Callaghan, deceased (S. 7774); Andrew J. Baker (S. 7778); trustees of the Methodist Episcopal Church South, of Rectortown, Va. (S. 7796); Baptist Church of Beaufort, N. C. (S. 7797); deacons of the First Presbyterian Church of Newbern, N. C. (S. 7798); estate of Artemus Newlin, deceased (S. 7799); Thomas W. Bell and others (S. 7801); trustees of Columbia College, of Columbia, S. C. (S. 7817); heirs of John R. Elliott (S. 7826); estate of Daniel Y. Grason, deceased (S. 7925); Watson Frye & Co. (S. 7928); Joseph Rymarkiewicz (S. 7956); for the relief of N. C. McNeel, administrator of the estate of Paul McNeel (S. 7966) (and the court shall retry and reinvestigate the question as to the loyalty of the said McNeel, deceased, and that any testimony, affidavits, and other papers on file in either House of Congress relating to said claim shall be considered by the court as competent evidence and such weight given thereto as in its judgment, is right and proper); Baptist Church of Dardanelle, Ark. (S. 8022); First Baptist Church of Jacksonville, Fla. (S. 8026); trustees of the Bethel Baptist Church (colored), of Jacksonville, Fla. (S. 8027); First Presbyterian Church of Jacksonville, Fla. (S. 8028); M. S. Elkin (S. 8055); First Methodist Episcopal Church South, of Jacksonville, Fla. (S. 8071); for the relief of the widow of Charles D. Coleman (S. 8108) (and the court shall find whether by any proper officer the said Charles D. Coleman was ordered to receive substitute funds and whether as a matter of fact he did receive them for the use of the United States); heirs of Andrew J. Brazelton, deceased (S. 8134); trustees of the Christian Church in Franklin, Williamson County, Tenn. (S. 8150); president and managers of Union Society (Bethesda Orphan House), of Savannah, Ga. (S. 8177); heirs of John D. Clemson (S. 8198); Medical College of Alabama, of Mobile, Ala. (S. 8211); Christopher Alexander and others (S. 8261); trustees of the Christian Church of Union City, Tenn. (S. 8268); Jonathan Lewis (S. 8306); estate of Aaron Turner, deceased (S. 8307); Grand Lodge of Free and Accepted Masons of the State of Arkansas (S. 8309); Mrs. Helen S. Hogan (S. 8329); Methodist Episcopal Church South, of Van Buren, Crawford County, Ark. (S. 8332); Christian Church near old Austin, Lonoke County, Ark. (S. 8333); heirs of Bowman H. Peterson (S. 8336); Mount Pleasant Masonic Lodge, No. 99, of Austin, Lonoke County, Ark. (S. 8366); Charles Backman (S. 8374); Nuc que clah we nuck tribe of Indians of the State of Oregon, the Wau ki kum band of Chinook Indians of the State of Washington, the Kathlamet band of Chinook Indians of the State of Oregon, the Wheelappa band of Chinook Indians of the State of Washington, the Clatsop tribe of Indians, the Tillamook tribe of Indians, the Konnaack band of Chinook Indians, the Klatskania band of Chinook Indians, the Ya su chah band of Indians, the To totan, You quee chae, and Qua tou wah bands of Indians of the States of Oregon and Washington (S. 8381); Washington Loan and Trust Company, of Washington, District of Columbia, executor of the will of Lavinia M. Payne, deceased (S. 8385); trustees of the Primitive Baptist Church of Newport, N. C. (S. 8392); trustees of the Presbyterian Church of Edisto Island, S. C. (S. 8421); trustees of Tabernacle Methodist Episcopal Church South, of Culpeper, Va. (S. 8428); trustees of the Presbyterian Church of Culpeper, Va. (S. 8429); heirs of Laura Dela Housave (S. 8434); estate of Joaquin Gomez of the estate of Vincente P. Gomez, both late of Monterey County, Cal. (S. 8447); Corinne Perret Fuseller (S. 8465); trustees of the Second Presbyterian Church of Alexandria, Va. (S. 8467); Marcus D. Wright, executor of Thomas G. Wright, and heirs at law of said Thomas G. Wright (S. 8471); heirs and representatives of William G. Burke, deceased (S. 8480); University of Nashville, Nashville, Tenn. (S. 8484); estate of Joseph Blair (S. 8493); Independent Order of Odd Fellows, No. 37, of Okolona, Miss. (S. 8494); Methodist Episcopal Church South, of Germantown, Tenn. (S. 8500); First Presbyterian Church of Nashville, Tenn. (S. 8501); Missionary Baptist Church, Antioch, Davidson County, Tenn. (S. 8506); council of St. Peter's Evangelical Lutheran Church, of Shepherdstown, W. Va. (S. 8517); city of Nashville, Tenn. (S. 8522); Levee-Steam Cotton Press Company, of New Orleans, in the State of Louisiana (S. 8527); Sarah M. Harrell (S. 8543); George F. Schayer (S. 8547); C. W. Moffatt (S. 8549); Samuel G. Searing (S. 8550); National Automatic Fire Alarm Company, of Washington, District of Columbia (S. 8552); Kentucky Drafted Men (S. 8554); owners of certain steamboats (S. 8555); James E. Arnold and others (S. 8560); State of Missouri (S. 8563); heirs of Mitchell King (S.

8573); James Marsh (S. 8574); Robert Adger, executor and trustee of the estate of James Adger, deceased (S. 8575); C. B. McClenny (S. 8579); heirs of J. W. Forrest, deceased (S. 8586); Methodist Episcopal Church South, of Mexico, Mo. (S. 8591); First Christian Church of Mexico, Mo., a corporation (S. 8592); First Christian Church of Springfield, Mo. (S. 8593); commissioners court of the county of Limestone, State of Alabama (S. 8595); county of Phelps, State of Missouri (S. 8597); John H. Davern (S. 8598); Grand Lodge Independent Order of Odd Fellows of the State of Tennessee (S. 8600); trustees of Lynn Creek Baptist Church, of Giles County, Tenn. (S. 8601); Mount Zion Church, of Williamson County, Tenn. (S. 8604); estate of John W. Hill (S. 8612), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the Tucker Act, and said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

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

Mr. ALLISON. I should like to ask the Senator how much is involved in these claims.

Mr. FULTON. It would not be possible to say how much is involved. Of course the Senator understands that various bills have been referred to the committee, and it is simply proposed now to refer them to the Court of Claims for findings of fact, not for judgment.

Mr. ALLISON. Has there been any proposal to remove the statute of limitations?

Mr. FULTON. No, sir; the claims go to the Court of Claims simply for findings of fact. There are 150 church and school claims and about 300 other claims.

In the resolution, so far as I had control of it, I have endeavored to keep the number down to the lowest possible limit.

Nothing like the number of bills whose reference has been requested are proposed to be referred. There are somewhere between three and four hundred bills altogether in the resolution.

As a matter of policy I am frank to say I do not believe it is good policy to continue sending these bills to the Court of Claims. A vast number of bills known as "war claims" are sent there annually, and the Government is practically helpless. The proof is of such a character that the Government can not meet it.

Mr. McCREARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. FULTON. I will yield in just a second. But, nevertheless, the law provides for those bills being sent there, and so long as it is the law I do not see how the committee can refuse to report a resolution sending them there.

At the next session of Congress I intend to bring in an amendment modifying the fourteenth section of the Tucker Act, under which most of these claims are sent to the Court of Claims, so as to prohibit the sending to the Court of Claims of any more of these so-called "war claims." I believe it will be in the interest of good public policy to do that, and I believe it will meet the approval of the Members of Congress from the sections whence these claims arise. But the law now provides for their being sent to the Court of Claims, and so long as it is the law I see no way in which the committee can refuse to report a resolution.

I now yield to the Senator from Kentucky.

Mr. McCREARY. I desire to ask the Senator from Oregon if he proposes to have the list of claims published? A number of Senators, including myself, desire to know what cases are referred to the Court of Claims.

Mr. FULTON. The resolution will, of course, be published.

Mr. McCREARY. It will be printed in the RECORD?

Mr. FULTON. Certainly. But if objection be taken to the consideration of the resolution, it can go over until some other time. It will be published, and each Senator and Representative can see it. I will say that I personally care nothing about the present consideration of the resolution. I do not care whether a single bill is referred to the Court of Claims.

Mr. McCREARY. Will the Senator have the resolution printed in the RECORD?

Mr. FULTON. It will be printed in the RECORD, of course.

The VICE-PRESIDENT. It will be printed in the RECORD. Is there objection to the present consideration of the resolution?

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

Mr. KEAN. I ask that an additional number of copies of the resolution be printed, because there will be great demand for it.

The VICE-PRESIDENT. What additional number does the Senator suggest?

Mr. KEAN. Twice the usual number.

The VICE-PRESIDENT. The Senator from New Jersey asks that twice the usual number of copies of the resolution be printed. Without objection, it is so ordered.

WILLIAM N. BRUNSON.

Mr. McCUMBER. From the Committee on Pensions I report favorably a pension bill and ask for its immediate consideration. A bill for this beneficiary has heretofore passed, but the name was wrong, and the passage of this bill is necessary.

The bill (S. 8622) granting an increase of pension to William N. Brunson was read the first time by its title and the second time at length, as follows:

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 William N. Brunson, late of Company G, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

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

PRACTICE OF MEDICINE AND SURGERY IN THE DISTRICT.

Mr. BURKETT. From the Committee on the District of Columbia, to whom was referred the bill (S. 8614) to amend the act entitled "An act to regulate the practice of medicine and surgery in the District of Columbia," approved June 3, 1896, I report it favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 6 of the act referred to so as to read as follows:

SEC. 6. That each member of said boards of medical examiners of the District of Columbia shall, before entering upon the discharge of his duties, take an oath to administer, fairly and impartially, the provisions of this act. Each board shall elect from its own members a president and a secretary. Each board shall hold a meeting for examination in the city of Washington on the second Tuesday in January, April, July, and October of each year, and continuing so long as may be necessary to examine all applicants, and other meetings shall be held at such times as the board of medical supervisors shall direct. Each of said boards shall examine, at the meeting immediately following the receipt of the proper certificates from the board of medical supervisors, all applicants for licenses to practice medicine and surgery in the District of Columbia so certified.

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

GERMAN BARK MARIECHEN.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 25437) to grant American registry to the German bark *Mariechen*, to report it favorably without amendment. I ask unanimous consent for its present consideration.

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.

RULES AND REGULATIONS OF THE STATE DEPARTMENT.

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

Resolved, That in carrying out the resolution of the Senate of February 1, 1907, requesting the Secretary of State to furnish to the Senate a copy of all rules and regulations governing the Department, and the resolution of the Senate of February 28, 1907, ordering the printing of the report thus furnished as a Senate document, the following papers shall be omitted from such document:

1. The United States consular regulations;
2. Instructions to the diplomatic officers of the United States;
3. The register of the Department of State; and
4. The copy of the pamphlet giving the history and functions of the Department of State.

CONSTRUCTION OF THE PANAMA CANAL.

Mr. TILLMAN. I ask for the present consideration of the resolution which I send to the desk.

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

The Secretary read as follows:

Resolved, That the President be requested to send to the Senate, if not incompatible with the public welfare, all papers and information in his possession in regard to the proposed letting of the contract for the construction of the Panama Canal, which was competed for by W. J. Oliver and others, and state the existing status.

Mr. TILLMAN. I should like to have read in connection with the resolution a brief extract from the New York Herald relating to this subject, which will explain the reasons, or some of the reasons, why I have offered it.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested by the Senator from South Carolina.

Mr. LODGE. Let the resolution be again read.

The Secretary again read the resolution.

Mr. SPOONER. The usual formula is "if in his judgment not incompatible with the public interest."

Mr. TILLMAN. Either way will be satisfactory to me. I tried to follow the usual phraseology.

Mr. SPOONER. One form presents an issue of fact, and the other submits it to his judgment.

Mr. TILLMAN. I want the President to determine it.

Mr. SPOONER. He would, anyway.

Mr. HOPKINS. I should like to have the resolution read again.

The VICE-PRESIDENT. The resolution as modified will be read.

The Secretary read as follows:

Resolved, That the President be requested to send to the Senate, if, in his judgment, not incompatible with the public welfare, all papers and information in his possession in regard to the proposed letting of the contract for the construction of the Panama Canal, which was competed for by W. J. Oliver and others, and state the existing status.

The VICE-PRESIDENT. Without objection, the Secretary will read the article as requested by the Senator from South Carolina.

The Secretary read as follows:

[New York Herald, Friday, March 1, 1907.]

OLIVER DECLINES RETURN OF CHECK—ASTONISHES COMMISSION BY REFUSING TO TAKE BACK THE $200,000 AFTER REJECTION OF BIDS—TELLS A POKER STORY—ILLUSTRATES HOW HE FEELS BY RELATING THE EXPERIENCES OF A "CHUMP" IN A WESTERN GAME—SURPRISED BY MR. STEVENS—PRESIDENT ROOSEVELT SAID TO HAVE DECIDED TO MAKE PUBLIC RETIRING CHIEF ENGINEER'S STRANGE LETTERS.

All bids for the construction of the Panama Canal were formally rejected to-day by the Isthmian Commission, and Mr. Rogers, the Commission's general counsel, sent to William J. Oliver, of the Panama Construction Company, the lowest bidder, the check for $200,000 which he had put up as an evidence of good faith.

Mr. Rogers was greatly surprised when Mr. Oliver declined to receive the check, saying he would await the arrival here to-morrow of Judge Morgan J. O'Brien, of New York, and John B. McDonald, president of the company. Confident that the Panama Construction Company would receive the contract, these men went to Augusta, Ga., a few days ago to play golf.

Mr. Oliver is very angry at the treatment he has received from the Government. He called on Secretary Taft to-day to say he did not hold the Secretary in any way to blame for the decision reached by the President. When asked what he had to say about the outcome of his effort to get the contract, Mr. Oliver said:

LIKE A WESTERN POKER GAME.

"It reminds me of a game of poker once played out West. There is a chump in every game of poker, and the chump in this game got to a point where he held four aces. He got everyone into the pot and then showed his four aces and reached for the money.

"'Hold on,' said one of his opponents, 'I've got a whangdoodle.'

"'What's that?' asked the chump.

"'Look at that sign behind you,' said the other, and the chump looked and saw the sign: 'A whangdoodle beats anything.'

"He was cleaned out, but the others asked him to get more money and return to the game, which he did. Pretty soon he found in his hand a whangdoodle. He bet the limit and everbody came in. Finally the chump announced that he had a whangdoodle and reached for the money.

"'Just a moment,' interrupted the dealer. 'Look at that sign over your shoulder.' The chump looked, and this time the sign read: 'A whangdoodle can be played only once a night.'

"That's just about my position," added Mr. Oliver.

If Mr. Oliver follows his present inclination he will make a statement to-morrow which will ease his own mind, but not affect the result. He will then return to his own private business of railroad contracting.

COMMISSIONERS CONFIRMED.

Theodore P. Shonts, whose connection with the Government will be severed next Monday, when he becomes president of the Interborough-Metropolitan Company, in New York, was confirmed to-day by the Senate as chairman of the Isthmian Canal Commission, and John F. Stevens, Gen. P. C. Hains, Rear-Admiral M. T. Endicott, Jackson Smith, B. M. Harrod, and Col. W. A. Gorgas as members.

Major Goethals, who is to be the new chairman of the Canal Commission, and Major Gaillard, who will be one of his chief assistants, will leave for the Isthmus on March 6.

The more facts that are learned about the letters received here from Chief Engineer John F. Stevens, who has just resigned, the greater becomes the amazement. It is asserted that in one letter he stated that if the Administration's present policy continued the Republican party would be defeated. Another story is that he disapproved of E. S. Benson, auditor of the Canal Commission, and desired his retirement, which officials here would not grant.

There was some talk among Senators to-day of introducing a resolution calling on the President to furnish to the Senate all papers and correspondence bearing upon the retirement of Mr. Stevens. When this became known at the White House, it is said, the President declared it was his purpose to make these letters public.

Mr. TILLMAN. Mr. President, I propose to make only a few brief remarks on this question.

The Panama Canal is a very great work in which every good American is interested. All the people, without regard to section or party, want to have it constructed, and constructed as speedily as possible, and with as little scandal as possible.

There have been some remarkable transactions in connection with this great undertaking. Engineer Wallace, said to be one of the greatest engineers of the country, resigned. There were reports in the papers that his reasons for doing that were because he found his reputation would suffer if he continued his association with this work. A little later the country was startled by the statement that Mr. Shonts, the president of the Commission, was retaining the presidency of his railroad and did not find the work of building this great canal sufficient to employ all his time, but he could devote some of it to his own private affairs. Now comes Mr. Stevens's resignation. But I am going a little too fast.

It will be recalled that Mr. Wallace was soundly berated, reprimanded, I will say abused, by the Secretary of War for having deserted the firing line, as it were, in the face of the enemy; for having surrendered his position as engineer under circumstances little short of cowardice. Mr. Stevens, his successor, comes forward and in a very little while resigns, and these same sinister rumors are afloat to the effect that he found some things going wrong, and that the auditor's action in approving certain items, as I read between the lines in that statement in the Herald, caused Mr. Stevens to sever his connection with the canal.

There were reports rife in the country when the Panama Canal was begun and the change from the Nicaragua route was acted upon by Congress, that a very large part of the $40,000,000—I believe it was $40,000,000 that we paid to the French company for its franchises—was used as a bribery fund somewhere; I do not know where, I suppose nobody will ever find out. But it does seem that there is a great deal of smoke about the construction of this great work.

Here is Mr. Oliver. I know him personally. He has a reputation in the South, from whence he comes, although he is a northern man by birth, as being probably one of the best-equipped and most efficient contractors, not only in the United States, but in the world. He understands the art of organizing labor and controlling it and getting the maximum of work from it.

After those in control of the construction of the canal had notified the country that it was to be let to the lowest bidder under certain conditions, bids were opened, and Mr. Oliver's bid being by far the lowest, six and some hundredths per cent, while others were wanting to charge all the way from twelve to fifteen and twenty—the country fondly imagined that this efficient and able contractor and engineer would be employed, as he had a right to expect to be employed, in the construction of this great work, and that we would get the canal built as soon as possible and at a minimum of cost.

Well, at once hocus-pocus began to come into the game, or there were appearances of how not to do it. The newspapers have been full for the last month of what Mr. Oliver might expect or what he must do before he could expect anything. But, as I understand it, Mr. Oliver has complied with all of the conditions, one after the other, as they have been presented to him. He has turned off his first copartner, who was objectionable, and has secured the assistance and cooperation of responsible financiers, who are backing him. I may be a little suspicious—I confess that mysteries always excite my suspicion—but there has appeared to me to be a purpose to compel Mr. Oliver to let in some of the competitors who were too greedy in their first bids and to share this great work with them.

Now, all of this disappears, and we are informed of a new arrangement; but, of course, we do not know. The President alone can tell us whether or not any bid is to be received from anybody or whether the Government will proceed to construct the canal with the army engineers who have been recently assigned to this duty, and let them employ the labor and control it all and carry on the work as though they were the contractors.

I confess I have some curiosity to have some definite information, and therefore I offered the resolution, and I hope the Senate will adopt it.

Mr. CULBERSON. Mr. President, it is conceded, I believe, that——

Mr. HOPKINS. Mr. President——

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

Mr. HOPKINS. I was going to say that I think the resolution ought to go over under the rule.

Mr. TILLMAN. It is too late to have it go over under the rule. It will go to the Calendar presently, at 2 o'clock, if the Senator will wait.

Mr. CULBERSON. Before it goes over I should like to make a brief statement.

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

The VICE-PRESIDENT. The Senator from Massachusetts rises to a point of order.

Mr. LODGE. The resolution was only introduced this morning. It clearly goes over under the rule.

The VICE-PRESIDENT. Under the rule, it will go over if there is objection to its consideration.

Mr. LODGE. There is objection.

Mr. CARMACK. Mr. President——

Mr. CULBERSON. I should like to make a short statement.

Mr. HOPKINS. I rose for the purpose of making an objection, but I will reserve it until the Senator from Texas concludes, with the understanding that my objection will then be entertained by the Chair.

Mr. CULBERSON. Mr. President, I was proceeding to say that it is conceded, I think, by the experts that the possibility, the probability, or the feasibility of successfully constructing the canal rests upon the dam at Gatun. The evidence shows so far that in the borings no rock at Gatun has been discovered, but there is what is called indurated clay, which some of the authorities believe to be a sufficient substitute for rock basis.

That question was to a degree inquired into by the Committee on Interoceanic Canals, of which I am a member, and to the extent that it was then developed I will say frankly it seemed to be satisfactory. Since then, however, I notice in the public press that there is still doubt as to whether a dam at Gatun is feasible, and that this matter will be determined sometime this year after a personal examination is made at Panama by the Secretary of War.

Mr. HOPKINS. Mr. President——

Mr. CULBERSON. I therefore suggest to the Senator from South Carolina to add to his resolution that the President be requested, if not in his judgment incompatible with the public interest, to send to the Senate the official correspondence with reference to this extremely important matter.

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

Mr. CULBERSON. That is all I have to say. I yield the floor.

Mr. HOPKINS. I wish to say to the Senator from Texas that after those suggestions were published in the newspapers, the chief engineer sent a dispatch saying that there was nothing to it, and that further investigations had simply confirmed the earlier reports that the foundation is ample at Gatun.

Mr. CULBERSON. I have already stated that the inquiry made by the committee appeared to be satisfactory, there being correspondence with the chief engineer of the organization, but since then I notice that there is a proposition to examine further into the question by the Secretary of War.

Mr. HOPKINS. My understanding is that the chief engineer, Mr. Stevens, had his attention called to what has already been stated by the Senator from Texas, and that he reported that further investigations made at Gatun simply confirmed the judgment that was originally entertained, that the foundations are ample to sustain the dam which it is proposed to construct at that point.

Mr. President, I ask that the resolution may go over under the rule.

The VICE-PRESIDENT. The resolution will lie over under the rule.

Mr. CARMACK. I beg the Senator to withhold his objection for a moment.

Mr. HOPKINS. Very well.

Mr. LODGE and others. Regular order!

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

Mr. CARMACK. Yes, sir; I wish to say just a word upon the resolution offered by the Senator from South Carolina.

The VICE-PRESIDENT. Is there objection?

Mr. McCUMBER. Will the Senator yield to me for morning business for a moment?

Mr. CARMACK. I shall occupy only three minutes.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the Senator from Tennessee will proceed.

Mr. CARMACK. I wish to say, Mr. President, that I had prepared a resolution of the same character as that offered by the Senator from South Carolina [Mr. TILLMAN]. I think it better, however, that it should come from the Senator from South Carolina than from me, because he will be here, as I will not, to take part in the subsequent proceedings in this matter, if there should be any.

I merely wish to say that it seems to me Mr. Oliver has received very harsh and unjust measure from this Administration. He is a contractor who stands for ability second to no other contractor in the United States or in the world. He made the lowest bid. He complied with every condition that was required of him. He made all the proper organization. He made all the financial arrangements. He expended about $35,000 or $40,000 of his own money in doing so; and then at the last he has his bid rejected for no good reason, so far as the public knows.

I hope, therefore, that the resolution of the Senator from South Carolina will be adopted.

WILLIAM N. BRONSON.

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 the bill (S. 7822) entitled "An act granting an increase of pension to William N. Bronson."

NICHOLAS M. HAWKINS.

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 the bill (S. 5623) entitled "An act granting an increase of pension to Nicholas M. Hawkins."

TRAFFIC BY EXPRESS COMPANIES.

Mr. BURKETT. If the morning business is closed, I desire to call up a resolution on the table that went over yesterday.

Mr. LODGE. I call attention to the fact that the morning hour has expired.

The VICE-PRESIDENT. The morning hour has expired, but the Senator from Nebraska is recognized to present a request to the Senate. Is there objection to the request?

Mr. KEAN. What is the request?

The VICE-PRESIDENT. That the resolution submitted yesterday by the Senator from Nebraska may be now called up. Is there objection to the request?

Mr. BURKETT. It is a resolution for information, I will say to the Senator.

Mr. KEAN. I think it had better go over.

Mr. BURKETT. It has come over from yesterday.

The VICE-PRESIDENT. It would have been laid before the Senate before the morning hour closed had the opportunity occurred.

Mr. KEAN. I thought it was a resolution ordering an investigation.

Mr. BURKETT. It calls for some information from the Interstate Commerce Commission.

Mr. KEAN. But we have nothing from the Interstate Commerce Commission to show that they have any funds on hand to conduct the investigation.

Mr. BURKETT. If the Senator will just withhold the objection a minute, I will explain briefly the object of the resolution.

Mr. KEAN. Certainly.

Mr. BURKETT. Mr. President, I ask the Senate to give attention to this resolution because it is of enough importance, it seems to me.

Mr. ALDRICH. Has the resolution been read?

The VICE-PRESIDENT. The resolution was read yesterday. It has not been read to-day.

Mr. ALDRICH. Reading yesterday, I suggest, does not give the Senate any information now. I ask that it be read, subject to objection. It can be taken up by unanimous consent, I suppose.

The VICE-PRESIDENT. It can be taken up by unanimous consent or on motion.

Mr. ALDRICH. I ask that it be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. BURKETT, as follows:

Whereas on January 4, 1907, at Kansas City, Mo., the Western Fruit Jobbers' Association, in convention assembled, charged that the American Express Company, Adams Express Company, United States Express Company, Pacific Express Company, and Wells-Fargo Express Company are unlawfully engaged, especially in the West, in the business of buying, selling, and handling on consignment fruit, vegetables, and oysters, thus coming into direct competition with merchants and jobbers engaged in such business; that no such business is contemplated or sanctioned in their articles of incorporation, but is contrary to and in violation of the powers legally conferred upon them; that the trafficking in merchandise which they transport is an illegitimate business for express companies to engage in, and is destructive of the legitimate business of fruit jobbers and produce merchants; that it gives opportunity for covering up discriminations, the payment of rebates, and unlawful practices, and that said express companies have increased and are increasing their charges for the transportation of fruits, produce, and other merchandise to an unreasonable extent, to the detriment of growers, shippers, and consumers; and

Whereas the said Western Fruit Jobbers' Association, at the time and place mentioned, by resolutions duly adopted, not only condemned and denounced as injurious and unlawful the contest for business between express companies and merchants engaged in legitimate trade in fruit, produce, and oysters, but demanded that a vigorous and rigorous examination and investigation of the methods and practices adopted and in use by said express companies be instituted by Federal authority, to the end that accurate information may be obtained, abuses and discriminations corrected, and unlawful business prohibited: Therefore, be it

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to inquire, investigate, and report to the Senate—

First. Whether the American Express Company, Adams Express Company, United States Express Company, Pacific Express Company, and Wells-Fargo Express Company, or either of them, are unlawfully engaged, through their local or other agents, in the business of buying, selling, or handling on consignment fruits, vegetables, and oysters entering into interstate commerce.

Second. Whether such business is contemplated or sanctioned by the articles of incorporation of said express companies.

Third. Whether such business is carried on in violation of the provisions of the act to regulate interstate commerce.

Fourth. Whether the carrying on of such business by said express companies is inimical to or destructive of the legitimate business of fruit and produce merchants and gives an unfair advantage to the agents of said express companies, which is used by them to the disadvantage and detriment of legitimate shippers and receivers of fruit and produce.

Fifth. Whether the carrying on of such business gives to said express companies an opportunity to cover up discriminations, to pay rebates, and engage in other unlawful practices.

Sixth. Whether said express companies have increased and are increasing their charges for the transportation of fruits, produce, and other merchandise to an unreasonable extent, to the detriment of growers, shippers, receivers, and consumers of such fruits, produce, and other merchandise.

Seventh. That the Interstate Commerce Commission be required to make the investigation at its earliest possible convenience and to report the facts and its conclusions thereon, together with its recommendations, as soon as it can be done, consistent with the performance of its public duty.

Mr. ALDRICH. Mr. President, I feel constrained to interpose an objection to the further consideration of the resolution. I would not object to a resolution instructing the Interstate Commerce Commission to report the facts, but they are not a court of law and can not tell whether these practices are unlawful. Certainly the Senate ought not to adopt the preamble without any knowledge whatever. I would not object to a plain resolution to inquire as to the facts, but I must object to the present consideration of the resolution.

Mr. BURKETT. I ask the Senator to withhold his objection a moment and perhaps we can amend it. I want to get at the facts. I will say to the Senator that this is a very important matter. The law of last year is being violated it seems in this way, and if the resolution is improper——

Mr. CARTER. Mr. President——

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

Mr. BURKETT. I yield for a question.

Mr. CARTER. I ask the Senator why complaints have not been made as contemplated by law and prosecutions instituted under existing statutory regulations?

Mr. BURKETT. I wish to explain the resolution, and when I get through I will answer any questions.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Nebraska?

Mr. GALLINGER. I ask for the regular order.

Mr. LODGE. I think the messages from the House ought to be laid before the Senate.

The VICE-PRESIDENT. Objection is made.

Mr. BURKETT. I ask if the Senator is going to object to my explaining briefly the object of the resolution.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Nebraska to make an explanation? The Chair hears none. The Senator from Nebraska will proceed.

Mr. BURKETT. Mr. President, I try not to introduce any resolution here where the inquiry is not a proper one, and if this resolution is not in proper form I want the Senate to amend it. As it is drawn up it may be very improper in form, but the facts are what I am after. All over the country the complaint is being made by producers and shippers and by commission merchants that the express companies are going into the business of selling and buying commodities and produce.

The producers have taken up the matter, and they have protested to the express companies. The express companies have curtly replied to them that there is nothing to be done in the matter; but they admit, as I shall show, that they do the business. In this I contend that they are violating the intent and purpose of the law that we passed last winter.

When the charge was first made it appeared to me to be very ridiculous, and I ask the attention of those Senators who are objecting to the resolution. I realize that if anything comes up in this body that looks toward the correcting of any particular abuses, there is always somebody who is alarmed about it. I am not going to run away with the railroads or the express companies, but I do know that the people of this country are entitled to some consideration in a matter of this kind. I simply want to present the matter to the Senate.

When the charges were made that the express companies were going out and buying orchards in some localities and putting the products of that community into the market and then putting a rate over another community so high that that community could not possibly get its apples or products into that market, it occurred to me, as I said, to be a ridiculous proposition that any express company or any other transportation company should be so shortsighted, after all the trouble these transportation companies have had and that Congress has had to adjust this matter of transportation. And I may say for a long time I could not believe that that thing was possible. It seemed to me so wholly aside from their business that I could not believe it.

But the other day this letter came to me, signed by the superintendent of the Adams Express Company. It is addressed to the secretary of the Western Fruit Jobbers' Association. Let me say that last spring, at Kansas City, when the Western Fruit Jobbers' Association met they passed the resolutions, in substance, that are recited in the preamble of this resolution, saying that the express companies were buying poultry, apples, and all sorts of products and handling them; buying them and selling them to the detriment of the producers and consumers and the commission merchants. Now, let me read just a few lines from the letter that I referred to of Mr. Zimmerman, the superintendent of the Adams Express Company, in his reply to this secretary urging them to desist from this sort of business.

> Other express companies go into the business regularly, buying and selling. Are you moving against them as strenuously as you are against us in proportion to the competition with your association as represented by the methods of this company and others?

Now, Mr. President, I have here another important matter that I want to read in part. It is a card sent out by the American Express Company. Note what it says:

> American Express Company's order and commission department purchases or obtains any article for patrons at any place where the company has an agency, in the United States, Canada, or Europe, etc.

I have here a card sent out by the Pacific Express Company, and it says:

> Prices quoted below are on first-class goods and from local dealers, who are constant shippers of express.

And then quotes the prices of dressed poultry, live poultry, and butter, etc.

I have here also a document sent out by the American Express Company quoting prices of all sorts of produce. I do not want to detain the Senate very long, and I am not going into this matter in detail unless it shall come up for consideration properly; but I desire to present some of the facts, that the Senate may know the importance of the resolution.

I have here from the Wells-Fargo Express Company a price list sent out of oysters of all kinds, and also telling where they can get all kinds of oysters, to which agent to send, for this kind of oysters and the other.

I have in my hand also a circular which the Senate can see [exhibiting], a price list of four pages of various kinds of products in the country, by the American Express Company. I desire to read just a little from it to show what character of business they are doing.

> Agents of this company should familiarize themselves and comply with the following instructions:
>
> "Through our order and commission department we aim to find a market for the producer and shipper and a supply for the dealer, and by applying a few of your efforts through this department you can increase the earnings of your office to a large degree."

Now, let me call the attention of the Senate to what I have here—proof that they hire these agents and give them a commission on the business they do, and instruct them to buy orchards and sell apples. I have one letter here showing how they make a special rate, for example, from a town in Texas to a town in Iowa. It was a cheaper rate than they gave from a nearer town in Texas, because they bought the orchards in the vicinity of that one town.

Now, notice further—

> These price lists are issued and mailed at intervals from office of the traffic department, and are worthy of your careful attention and prompt action.

Notice a little further. This is the circular letter written by the traffic and commission department to the agents of the United States Express Company—

> See that your dealers receive a list of our quotations at earliest convenience, solicit their orders, and forward same to agent at shipping point.

A little further on it says:

> Any printed matter desired by our agents to increase their business through this department will be printed for them upon receipt of a copy of what is wanted.

A little further on it says:

> For further instructions, apply to superintendent of traffic.

Now, here in this same circular we find the following:

OYSTER SEASON IS OPEN.

Below we give the names of a few shipping points. Our agents there will receive your orders.

Now, notice—

Baltimore, Md.; Annapolis, Md.; Loreley, Md.; New York City, Greatkills, N. Y.

And other places.

Mr. ALDRICH. Mr. President——

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

Mr. BURKETT. I do.

Mr. ALDRICH. I withdrew my objection to this resolution on the statement of the Senator from Nebraska that he desired to make a short explanation. It strikes me that he is discussing the merits of this proposition at some length; and I suggest that that discussion be postponed until we get the resolution properly before the Senate.

Mr. BURKETT. Let me just close in a few words. I wanted to show the necessity of this resolution with a view that the Senate might consent to go on and perfect the resolution if it needed it and send it to the Interstate Commerce Commission.

Mr. ALDRICH. I am willing to perfect it now, if the Senator will permit—perfect it by striking out the preamble and all the resolutions except the first one, and making it read as follows:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to inquire, investigate, and report to the Senate—

First. Whether the American Express Company, Adams Express Company, United States Express Company, Pacific Express Company, and Wells-Fargo Express Company, or either of them, are engaged—

Not "unlawfully engaged," for that is a judicial question—

through their local or other agents, in the business of buying, selling, or handling on consignment fruits, vegetables, and oysters entering into interstate commerce.

That is all there is of this proposition, except verbiage. I am willing that the resolution which I have just read shall pass, and, so far as I am concerned, I am willing that it shall pass now.

Mr. BURKETT. Mr. President, let the resolution be put in the form suggested by the Senator from Rhode Island. Certainly the preamble should go out. There is no question about that. The Senator is correct in that respect.

Mr. CLAPP. While the resolution is being amended, I ask the Vice-President to lay before the Senate a communication which is now on the table received from the House of Representatives.

Mr. CULBERSON. I have been trying for an hour and a half to secure the attention of the Chair to present morning business.

Mr. ALDRICH. Morning business has closed.

Mr. LODGE. Morning business has closed; the time for it has expired.

Mr. CULBERSON. The Chair has not announced that morning business has closed.

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

Mr. CULBERSON. I do.

The VICE-PRESIDENT. The Chair will recognize the Senator later.

Mr. LODGE. Mr. President, morning business closed at 1 o'clock.

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

Mr. BURKETT. Is there——

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

Mr. CULBERSON. I have been trying to introduce a resolution.

The VICE-PRESIDENT. Debate is out of order pending the calling of the roll.

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

Aldrich	Culberson	Kean	Pettus
Ankeny	Daniel	Latimer	Piles
Bacon	Dick	Lodge	Rayner
Berry	Dillingham	Long	Scott
Beveridge	Dubois	McCreary	Smith
Brandegee	Du Pont	McCumber	Spooner
Bulkeley	Elkins	McLaurin	Sutherland
Burkett	Flint	Mallory	Teller
Burnham	Foraker	Millard	Tillman
Carmack	Frazier	Nixon	Warner
Carter	Frye	Overman	Warren
Clapp	Gallinger	Patterson	Wetmore
Clark, Mont.	Hale	Penrose	Whyte
Clay	Hemenway	Perkins	

The VICE-PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present. Is there objection made to further——

Mr. BURKETT. I think, Mr. President, I now have the resolution in a form in which the Senator from Rhode Island [Mr. ALDRICH] will agree to it.

Mr. LODGE. I ask for the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Massachusetts objects.

Mr. GALLINGER. I ask, Mr. President, that the message from the House——

Mr. BURKETT. I had the floor, had I not, Mr. President? I had asked unanimous consent to make some remarks.

The VICE-PRESIDENT. The Chair so understood, and recognized the Senator from Nebraska to do so.

Mr. BURKETT. And I can not be taken off the floor, can I, by an objection?

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. The Senator from Massachusetts.

Mr. LODGE. Mr. President, I have no interest in this thing one way or the other; but here are Senators in the last forty-eight hours of the session waiting with conference reports and asking to call up House messages. It is now twenty-five minutes past the morning hour, and it seems to me the immediate business of the Senate is to transact business which is pending between the Houses. That is the only interest I have in it.

The VICE-PRESIDENT. The Senator from Nebraska occupies the floor by unanimous consent; the Senator from New Hampshire took the floor upon a message from the House of Representatives, but yielded for morning business only. The Senator from Nebraska occupies the floor subject to the right of the Senator from New Hampshire to resume it.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. I ask that the message from the House of Representatives relating to the ship-subsidy bill be laid before the Senate.

Mr. BURKETT. Mr. President——

CREDENTIALS.

Mr. CLAY. I rise to a question of privilege.

The VICE-PRESIDENT. The Senator from Georgia rises to a question of privilege, which he will state.

Mr. CLAY. I desire to present the credentials of my colleague [Mr. BACON] as a Senator from the State of Georgia for the term commencing March 4 next, and I ask that they be read and properly filed.

Mr. BURKETT. Mr. President, before we get by this, I desire to move to take up the resolution I have offered.

The VICE-PRESIDENT. The Senator from New Hampshire [Mr. GALLINGER] rose nearly an hour ago to call up a House message and withdrew his request that the message be laid before the Senate in order that morning business might be presented.

Mr. BURKETT. What is the business?

The VICE-PRESIDENT. It is a message from the House of Representatives. The Senator from Georgia now presents a privileged matter, which is the credentials of his colleague.

Mr. ALDRICH. I suggest that the credentials be referred to the Committee on Privileges and Elections.

Mr. FORAKER. I object, Mr. President. I hope that will not be done.

The VICE-PRESIDENT. Objection is made, and the Secretary will read the credentials.

The Secretary read the credentials, as follows:

STATE OF GEORGIA, EXECUTIVE DEPARTMENT, ATLANTA.

I, Joseph M. Terrell, governor of the State of Georgia, by virtue of the authority in me vested by subdivision 2 of section 3 of Article I of the Constitution of the United States, by reason of a vacancy happening from the expiration of the term of Hon. AUGUSTUS O. BACON as United States Senator from the State of Georgia on the 3d day of March, 1907, and during the recess of the legislature of said State, do hereby make temporary appointment of AUGUSTUS O. BACON, of Macon, Bibb County, Ga., who is duly qualified therefor under the Constitution of the United States, to be a Senator in the Congress of the United States from the State of Georgia from the 4th day of March, 1907, until the next meeting of the legislature, in accordance with the Constitution and laws of the United States.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Georgia to be affixed at Atlanta, the capital, this 1st day of March, 1907.

[SEAL.] JOSEPH M. TERRELL, *Governor*.

By the governor:

PHILIP COOK,
Secretary of State.

Mr. FORAKER. I ask that the credentials be placed on file.

The VICE-PRESIDENT. The credentials will be filed.

PRESIDENTIAL APPROVALS.

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

On February 28:

S. 1622. An act granting a pension to Jane Agnew;

S. 1896. An act granting a pension to Smith Bledsoe;

S. 3495. An act granting a pension to Joseph H. Boucher;
S. 4762. An act granting a pension to Mary A. Brady;
S. 6093. An act granting a pension to Hester A. Coller;
S. 6724. An act granting a pension to Mary W. Granniss;
S. 7064. An act granting a pension to Edward T. Blodgett;
S. 7078. An act granting a pension to Daniel Schaffner;
S. 7129. An act granting a pension to Susan J. Chandler;
S. 7. An act granting an increase of pension to Edwin B. Lufkin;
S. 12. An act granting an increase of pension to Nancy Littlefield;
S. 161. An act granting an increase of pension to Ruth E. Rogers;
S. 177. An act granting an increase of pension to Alvah D. Wilson;
S. 435. An act granting a pension to Luther H. Canfield;
S. 463. An act granting an increase of pension to Justin C. Kennedy;
S. 496. An act granting an increase of pension to Lewis Young;
S. 570. An act granting an increase of pension to John W. Crane;
S. 588. An act granting an increase of pension to Priscilla L. Hamill;
S. 883. An act granting an increase of pension to Thomas A. Willson;
S. 913. An act granting an increase of pension to Charles E. Foster;
S. 990. An act granting an increase of pension to Relf Bledsoe;
S. 1136. An act granting an increase of pension to Warren W. Whipple;
S. 1261. An act granting an increase of pension to Edwin P. Richardson;
S. 1299. An act granting an increase of pension to Ludwig Schultz;
S. 1515. An act granting an increase of pension to Elizabeth Strong;
S. 1520. An act granting an increase of pension to Laura M. Freeman;
S. 1526. An act granting an increase of pension to Theodore W. Gates;
S. 1350. An act granting an increase of pension to Michael Cullen;
S. 1935. An act granting an increase of pension to Charles Church;
S. 1980. An act granting an increase of pension to Mary O. Foster;
S. 2083. An act granting an increase of pension to Asa K. Harbert;
S. 2109. An act granting an increase of pension to Elisha T. Arnold;
S. 2181. An act granting an increase of pension to Mary G. Potter;
S. 2285. An act granting an increase of pension to William W. Herrick;
S. 2315. An act granting an increase of pension to William T. Graffan, alias William Rivers;
S. 2336. An act granting an increase of pension to Annie E. Smith;
S. 2387. An act granting an increase of pension to Harvey Smith;
S. 2394. An act granting an increase of pension to John A. J. Taylor;
S. 2502. An act granting an increase of pension to Stephen M. Fitzwater;
S. 2729. An act granting an increase of pension to Robert J. Henry;
S. 2743. An act granting an increase of pension to Daniel B. Morehead;
S. 2748. An act granting an increase of pension to Joel R. Smith;
S. 2792. An act granting an increase of pension to John W. Ogan;
S. 2954. An act granting an increase of pension to Hanna Welch;
S. 2971. An act granting an increase of pension to Henry O. Bennum;
S. 3197. An act granting an increase of pension to Hiram Focht;
S. 3266. An act granting an increase of pension to William P. McKeever;
S. 3267. An act granting an increase of pension to George C. Veile;
S. 3268. An act granting an increase of pension to Jacob A. Ward;
S. 3275. An act granting an increase of pension to Thomas J. Harrison;
S. 3432. An act granting an increase af pension to Samuel Ellis;
S. 3434. An act granting an increase of pension to Charles M. Canfield;
S. 3435. An act granting an increase of pension to Rowland Saunders;
S. 3446. An act granting an increase of pension to Anna M. Woodbury;
S. 3527. An act granting an increase of pension to Samuel S. Watson;
S. 3552. An act granting an increase of pension to Joseph P. Wilcox;
S. 3563. An act granting an increase of pension to Orin D. Sisco;
S. 3652. An act granting an increase of pension to Sallie Noble;
S. 3672. An act granting an increase of pension to Daniel R. Emery;
S. 3852. An act granting an increase of pension to Levi W. Curtis;
S. 3929. An act granting an increase of pension to Ellen L. Stoughton;
S. 3997. An act granting an increase of pension to Jacob Berry;
S. 3998. An act granting an increase of pension to Thomas Warner;
S. 4008. An act granting an increase of pension to Charles B. Saunders;
S. 4028. An act granting an increase of pension to Ann H. Barnes;
S. 4208. An act granting an increase of pension to Charles V. Nash;
S. 4461. An act granting an increase of pension to Thomas S. Elsberry;
S. 4501. An act granting an increase of pension to Horatio S. Brewer;
S. 4559. An act granting an increase of pension to John A. Wagner;
S. 4531. An act granting an increase of pension to Levi M. Stephenson;
S. 4562. An act granting an increase of pension to Henry Stegman;
S. 4580. An act granting an increase of pension to William Hale;
S. 4629. An act granting an increase of pension to Mary Jane Miller;
S. 4693. An act granting an increase of pension to Irvin M. Hill;
S. 4865. An act granting an increase of pension to James W. Muncy;
S. 4873. An act granting an increase of pension to D. Laning Ross;
S. 4875. An act granting an increase of pension to Nathan S. Wood;
S. 4890. An act granting an increase of pension to Lorin N. Hawkins;
S. 4936. An act granting an increase of pension to Jacob Grell;
S. 4958. An act granting an increase of pension to William W. Duffield;
S. 5970. An act granting an increase of pension to Julia A. Horton;
S. 5981. An act granting an increase of pension to John H. La Vaque;
S. 5992. An act granting an increase of pension to Franklin Craig;
S. 6044. An act granting an increase of pension to John H. Arnold;
S. 6076. An act granting an increase of pension to John McKnight;
S. 6103. An act granting an increase of pension to William P. Visgar;
S. 6127. An act granting an increase of pension to John R. Callender;
S. 6140. An act granting an increase of pension to Julia A. Birge;
S. 6177. An act granting an increase of pension to Louisa Anne Morton;
S. 6245. An act granting an increase of pension to Susan Mahany;

S. 6281. An act granting an increase of pension to Joseph C. Bowker;
S. 6319. An act granting an increase of pension to Angus Fraser;
S. 6380. An act granting an increase of pension to Josiah B. Kinsman;
S. 6467. An act granting an increase of pension to John M. Smith;
S. 6475. An act granting an increase of pension to Harvey Key;
S. 6518. An act granting an increase of pension to William H. Stiles;
S. 6531. An act granting an increase of pension to Francis A. Dory;
S. 6567. An act granting an increase of pension to George C. Gibson;
S. 6570. An act granting an increase of pension to George W. Cole;
S. 6606. An act granting an increase of pension to Alexander Sholl;
S. 6609. An act granting an increase of pension to John Shank;
S. 6610. An act granting an increase of pension to Isaac Johnson;
S. 6612. An act granting an increase of pension to George H. McClung;
S. 6616. An act granting an increase of pension to Jacob P. Crooker;
S. 6634. An act granting an increase of pension to John P. Murray;
S. 6635. An act granting an increase of pension to John A. Morris;
S. 6652. An act granting an increase of pension to Hiram H. Lockwood;
S. 6663. An act granting an increase of pension to Thomas M. Chase;
S. 6665. An act granting an increase of pension to Samuel B. T. Goodrich;
S. 6669. An act granting an increase of pension to Timothy B. Lewis;
S. 6672. An act granting an increase of pension to Hannah Peavey;
S. 6702. An act granting an increase of pension to Charles E. Du Bois;
S. 6711. An act granting an increase of pension to Harvey B. F. Keller;
S. 6713. An act granting an increase of pension to James L. Short;
S. 6726. An act granting an increase of pension to Mary A. Jackson;
S. 6731. An act granting an increase of pension to Elizabeth H. Rice;
S. 6734. An act granting an increase of pension to John C. Snell;
S. 6774. An act granting an increase of pension to James B. Hackett;
S. 6768. An act granting an increase of pension to John E. Hayes;
S. 6818. An act granting an increase of pension to John E. Anthony;
S. 6838. An act granting an increase of pension to Samuel Shepherd;
S. 6899. An act granting an increase of pension to George H. Nye;
S. 6909. An act granting an increase of pension to William H. Adams;
S. 6910. An act granting an increase of pension to George F. Chamberlin;
S. 6911. An act granting an increase of pension to George A. Boyle;
S. 6912. An act granting an increase of pension to James G. Harvey;
S. 6913. An act granting an increase of pension to Samuel C. Murdough;
S. 6952. An act granting an increase of pension to Martin A. Rubert;
S. 6954. An act granting an increase of pension to Henry Matter;
S. 6955. An act granting an increase of pension to Abram W. Vandel;
S. 6956. An act granting an increase of pension to Eli Ford, alias Jacob Butler;
S. 6962. An act granting an increase of pension to Franklin Rust;
S. 6970. An act granting an increase of pension to Alonzo W. Fuller;
S. 6996. An act granting an increase of pension to John Snyder;
S. 7004. An act granting an increase of pension to Edward G. Burnet;
S. 7021. An act granting an increase of pension to Hugh K. McJunkin;
S. 7038. An act granting an increase of pension to William Curran;
S. 7039. An act granting an increase of pension to Robert Hamilton;
S. 7044. An act granting an increase of pension to Sylvester O. Pevear;
S. 7054. An act granting an increase of pension to Charles H. Clapp;
S. 7058. An act granting an increase of pension to Gilbert Bailie;
S. 7061. An act granting an increase of pension to Hugh McNaughton;
S. 7063. An act granting an increase of pension to William T. Hastings;
S. 7068. An act granting an increase of pension to Richard B. Hall;
S. 7098. An act granting an increase of pension to Henrietta Teague;
S. 7136. An act granting an increase of pension to Cornelia W. Clay;
S. 7138. An act granting an increase of pension to George H. Allen;
S. 7150. An act granting an increase of pension to John Bell;
S. 7154. An act granting an increase of pension to Samuel A. Miller;
S. 7168. An act granting an increase of pension to Edward B. Shepherd;
S. 7171. An act granting an increase of pension to Margaret Holden;
S. 7194. An act granting an increase of pension to Lawrence Over;
S. 7196. An act granting an increase of pension to William H. Hubbard;
S. 7218. An act granting an increase of pension to Samuel D. Thompson;
S. 7222. An act granting an increase of pension to Sylvester Byrne;
S. 7223. An act granting an increase of pension to Joseph W. Little;
S. 7231. An act granting an increase of pension to Oscar F. Richards;
S. 7237. An act granting an increase of pension to Daniel McConnell;
S. 7244. An act granting an increase of pension to Bessie Sharp Pettit; and
S. 7268. An act granting an increase of pension to Dewayne W. Suydam.

On March 1:

S. 5125. An act granting an increase of pension to Nancy A. E. Hoffman;
S. 5144. An act granting an increase of pension to Morgan H. Weeks;
S. 5171. An act granting an increase of pension to Jennie H. Marshall;
S. 5191. An act granting an increase of pension to Robert H. White;
S. 5261. An act granting an increase of pension to Stephen A. Barker;
S. 5361. An act granting an increase of pension to John H. Peters;
S. 5380. An act granting an increase of pension to Richard Jones;
S. 5383. An act granting an increase of pension to Greenberry B. Patterson;
S. 5400. An act granting an increase of pension to John A. Chase;
S. 5420. An act granting an increase of pension to Thomas W. Gilpatrick;
S. 5423. An act granting an increase of pension to William M. Tinsley;
S. 5456. An act granting an increase of pension to Marcellus Cash;
S. 5457. An act granting an increase of pension to Albert Teets;
S. 5558. An act granting an increase of pension to George Payne;

S. 5578. An act granting an increase of pension to Sheffield L. Sherman, jr.;
S. 5621. An act granting an increase of pension to Frederick Buehrle;
S. 5681. An act granting an increase of pension to William Grant;
S. 5692. An act granting an increase of pension to Margaret E. Craigo;
S. 5718. An act granting an increase of pension to William D. Hoff;
S. 5724. An act granting an increase of pension to George C. Saul;
S. 5730. An act granting an increase of pension to William O. Spelman;
S. 5752. An act granting an increase of pension to Ruth M. Hoag;
S. 5756. An act granting an increase of pension to Charles A. Bell;
S. 5782. An act granting an increase of pension to Octave L. F. E. Fariola;
S. 5813. An act granting an increase of pension to Marshall T. Kennan;
S. 5884. An act granting an increase of pension to Cyrus Palmer;
S. 5940. An act granting an increase of pension to Henry Bittleston;
S. 7272. An act granting an increase of pension to George W. Cook;
S. 7283. An act granting an increase of pension to William T. Cooper;
S. 7305. An act granting an increase of pension to Robert K. Leech;
S. 7329. An act granting an increase of pension to Nathaniel Lewis Turner;
S. 7334. An act granting an increase of pension to Joshua T. Jellison;
S. 7341. An act granting an increase of pension to Menzo S. Bishop;
S. 7344. An act granting an increase of pension to Clara T. Coleman;
S. 7355. An act granting an increase of pension to William McHenry Plotner;
S. 7357. An act granting an increase of pension to Levi S. Bailey;
S. 7373. An act granting an increase of pension to Jeremiah Thomas;
S. 7379. An act granting an increase of pension to Mary E. Dougherty;
S. 7380. An act granting an increase of pension to Andrew J. Harris;
S. 7394. An act granting an increase of pension to Henrietta C. Cooley;
S. 7427. An act granting an increase of pension to George L. Danforth;
S. 7452. An act granting an increase of pension to Thomas Harrop;
S. 7470. An act granting an increase of pension to William F. Burnett;
S. 7473. An act granting an increase of pension to John M. Gilliland;
S. 7476. An act granting an increase of pension to Oliver S. Boggs;
S. 7477. An act granting an increase of pension to Patrick Cooney;
S. 7478. An act granting an increase of pension to William H. Brown;
S. 7479. An act granting an increase of pension to George L. Corey;
S. 7480. An act granting an increase of pension to John Bowen;
S. 7481. An act granting an increase of pension to Alanson W. Edwards;
S. 7482. An act granting an increase of pension to Wilford Herrick;
S. 7483. An act granting an increase of pension to Marinda D. Beery;
S. 7485. An act granting an increase of pension to Lester M. P. Griswold;
S. 7491. An act granting an increase of pension to Anna V. Blaney;
S. 7493. An act granting an increase of pension to George Arthur Tappan;
S. 7503. An act granting an increase of pension to George W. Baker;
S. 7504. An act granting an increase of pension to David Decker;
S. 7509. An act granting an increase of pension to William T. Bennett;
S. 7531. An act granting an increase of pension to William F. Letts;
S. 7532. An act granting an increase of pension to Joseph Kiichli;
S. 7533. An act granting an increase of pension to Orvil Dodge;
S. 7553. An act granting an increase of pension to Adolphus P. Clark;
S. 7555. An act granting an increase of pension to James T. Piggott;
S. 7561. An act granting an increase of pension to Charles A. Woodward;
S. 7567. An act granting an increase of pension to William Booth;
S. 7570. An act granting an increase of pension to George W. Hapgood;
S. 7572. An act granting an increase of pension to Warren M. Fales;
S. 7574. An act granting an increase of pension to Emily J. Larkham;
S. 7598. An act granting an increase of pension to Jesse C. Newell;
S. 7604. An act granting an increase of pension to John M. Morgan;
S. 7605. An act granting an increase of pension to Judiah B. Smithson;
S. 7606. An act granting an increase of pension to Samuel Reeves;
S. 7609. An act granting an increase of pension to Thomas Strong;
S. 7610. An act granting an increase of pension to Frederick Kurz;
S. 7616. An act granting an increase of pension to Ezekiel C. Ford;
S. 7622. An act granting an increase of pension to George K. Taylor;
S. 7628. An act granting an increase of pension to John P. Wildman;
S. 7632. An act granting an increase of pension to Elias W. Garrett;
S. 7634. An act granting an increase of pension to Charles Shattuck;
S. 7636. An act granting an increase of pension to Samuel M. Breckenridge;
S. 7642. An act granting an increase of pension to Oliver H. P. Rhoads;
S. 7655. An act granting an increase of pension to Francis G. Brown;
S. 7657. An act granting an increase of pension to Harman Grass;
S. 7666. An act granting an increase of pension to True Sanborn, jr.;
S. 7668. An act granting an increase of pension to Henry H. Buzzell;
S. 7671. An act granting an increase of pension to Charles H. Alden;
S. 7678. An act granting an increase of pension to Joseph Kennedy;
S. 7679. An act granting an increase of pension to George M. Shaffer;
S. 7683. An act granting an increase of pension to William Wakefield;
S. 7685. An act granting an increase of pension to Albion W. Tebbetts;
S. 7696. An act granting an increase of pension to Zadok K. Judd;
S. 7708. An act granting an increase of pension to Sue A. Brockway;
S. 7722. An act granting an increase of pension to Henderson Stanley;
S. 7745. An act granting an increase of pension to Frederick Wood;
S. 7763. An act granting an increase of pension to Jacob S. Hawkins;
S. 7764. An act granting an increase of pension to Davis Gilborne;
S. 7768. An act granting an increase of pension to Alonzo P. Mann;
S. 7782. An act granting an increase of pension to Henry F. Reuter;

S. 7785. An act granting an increase of pension to Carlo J. Emerson;
S. 7786. An act granting an increase of pension to Chauncey M. Snow;
S. 7803. An act granting an increase of pension to William H. Long;
S. 7818. An act granting an increase of pension to Edward Bird;
S. 7820. An act granting an increase of pension to Benjamin B. Cravens;
S. 7825. An act granting an increase of pension to Garret P. Rockwell;
S. 7830. An act granting an increase of pension to Wilbur A. Stiles;
S. 7831. An act granting an increase of pension to William H. Grandaw;
S. 7838. An act granting an increase of pension to Ole Gunderson;
S. 7841. An act granting an increase of pension to Frank De Noyer;
S. 7842. An act granting an increase of pension to Evarts C. Stevens;
S. 7843. An act granting an increase of pension to Isaac Oakman;
S. 7862. An act granting an increase of pension to Elias Laughner;
S. 7870. An act granting an increase of pension to Albert Bennington;
S. 7872. An act granting an increase of pension to Gilbert H. Keck;
S. 7877. An act granting an increase of pension to Thomas B. Marsh;
S. 7878. An act granting an increase of pension to Richard J. Gibbs;
S. 7880. An act granting an increase of pension to Sarah E. Stockton;
S. 7890. An act granting an increase of pension to Henry Zacher, alias Charles Stein;
S. 7895. An act granting an increase of pension to William Wallace;
S. 7903. An act granting an increase of pension to Catherine De Rosset Meares;
S. 7907. An act granting an increase of pension to Wilkison B. Ross;
S. 7912. An act granting an increase of pension to Eleanor P. Bigler;
S. 7915. An act granting an increase of pension to Mary M. Howell;
S. 7918. An act granting an increase of pension to Royal T. Melvin;
S. 7923. An act granting an increase of pension to William H. Brady;
S. 7930. An act granting an increase of pension to Joseph Hare, jr.;
S. 7936. An act granting an increase of pension to Liberty W. Foskett;
S. 7938. An act granting an increase of pension to John W. Messick;
S. 7947. An act granting an increase of pension to Charles G. Sweet;
S. 7948. An act granting an increase of pension to Jane Tate;
S. 7968. An act granting an increase of pension to James Slater;
S. 7983. An act granting an increase of pension to Samuel Dubois;
S. 7993. An act granting an increase of pension to George E. Purdy;
S. 7995. An act granting an increase of pension to Ashley White;
S. 7996. An act granting an increase of pension to Robert B. Lucas;
S. 8005. An act granting an increase of pension to Garrett F. Cowan;
S. 8006. An act granting an increase of pension to Epaminondas P. Thurston;
S. 8015. An act granting an increase of pension to Samuel B. Hunter;
S. 8017. An act granting an increase of pension to Watson L. Corner;
S. 8023. An act granting an increase of pension to Harry N. Medbury;
S. 8034. An act granting an increase of pension to Jacob M. F. Roberts;
S. 8038. An act granting an increase of pension to John F. Ackley;
S. 8049. An act granting an increase of pension to Daniel C. Swartz;
S. 8056. An act granting an increase of pension to William H. Fountain;
S. 8064. An act granting an increase of pension to Carloss Trowbridge;
S. 8079. An act granting an increase of pension to Joseph Ickstadt;
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. 8089. An act granting an increase of pension to Mary E. Jacobs;
S. 8090. An act granting an increase of pension to Inger A. Steensrud;
S. 8101. An act granting an increase of pension to Jacob B. Getter;
S. 8104. An act granting an increase of pension to Henry Shelley;
S. 8105. An act granting an increase of pension to Anna Arnold;
S. 8107. An act granting an increase of pension to Leonidas Obenshain;
S. 8120. An act granting an increase of pension to Benjamin T. Woods;
S. 8125. An act granting an increase of pension to Mary O. Cherry;
S. 8144. An act granting an increase of pension to Elizabeth A. Bonner;
S. 8147. An act granting an increase of pension to Ann E. Macy;
S. 8153. An act granting an increase of pension to Henry B. Johnson;
S. 8195. An act granting an increase of pension to Asa E. Swasey;
S. 8196. An act granting an increase of pension to Michael J. Geary;
S. 8197. An act granting an increase of pension to Arabella J. Farrell;
S. 8201. An act granting an increase of pension to Clara A. Keeting;
S. 8207. An act granting an increase of pension to Peter Wedeman;
S. 8215. An act granting an increase of pension to James W. Lendsay;
S. 8225. An act granting an increase of pension to Elizabeth P. Hargrave;
S. 8237. An act granting an increase of pension to Lydia Irvine;
S. 8259. An act granting an increase of pension to Henry B. Love;
S. 8263. An act granting an increase of pension to Martha L. Bohannan;
S. 8278. An act granting an increase of pension to Calvin Herring;
S. 8314. An act granting an increase of pension to James P. Worrell;
S. 8317. An act granting an increase of pension to Annie C. Stephens;
S. 8340. An act granting an increase of pension to Maria L. Philbrick;
S. 8345. An act granting an increase of pension to Frank Holderby, alias Frank Giles;
S. 8347. An act granting an increase of pension to Ervin F. Mann;
S. 8348. An act granting an increase of pension to Cornelius E. Bliss;
S. 8378. An act granting an increase of pension to Eli B. Woodard;
S. 8379. An act granting an increase of pension to Bertha Maria Johnson;
S. 8390. An act granting an increase of pension to Joseph H. Kinsman;
S. 8397. An act granting an increase of pension to Martin Peacock;
S. 8404. An act granting an increase of pension to Nelson W. Jameson;
S. 8407. An act granting an increase of pension to Reuben C. Webb;
S. 8422. An act granting an increase of pension to Overton E. Harris;
S. 8456. An act granting an increase of pension to Margaret Baber;
S. 8469. An act granting an increase of pension to Thomas L. Hewitt;

S. 8485. An act granting an increase of pension to Ann Hudson;

S. 8508. An act granting an increase of pension to Miranda W. Howard;

S. 2011. An act granting a pension to Lucinda L. McCorkle;

S. 7667. An act granting a pension to Henry Lunn;

S. 7670. An act granting a pension to Sarah E. Lungren;

S. 7698. An act granting a pension to Fannie S. Grant;

S. 7772. An act granting a pension to Ellen Dougherty;

S. 7871. An act granting a pension to Catharine Hayes;

S. 8024. An act granting a pension to Susan J. Rogers;

S. 8212. An act granting a pension to Azelia Mittag;

S. 8214. An act granting a pension to Jeremiah Bowman;

S. 8235. An act granting a pension to James H. Huntington;

S. 8258. An act granting a pension to Mary B. Yerington;

S. 8279. An act granting a pension to Edward Dunscomb;

S. 8302. An act granting a pension to Ella B. Morrow;

S. 8349. An act granting a pension to Mary Ellen Van Amringe;

S. 8443. An act granting a pension to Fanny M. Grant;

S. 8511. An act granting a pension to George L. Dancy;

S. 7420. An act granting a pension to Eleanor N. Sherman;

S. 7429. An act granting a pension to Caroline A. Gilmore;

S. 7430. An act granting a pension to Mary F. Johnson;

S. 8451. An act ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz.;

S. 8534. An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof;

S. 7017. An act extending the time for making settlement, final proof, and payment on public lands in certain cases;

S. 6229. An act to authorize the sale of public lands for cemetery purposes;

S. 8435. An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs; and

S. 8533. An act to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa against the Sac and Fox Indians of the Mississippi in Oklahoma and the United States, and for other purposes.

On March 2:

S. 5888. An act authorizing the President to appoint James Carroll a surgeon, with the rank of major, in the United States Army;

S. 8400. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; and

S. 8446. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company.

THE MERCHANT MARINE.

Mr. GALLINGER. I ask the Chair to lay before the Senate the message from the House of Representatives in regard to the ship-subsidy bill.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce; which was to strike out all after the enacting clause and insert:

That the act entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," approved March 3, 1891, be, and hereby is, amended by adding thereto the following section:

"SEC. 10. That the Postmaster-General is hereby authorized and directed to enter into contracts for a term of ten years, with citizens of the United States, for the carrying of mails on steamships hereafter built and registered in the United States, by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof, a majority of the stock of which shall be and shall continue to be owned by citizens of the United States), between ports of the United States and ports on the routes and for the amounts hereinafter prescribed.

"First. From a port or ports of the Atlantic coast of the United States to Brazil, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding $300,000 a year, or for a fortnightly service at a maximum compensation not exceeding $600,000 a year.

"From a port or ports of the United States on the Gulf of Mexico to Brazil on steamships of the United States of not less than 16 knots speed for a monthly service at a maximum compensation not exceeding $300,000 a year, or for a fortnightly service at a maximum compensation not exceeding $600,000 a year.

"Second. From a port or ports of the Atlantic coast of the United States to Argentina, on steamships of the United States of not less than 16 knots speed, for a monthly service at a monthly compensation not exceeding $400,000 a year, or for a fortnightly service at a maximum compensation not exceeding $800,000 a year: *Provided*, That a vessel receiving compensation for mail service pursuant to contract on a voyage on this route shall not also receive compensation for mail service pursuant to contract on said voyage on the first route as described above.

"Third. From a port or ports of the Pacific coast of the United States to the Isthmus of Panama, Peru, and Chile, on steamships of the United States of not less than 16 knots speed, for a monthly service at a maximum compensation not exceeding $300,000 a year, or for a fortnightly service at a maximum compensation not exceeding $600,000 a year: *Provided*, That the requirements of this section as to the rates of speed shall be deemed to be complied with if said rates are developed during a trial of four hours continuous steaming at sea in ordinary weather in water of sufficient depth to make the test a fair and just one and if the vessels are maintained in a condition to develop such speed at any time while at sea in ordinary weather. This trial shall be made under the direction and supervision of a board of naval officers which the Secretary of the Navy shall appoint upon the application of the owner or owners of the vessel to be tested: *And provided further*, That all the provisions of the first nine sections of this act are hereby made applicable in all respects to the services provided for in this section: *Provided, however*, That the specific rates of compensation described in section 5 of this act shall not apply to the services provided for in this section, and that all ordinary repair or overhauling of a steamship employed and paid for carrying mails under this section shall be made in the United States, except in cases where drydocking is necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of said ship when the repairs shall be needed: *Provided*, That subject to the foregoing provisions every contract hereunder shall be awarded to that responsible bidder who will contract under penalties prescribed by the Postmaster-General for the highest running speed between the points named in said contract."

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act in whole or in part whenever in its judgment the public interest shall so require, without, however, impairing in any wise the obligation of any specific contract then in force which shall have been entered into under the provisions of this act.

SEC. 3. That there shall be enrolled, in such manner and under such requirements as the Secretary of the Navy may prescribe, from the officers and men now and hereafter employed in the merchant marine and fisheries of the United States, including the coastwise trade of the Atlantic and Pacific, and the Great Lakes, such officers, petty officers, and men as may be capable of rendering service as members of a naval reserve, for duty in time of war, and who are willing to undertake such service, to be classified in grades and ratings according to their capacity as shown at time of enrollment. No man shall be thus enrolled who is not a citizen of the United States by either birth or naturalization. These members of the Naval Reserve shall be enrolled for a period of four years, during which period they shall be subject to render service on call of the President in time of war. They shall also possess such qualifications, receive such instruction, and be subject to such regulations as the Secretary of the Navy may prescribe. The Secretary of the Treasury is hereby authorized and directed, upon proper audit by the Auditor of the Navy Department, to pay out of any money to be annually appropriated therefor upon estimates to be annually submitted to Congress in the Book of Estimates to such officer, petty officer, or man thus enrolled and employed in the merchant marine or fisheries, including the coastwise trade of the Atlantic and Pacific, and the Great Lakes, as hereinafter provided, an annual retainer as follows: For each officer of the line or Engineer Corps having the rank of lieutenant in the Naval Reserve, $110; for each officer of the line or Engineer Corps having the rank of lieutenant (junior grade) in the Naval Reserve, $90; for each officer of the line or Engineer Corps having the rank of ensign in the Naval Reserve, $80; for each man with a rating of chief petty officer, $70; for each man with a rating of petty officer, first class, $60; for each man with a rating of petty officer, second class, $48; for each man with a rating of petty officer, third class, $40; for each seaman, first class, $36; for each seaman, second class, $30; for each seaman, third class, $24. Such retainer shall be paid at the end of each year of service on certificate, by the Secretary of the Navy, that the member of the Naval Reserve has complied with the regulations and has served for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or fisheries. The total number of officers, petty officers, and men enrolled in the Naval Reserve shall not at any time exceed 10,000.

SEC. 4. That this act shall take effect on July 1, 1907.

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

Mr. BURKETT. Mr. President, I ask for information, is not this a House bill that has come here as a substitute for something or other?

Mr. GALLINGER. "For something or other" that the Senator voted against. He remembers it.

Mr. BURKETT. I am not asking the Senator from New Hampshire. I will say to him that I am asking the Chair whether this is not a House bill?

The VICE-PRESIDENT. It is a Senate bill returned with a House amendment.

Mr. BURKETT. Is it not a House bill as a substitute for a Senate bill?

The VICE-PRESIDENT. It is a House substitute for a Senate bill.

Mr. BURKETT. It is a House substitute for a Senate bill, and I submit, Mr. President, that I have a right to make a motion as a substitute for the motion of the Senator from New Hampshire that the Senate proceed to the consideration of Senate resolution No. 290.

Mr. GALLINGER. I have made my motion, Mr. President.

Mr. BURKETT. I submit, Mr. President, that this is a matter of legislation that has come from the House. I had the

floor by unanimous consent and was taken off by the motion of the Senator from New Hampshire. My motion now is made as a substitute for the motion to take up and consider the House substitute for the Senate bill.

Mr. GALLINGER. Mr. President, I desire simply to observe that the most casual examination of the rule, I think, will reveal the fact that a motion to proceed to the consideration of a message from the House of Representatives is in order.

The VICE-PRESIDENT. The Chair is of that opinion.

Mr. BURKETT. I have only offered a motion as a substitute for that. The Senate can determine what they want to take up, I am sure.

Mr. CULBERSON. Mr. President——

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

Mr. GALLINGER. I yield to the Senator from Texas, briefly.

Mr. CULBERSON. Mr. President, the Senator from New Hampshire was correct in saying that it is in order for him to make the motion he has made, but that does not necessarily make that the motion of precedence.

Mr. GALLINGER. I think if the Senator will——

Mr. CULBERSON. The Senator from Nebraska, who had the floor on a resolution, moves that in lieu of taking up the subsidy bill the Senate proceed to the consideration of resolution No. 290.

Mr. SPOONER. I rise to make a parliamentary inquiry.

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

Mr. SPOONER. What is the question before the Senate?

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire to concur in the amendment made by the House of Representatives to Senate bill No. 529.

Mr. HANSBROUGH. What is the title of the bill?

The VICE-PRESIDENT. "To promote the national defense, to create a naval reserve to establish American ocean mail lines to foreign markets, and to promote commerce."

Mr. SPOONER. Mr. President, that is a very important measure. I am informed that it has been very greatly changed from the bill as it passed the Senate. I think that Senators ought to have an opportunity to familiarize themselves with it, and I ask the Senator from New Hampshire that action on this report may be deferred and that his motion may go over until a time, pending which we can have the bill printed, so that we can read it.

Mr. GALLINGER. Would the Senator from Wisconsin indicate a time?

Mr. SPOONER. Four o'clock, I should say—as soon as the bill can be printed.

Mr. HANSBROUGH. It can be printed in a couple of hours.

Mr. SPOONER. There are some memorial exercises which were fixed, not at a specific hour, but to be taken up before recess or adjournment to-day, that can be accommodated, I suppose, to this situation.

Mr. GALLINGER. I will say, Mr. President, in reference to the interrogatory of the Senator from Wisconsin [Mr. SPOONER], that I want to be entirely courteous, and I want to proceed properly in reference to this matter. I have no disposition to crowd it at all, except that we are nearing the end of the session, and the Senator will agree with me that this is a matter of sufficient importance to be considered.

Mr. SPOONER. And to be understood before it is considered.

Mr. GALLINGER. I agree with the Senator about that. So if the Senator will suggest that the matter go over until the hour of 4 o'clock this afternoon, I will very cheerfully accede to that request.

Mr. SPOONER. I suggest that the printing be rushed.

Mr. GALLINGER. Yes; I will agree to that. Let that, then, be understood.

The VICE-PRESIDENT. What is the request of the Senator from New Hampshire?

Mr. GALLINGER. The Senator from Wisconsin made a request that the further consideration of this matter be postponed until the hour of 4 o'clock this afternoon, and that in the meantime the bill be printed.

Mr. SPOONER. I make that motion, if it is in order.

The VICE-PRESIDENT. The Senator from Wisconsin moves that further consideration of the message of the House of Representatives be postponed until 4 o'clock this afternoon, and that the report be printed.

Mr. PENROSE. Mr. President, I call up the conference report on the bill limiting the hours of railroad employees.

Mr. GALLINGER. This matter is not settled yet.

Mr. PENROSE. Very well; I will wait.

Mr. CARMACK. Mr. President——

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

Mr. GALLINGER. I wish the motion to be put, and I desire to have it understood that the motion to concur in the House amendment shall be pending when it is taken up at 4 o'clock.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Wisconsin.

Mr. CARMACK. I move to amend the motion of the Senator from Wisconsin, so as to postpone it until to-morrow.

Mr. GALLINGER. That is Sunday.

The VICE-PRESIDENT. The Senator from Tennessee moves, as an amendment to the motion of the Senator from Wisconsin, that the consideration of the message and the bill be postponed until to-morrow morning.

Mr. CARMACK. On that I ask for the yeas and nays.

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

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer it to the junior Senator from Iowa [Mr. DOLLIVER] and will vote. I vote "nay."

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY]. I transfer it to my colleague [Mr. PLATT] and will vote. I vote "nay."

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. In his absence I withhold my vote.

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER]. During his absence I withhold my vote on this question.

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR], who is not present. I therefore withhold my vote. If he were present, I should vote "yea."

Mr. McLAURIN (when Mr. MONEY's name was called). My colleague [Mr. MONEY] is unavoidably absent because of sickness. He is paired with the senior Senator from Wyoming [Mr. WARREN]. If my colleague were present, he would vote "yea."

Mr. WARNER (when Mr. STONE's name was called). My colleague is absent by reason of sickness.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not see him in the Chamber. If I were at liberty to vote, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 23, nays 37, as follows:

YEAS—23.

Berry	Culberson	McEnery	Rayner
Blackburn	Daniel	McLaurin	Simmons
Burkett	Dubois	Mulkey	Tallaferro
Carmack	Frazier	Newlands	Teller
Clapp	Latimer	Overman	Whyte
Clay	McCreary	Pettus	

NAYS—37.

Aldrich	Du Pont	Hemenway	Piles
Ankeny	Elkins	Heyburn	Scott
Brandegee	Flint	Hopkins	Smith
Bulkeley	Foraker	Kean	Spooner
Burrows	Frye	Knox	Sutherland
Crane	Fulton	Lodge	Warner
Cullom	Gallinger	Long	Wetmore
Curtis	Gamble	Nixon	
Depew	Hale	Penrose	
Dick	Hansbrough	Perkins	

NOT VOTING—30.

Allee	Clark, Wyo.	McCumber	Platt
Allison	Clarke, Ark.	Mallory	Proctor
Bacon	Dillingham	Martin	Smoot
Bailey	Dolliver	Millard	Stone
Beveridge	Dryden	Money	Tillman
Burnham	Foster	Morgan	Warren
Carter	Kittredge	Nelson	
Clark, Mont.	La Follette	Patterson	

So Mr. CARMACK's amendment was rejected.

Mr. RAYNER. I move, as an amendment to the motion of the Senator from Wisconsin, that the consideration of this matter be postponed until 8 o'clock this evening, instead of 4 o'clock.

The VICE-PRESIDENT. The Senator from Maryland moves, as an amendment to the motion of the Senator from Wisconsin, that the consideration of the pending bill be postponed until 8 o'clock this evening, the motion of the Senator from Wisconsin being to postpone it until 4 o'clock.

Mr. DANIEL. I beg leave to make an observation to the Senate.

The VICE-PRESIDENT. Is there objection to the request

of the Senator from Virginia to make an observation? The Chair hears none.

Mr. DANIEL. I wish to call attention to the fact that three memorial exercises are to take place to-day. I would not think, of course, of calling a matter of that kind to the attention of the Senate to antagonize any measure, but I should like to hear from the Senate as to when it could most conveniently consider that subject.

Mr. SPOONER. I am to participate in the exercises, and I will say to the Senator that that is left entirely open.

Mr. DANIEL. I know it is entirely open, but I wish to call attention to it now that we may agree as to the time when the proceedings shall commence.

Mr. HALE. I think it is proper to state, for the information of the Senate, that I hope to be able to call up the deficiency appropriation bill this afternoon and send it over to the House, and, by staying here perhaps as late as 7 or 8 o'clock, save a night session.

But I think Senators should bear in mind that whatever arrangements are made about the consideration of anything else, ought to be made subordinate to appropriation bills and conference reports. I shall try to keep the Senate out of the disagreeable necessity of a night session by bringing up the bill as soon as we get it from the Printer and giving the Senate an opportunity to pass it some time between now and 7 or 8 o'clock. I repeat that I hope no arrangement will be made for occupying the time except by subordination to the appropriation bills.

Mr. DANIEL. I concur in the sentiment expressed by the Senator from Maine, but at the same time I can not forget that it is a subject of great dignity and solemnity with which we have to deal. For that reason I should like suggestions from other Senators who are to take part in the proceedings as to the hour which will best suit the business of the Senate. Can it be agreed that at 7 or 8 o'clock this evening the memorial exercises shall be proceeded with?

Mr. SPOONER. I should like to inquire of the Senators who have charge of appropriation bills whether it would be objectionable to take up the memorial exercises at 8 or 9 o'clock this evening?

Mr. HALE. I think perhaps the Senator had better wait, because we may dispose of the deficiency bill in two hours or in one hour, and then the memorial exercises can be entered upon.

Mr. DANIEL. I will wait, Mr. President.

Mr. CULBERSON. I desire to inquire if it is in order at this time to move that the pending bill be referred to the Committee on Commerce and printed?

The VICE-PRESIDENT. It would not be in order.

Mr. CULBERSON. At this time?

The VICE-PRESIDENT. At this time. The question is on agreeing to the amendment proposed by the Senator from Maryland to the motion of the Senator from Wisconsin.

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

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

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer the pair to the junior Senator from Iowa [Mr. DOLLIVER], and I desire that that pair shall stand for the day without further announcement. I vote "nay."

Mr. DEPEW (when his name was called). I transfer my pair—and that arrangement will stand during the rest of the day—to my colleague [Mr. PLATT], and I will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER]. That Senator being absent, I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I therefore withhold my vote.

The roll call was concluded.

Mr. PERKINS (after having voted in the negative). I inquire if the Senator from North Carolina [Mr. OVERMAN] has voted?

The VICE-PRESIDENT. He has not.

Mr. PERKINS. I withdraw my vote. I have a general pair with that Senator.

Mr. WARREN. I desire to announce that my colleague [Mr. CLARK of Wyoming] is absent from the Chamber on account of illness and is paired with the Senator from Missouri [Mr. STONE]. Regarding my own pair, an arrangement has been made to transfer it to the Senator from New York [Mr. PLATT], so that the Senator from New York will stand paired with the Senator from Mississippi [Mr. MONEY], and I will vote. I vote "nay."

The result was announced—yeas 23, nays 41, as follows:

YEAS—23.

Berry	Dubois	Mallory	Simmons
Blackburn	Frazier	Mulkey	Taliaferro
Clapp	Latimer	Overman	Teller
Clark, Mont.	McCreary	Patterson	Tillman
Clay	McEnery	Pettus	Whyte
Culberson	McLaurin	Rayner	

NAYS—41.

Aldrich	Dick	Heyburn	Proctor
Ankeny	Du Pont	Hopkins	Scott
Brandegee	Flint	Kean	Smith
Bulkeley	Foraker	Kittredge	Spooner
Burnham	Frye	Knox	Sutherland
Burrows	Fulton	Lodge	Warner
Carter	Gallinger	Long	Warren
Crane	Gamble	Millard	Wetmore
Cullom	Hale	Nixon	
Curtis	Hansbrough	Penrose	
Depew	Hemenway	Piles	

NOT VOTING—26.

Allee	Clark, Wyo.	Foster	Newlands
Allison	Clarke, Ark.	La Follette	Perkins
Bacon	Daniel	McCumber	Platt
Bailey	Dillingham	Martin	Smoot
Beveridge	Dolliver	Money	Stone
Burkett	Dryden	Morgan	
Carmack	Elkins	Nelson	

So Mr. RAYNER's amendment was rejected.

Mr. CARMACK. A parliamentary inquiry, Mr. President.

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

Mr. CARMACK. I should like to know whether, if the motion of the Senator from Wisconsin is adopted and the consideration of this measure is postponed until 4 o'clock, at that time a motion to further postpone would be in order?

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

Mr. CARMACK. I ask whether, if the motion of the Senator from Wisconsin should prevail——

Mr. HALE. Has the roll call been completed, Mr. President?

The VICE-PRESIDENT. It has been completed, and the result announced. The question recurs upon the motion of the Senator from Wisconsin.

Mr. CARMACK. I was making a parliamentary inquiry, whether, if the motion of the Senator from Wisconsin prevails, when the consideration of this measure is resumed on the motion of the Senator from Wisconsin at 4 o'clock, a motion at that time to postpone further the consideration of the matter would be in order.

The VICE-PRESIDENT. The Chair will decide that question when it arises. The question recurs on agreeing to the motion of the Senator from Wisconsin.

Mr. CARMACK. I move to amend the motion of the Senator from Wisconsin by substituting 6 o'clock for 4 o'clock; and on that I ask for the yeas and nays.

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

Mr. McCUMBER (when his name was called). I again announce my pair with the junior Senator from Louisiana [Mr. FOSTER]. I transfer the pair to the junior Senator from New Jersey [Mr. DRYDEN] and will vote. I vote "nay."

Mr. WARREN (when his name was called). Under the arrangement of pairs already announced I will vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 23, nays 40, as follows:

YEAS—23.

Berry	Daniel	McLaurin	Simmons
Blackburn	Dubois	Newlands	Taliaferro
Clapp	Frazier	Overman	Teller
Clark, Mont.	Latimer	Patterson	Tillman
Clay	McCreary	Pettus	Whyte
Culberson	McEnery	Rayner	

NAYS—40.

Ankeny	Du Pont	Heyburn	Penrose
Brandegee	Flint	Hopkins	Perkins
Bulkeley	Foraker	Kean	Piles
Burrows	Frye	Kittredge	Scott
Carter	Fulton	Knox	Smith
Crane	Gallinger	Lodge	Spooner
Cullom	Gamble	Long	Sutherland
Curtis	Hale	McCumber	Warner
Depew	Hansbrough	Millard	Warren
Dick	Hemenway	Nixon	Wetmore

NOT VOTING—27.

Aldrich	Burnham	Elkins	Mulkey
Allee	Carmack	Foster	Nelson
Allison	Clark, Wyo.	La Follette	Platt
Bacon	Clarke, Ark.	Mallory	Proctor
Bailey	Dillingham	Martin	Smoot
Beveridge	Dolliver	Money	Stone
Burkett	Dryden	Morgan	

So Mr. CARMACK's amendment was rejected.

Mr. CULBERSON. I move to amend the motion of the Senator from Wisconsin by striking out "4" and inserting "half past 5."

The VICE-PRESIDENT. The Senator from Texas proposes to amend the motion of the Senator from Wisconsin by making the hour half past 5 o'clock.

Mr. CULBERSON. On that I ask for the yeas and nays.

Mr. CARMACK. Pending that motion I move that the Senate take a recess until 6 o'clock.

The VICE-PRESIDENT. Pending the motion the Senator from Tennessee moves that the Senate take a recess until 6 o'clock.

Mr. CARMACK. I will make it 9 o'clock.

Mr. RAYNER. I move to amend by making it 8 o'clock.

Mr. SPOONER. Why not make it 3 minutes after 8?

Mr. RAYNER. Three minutes after 8.

Mr. SPOONER. Make it dignified.

Mr. GALLINGER and others. Question!

Mr. KEAN. Regular order!

Mr. RAYNER. I call for the yeas and nays on my motion.

The VICE-PRESIDENT. The Senator from Tennessee moves that the Senate take a recess until 9 o'clock.

Mr. RAYNER. There is an amendment to that motion. I moved to amend the motion of the Senator from Tennessee by moving that the Senate take a recess until 8 o'clock, instead of 9.

Mr. FRYE. The other side can filibuster a good deal better by going into minutes, instead of making it hours.

Mr. GALLINGER. They can make more motions.

Mr. CULBERSON. We seem to be doing very well at this rate, Mr. President.

The VICE-PRESIDENT. The Senator from Maryland moves to amend the motion of the Senator from Tennessee by making the hour 8 o'clock instead of 9.

Mr. RAYNER. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was not agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Tennessee, that the Senate take a recess until 9 o'clock.

Mr. CARMACK and Mr. McLAURIN called for the yeas and nays.

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

Mr. McCUMBER (when his name was called). Again announcing my pair with the junior Senator from Louisiana [Mr. FOSTER], I will transfer that pair to the junior Senator from New Jersey [Mr. DRYDEN] and vote. I vote "nay."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence, having had notice from the Senator from Wisconsin [Mr. LA FOLLETTE] that he wanted to vote "nay" on the bill, I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Wisconsin, and will vote. I vote "yea." This statement will hold good until the return of the Senator from Vermont [Mr. DILLINGHAM]. I will further state that the Senator from Wisconsin [Mr. LA FOLLETTE] is ill.

Mr. WARREN (when his name was called). By an arrangement a transfer of pairs has been made so that the Senator from Mississippi [Mr. MONEY] stands paired with the Senator from New York [Mr. PLATT]. I will make this announcement for the day unless one of the Senators mentioned shall return. I vote "nay."

The roll call was concluded.

Mr. ALLISON. I am paired with the senior Senator from Alabama [Mr. MORGAN]. Otherwise I should vote "nay."

The result was announced—yeas 18, nays 40, as follows:

YEAS—18.

Berry	Dubois	McLaurin	Teller
Blackburn	Frazier	Overman	Tillman
Clark, Mont.	Latimer	Pettus	Whyte
Culberson	McCreary	Rayner	
Daniel	McEnery	Taliaferro	

NAYS—40.

Aldrich	Dick	Heyburn	Penrose
Ankeny	Du Pont	Hopkins	Perkins
Beveridge	Flint	Kean	Piles
Brandegee	Foraker	Kittredge	Scott
Bulkeley	Frye	Knox	Smith
Burnham	Fulton	Lodge	Spooner
Burrows	Gallinger	Long	Sutherland
Cullom	Gamble	McCumber	Warner
Curtis	Hansbrough	Millard	Warren
Depew	Hemenway	Nixon	Wetmore

NOT VOTING—32.

Allee	Clark, Wyo.	Foster	Nelson
Allison	Clarke, Ark.	Hale	Newlands
Bacon	Clay	La Follette	Patterson
Bailey	Crane	Mallory	Platt
Burkett	Dillingham	Martin	Proctor
Carmack	Dolliver	Money	Simmons
Carter	Dryden	Morgan	Smoot
Clapp	Elkins	Mulkey	Stone

So the Senate refused to take a recess until 9 o'clock p. m.

Mr. SPOONER. Mr. President, I made the motion to postpone the further consideration of the report until 4 o'clock in what I thought was the interest of the intelligent disposition of an important measure. I opposed the bill when it passed the Senate. I do not know but that I shall oppose it now, because I have not read it. I have never been a party to any filibuster in the Senate, and I am not willing that the motion which I made should be the foundation of a filibuster. I therefore withdraw the motion.

Mr. GALLINGER. Then I ask for a vote on the motion I made.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws his motion, and the question recurs on the motion of the Senator from New Hampshire to concur in the amendments of the House of Representatives.

Mr. DUBOIS. I move that the Senate take a recess until half-past 7 o'clock.

Mr. BEVERIDGE. I ask the Senator to withhold his motion.

Mr. DUBOIS. And on my motion I ask for the yeas and nays.

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

Mr. BEVERIDGE. I ask the Senator from Idaho if he will not withhold his motion until I ask unanimous consent at this point—which I think will be given when I state the reason for it—for the present consideration of a bill which I report from the Committee on Territories. I will say to the Senator that the reason why I make this request is because there has been an amendment made to the bill by the committee and it will have to go to conference. It is a bill which will provoke no discussion at all. I ask the Senator if he will not withhold his motion until I can ask unanimous consent for that purpose?

Mr. DUBOIS. I withhold the motion with the understanding that I can renew it after the consideration of the bill.

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

The VICE-PRESIDENT. The Senator from Texas rises to a point of order.

Mr. CULBERSON. I ask if it is in order now to interrupt the proceedings on the subsidy bill?

The VICE-PRESIDENT. Not except by unanimous consent. The Senator from Indiana has requested unanimous consent. Is there objection?

Mr. CULBERSON. I understand it is against the recent rule of the Senate introduced, I believe, by the Senator from Georgia [Mr. BACON].

Mr. BEVERIDGE. No; that applies to a Senator speaking—that he can not be interrupted for that purpose, as I understand it.

The VICE-PRESIDENT. Does the Senator from Texas object?

Mr. CULBERSON. I simply wanted to call the attention of the Chair to the rule which makes it the duty of the Chair to enforce the order without an objection.

The VICE-PRESIDENT. Is this a report from a committee?

Mr. BEVERIDGE. It is a report from the Committee on Territories, and I wish to ask unanimous consent for the immediate consideration of the bill.

The VICE-PRESIDENT. Then the Senator is out of order under the rule. The Chair recognizes the Senator from Idaho.

Mr. BURKETT. Mr. President——

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

Mr. DUBOIS. I yield to the Senator.

Mr. BURKETT. I ask that the resolution submitted by me yesterday and which has been under consideration to-day may be taken up and passed by unanimous consent.

Mr. ALDRICH. I sympathize with the Senator from Nebraska in his effort to have the resolution passed, but I object to this form of procedure in the Senate.

The VICE-PRESIDENT. Objection is made.

Mr. DUBOIS. I move that the Senate take a recess until half past 7 o'clock this evening.

The VICE-PRESIDENT. The question on the motion of the Senator from Idaho, that the Senate take a recess until half past 7 o'clock this evening.

Mr. McLAURIN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary called the roll.

Mr. DILLINGHAM. I inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. DILLINGHAM. I have a general pair with him. If he were present, I should vote "nay."

Mr. PROCTOR (after having voted in the negative). I am paired with the Senator from Florida [Mr. MALLORY]. I do not see him in his seat. If he has not voted, I wish to withdraw my vote.

The VICE-PRESIDENT. The Senator from Florida [Mr. MALLORY] did not vote.

Mr. TILLMAN. Under the transfer of my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Wisconsin [Mr. LA FOLLETTE], I will vote. I vote "yea."

The result was announced—yeas 18, nays 40, as follows:

YEAS—18.

Blackburn	Latimer	Overman	Tallaferro
Clark, Mont.	McCreary	Patterson	Tillman
Culberson	McEnery	Pettus	Whyte
Dubois	McLaurin	Rayner	
Frazier	Newlands	Simmons	

NAYS—40.

Aldrich	Crane	Gallinger	Long
Ankeny	Cullom	Gamble	Millard
Beveridge	Curtis	Hansbrough	Nixon
Brandegee	Depew	Hemenway	Penrose
Bulkeley	Dick	Heyburn	Scott
Burkett	Du Pont	Hopkins	Spooner
Burnham	Flint	Kean	Sutherland
Burrows	Foraker	Kittredge	Warner
Carter	Frye	Knox	Warren
Clay	Fulton	Lodge	Wetmore

NOT VOTING—32.

Allee	Clarke, Ark.	La Follette	Perkins
Allison	Daniel	McCumber	Piles
Bacon	Dillingham	Mallory	Platt
Bailey	Dolliver	Martin	Proctor
Berry	Dryden	Money	Smith
Carmack	Elkins	Morgan	Smoot
Clapp	Foster	Mulkey	Stone
Clark, Wyo.	Hale	Nelson	Teller

So the Senate refused to take a recess until half past 7 o'clock.

Mr. BACON. Mr. President, I understand the pending motion is the motion of the Senator from New Hampshire to concur in the amendment of the House. I think it will be conceded by all that it is manifestly impossible for Senators to vote intelligently upon that motion without having an opportunity to read the substitute bill which has come from the House. Not only so, Mr. President, but it is equally manifest that it is impracticable even to discuss it until Senators have had an opportunity to inform themselves as to the contents and provisions of that bill.

I rise for the purpose of making a suggestion to the Senator in control of the bill or of this particular motion that there be such suspension of his motion as will enable us to be in a position to act intelligently upon this most important matter; in other words, until the bill can be laid before us in print.

Mr. GALLINGER. My answer to the Senator is that at the hour of half past 1 o'clock I agreed to a postponement until 4 o'clock, and that immediately developed a filibuster, notice having been served upon me that the bill was to be killed in that way.

Mr. President, I perfectly understand the situation, and I will say to the Senator from Georgia that I am quite willing that the bill shall be printed and come back here before my motion is pressed. I have no disposition to rush this matter when Senators do not understand the bill. I had intended very briefly to explain the bill, if a request had not been made to postpone the matter. I expected that a request to explain the bill would be made, and I have stood ready at every moment to accede to it. I stand ready now.

Mr. BACON. I will say for myself, with the permission of the Senator from New Hampshire, that the suggestion made by me is in the utmost good faith.

Mr. GALLINGER. I understand it.

Mr. BACON. I desire myself to be informed as to the provisions of the bill.

Mr. GALLINGER. Nobody would question the Senator's good faith.

Mr. BACON. I do not know how far the bill goes. There are some features of the bill, as I indicated in the former debate in the Senate, that I would favor. I do not know to what extent the present bill conforms to the suggestions I then made, or whether it contains matter other than that which I indicated would be favorably considered by me. I am speaking only for myself. I had no conference with my associates on the matter.

Mr. GALLINGER. I ask unanimous consent that the further consideration of the bill be postponed until half past 4 o'clock.

Mr. BACON. With a view to having it printed?

Mr. GALLINGER. And in the meantime that it be printed as hurriedly as possible and be returned to the Senate.

Mr. CARMACK. Will the Senator make it 5 o'clock?

Mr. McLAURIN. Mr. President, I do not think that the bill can be printed and be placed in the hands of Senators and be thoroughly considered and understood in less than two hours. It is a very important measure. I understand it is practically a new bill—not the one that was sent to the House of Representatives from the Senate.

Mr. GALLINGER. Will the Senator yield to me a moment?

Mr. McLAURIN. With pleasure.

Mr. GALLINGER. I will modify my request for unanimous consent and make the hour 5 o'clock.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the further consideration of the pending bill be resumed at 5 o'clock, and that in the meantime the bill be printed as speedily as possible. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. McLAURIN. The request is, as I understand it, that the consideration of the vote be postponed until 5 o'clock.

Mr. GALLINGER. That is right.

The VICE-PRESIDENT. That is the effect of it.

Mr. SPOONER. I suppose under the request, as soon as the report is printed, copies will be laid on the desks of Senators.

Mr. GALLINGER. Oh, yes; it will be here in a very few minutes, and my motion will be pending at that time.

PURCHASE OF PLANT OF PHOENIX WATER COMPANY.

Mr. BEVERIDGE. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 25039) to enable the city of Phoenix, in Maricopa County, Ariz., to use the proceeds of certain bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant, to report it favorably with an amendment, and I ask unanimous consent for its present consideration.

Mr. ALDRICH. Let the bill be read for information.

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

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

The amendment reported by the Committee on Territories was, in section 1, on page 2, line 1, after the word "confirmed," to strike out the word "and" and to insert:

Provided, That the same shall be submitted to the electors of said city of Phoenix and approved by a majority thereof at the next general city election, and in the event of approval by a majority of said electors.

So as to make the section read:

That the contract entered into by and between the common council of the city of Phoenix, county of Maricopa, Territory of Arizona, and the Phoenix Water Company, a corporation doing business in and about the said city of Phoenix, Ariz., of date January 15, 1907, for the purchase of the water plant of the said Phoenix Water Company for the sum of $90,000 in cash and the assumption of $60,000 of first-mortgage bonds be, and the same is hereby, validated, ratified, and confirmed: *Provided*, That the same shall be submitted to the electors of said city of Phoenix and approved by a majority thereof at the next general city election, and in the event of approval by a majority of said electors, the said common council of the city of Phoenix is hereby authorized to proceed under said contract to purchase the said water plant described and specified in said contract, and is hereby authorized to use the money arising from the sale of the $300,000 waterworks bonds heretofore authorized by the Congress of the United States and mentioned in said contract, for the purpose of purchasing the said property and carrying out the provisions of the said contract, and for the further purpose of paying the said $60,000 assumed thereunder and of improving, extending, enlarging, repairing, and rebuilding said water system.

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.

LEGALITY OF BUSINESS DONE BY EXPRESS COMPANIES.

Mr. PENROSE. Mr. President, I now ask that the conference report on the sixteen-hour bill be laid before the Senate.

Mr. BURKETT. Mr. President——

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

Mr. PENROSE. I should like the Senator to state for what purpose.

Mr. BURKETT. In order to have the resolution, which was heretofore considered and which is now in a shape in which it is acceptable, considered and passed.

Mr. PENROSE. Will it lead to any debate?

Mr. BURKETT. It will lead to no debate.

Mr. PENROSE. I will yield, if it will lead to no debate.

Mr. BURKETT. It will not.

The VICE-PRESIDENT. The Secretary will read the resolution of the Senator from Nebraska as he has modified it.

The Secretary read as follows:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to inquire, investigate, and report to the Senate whether the American Express Company, Adams Express Company, United States Express Company, Pacific Express Company, and Wells-Fargo Express Company, or either of them, are unlawfully engaged, through their local or other agents, in the business of buying, selling, or handling on consignment fruits, vegetables, and oysters entering into interstate commerce; and also that the Interstate Commerce Commission be required to make the investigation at its earliest possible convenience and to report the facts and its conclusions thereon, together with its recommendations, as soon as it can be done consistent with the performance of its public duty.

By unanimous consent, the Senate proceeded to consider the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

Mr. ELKINS. Mr. President, I think that resolution ought to be referred to the Committee on Interstate Commerce.

Mr. ALDRICH. It simply asks for facts, and I think there can be no objection to it.

Mr. KEAN. And it has been well amended.

Mr. ELKINS. Very well.

The resolution as modified was agreed to.

LANDS ON JICARILLA RESERVATION.

Mr. CLAPP. I ask the Chair to lay before the Senate the message of the House of Representatives in reference to House bill 23650.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes, and asking for conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendment disagreed to by the House of Representatives, accede to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as conferees on the part of the Senate Mr. CLAPP, Mr. CURTIS, and Mr. TELLER.

CLAIMS UNDER THE NAVY DEPARTMENT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FULTON. I move that the Senate insist on its amendments disagreed to by the House of Representatives, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. FULTON, Mr. KEAN, and Mr. MCLAURIN.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

Mr. PENROSE. Mr. President, I now ask that the conference report on the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the conference report on the bill referred to by the Senator from Pennsylvania, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment, and agree to the same with amendments as follows:

In line 3, page 1, strike out the word "and" and insert "or" in said amendment.

In line 13, page 1, strike out the word "corporation" and insert in lieu thereof the words "common carrier" in said amendment.

In line 13, page 2 of said amendment, after the word "continue," insert "or can go;" and in the same line strike out the four concluding words of said line, reading "or go on duty."

In line 14, page 2 of said amendment, after the word "eight," insert the word "consecutive."

In lines 14 and 15, page 2, strike out the words "within such twenty-four-hour period."

In line 15, page 2, strike out the concluding word "operator."

In line 16, page 2, after the word "dispatcher," insert the words "or dispatcher's operator in the dispatcher's office."

In lines 17 and 18, page 2, strike out "dispatches reports, transmits, receives, or delivers" and insert in lieu thereof "issues."

In line 20, page 2, strike out the word "nine" and insert in lieu thereof the word "eight."

In lines 21, 22, 23, and 24, page 2, strike out the words "in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime" and insert in lieu thereof "and that no employee who by the use of the telegraph or telephone transmits, receives, or delivers orders pertaining to or affecting train movements (excepting those who issue train orders) or who is charged with the operation of signals or switches from towers, offices, or stations shall be required or permitted to be or remain on duty for a longer period than twelve hours in the aggregate in any twenty-four-hour period."

In line 9, page 3, after the word "suits," insert the words "to be."

In line 13, page 3, strike out the word "verified."

In line 15, page 3, strike out the words "three years" and insert "one year."

In line 21, page 3, after the word "of," insert the word "all;" and in the same line strike out the words "duly authorized" and insert in lieu thereof the words "officers and."

In line 24, page 3, after the word "its," insert the words "officer or."

In lines 1 and 2, page 4, strike out the words "with the exercise of reasonable prudence."

Strike out all of lines 7 and 8, page 4, and insert in lieu thereof "and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this act."

And the Senate agree to the same.

BOIES PENROSE,
FRANK P. FLINT,
Managers on the part of the Senate.

W. P. HEPBURN,
J. S. SHERMAN,
Managers on the part of the House.

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

Mr. McCREARY. Mr. President, I was not able to tell from the reading of the report in what respect the bill as it passed the Senate had been changed. I therefore ask the Senator from Pennsylvania to make an explanation of it.

Mr. FLINT. As the Senator from Pennsylvania [Mr. PENROSE] is absent from the Chamber for a moment, I will endeavor to explain the report.

The House bill with a few amendments has been adopted in lieu of the Senate bill, with the exception of one section, that relating to telegraph operators, and an amendment that provides that when an employee of a railroad company has been engaged sixteen hours in the aggregate during the twenty-four-hour period he must have eight consecutive hours' rest. Under the bill as it came from the House it was possible to divide the eight hours rest up into two four-hour periods, or four two-hour periods, or into a six-hour and a two-hour period, so that it would not give the employee the necessary rest, and it is now changed in this bill so that the employee's rest shall be eight consecutive hours.

Mr. KNOX. Mr. President——

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

Mr. FLINT. I do.

Mr. KNOX. Will the Senator be good enough to inform me whether this bill in its present form applies to all railroads engaged in interstate commerce?

Mr. FLINT. Yes, sir. The word "verified," on line 10, page 5, has been stricken out, so that complaint can be made and proceedings brought without the complaint being verified. The other changes are merely as to form and are not important. The provision in reference to the telegraph operators in the House bill has been changed by the conference report, so that certain employees are not permitted to work more

than eight hours. Train dispatchers and operators in dispatcher's offices, and other operators, under the bill, are limited to twelve hours' work. There were certain employees included in the conference report that were not included in the House bill. We deemed it important that men working in the towers operating switches and signals should have their hours shortened. Under the House bill these men could work sixteen hours, but under the bill as reported by the conference committee they are limited to twelve hours.

Mr. NEWLANDS. Mr. President, I wish to ask the Senator from California whether this conference report has been printed as yet?

Mr. FLINT. The bill as proposed to be amended by the report of the conference committee was printed in to-day's RECORD.

Mr. NEWLANDS. Has the conference report been printed?

Mr. FLINT. And the conference report has also been printed in the RECORD.

Mr. NEWLANDS. I wish to ask the Senator from California concerning the amendment limiting the hours of railroad telegraphers. That amendment, as I understand, was offered in the House.

Mr. FLINT. The bill as it passed the House contained a provision limiting certain telegraph operators to nine hours' work in a day. The bill as reported by the conference committee limits certain operators or officials to eight hours a day and others to twelve hours a day. Testimony was taken before the conference committee, and it was ascertained that if the bill as passed by the House should be enacted into law, it would be impossible to obtain enough telegraph operators in the country to do the work. There are some 50,000 men now engaged in the line of work covered by this provision, and it is estimated that it would increase the number of employees from ten to fifteen thousand. No one has been able to state definitely just how much of an increase it would require, but it is admitted that it is impossible to-day to obtain telegraph operators sufficient to carry out the provisions of this bill; and if it were enacted into law as it came from the House, we would be in the position of compelling the railroads of this country to do something that it was impossible for them to do unless between now and the time that this act goes into effect some ten or fifteen thousand persons could become proficient in telegraphy so that they could perform this duty.

Mr. NEWLANDS. Mr. President, I simply wish to compare the status of this bill with reference to the claims of the telegraph operators. Do I understand that the demands or contentions of the telegraph operators were met by the House amendment and that that provision has since been modified by the conference committee?

Mr. PENROSE. Mr. President, if the Senator will permit me, I will answer his question.

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

Mr. NEWLANDS. Yes.

Mr. PENROSE. If the Senator will look at page 4436 of to-day's CONGRESSIONAL RECORD, he will find the statement filed in the House of Representatives, showing just what was done as to the provisions of the bill relating to telegraphers.

Mr. McCREARY. Mr. President, I am very heartily in favor of legislation on the lines indicated in the title of the bill, which is "To promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon." I introduced a bill in January last somewhat broader, the title of which is "To limit the hours of employment of telegraph and telephone operators on all railroads engaged in interstate commerce in the United States to eight hours in each day of twenty-four hours, and to prescribe the time of their eligibility." There is nothing in this bill about the time of eligibility. The bill I introduced provided that a telegraph operator should be at least 21 years of age and not over 50 years of age—a very important provision, I think.

I am in favor of the first paragraph of the pending bill, which limits to sixteen hours in twenty-four the service of railroad employees, etc. The part of the conference report to which I wish to address my remarks is in regard to dispatchers and telegraph operators. I might say here that I think it is time that we should have some legislation on the line indicated in the pending bill, which is the basis of the conference report. Nearly every morning the newspapers have reports about a collision, accident, or railroad wreck. This morning the papers announced a head-on collision on the New York, New Haven and Hartford Railroad, with four dead and many hurt. Yesterday morning the newspapers announced a wreck on the Baltimore and Ohio Railroad near Connellsville, Pa., in which the engineer was killed, the fireman fatally injured, and forty other persons injured. I read a few days ago, in the New York Tribune, a list compiled showing forty-nine railroad wrecks during the last six months, exclusive of the last tragedy on the New York Central. According to that table, which I have in my hand, 351 persons have been killed and 474 injured. Nearly every newspaper brings to us information about some accident or wreck, and it is high time we were doing something, so far as we can, to prevent these appalling wrecks and accidents.

The first paragraph of the second section of this bill limiting the hours of service of railroad employees to sixteen hours in twenty-four I think is a very good provision; but I do not understand the second paragraph of section second in the same way that the Senator from California has explained it. There is in that provision, as will be noticed, an exception of persons who issue train orders. If the section be closely analyzed, it will be seen that while there are no dispatcher's operators, there are operators in dispatch offices who are not embraced in the bill. However, even in the case of dispatcher's operators, they are not all limited to eight hours, for the reason that the provision applies only to those who issue orders. The dispatchers issue the orders and the operators only transmit, receive, or deliver an order. If the operator issues an order, he is clearly a dispatcher, and dispatchers now work only eight hours. At present operators work twelve hours, so there is no change in the law with regard to them, as the bill provides that all operators shall work twelve hours.

The bill which passed the House of Representatives provided that in continuous day and night offices operators should work not exceeding nine hours in twenty-four hours, and in day offices not exceeding thirteen hours. It does not appear to me, Mr. President, that this conference report on this important bill changes the existing conditions. It does not protect or benefit telegraph operators as they should be. I can see that it benefits railroad employees, but I do not see where it benefits telegraph operators as they should be protected and benefited and their hours of service limited.

There is no doubt that quite a number of serious collisions have been brought about by telegraph operators being overworked. I am heartily in favor of limiting the time that telegraph operators shall be engaged to eight hours—and not exceeding nine—out of twenty-four. I want legislation that is fair and just to the railroads and fair and just to the telegraph operators and legislation that will protect the traveling public. I do not believe that this report as presented by the conference committee comes up to that standard.

The conference report contains some good provisions, and while I believe it should be amended, yet if it can not be amended I shall vote for it as the best that can be done at present.

Mr. DANIEL. Mr. President, I was a member of the conference committee of the Senate that made this report, but I did not concur therein, nor did the Democratic member of the conference committee on the part of the House do so. At the same time, Mr. President, I recognize the fact that this is a distinctive step of progress in the right direction. I was so occupied in matters of engagement before the Senate and the Appropriations Committee of the Senate that I could attend but two of the meetings of the conferees. Their last meeting it was impossible for me to attend by reason of actual and necessary occupation upon the Senate floor.

The measure as embodied in the conference report is, in my judgment, a decided improvement upon Senate bill 5133, which was adopted by this body. That bill in its first section limited the hours of employees on railroads to sixteen, with certain modifications in particular cases.

This bill as now embodied in the conference report manifests considerable improvement. Nothing better is likely to be attainable during this session, now within forty-eight hours of its close. Hence I am disposed to vote for the conference report. While it falls short of the provisions made in the House amendment to the Senate bill, it is nevertheless a betterment of existing laws, and also in some respects a betterment of the Senate bill.

I recognize the difficulties that environ the subject. I am quite sure that the Senate committee, although I do not altogether agree with their majority report, labored hard and faithfully with a view to accomplishing the best result that they deemed practicable. Those who oppose the limitation of hours by Congressional enactment as applicable to the interstate commerce of the country will be in some measure discontented by this bill. Those who had large hopes, especially with regard to the ordinary telegraph operators, will also be dissatisfied with this measure. If we had ample time to discuss it, I should advocate a more liberal measure than is found in the framework

either of the Senate bill or of the conference report. At the same time I do not feel that any of us would be justified in voting against the conference report, for the reason that it is not only an improvement of the present order of things, but also in some substantial respects an improvement upon the measure which the Senate itself adopted.

By the House substitute for the Senate bill it was provided:

That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime.

There is an exception in case of emergency, "when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three consecutive days in any week."

Mr. President, the conference report adopts eight hours as the lowest limit instead of nine hours, and at the same time and in effect it extracts those who are named in the eight-hour limit from the provisions of the Senate bill which required sixteen hours as its lowest limit. The provision now embodied in the measure recommended by the conferees reads:

That no train dispatcher, or dispatcher's operator in the dispatcher's office, or other employee who by the use of the telegraph or telephone issues orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than eight hours in any twenty-four-hour period.

So that here, Mr. President, in this phrase is a clear, explicit, and wise adoption of the eight-hour rule applicable—

First, to train dispatchers.

Second, to the operators of train dispatchers in their offices.

Third, to those employees who by the telegraph or telephone issue orders pertaining to or affecting train movements. This is progress.

Mr. President, it will be observed that in a second part of this recommended measure it is provided—

That no employee who by the use of the telegraph or telephone transmits, receives, or delivers orders pertaining to or affecting train movements (excepting those who issue train orders) or who is charged with the operation of signals or switches from towers, offices, or stations shall be required or permitted to be or remain on duty for a longer period than twelve hours in the aggregate in any twenty-four-hour period except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three consecutive days in any week.

It was much desired, and many petitions, letters, telegrams, and all manner of communications were made in which the desire was expressed, that this class of operatives, like the distinctive classes to whom I have already referred, should be embraced in the eight-hour period. This was deemed by the majority of the committee an unattainable result at this time. There are many who wish to see the whole body of telegraphic operators embraced in the eight-hour law, as in the House amendment. It was to the contrary that three classes of them, to wit, the train dispatcher, the dispatcher's operator in his office, and other employees who issue orders pertaining to or affecting train movements are put under the eight-hour rule, and that the other classes embodied in the second amendment, which I have explained, had best be withdrawn from the sixteen-hour rule and are placed upon an intermediate scale of hours, namely, twelve.

So, Mr. President, there are two elements of progression in this measure, and I do not think that any of us would be justified, at this late stage of this Congress so soon to adjourn, in voting against the adoption of the report, when the good it accomplishes might thereby be wholly lost. There are some other changes; for instance, the fine for violation of the law to be enacted is reduced from $1,000 to $500. That is the law. In the second place, violation of the law was made a misdemeanor by the Senate measure, whereas under the amendment as now recommended there is only provision made for the recovery of a fine. In the third place, the limitation of three years to bring actions for violation of the law is reduced to one. If time permitted us to discuss these competing measures, I might criticise some of these and other changes. But, taking the conference bill as a whole—the law as it stands, the law as the Senate recommended it and as now embodied in this measure—there is too much good in it to be ignored and not enough evil to make us vote against it under the existing environment.

There is a difficulty about the matter which I may be pardoned, I hope, if I spend a few moments to advert to. Train dispatchers and those operatives who have to transmit the messages upon which trains are moved are here put in the eight-hour rule. The responsibility of their positions is so great, the danger that arises from error is so disastrous, that we may well rejoice that this improvement will be verified by the bill.

As to the other class of operatives, who occupy signal towers, etc., as set forth in the conference report, it may be regretted that they are not also more liberally dealt with. At the same time it should be remembered that their limit is twelve hours, instead of being sixteen, as in the Senate bill, and instead of being no limit at all, as under the absence of law on the subject which now prevails.

The operators at the small way stations, who have to transmit messages during the period of twenty-four hours, who have but very few trains to deal with and very few messages to send, are public servants of great responsibility and importance to the public weal. Their business, it is said, is frequently so light that the railroads have felt that they could not pay fitting salaries for the whole period in which telegraphic service may be required but is not sure to be required. Consequently the companies have often intermingled the business of operating with other businesses at the station and imposed a variety of duties upon the person employed. A witness before the Committee on Interstate and Foreign Commerce of the House—I mean the Hon. ARTHUR P. MURPHY, who has been prominently connected with this measure—relates how this is. He says, on page 39 of the House hearings:

An operator is required, in addition to his telegraphic duties, where the post-office is within the required radius under the law, to carry the United States mails from the post-office to the depot, put it on the trains, take care of it, take it off, and in the morning take it back to the post-office, and the same in relation to day trains. The operator, in addition to his duties of telegraphing, receiving orders, handling his block, and keeping his block sheet, is required to sweep out the depot; he is required to sell tickets, at a great many stations both local tickets and coupons; he is required to handle all of the baggage—check it, truck it, put it on the trains, take it off and put it in the house. In addition he is required to handle all of the express. At stations where they have no electric lights—and the company generally puts them in when they almost give them to them—they are required to take care of their signals and of all of the lamps used in and about the depot. They are required on a great many of the roads—all that I know about—to take care of the switch lamps or lamps that are on the switch targets; to clean them, take care of them, put them out, and take them in.

There is a good deal of evidence of this description, and some have stated sometimes that the operative at the small way station is the country doctor or storekeeper or anybody who happens to be around, who may diversify his employment by sending telegrams when they are necessary.

I know also—and I wish to state the case with absolute candor and fairness—that it is said that the condition described by Mr. MURPHY has been improved in recent years and does not now exist so generally, at least, as of the time when Mr. MURPHY spoke by his own experience and observation. But here is a pronounced difficulty that arises with reference to the operative who has but a little business to do. To telegraph respecting a moving train, of which steam is the power and which if misdirected may bring upon the passengers on that train a catastrophe which causes the heart of the whole country to bleed and carries sorrow and loss to many a household, is to perform one of the most responsible and delicate operations connected with our social system. If the telegrapher be called on four, five, eight, or ten times a day, and especially if he be called on at hours which he can not anticipate, he may be so distracted by other cares as not to be able to put his mind promptly or concentratively on the subject, if he has duties commingled with other duties. On the other hand, the railroads say that if this system of operation is broken up, it must inevitably lead to the result of abandoning the stations altogether. There is a collision of interest between the convenience of the countryside, between fitness of salary, and between the gravity of the duties which are to be performed.

The whole subject must ere long be embraced by some mind expert in knowledge and bent upon so classifying the duties of all these operatives and so apportioning their assignments that the public may be sure that no man sends any telegram respecting the moving of cargoes of humanity that are carried across the country without being a reliable, an expert, and a responsible, and constantly attentive man. While this will be recognized as just and right by all fair-minded men, it is stated per contra and it is in evidence before the committee that the operatives have declined to teach others the art of telegraphy, and the railroad companies say that if they were forced to provide at once a separate operator whose sole business it should be to attend to the railroad telegraph at all the way stations in the country they would have to employ 20,000 more men, and that the country does not furnish them. They are not to be had, according to their statements.

I read this morning a statement such as that referred to by the Senator from Kentucky [Mr. MCCREARY] who a few moments ago commented on this subject. The article that attracted my

attention was in the Literary Digest and appeared to be a very cautious and careful estimate of the casualties on the railroads of this country for the last six months. It was an appalling schedule. It showed that 4,000 human beings had lost their lives by accidents on railway trains of the United States within six months past.

Estimating human life at a thousand dollars a head, there would be a sum of $4,000,000 lost. But life is a thing that can not be estimated in money. There was a vaster loss to the country in the brain power and nerve power many times this pecuniary estimate. And wholly beyond the range of figures to calculate is the horror, affliction, and distress caused by such slaughter.

Mr. President, I would call attention to the fact that when two American armies stood up for three days and shot death into each other's bosoms at Gettysburg there were not so many men slain in either army as are slain upon the railroad of this country in six months of calm prosperity and peace.

A recent writer called attention to the fact that notwithstanding all the safety appliances which have been required by law and which are being adopted in the transportation service, notwithstanding all the complaint that has come up from the country and the reflection and energy that have been exercised upon this subject, the ratio of accidents is increasing. There must be a cause for that. Are our people becoming more reckless in their daily conduct, or does it lie in some human causation which can be reached by the hand of the law? Is it due to the fact that in the immense rush of traffic and travel over the railroads they are conducting a double-track business on a one-track road? Does it arise from the fact that the fierce competitions of our times have imposed upon the railway operatives longer hours of work than they can stand? Have they been so overworked that their alertness has been blunted, their strength weakened, their faculties blurred so that they have fallen below the standard of efficiency that should be maintained? Undoubtedly it is the fact that there is no harder-working body of operatives in the world than those who operate our transportation system, and none who bear so constant a strain.

Mr. President, I shall not at this stage prolong my remarks save to say that this is a causation suspected by many, and believed by some. When the Senate shall have adopted, as I anticipate it will, the conference report, it will at least have the satisfaction of knowing that it has gone forward in a wise step to relieve and remove in some degree what would seem to be one of the causes of these many and increasing accidents. It will also have the further satisfaction of knowing that when analysis has better explored the subject and enlightenment better comprehended it, they will find the way paved to further action by the tentative and progressive steps we are now taking.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on agreeing to the report of the committee of conference.

Mr. PATTERSON and Mr. HALE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado rise to this report?

Mr. PATTERSON. I yield to the Senator from Maine.

Mr. HALE. I am ready to go on with the deficiency appropriation bill. If we can pass it sometime within the next hour or two, it will go to the House and will obviate the necessity for a night session. I should be very glad to have it taken up and considered. In the meantime the conference report, of course, holds its place and will come up afterwards.

Mr. PATTERSON. As far as I am concerned, I am quite willing that the appropriation bill shall be taken up.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Senate to proceed to the consideration of the bill (H. R. 25851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for prior years, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments shall first receive consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 16, to insert:

International Maritime Exposition: To enable the Government of the United States to participate in the International Maritime Exposition to be held at Bordeaux, France, from May 1 to October 31, 1907, $25,000.

The amendment was agreed to.

Mr. HALE. After line 21 I move to insert:

Digest of International Law: For reimbursement to John Bassett Moore, the editor of the Digest of International Law, prepared under the act approved February 20, 1897, for all expenses incurred, including the service of copyists, typewriters, and other clerical service employed during the eight years the work was in preparation, $8,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, under the subhead "Foreign intercourse," on page 3, after line 7, to insert:

The Secretary of State is hereby authorized to expend for furniture, typewriters, filing cases, and other equipment for consular offices a sum not to exceed $25,000 from the unexpended balance of the appropriation made by the act approved March 3, 1905, for contingent expenses, United States consulates, for the fiscal year 1906.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 3, after line 19, to insert:

To enable the Secretary of the Treasury to effect a change in the methods of bookkeeping in the Treasury Department, and to install a double-entry system of bookkeeping, $7,000, or so much thereof as may be necessary, is hereby appropriated, to remain available until expended; said sum to be used by the Secretary of the Treasury, as he shall determine, in payment for services of such of the force of the division of bookkeeping and warrants of the Treasury Department as may be needed to carry the change into effect, notwithstanding the provisions of sections 170, 1763, 1764, and 1765 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Office of the Supervising Architect, on page 4, line 17, to change the date from "1908" to "1907;" so as to make the proviso read:

Provided, That the expenditures on this account for the fiscal year ending June 30, 1907, shall not exceed $300,000; and that the Secretary of the Treasury shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

Revenue-Cutter Service: To reimburse officers and enlisted men of the United States Revenue-Cutter Service who were on duty under orders at San Francisco during the earthquake and fire in that city on or about April 18, 1906, for losses of uniforms, equipment, and other personal effects sustained by them through said fire: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Treasury and upon vouchers approved by him, $5,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the transportation of silver coin, on page 8, line 15, after the word "cents," to insert "and for the fiscal year 1907, $10,000; in all, $16,043.30;" so as to make the proviso read:

Provided, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants; and the Secretary of the Treasury shall report to Congress the cost arising under this appropriation, for the fiscal year 1906, $6,043.30, and for the fiscal year 1907, $10,000; in all, $16,043.30.

The amendment was agreed to.

The reading was continued to line 8, on page 12.

Mr. BACON. I wish to make an inquiry of the Senator from Maine about a provision which has just been passed. I desire to know whether, on page 8, under the head of the "Transportation of silver coin," it is intended to restore the regulation which has previously existed, under which the Government has heretofore paid the express charges upon silver coin shipped to different parts of the country for the benefit of private individuals, banks, etc., or does it mean simply the shipment on account of the Government?

Mr. HALE. It is simply to carry the appropriation which the Senate put in the sundry civil appropriation bill for the next year, to cover the time between now and the 1st of July.

Mr. BACON. The Senator did not understand my inquiry. He will notice that on page 8 there is an appropriation for the transportation of silver coin. The inquiry I made of the Senator was whether that was intended to restore the regulation which has heretofore existed, under which the Government has paid the express charges of coin shipped to different individuals who, for instance, would send large bills to the Treasury and desire silver coin in the place of it. That was formerly the regulation, and a year or two ago it was changed, and the payment of express charges by the Government for such purposes was abandoned.

This item is not very clear to my mind, and I desire to know whether it intended to restore that or whether it relates to a different matter.

Mr. HALE. It is not a matter of regulation. It is a matter provided by law.

Mr. BACON. I am speaking of the legal regulations.

Mr. HALE. It continues what is now in force.

Mr. BACON. It does not make any change as to what was done before?

Mr. HALE. Oh, no.

The next amendment was, on page 12, after line 8, to insert:

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

That the accounting officer of the Treasury Department be, and he is hereby, authorized to pay to R. H. von Ezdorf, passed assistant surgeon, $222.83, and H. P. Huddleson, clerk, $58.50, out of the unexpended balance of the appropriation for the Public Health and Marine-Hospital Service, 1906, to reimburse them for actual expenses incurred under Department approval while on duty at the Louisiana Purchase Exposition in St. Louis, Mo.

The amendment was agreed to.

The next amendment was, under the subhead "Government in the Territories," on page 13, after line 16, to insert:

For additional amount to defray the expenses of the constitutional convention, Territory of Oklahoma, and expenses of holding an election for the ratification of the same, $135,240.

The amendment was agreed to.

The next amendment was, on page 14, after line 21, to insert:

To pay John M. McDowell, of Council City, Alaska, a sum not to exceed $3,000, for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 15, after line 10, to insert:

Assessor's office: To enable the assessor to prepare a complete set of water-main assessment cards, general arrears cards, and book of arrears, in conformity with the system of assessment and taxation completed November 1, 1906, under the act of February 23, 1905, the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated from the revenues of the water department exclusively: *Provided*, That employees of the assessor's office may be allowed to do this work outside of office hours and to receive therefor reasonable additional compensation.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, in the items for the District of Columbia, to insert:

Militia: For equipment, machinery, and repairs for practice ships, $1,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 9, to insert:

For apparatus for instruction in seamanship and signaling, $250.

The amendment was agreed to.

The next amendment was, on page 22, after line 16, to insert:

Garfield Hospital: For additional amount required for isolating ward for minor contagious diseases at Garfield Hospital, $2,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 7, in the items for the police court of the District of Columbia, to insert:

For miscellaneous items, including fuel, $750.

The amendment was agreed to.

The next amendment was, on page 23, after line 9, to insert:

For rent of temporary quarters, $75.

The amendment was agreed to.

The next amendment was, on page 23, after line 15, to insert:

For support, maintenance, and transportation of convicts transferred from the District of Columbia, to be expended under the direction of the Attorney-General, $3,000.

The amendment was agreed to.

The next amendment was, at the top of page 24, to insert:

Home for the Aged and Infirm: For duplicating the water supply at the Home for the Aged and Infirm of the District of Columbia, including an artesian well, deep-well pump and house for the same, steel tank, piping, and all necessary connections with the pump and tank, $6,500, to continue available during the fiscal year 1908.

The amendment was agreed to.

The next amendment was, on page 24, after line 7, to insert:

For miscellaneous expenses of the home, $3,750.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 27, after line 19, to insert:

Claims for property taken from Confederate officers and soldiers after surrender: For payment of claims filed with the Quartermaster-General under act of February 27, 1902, and amendments thereto, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, $40,000.

The amendment was agreed to.

The next amendment was, under the head of "Military Establishment," on page 28, after line 13, to insert:

For the expenses incident to stay of United States troops at the Jamestown Tercentennial Exposition and of visiting foreign military organizations in attendance upon such exposition at the invitation of the United States Government, including preparation and sanitation of a camp site for such troops, $10,000: *Provided*, That the police, discipline, sanitation, and exercises connected with visiting military organizations of foreign governments and of the National Guard shall be under supervision and control of the Secretary of War, and for this purpose the President is authorized to accept from the State of Virginia the necessary temporary cession of jurisdiction over camp sites of all such troops and organizations.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 34, after line 4, to insert:

The Secretary of the Navy is hereby authorized and empowered to define and establish suitable anchorage grounds in Hampton Roads and the adjacent waters during the continuance of the Jamestown Tercentennial Exposition, to be held in pursuance of the provisions of the act of Congress approved March 3, 1905, and the act of Congress approved June 30, 1906, and the Secretary of the Navy is hereby further authorized to make such rules and regulations regarding the movements of all vessels in the roadstead and harbor named as may be necessary in order to insure the proper and orderly conduct of the naval features of the exposition and provide for the safety of the vessels participating therein, and such rules and regulations when so issued and published shall have the force and effect of law.

The amendment was agreed to.

The next amendment was, on page 34, after line 19, to insert:

The Auditor for the Navy Department is hereby directed to credit in the settlement of the accounts of Pay Director Lawrence G. Boggs, United States Navy, the amounts paid by him on vouchers No. 7007, second quarter, 1905; No. 6915, third quarter, 1905, No. 7153, fourth quarter, 1905; in all, $4,304.77.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 46, after line 8, to insert:

To reimburse R. Lowen, C. Morgan, and E. Bailey for loss of time and doctor's fees on account of injuries received while employed in the construction of the office building for the House of Representatives, $250 each; in all, $750.

The amendment was agreed to.

The next amendment was, on page 46, after line 23, to insert:

Care and custody of the insane, District of Alaska: For the care and custody of persons legally adjudged insane in the District of Alaska, including transportation and other expenses, fiscal year 1908, $23,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 50, after line 23, to insert:

For payment of the salaries of district judges for the northern district of Alabama and the southern district of Ohio, appointed or to be appointed under acts approved February 25, 1907, and the salary of the district judge for the district of Nebraska, appointed or to be appointed under an act approved February 27, 1907:

For the fiscal year 1907, $6,000:

For the fiscal year 1908, $18,000.

The amendment was agreed to.

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 59, after line 2, to insert:

To reimburse Aug. F. Rodgers, assistant, Coast and Geodetic Survey, chief of party, for repairs to a hired boat necessary in making a survey of the immigrant reservation at Angel Island, San Francisco, Cal., $20.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 60, after line 2, to insert:

The Secretary of the Department of Commerce and Labor is hereby authorized to pay, out of the existing appropriation for the enforcement of the Chinese-exclusion laws, to the Canadian Pacific Railway Company the sum of $1,666.50, for reimbursement of cost of maintenance of alleged native-born Chinese in the years 1903 and 1904 for the period during which, by order of the courts under habeas corpus proceedings, said Chinese were detained in the detention station at Richford, Vt., until said Chinese were delivered to said company for deportation to China.

The amendment was agreed to.

The next amendment was, on page 60, after line 14, to insert:

EXECUTIVE.

For additional compensation for the Secretary of the President, fiscal year 1908, $1,500, and from March 4 to the end of the fiscal year 1907, $487.50; in all, $1,987.50.

Mr. HALE. In line 18, before the word "dollars," I move to strike out "five hundred;" in lines 19 and 20, to strike out "$487.50" and insert "$330;" and in line 20, after the word "all," to strike out "$1,987.57" and insert "$1,330;" so as to read:

For additional compensation for the Secretary of the President, fiscal year 1908, $1,000, and from March 4 to the end of the fiscal year 1907, $330; in all, $1,330.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Legislative," on page 61, after line 7, to insert:

The Committee on Printing of the Senate, with three Members of the present House of Representatives who are reelected to the next Congress, to be appointed by the Speaker of the House of Representatives, shall constitute a commission to continue the work of the Printing Investigation Commission appointed under the provisions of an act approved March 3, 1905, and shall have power to inquire into the general subject of the public printing and binding for Congress and the various Executive Departments, bureaus, boards, and other offices of the Government and the distribution of public documents; and to inquire concerning the accumulations, if any, of Government publications stored in warehouses and public buildings for which no legal method of distribution now exists, and the rental of buildings, if any, now occupied for the storage of such accumulated documents; and to report from time to time during the Sixtieth Congress such remedial legislation as the Commission may deem proper; and to continue the inquiry into the necessity for the continuance of the various branch printing offices and other

offices maintained by the various Executive Departments, bureaus, and independent offices of the Government, and to report the economies, if any, which would be effected in the consolidation of such offices with the Government Printing Office; and to employ a secretary and such clerical assistance as may be necessary, such employees to be paid such compensation as said Commission may deem just and reasonable; and said Commission is authorized to send for persons, books, papers, or documents, and through its chairman or acting chairman, or the chairman of any subcommittee thereof, to administer oaths, examine witnesses, books, papers, or documents respecting all matters pertaining to the duties of said Commission; said Commission to sit, if necessary, during the recess of Congress; and the sum of $12,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid out by the disbursing officer of the Senate on vouchers approved by the chairman or acting chairman of the said Commission. Said appropriation shall be immediately available.

The amendment was agreed to.

Mr. HALE. On page 62, after the amendment just agreed to, I move to insert:

To defray the expense of the members of the joint committee of the Senate and House authorized to attend and represent the Congress of the United States on the occasion of the formal opening ceremonies of the Jamestown Tercentennial Exposition, to be held at Norfolk, Va., April 26, 1907, $7,000, or so much thereof as may be necessary, of which sum $3,000 shall be accredited to the Senate, to be expended under the direction and by the order of the Sergeant-at-Arms of the Senate, and $4,000 accredited to the account of and expended under the direction and by the order of the Sergeant-at-Arms of the House of Representatives, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and by the Committee on Accounts of the House, respectively.

The amendment was agreed to.

The next amendment was, under the subhead "Senate," on page 63, after line 3, to insert:

The Secretary of the Senate is hereby authorized and directed to pay the following persons from the appropriation for salaries of officers, clerks, messengers, and others in the service of the Senate for the fiscal year 1907:

E. B. Shurter, clerk to Hon. HENRY A. DU PONT, of Delaware, for clerical services rendered from October 1 to December 2, 1906.

The amendment was agreed to.

The next amendment was, on page 63, after line 11, to insert:

Mary Lajord, widow of Thomas Lajord, late a messenger on the rolls of the Senate, the salary of a messenger from July 1 to July 7, 1906, the date of his death.

The amendment was agreed to.

The next amendment was, on page 63, after line 15, to insert:

Clerk to the Select Committee on Ventilation and Acoustics, salary at the rate of $1,800 per annum from January 9 to June 30, 1907.

The amendment was agreed to.

The next amendment was, on page 63, after line 19, to insert:

For miscellaneous items, exclusive of labor, $60,000.

Mr. HALE. At the end of line 21, after the word "dollars," I move to insert "to be available during the fiscal year 1908."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 63, after line 21, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation of stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $60,000.

Mr. HALE. On page 64, line 4, at the end of the amendment, I move to insert "to be available during the fiscal year 1908."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 64, after line 4, to insert:

To pay to the widow of the Hon. Russell A. Alger, late a Senator from the State of Michigan, $5,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 7, to insert:

To reimburse the Hon. REED SMOOT for expenses incurred in the matter of the protest against his right to retain his seat in the Senate of the United States, $15,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 11, to insert:

To pay the persons who prepared the four volumes of Consolidated Index to the United States Statutes at Large, from March 4, 1789, to March 3, 1903, under Senate resolution of June 19, 1902, for expenses incurred and for services, $5,000, which sum may be expended as additional pay or compensation to any officer or employee of the United States, and be paid upon vouchers approved by the chairman of the Committee on the Judiciary of the Senate.

The amendment was agreed to.

The next amendment was, on page 64, after line 21, to insert:

To pay Pitman Pulsifer for labor in compiling and indexing the annual appropriation laws covering what is known as the new navy, and in preparing tabular statements relating to appropriations for and vessels and personnel of the Navy (now known as the Navy Yearbook), for the second and third sessions of the Fifty-eighth Congress, and the first and second sessions of the Fifty-ninth Congress, $5,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 4, to insert:

To pay George R. Butlin for services in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, $500.

The amendment was agreed to.

The next amendment was, on page 65, after line 7, to insert:

To pay J. B. Haynes for services in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, $500.

The amendment was agreed to.

The next amendment was, on page 65, after line 10, to insert:

To pay Ernst H. Djureen for services rendered in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, $500.

The amendment was agreed to.

The next amendment was, on page 65, after line 14, to insert:

To pay Ormsby McHarg for indexing and for extra services as clerk to the Committee on Pensions, $750.

The amendment was agreed to.

The next amendment was, on page 65, after line 17, to insert:

To pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, $750.

The amendment was agreed to.

The next amendment was, on page 65, after line 20, to insert:

To pay William M. Malloy for reporting hearings before the Committee on Foreign Relations during the Fifty-ninth Congress, $202.

The amendment was agreed to.

The next amendment was, on page 65, after line 23, to insert:

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, $100 for the second session of the Fifty-ninth Congress.

The amendment was agreed to.

The next amendment was, on page 66, after line 3, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1906, to March 4, 1907, for clerk hire and other extra clerical services, $4,740.

The amendment was agreed to.

The next amendment was, on page 66, after line 8, to insert:

To pay for extra services rendered to the Committee on Interstate Commerce of the Senate during the consideration of the hearings on the regulation of railway rates, from the adjournment of the Senate, March 4, 1905, during and subsequent to the special meetings of the committee (the employees named herein were inadvertently omitted from the urgent deficiency act), as authorized by Senate resolution No. 288, as follows: J. F. Sellers, $200; S. A. Maryman, $200; F. L. Thompson, $200; Parker Williams, $200; J. F. Siebert, $200, and William McCaffrety, $200; in all, $1,200.

The amendment was agreed to.

The next amendment was, on page 66, after line 21, to insert:

For additional compensation to the clerks to the Committees on Appropriations of the Senate and House of Representatives, $500 each, $1,000.

Mr. ALLISON. I move to amend the amendment of the committee, in line 24, before the word "dollars," where it first occurs, by striking out "five hundred" and inserting "one thousand;" and in the same line, after the word "each," by striking out "one" and inserting "two."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 66, line 24, before the word "dollars," where it first occurs, it is proposed to strike out "five hundred" and to insert "one thousand;" and in the same line, after the word "each," to strike out "one" and insert "two;" so as to make the amendment read:

For additional compensation to the clerks to the Committees on Appropriations of the Senate and House of Representatives, $1,000 each, $2,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. After the amendment just adopted I move to insert what I send to the desk.

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

The SECRETARY. After the amendment just adopted it is proposed to insert:

For preparing index to the report of the French-Venezuelan Claims Commission, $200.

The amendment was agreed to.

Mr. HALE. To follow that, I offer the amendment which I send to the desk.

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

The SECRETARY. After the amendment just adopted it is proposed to insert:

To pay Woodbury Pulsifer, clerk to the Committee on Commerce, for extra services in the preparation of report on river and harbor bill, $1,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "House of Representatives," on page 71, after line 24, to insert:

For additional compensation to the janitor of the House document room from March 4, 1907, to June 30, 1908, inclusive, at $120 per annum, $159.

The amendment was agreed to.

The next amendment was, under the subheading "Printing and binding," on page 73, after line 13, to insert:

The Public Printer shall cause the new index to the Statutes at Large, now being prepared in accordance with the plan approved by the Judiciary Committees of both Houses of Congress, to be printed, bound, and distributed in the manner now provided by law for the printing, binding, and distribution of the United States Statutes at Large.

The amendment was agreed to.

The next amendment was, on page 73, after line 19, to insert:

For printing and binding for the Department of the Interior, $48,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 21, to insert:

For printing and binding for the Census Office, $10,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 23, to insert:

For printing and binding for the Bureau of American Republics, $10,000, to continue available during the fiscal year 1908.

The amendment was agreed to.

Mr. HALE. On page 73, to come in ahead of the amendment just adopted, after line 23, I move to insert what I send to the desk.

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

The SECRETARY. On page 73, after line 23, it is proposed to insert:

For printing and binding for the Court of Claims, $3,000.

The amendment was agreed to.

Mr. HALE. At the top of page 74, after line 2, I move to insert what I send to the desk.

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

The SECRETARY. On page 74, after line 2, it is proposed to insert:

That the provisions of section 3 of "An act to amend an act providing for the public printing and binding and the distribution of public documents," approved March 1, 1907, shall not become operative until July 1, 1908; and for the fiscal year ending June 30, 1908, the Public Printer is hereby directed to keep separate accounts of the expense of the administration of the office of the superintendent of documents of the Government Printing Office, and also a separate account of the cost of the printing and binding of such publications of the Government as are now directed by law to be supplied to State and Territorial libraries and other designated depositories.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Judgments, United States courts," on page 74, line 18, before the word "to," to strike out "certified" and insert "reported;" in the same line, after the word "session," to strike out "by the Attorney-General;" and in line 20, after the word "four," to insert "and Senate Document No. 368;" so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," reported to Congress at its present session in House Documents Nos. 447 and 504, and Senate Document No. 368, and which have not been appealed.

The amendment was agreed to.

The next amendment was, on page 75, after line 6, to insert:

Under the Department of Justice, $247.86.

The amendment was agreed to.

The next amendment was, on page 75, line 9, to increase the total appropriation for the payment of the final judgments and decrees of the United States courts from $4,572.70 to $4,820.56.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 75, line 21, after the word "Senate," to strike out "Document" and insert "Documents;" and in line 22, after the word "seven," to insert "and 369;" so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 656, and in Senate Documents Nos. 507 and 369, first session Fifty-ninth Congress.

The amendment was agreed to.

The next amendment was, on page 75, line 24, to increase the appropriation for the payment of the judgments, Court of Claims, under the Treasury Department, from $71,574.45 to $72,860.37.

The amendment was agreed to.

The next amendment was, on page 76, line 4, to increase the appropriation for the payment of judgments, Court of Claims, under the War Department, from $62,582.27 to $120,223.69.

The amendment was agreed to.

The next amendment was, on page 76, line 8, to increase the appropriation for the payment of judgments, Court of Claims, under the Navy Department, from $21,048.42 to $156,724.44.

The amendment was agreed to.

The next amendment was, on page 76, line 12, to increase the appropriation for the payment of judgments, Court of Claims, under the Department of Justice, from $3,111.77 to $6,880.87.

The amendment was agreed to.

The next amendment was, on page 76, after line 16, to insert:

Under the Department of Commerce and Labor, $2,672.22.

The amendment was agreed to.

The next amendment was, on page 76, line 20, to increase the total appropriation for the payment of judgments rendered by the Court of Claims from $159,157.03 to $360,201.71.

The amendment was agreed to.

Mr. BACON. Mr. President, I should like to secure from the Senator from Maine some information in regard to the items which have just been read, beginning on page 75, which are under the heading of "Judgments, Court of Claims."

Of course I suppose these are all matters of record, being judgments of the court, and these are for the payment of the judgments of that court; but the point which strikes me as requiring some little explanation is this: These judgments of the court doubtless have all of them been matured prior to last month, and yet we see some very large increases in the Senate over the amounts provided for in the House. Where they are small amounts of increases it is not a matter to be especially remarked. For instance, at the bottom of page 75 the House provision as to the Treasury Department was for $71,574.45, and the Senate provision is for $72,860.37. That is a small amount, and we can readily understand how those differences should exist.

Under the War Department, however, which is the next item, in the House the judgments of the Court of Claims were stated at $62,582, while the Senate amendment proposes to appropriate $120,223. Under the Navy Department the House provision was for $21,048, and the Senate provision is for $156,724. Under the Department of Justice the amount is increased from $3,111 to $6,880. Under the Post-Office Department there is no increase. Under the Department of Commerce and Labor there is an amendment providing for the appropriation of $2,672. The succeeding amount is simply the aggregate.

I suppose these amendments are all based upon information which comes from the Departments, but I can not understand how the Departments should send the House information so inaccurate as to require when the Senate deals with this matter, which is a matter of record—judgments—that the appropriation should in some instances be absolutely double in the Senate what it is in the House.

Mr. HALE. Mr. President, this is done as it has always been done. Just before the consideration of the annual deficiency appropriation bill the Senate sends up a resolution directing that additional estimates for judgments of the Court of Claims shall be submitted in order to incorporate them in the bill. That was done yesterday by a Senate resolution, and the answer is to be found in documents the Departments have sent in, and that are in the room of the Committee on Appropriations. The Senate can see from them there that instead of putting them in the bill in detail we added the amounts referred to in those documents.

Mr. BACON. The Senator has not caught the point of my inquiry. I can understand, Mr. President, when an appropriation is for an estimated expenditure that there may be differences of estimate in the House and in the Senate; but these are appropriations for the payment of judgments, which are of record and must necessarily be of record, and the point of my inquiry is that as these appropriations relate not to estimates, but to judgments of record, how is it that the reports submitted to the House should be different from the reports submitted to the Senate, if they apply to records?

Mr. HALE. Mr. President, I can not tell the Senator. The Departments do not send us any definite recommendations, but send in the documents showing in detail what each judgment is for and the appropriations are for, judgments which have been rendered by the court since the House laid the foundation for this bill, some two months ago, I suppose. We always do that. But I can not tell the Senator why it is.

Mr. BACON. If the Senator means that this increase represents judgments which have been procured in the Court of Claims since the House bill was passed or since the House bill was made up——

Mr. HALE. Not since the House bill was passed, but since the House bill was made up.

Mr. BACON. Well, that is the information which I desired to have. The Senator will pardon me, Mr. President, if I say that while we have the most perfect and unbounded confidence not only in the industry but in the judgment of the Senators who are members of this great committee, there is not given to the Senate the information which enables Senators to vote intelligently on appropriations. Nine Senators out of ten in the Chamber vote exclusively upon the fact that they have confidence that the Senate Committee on Appropriations has acted wisely and properly; but so far as any individual judgment is concerned, in nine cases out of ten it is absolutely impossible for any Senator to form the slightest conception whether or not the appropriation is a proper one. We are guided exclusively and necessarily by the method of procedure, by the question of whether or not we have confidence in the committee, and we vote for bills solely upon that hypothesis. It must be apparent that Senators do not know as to these items the facts upon which the appropriations are based.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, beginning at the top of page 77, to insert:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases certified to Congress at its present session in Senate Document No. 370, $55,209; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that there exist no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

The amendment was agreed to.

The next amendment was, beginning at the top of page 87, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1904 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 371, reported to Congress at its present session, there is appropriated as follows:

"CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

"Additional compensation to certain employees in the civil service at Washington, D. C., under joint resolution of February 28, 1867, $398.32.

"For salaries and expenses of agents and subordinate officers of internal revenue, $130.

"For Life-Saving Service, $200.

"CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

"For pay, etc., of the Army, $165.95.

"For encampment and maneuvers, organized militia, 1905, $441.26.

"For regular supplies, Quartermaster's Department, $150.

"For incidental expenses, Quartermaster's Department, $5.90.

"For transportation of the Army and its supplies, $1,303.16.

"For ordnance service, $25.

"For bringing home the remains of officers and soldiers who die abroad, $5.66.

"For headstones for graves of soldiers, $38.66.

"For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $78.80.

"CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

"For pay of the Navy, $295.86.

"For pay, Marine Corps, $394.62.

"For contingent, Bureau of Ordnance, $1,548.65.

"For provisions, Navy, Bureau of Supplies and Accounts, $16.

"For construction and repair, Bureau of Construction and Repair, 13 cents.

"For indemnity for lost property, naval service, act March 2, 1895, $282.40.

"For indemnity for lost clothing, $53.58.

"For destruction of clothing and bedding for sanitary reasons, $9.

"For bounty for destruction of enemy's vessels, $76.95.

"For enlistment bounties to seamen, $166.69.

"CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

"For surveying the public lands, $11,872.22.

"For transportation of Indian supplies, $2.23.

"CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

"Legislative: For public printing and binding, $237.08.

"State Department: For salaries, chargés d'affaires ad interim, 1906, $302.08.

"For relief and protection of American seamen, $48.83.

"Department of Commerce and Labor: For salaries of keepers of light-houses, $23.98.

"For supplies of light-houses, $290.31.

"For repairs and incidental expenses of light-houses, $7.95.

"For expenses of light vessels, $75.34.

"For expenses of buoyage, $174.74.

"For expenses of fog signals, $1.20.

"For Point Arguello light station, California, $5.48.

"Department of Justice: For fees of clerks, United States courts, $22.88.

"For fees of commissioners, United States courts, $7.15.

"For fees of witnesses, United States courts, $13.80.

"CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

"For limited indemnity for lost registered mail, $9.

"For star transportation, $327.27.

"For miscellaneous items, first and second class offices, $122.45.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. Mr. President, there are one or two other committee amendments. I offer the amendment which I send to the desk, to come in on page 28, after line 5.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 28, after line 5, it is proposed to insert:

For the destruction of a dangerous ice gorge in the Missouri River, near Vermilion, S. Dak., under the direction of the Secretary of War, $5,000.

The amendment was agreed to.

Mr. HALE. I offer the amendment which I send to the desk, to come in on page 80, line 1.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 30, line 1, after the first word "seven," it is proposed to strike out the second word "seven" and insert "one million two;" so as to read "$1,200,384.68."

The amendment was agreed to.

Mr. HALE. Mr. President, I submit the document which I send to the desk, and ask to have it printed in the RECORD in connection with the last amendment.

The VICE-PRESIDENT. The document will be printed as requested.

The document referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, February 28, 1907.

The appropriation for "Regular supplies" was less by $500,000 for the fiscal year 1907 than that for the fiscal year 1906. Notwithstanding every effort on the part of this office to curtail expenses, the increased cost of forage for the animals, fuel, and engine supplies for electric lighting and for electric lights, and power at sea-coast artillery posts, etc., together with the increase in the quantities of forage made necessary by the additional animals authorized for machine-gun platoons, mounts for field service, etc., and of fuel by the additional barracks, etc., recently completed and which require to be heated, made a deficiency estimate necessary. The amount, $300,000, is included in the $1,200,384.68 required on this account and for maneuvers and Cuban pacification, no appropriations having been made for the two latter purposes.

At a recent hearing on the deficiency bill, before the House Committee on Appropriations, it became apparent that the committee was reluctant to allow the amount in which the Department is deficient on account of its ordinary work. Since then there has been prepared, and is submitted herewith, a detailed statement showing the excess cost of fuel and forage for the present fiscal year over the previous one, $559,341.72. It appears that forage now costs, on an average, 6 cents per hundred, and coal $1\frac{3}{10}$ cents per hundred more than last year, and wood about 51 cents more per cord.

The Department has been able to save in other directions, to some extent, but the deficiency estimated for is absolutely required, otherwise the contractors for fuel and forage must go unpaid for supplies now being delivered under contracts entered into under the provisions of section 3732, Revised Statutes.

In this connection it may be remarked that this Department can not, when preparing estimates far in advance, anticipate increase or decrease in the cost of fuel and forage supplies.

The matter being urgent, it is recommended that the necessary steps be taken to bring the condition of affairs to the attention of the Senate Committee on Appropriations; it appears to be too late to secure proper consideration in the House. The whole of the sum estimated for, $1,200,384.68, is absolutely needed.

In submitting the deficiency estimates it was not supposed that Congress would require, or desire, minute details, so that steps were only taken to furnish such general information as had heretofore usually been called for, and as would show that the deficiency was unavoidable in the conduct of the affairs of the Department under existing laws, regulations, and conditions. Immediately it was discovered that precise details were desired the work of compiling the data was begun, but the labor involved prevented the earlier completion of the task.

C. F. HUMPHREY,
Quartermaster-General, U. S. A.

Statement of excess cost of fuel and forage purchased by the Quartermaster's Department from the appropriation "Regular supplies," fiscal year 1907 over fiscal year 1906.

	1906.		1907.	
	Pounds.	Cost.	Pounds.	Cost.
Forage	220,540,787	$1,926,304.39	244,356,415	$2,280,176.63
Coal	523,865,718	1,353,421.99	575,746,517	1,514,332.25
Wood.....cords..	49,103	251,286.46	52,515	295,845.68
Total		3,531,012.84		4,090,354.56

Cost for fiscal year 1907	$4,090,354.56
Cost for fiscal year 1906	3,531,012.84
Excess fiscal year 1907	559,341.72

Statement of excess cost of fuel and forage, etc.—Continued.

FORAGE.

Post.	1906.		1907.	
	Pounds.	Cost.	Pounds.	Cost.
Adams	1,166,000	$11,799.52	1,513,000	$16,252.50
Alcatraz	126,000	1,216.05	105,000	1,160.70
Andrews	30,000	345.50	62,000	712.89
Apache	1,450,000	27,400.00	1,850,000	34,915.00
Armistead				
Army Hospital, Hot Springs				
Assiniboine	4,175,000	43,667.50	5,180,000	54,897.50
Augusta Arsenal	21,100	252.00		
Baker	136,000	1,411.55	210,800	2,446.40
Banks	106,000	1,176.70	106,000	1,169.71
Barrancas	187,500	1,768.30	228,000	2,708.40
Bayard	638,000	7,782.50	523,000	7,182.60
Benicia Arsenal	100,500	793.30	46,000	455.80
Benicia Barracks	207,000	2,071.60	210,500	2,651.18
Bliss	550,000	4,481.00	494,000	4,407.20
Boise Barracks	936,000	7,238.50	844,450	7,992.52
Brady	41,205	502.70	175,900	1,151.04
Carroll				
Casey	148,000	1,249.00	139,000	1,256.60
Caswell	57,500	720.25	55,100	571.21
Clark	6,350,000	51,347.92	6,120,000	48,432.00
Columbia	36,500	346.00	70,000	736.80
Columbus Barracks	258,396	2,006.37	265,500	2,229.55
Constitution	50,600	620.92	59,700	679.94
Crook	180,000	1,488.00	886,000	5,676.00
Dade	107,000	1,238.20	134,000	1,528.00
D. A. Russell	3,970,000	30,634.50	7,825,000	64,470.50
Davis	189,000	1,819.40	126,000	1,599.15
Des Moines	6,430,000	41,837.00	8,840,000	64,337.00
De Soto	68,000	761.20	116,000	1,330.70
Douglas	2,945,000	27,228.25	743,000	6,241.73
Duchesne	1,430,000	24,290.50	1,940,000	26,832.50
DuPont	151,000	1,549.00	160,000	1,662.00
Egbert	742,000	7,474.27	711,000	9,239.93
Ethan Allen	8,510,000	74,012.50	12,570,000	119,558.00
Flagler	89,000	804.50	122,000	1,020.85
Foster				
Fremont	65,000	737.90	73,600	992.00
Gibbon	10,778	358.36	193,000	2,113.05
Greble	96,400	1,077.02	79,300	884.75
Hamilton				
Hancock	225,000	2,223.00	303,000	2,876.60
Heath	51,000	153.00	79,200	236.61
Henry Barracks				
H. G. Wright	119,000	1,195.40	134,000	1,309.75
Honolulu				
Howard	108,000	1,040.65	132,000	1,276.95
Huachuca	2,760,000	33,993.00	3,080,000	31,905.00
Hunt	82,600	1,081.26	80,700	970.78
Jackson Barracks	116,400	1,104.44	110,400	1,143.00
Governor's Island	170,000	1,477.63	191,500	1,629.54
Jefferson Barracks	6,223,000	50,275.10	4,040,000	36,848.00
Keogh	3,250,000	31,347.50	2,355,000	23,089.50
Key West Barracks	209,000	2,647.20	230,000	2,914.90
Lawton	388,000	3,121.44	1,202,000	10,462.85
Leavenworth	14,400,000	93,525.00	13,150,600	91,282.03
Levett				
Lincoln	157,000	945.30	170,000	1,021.20
Liscum	670,000	6,677.50	712,000	9,777.53
Logan	1,055,000	7,462.50	505,000	4,335.00
L. H. Roots	273,000	2,184.70	260,000	2,108.50
McDowell	132,000	1,303.25	144,000	1,922.20
McHenry	110,000	1,099.15	90,000	897.35
McIntosh	369,000	2,895.35	436,000	3,350.85
Mackenzie	1,800,000	12,612.00	1,930,000	15,615.00
McKinley	225,755	2,259.51	165,000	1,808.95
McPherson	734,000	7,557.80	676,000	7,030.00
McRee				
Madison Barracks	358,000	2,800.68	555,000	4,631.00
Mansfield	82,000	1,115.00	82,000	1,125.00
Mason	115,000	1,193.90	168,500	2,413.25
Meade	7,390,000	55,129.00	6,530,000	57,087.50
Michie			65,000	642.75
Miley	144,000	1,429.00	180,500	2,094.60
Missoula	600,000	5,342.00	620,000	6,042.50
Monroe (Cuba)	175,000	1,490.00	9,695,000	120,610.50
Morgan	168,000	1,630.00	169,600	1,722.00
Mott	109,000	1,123.95	105,000	1,068.70
Moultrie	184,000	1,864.20	213,000	1,775.90
Myer	6,895,000	71,329.50	6,530,000	67,625.00
Niagara	172,000	1,364.75	149,000	1,127.63
Niobrara	1,057,000	5,685.35		
Oglethorpe	8,800,000	77,347.50	10,890,000	92,695.00
Ontario	166,900	1,366.17	210,000	1,811.30
Pickens				
Plattsburg Barracks	332,000	2,941.10	379,000	3,229.10
Porter	75,000	660.00	138,000	1,334.00
Preble	123,800	1,348.25	123,700	1,406.88
Presidio, Monterey	1,670,000	13,957.50	3,895,000	43,315.50
Presidio, San Francisco	8,315,000	86,918.13	8,300,000	95,092.50
Reno	566,000	2,917.20	939,000	7,761.50
Revere	53,000	633.40	44,000	548.99
Riley	18,050,000	101,250.00	21,370,000	180,502.50
Robinson	7,990,000	50,437.00	5,700,000	25,328.75
Ringgold	670,000	6,741.00		
Rock Island Arsenal				
Rodman	97,800	1,048.10	97,800	1,057.20
Rosecrans	167,000	1,568.50	161,600	1,845.75
St. Michaels	196,000	1,917.55	64,000	981.50
St. Philip				
Sam Houston	6,500,000	47,307.00	6,750,000	49,800.00
San Juan, P. R				
Schuyler	115,000	1,087.50	178,000	1,641.17

Statement of excess cost of fuel and forage, etc.—Continued.

FORAGE—continued.

Post.	1906.		1907.	
	Pounds.	Cost.	Pounds.	Cost.
Smallwood				
Screven	190,000	$2,119.60	215,000	$2,621.80
Sheridan	5,496,120	57,481.50	3,312,600	30,539.87
Sill	4,750,000	35,290.25	2,490,000	19,720.50
Slocum	232,000	1,806.00	236,000	1,676.18
Snelling	7,630,000	51,153.00	6,230,000	41,592.75
Springfield Armory	54,400	590.24	54,400	602.72
Stevens	136,000	1,326.00	1,063,000	10,365.00
Strong	47,000	561.10	50,000	559.66
Terry	127,000	1,489.75	149,000	1,400.50
Thomas	382,350	3,863.04	645,700	7,142.88
Totten	272,000	2,667.40	302,000	2,848.30
Trumbull	120,000	1,289.50	19,000	183.00
Vancouver Barracks	3,450,000	30,208.73	3,392,000	31,330.76
Wadsworth	171,000	1,644.78		
Walla Walla	2,795,000	28,405.20	3,670,000	34,878.95
Ward	59,000	503.50	66,000	589.95
Warren	72,000	814.50	67,000	695.44
Washakie	225,428	4,395.85	550,000	6,625.00
Washington Barracks	566,000	6,040.26	464,300	5,053.50
Washington General Hospital				
Watertown Arsenal				
Washington, Fort	186,000	2,040.14	260,000	3,100.63
Watervliet Arsenal	47,500	463.80		
Wayne	269,180	2,364.51	120,600	1,066.14
West Point	4,690,000	36,637.50	3,750,000	28,484.62
Wetherill				
Whipple Barracks	1,005,000	8,209.00	1,175,000	13,458.00
W. H. Harrison	545,000	5,175.50	582,000	5,613.80
W. H. Seward	301,000	2,823.75	289,500	3,752.03
Williams	101,000	1,101.40	103,000	1,822.50
Wingate	1,885,060	22,755.00	2,575,000	33,332.50
Wood	29,600	2,502.00	26,000	266.69
Worden	108,000	928.50	201,000	1,811.65
Wright	504,000	4,405.45	359,500	3,045.55
Yellowstone	2,300,000	23,400.00	2,280,000	21,692.00
Wawona, Cal	737,000	15,742.50	541,000	15,689.50
Sequoia Park, Cal	379,000	6,738.00	216,000	4,115.00
Omaha Depot	290,000	1,990.00	310,000	1,963.50
Philadelphia Depot	275,320	2,550.22	300,870	2,939.81
New York Depot	103,595	1,181.59	150,795	1,575.44
Seattle	30,832,500	326,106.75	14,000,000	185,300.00
San Francisco Depot	2,711,000	24,845.19	26,885,000	223,154.75
Total	220,540,787	1,926,304.39	244,356,415	2,280,176.63

COAL.

Post.	1906.		1907.	
	Pounds.	Cost.	Pounds.	Cost.
Adams	8,400,000	$20,565.00	7,800,000	$18,850.00
Alcatraz	8,500,000	27,415.00	6,050,000	24,785.00
Andrews	1,700,000	5,030.00	2,150,000	6,273.00
Apache				
Armistead	130,000	413.40	72,000	208.80
Hot Springs	2,720,000	3,199.00	2,720,000	4,896.00
Assinniboine	12,000,000	25,800.00	23,000,000	49,450.00
Augusta Arsenal	105,000	405.00	170,000	678.00
Baker	2,500,000	11,250.00	2,500,000	11,630.00
Banks	3,410,000	9,817.37	2,950,000	7,600.26
Barrancas	4,800,000	8,862.50	3,908,000	9,126.00
Bayard	3,500,000	12,775.00	6,230,000	22,739.50
Benicia Arsenal	300,000	1,179.00	300,000	1,209.00
Benicia Barracks	1,550,000	6,559.00	600,000	2,790.00
Bliss	2,000,000	7,000.00	2,400,000	8,760.00
Boise Barracks	550,000	1,856.25	673,000	2,624.70
Brady	3,325,000	12,054.00	2,332,000	8,453.50
Carroll	150,000	477.00	76,000	216.60
Casey	2,400,000	7,200.00	2,400,000	7,760.00
Caswell	654,000	1,790.20	1,275,000	3,525.00
Clark				
Columbia	1,000,000	3,050.00	1,130,000	4,661.25
Columbus Barracks	7,579,000	10,325.20	7,300,000	16,590.00
Constitution	1,300,000	5,163.00	350,000	1,202.50
Crook	6,800,000	16,704.00	6,800,000	17,450.00
Dade	2,200,000	4,657.00	200,000	755.00
D. A. Russell	8,000,000	15,600.00	8,000,000	15,800.00
Davis			1,000,000	5,880.00
Des Moines	11,000,000	19,350.00	8,500,000	22,625.00
De Soto				
Douglas	6,000,000	13,800.00	5,000,000	12,625.00
Duchesne	1,300,000	4,717.50	1,600,000	7,200.00
Du Pont	4,200,000	10,360.00	4,300,000	7,785.00
Egbert				
Ethan Allen	12,000,000	38,400.00	13,030,000	41,723.00
Flagler	1,800,000	4,320.00	3,000,000	9,825.00
Foster			73,000	328.50
Fremont	800,000	2,347.50	1,175,000	3,830.50
Gibbon				
Greble	3,500,000	8,523.50	2,741,600	5,899.54
Hamilton	5,600,000	14,525.00	4,600,000	12,466.00
Hancock	4,700,000	13,301.00	5,000,000	14,000.00
Heath	51,000	153.00	79,200	236.61
Henry Barracks				
H. G. Wright	3,880,000	10,423.00	3,800,000	10,300.00
Honolulu				
Howard	6,200,000	10,310.00	7,300,000	12,293.00
Huachuca				

Statement of excess cost of fuel and forage, etc.—Continued.

COAL—continued.

Post.	1906.		1907.	
	Pounds.	Cost.	Pounds.	Cost.
Hunt	2,797,000	$6,824.45	1,449,000	$2,888.22
Jackson Barracks	1,350,000	2,712.50	1,460,000	3,492.00
Governors Island	9,500,000	21,775.00	10,000,000	23,640.00
Jefferson Barracks	9,900,000	12,282.00	18,200,000	22,380.00
Keogh	5,000,000	12,250.00	3,500,000	8,575.00
Key West Barracks	1,165,000	3,438.13	820,000	2,378.00
Lawton	1,170,000	4,080.00	1,725,000	4,916.25
Leavenworth	30,200,000	65,405.00	38,300,000	67,788.50
Levett	150,000	600.00	800,000	2,306.63
Lincoln	1,700,000	6,842.00	2,304,000	9,874.60
Liscum	2,000,000	11,000.00	1,500,000	4,650.00
Logan	9,000,000	17,437.50	5,300,000	9,050.00
L. H. Roots	1,200,000	2,630.00	1,200,000	2,860.00
McDowell	2,575,000	9,992.50	2,950,000	12,830.00
McHenry	2,460,000	6,519.00	1,400,000	3,570.00
McIntosh			1,000,000	1,935.00
Mackenzie	3,500,000	2,362.50	4,000,000	2,900.00
McKinley	5,500,000	19,295.00	5,800,000	19,000.00
McPherson	7,300,000	18,292.50	7,560,000	20,074.00
McRee	480,000	1,104.00	960,000	2,688.00
Madison Barracks	6,200,000	18,785.00	6,800,000	20,611.88
Mansfield	1,590,000	5,283.50	1,600,000	5,443.50
Mason	800,000	2,992.00	1,500,000	6,520.00
Meade	4,400,000	17,490.00	4,000,000	15,500.00
Michie	500,000	1,697.50	900,000	3,123.00
Miley	1,272,000	5,277.96	1,548,000	7,319.20
Missoula			150,000	468.75
Monroe	11,800,000	26,660.00	10,840,000	23,149.00
Morgan	5,210,000	11,004.00	6,950,000	20,335.00
Mott	2,100,000	5,880.00	2,300,000	7,130.00
Moultrie	2,886,000	7,064.43	4,555,000	13,538.63
Myer	8,580,000	23,058.75	7,400,000	19,517.50
Niagara	3,250,000	8,549.50	3,100,000	7,893.00
Niobrara	7,000,000	11,200.00		
Oglethorpe	9,300,000	17,875.50	7,500,000	11,100.00
Ontario	2,700,000	7,251.00	2,700,000	6,750.00
Pickens	1,200,000	2,400.00	1,200,000	3,240.00
Plattsburg Barracks	7,700,000	26,350.00	8,100,000	25,160.00
Porter	2,100,000	6,188.00	2,250,000	6,150.00
Preble	2,100,000	6,195.00	2,000,000	5,880.00
Presidio, Monterey	1,100,000	5,544.00	1,100,000	6,370.00
Presidio, San Francisco	12,000,000	48,360.00	12,000,000	63,400.00
Reno	2,250,000	5,457.50	1,710,000	4,110.00
Revere	2,000,000	5,840.00	1,646,000	5,220.00
Riley	16,150,000	31,760.00	15,000,000	30,550.00
Robinson	11,010,000	23,600.00	10,024,000	19,000.00
Ringgold				
Rock Island	1,400,000	2,330.00	1,300,000	1,965.00
Rodman	1,302,000	4,165.00	1,600,000	5,120.00
Rosecrans	2,000,000	8,250.00	1,824,000	11,292.00
St. Michael	3,000,000	7,200.00	3,000,000	7,436.00
St. Philip	980,000	3,363.00	500,000	1,810.00
Sam Houston	3,000,000	9,300.00	2,500,000	7,950.00
San Juan	1,600,000	4,107.41	1,290,000	3,464.00
Schuyler	3,020,000	7,558.00	3,396,000	8,682.00
Smallwood	100,000	270.00	60,000	204.00
Screven	4,500,000	12,737.50	1,980,000	5,729.00
Sheridan	12,290,000	38,274.20	12,100,000	37,975.00
Sill	2,250,000	6,487.50	1,970,000	5,658.00
Slocum	7,100,000	16,039.00	8,400,000	20,770.00
Snelling	11,500,000	34,625.00	15,000,000	46,500.00
Springfield Armory	392,000	1,147.64	392,000	1,237.60
Stevens	2,000,000	7,950.00	3,653,000	11,689.60
Strong	800,000	2,337.50	2,200,000	6,232.50
Terry	3,110,000	9,295.50	3,100,000	9,320.00
Thomas	7,900,000	16,890.00	8,500,000	19,365.00
Totten	8,460,000	20,648.80	13,600,000	34,952.00
Trumbull	4,000,000	8,000.00	4,000,000	8,000.00
Vancouver Barracks	8,000,000	18,560.00	12,300,000	35,362.50
Wadsworth	4,500,000	12,951.00	4,500,000	11,475.00
Walla Walla	2,000,000	5,000.00	2,900,000	8,337.50
Ward	350,000	1,050.00	420,000	13,121.50
Warren	3,000,000	9,137.50	3,500,000	9,716.25
Washakie	1,900,000	5,890.00	4,000,000	13,800.00
Washington Barracks	5,100,000	13,617.00	7,800,000	19,792.50
Washington General Hospital				
Watertown Arsenal	645,000	1,942.50	650,000	1,950.00
Washington, Fort	6,700,000	12,507.50	6,142,100	13,547.70
Watervliet Arsenal	850,000	2,317.50	850,000	2,435.00
Wayne	4,130,000	12,390.00	2,400,000	7,188.00
West Point				
Wetherill	95,000	475.00	100,000	400.00
Whipple Barracks	1,600,000	6,000.00	1,600,000	5,920.00
W. H. Harrison	5,000,000	9,000.00	5,000,000	9,500.00
W. H. Seward	4,300,000	19,050.00	4,970,000	25,625.75
Williams	6,700,000	16,636.00	6,700,000	16,686.00
Wingate	2,500,000	4,250.00	2,000,000	3,400.00
Wood	900,000	2,502.00	900,000	2,520.00
Worden	2,500,000	7,500.00	3,700,000	11,840.00
Wright	2,500,000	6,125.00	3,840,000	11,136.00
Yellowstone	1,500,000	4,500.00	1,350,000	4,185.00
Wawona, Cal				
Sequoia National Park				
Omaha Depot	1,700,000	4,515.00	1,940,000	6,446.20
Philadelphia Depot	3,695,518	6,953.99	4,933,616	10,348.76
New York Depot	2,717,200	6,254.81	10,550,000	25,085.00
Seattle				
San Francisco Depot	4,000,000	16,520.00	1,800,000	8,340.00
Total	523,865,718	1,353,421.99	575,746,517	1,514,332.25

Statement of excess cost of fuel and forage, etc.—Continued.

WOOD.

Post.	1906.		1907.	
	Cords.	Cost.	Cords.	Cost.
Adams				
Alcatraz				
Andrews				
Apache				
Armistead	8	$48.00		
Army Hospital, Washington	30	135.00		
Assinniboine	1,200	8,376.00	850	$5,270.50
Augusta Arsenal	60	375.00	80	420.00
Baker	100	926.59		
Banks	30	300.00	16	160.00
Barrancas	1,338	7,818.50	940	5,755.00
Bayard	4,100	16,724.00	3,500	18,830.00
Benicia Arsenal				
Benicia Barracks	25	199.75	18	179.82
Bliss	72	432.00		
Boise Barracks	400	3,000.00	400	3,300.00
Brady	75	577.25	40	319.60
Carroll	10	79.80		
Casey	1,000	3,084.10	1,000	3,294.86
Caswell	619	3,528.30	612	3,560.00
Clark	3,000	16,200.00	3,000	15,750.00
Columbia				
Columbus Barracks			100	895.00
Constitution	35	290.00	25	215.00
Crook			20	120.00
Dade	158	923.00	280	1,825.00
D. A. Russell	100	800.00	175	1,400.00
Davis				
Des Moines			380	1,824.40
De Sota	540	3,110.00	380	2,532.50
Douglas	200	1,498.00	180	1,431.00
Duchesne	1,400	7,350.00	1,400	16,050.00
Du Font	95	499.60	100	562.00
Egbert	1,800	17,481.88	2,000	16,794.53
Ethan Allen	284	1,870.00	90	551.00
Flagler	800	3,392.00	500	2,070.00
Foster				
Fremont	150	675.00	160	691.50
Gibbon	150	1,462.50	2,000	22,000.00
Greble	20	210.00	25	237.50
Hamilton	120	794.40		
Hancock	75	488.75	140	964.00
Heath				
Henry Barracks			420	1,512.00
H. G. Wright			80	690.00
Honolulu				
Howard				
Huachuca	1,500	8,587.50	1,700	11,305.00
Hunt	89	380.03		
Jackson Barracks	270	1,641.00		
Governors Island	200	1,286.00		
Jefferson Barracks	84	499.80		
Keogh	600	2,898.00	500	2,375.00
Key West Barracks	350	2,782.50	350	2,555.00
Lawton	1,000	2,300.00	1,100	2,530.00
Leavenworth	450	2,128.50	570	2,510.10
Levett	4	28.00	10	97.00
Lincoln	15	89.85		
Liscum				
Logan	160	840.00		
L. H. Roots	160	760.00	40	210.00
McDowell				
McHenry	120	657.60	76	304.88
McIntosh	900	4,050.00	850	3,655.00
Mackenzie				
McKinley			60	680.20
McPherson	498	1,992.00	900	4,191.00
McRee	315	1,963.50	330	2,070.00
Madison Barracks	50	325.00	40	300.00
Mansfield				
Mason				
Meade	2,800	12,488.00	2,500	11,360.00
Michie	9	108.00	28	323.00
Miley	18	151.02	15	217.50
Missoula	2,000	7,360.00	2,000	7,726.00
Monroe	285	1,261.00	230	1,055.50
Morgan	174	1,044.00	150	970.00
Mott	60	480.00	25	197.50
Moultrie	250	1,950.00		
Myer	228	1,254.00	267	1,652.90
Niagara	36	268.20	36	231.84
Niobrara	385	2,021.25		
Oglethorpe			2,500	7,347.50
Ontario	60	595.00	50	445.50
Pickens	438	2,679.00	430	2,567.50
Plattsburg Barracks	120	663.00	120	630.00
Porter	120	685.00		
Preble	120	766.20	34	219.35
Presidio, Monterey			5,000	27,250.00
Presidio, San Francisco			30	266.70
Reno	800	3,864.00	450	2,466.00
Revere	5	50.00	8	96.00
Riley			559	3,715.00
Robinson	1,200	6,401.20	1,000	5,323.00
Ringgold	1,200	2,076.00		
Rock Island Arsenal				
Rodman	5	32.50	25	175.00
Rosecrans			12	156.00
St. Michael				
St. Philip	20	140.00		
Sam Houston	4,050	17,700.00	3,600	17,632.00
San Juan, P. R.	1,500	8,625.00	800	4,192.00

Statement of excess cost of fuel and forage, etc.—Continued.

WOOD—continued.

Post.	1906.		1907.	
	Cords.	Cost.	Cords.	Cost.
Schuyler				
Smallwood				
Screven	700	$1,270.00	600	$1,020.00
Sheridan	1,200	9,387.00	850	7,545.00
Sill	1,000	5,190.00	900	5,040.00
Slocum	50	833.50	24	178.28
Snelling	300	1,719.00	400	2,428.00
Springfield Armory				
Stevens	500	2,642.00		
Strong	24	288.00	70	822.50
Terry	30	300.00	40	400.00
Thomas	60	360.00		
Totten	200	1,315.00		
Trumbull	30	217.50		
Vancouver Barracks	2,000	5,942.00	1,500	4,826.00
Wadsworth	50	333.50	72	551.96
Walla Walla			200	1,120.00
Ward				
Warren				
Washakie				
Washington Barracks	63	323.82	114	677.16
Washington General Hospital	48	313.92		
Watertown Arsenal	50	221.50		
Washington, Fort				
Watervliet Arsenal				
Wayne	89	729.50		
West Point	150	787.50	150	840.00
Wetherill	80	360.00	60	297.00
Whipple Barracks				
W. H. Harrison	200	1,080.00	200	1,020.00
W. H. Seward			700	241.50
Williams	60	388.20	60	523.80
Wingate	60	450.00		
Wood	27	214.65		
Worden	400	1,260.00	400	1,260.00
Wright				
Yellowstone	1,000	4,100.00	850	3,825.00
Wawona, Cal				
Sequoia Park (California)				
Omaha Depot			8	52.80
Philadelphia Depot				
New York Depot				
Seattle				
San Francisco Depot	30	238.80	20	300.00
Total	49,103	251,286.46	52,515	295,845.68

Mr. GALLINGER. Mr. President, I am about to submit an amendment that is clearly subject to a point of order if any Senator feels that it is his duty to make it. It is an amendment providing for temporary street railway facilities to the Union Station, so as to get transportation for the men, women, and children from all over the country who will come to Washington after the Union Station is completed and before we can get legislation to make a permanent extension of the existing street railway lines.

I do not care to discuss the matter. The Senate is fully aware of the efforts I have made to get permanent extensions, and those are impossible at this session of Congress. I offer the amendment with the hope that the Senate will allow it to go in the bill, so that we will not have a condition of things which will be a reproach to the city when the station is finished, which will be in a very few months.

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

The SECRETARY. On page 26, after line 9, it is proposed to insert:

That the City and Suburban Railway of Washington be, and it hereby is, authorized to construct a double-track overhead electric temporary connection between its existing tracks at G and First streets NW. and Third and D streets NE. and at the northwest corner of Stanton square, the aforesaid temporary tracks to cross the Union Station plaza within 50 feet of the entrance to the Union Station.

That the Washington Railway and Electric Company be, and it hereby is, authorized to construct a double-track overhead electric temporary connection between its existing tracks at Delaware avenue and C streets NE. and the temporary tracks of the City and Suburban Railway of Washington hereinbefore authorized: also a double-track loop on the Union Station plaza connecting with the tracks herein authorized.

That the Capital Traction Company be, and it hereby is, authorized to operate its cars (under intercompany agreement) over the tracks, herein authorized, from Delaware avenue and C streets NE. to the Union Station: *Provided*, That immediately after the construction of such permanent street railway connections to the Union Station as may hereafter be authorized by law the several companies shall immediately remove all the overhead electric construction herein authorized.

Mr. HANSBROUGH. I should like to inquire of the Senator from Maine, who has been very industrious at this session, as he is at every session, in keeping general legislation off appropriation bills, if he thinks this amendment should be inserted?

Mr. HALE. I think, as the Senator who offered it said, it is subject to the point of order.

Mr. HANSBROUGH. I make the point of order.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. ALDRICH. I offer an amendment, to come in on page 7.

The SECRETARY. On page 7, line 2, after the words "per annum," it is proposed to insert:

And the salary of each of the general appraisers of merchandise shall be at the rate of $10,000 per annum.

Mr. HALE. I make the point of order on the amendment offered by the Senator from Rhode Island, that it is a change of existing law and is legislation affecting salaries.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and sustains it.

Mr. McENERY. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to insert at the bottom of page 76 the following:

That the Secretary of the Treasury, with the approval of the President, is hereby authorized to return to the Citizens' Bank of Louisiana the money taken from said bank by military order on June 19, 1862, and now in the Treasury, and a sum sufficient to do so is hereby appropriated.

Mr. HALE. I make the point of order that it is an old claim.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. BACON. I offer the amendment I send to the desk, to be inserted at the end of the bill.

The SECRETARY. It is proposed to add at the end of the bill the following:

That jurisdiction be, and is hereby, given to the Court of Claims to adjudicate the claim or claims of any owner, or the legal representatives of any owner, to the proceeds of any abandoned or captured property which have heretofore been placed in the United States Treasury, notwithstanding any former suit to recover said proceeds may have been dismissed by said court for want of jurisdiction: *Provided*, That said claimant proves his or her right to such proceeds and brings suit to recover the same within two years from the passage of this act: *Provided further*, That no proof shall be required of the loyalty of the claimant or of the original owner of the property seized or taken by the United States at the time of its seizure.

SEC. 2. That any testimony, affidavits, reports of officers, and other papers on file in the Departments or in the courts relating to such claims shall be considered by the court as competent evidence and such weight given thereto as in its judgment is right and proper.

SEC. 3. That all judgments rendered in favor of claimants under the provisions of this act shall be paid out of the captured and abandoned property fund, as provided by section 3689 of the Revised Statutes.

SEC. 4. That all sales, transfers, or assignments of any claims against said fund heretofore or hereafter made, except such as have occurred in the due administration of decedents' estates, and all contracts heretofore made for fees and allowances to claimants' attorneys are hereby declared null and void, and all warrants issued by the Secretary of the Treasury in payment of such judgments shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, or transferred under administrative proceedings, except so much thereof as shall be allowed claimants' attorneys by the court for prosecuting said claims; and the Court of Claims in rendering judgment under this act shall in each case fix the amount of compensation to the attorney or attorneys prosecuting the claim in said court.

Mr. BACON obtained the floor.

Mr. HALE. I make the point of order——

Mr. BACON. Mr. President, I have the floor.

The VICE-PRESIDENT. The Senator from Georgia is entitled to the floor.

Mr. BACON. I will detain the Senate but a moment. I desire to say that this amendment, which was presented by me in the Senate day before yesterday and was referred to the Committee on Appropriations, is a copy of a bill pending in the House—No. 25400—which was introduced by Mr. WILLIAMS, of Mississippi, and I hold in my hand the report of the House committee on the subject of the propriety of the enactment into law of what is proposed in that amendment.

Without detaining the Senate to read it, I ask consent to have it printed in the RECORD in connection with the amendment.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The report is as follows:

[House Report No. 7540, Fifty-ninth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 25400) to give the Court of Claims jurisdiction of claims for captured and abandoned property which was sold and the proceeds thereof placed in the Treasury of the United States, beg leave to submit the following report and recommend that said bill do pass:

Under the acts of March 12, 1863, and July 2, 1864, known as the "captured and abandoned property acts," and other kindred measures, a large amount of property in the States declared in insurrection was seized by the military and other Federal authorities, without regard to its ownership or the political status of its owners, and subsequently sold and the proceeds paid into the National Treasury. The sum realized from this source at the close of the war, as shown by a report of the Secretary of the Treasury, amounted to something over $30,000,000.

The third section of the act of March 12, 1863, under which the greater portion of the property was seized, provided as follows:

"Any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of

his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of such property, and any other lawful expenses attending the disposition thereof." (12 Stat. L., 820.)

Under this provision of the statute a large number of suits were commenced in the Court of Claims by persons claiming to be the owners of property seized under this and similar statutes, and in cases in which the claimants could make the proof required by the act judgments were rendered in their favor for the net proceeds of their property paid into the Treasury, and by this and other means the fund in the Treasury has been reduced, so that the sum now on hand amounts to something over $10,000,000.

Many questions arose under the act of March 12, 1863, such as, "What constituted proof of loyalty?" "When was the rebellion suppressed?" and "When did the two years expire within which suit could be commenced?" All of which were vigorously contested, and in which the court ruled strictly and rigidly against the claimants, rendering appeals to the Supreme Court necessary, and by which the owners of the property were delayed or deterred from preferring their claims under the act.

In December, 1869, the Supreme Court of the United States decided, in Anderson *v.* The United States (9 Wall., 56), that the rebellion was suppressed on the 20th of August, 1866, the date of President Johnson's proclamation of pardon and amnesty, with restoration of civil and political rights, and the limitation of the right to commence suit took effect or expired on the 20th of August, 1868. And it thus appears that the period in which the claimants could bring suits to recover the net proceeds of their property had expired more than one year prior to the decision fixing the date of the close of the war was announced and when it was too late for the claimants to derive any benefit from the decision.

It was not till 1871 that the Supreme Court gave full consideration to this act of March 12, 1863. In December of that year, in the case of Klein *v.* The United States (13 Wall., 128), the court decided—

(1) That it was not the intention of Congress by the enactment of that statute that the title to property seized under it should be divested from the loyal owners.

(2) That the proceeds of the property should go into the Treasury without change of ownership.

(3) That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

(4) That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

(5) That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, *was a decision on the part of the Government which decided affirmatively the right of the owners of such property to the proceeds thereof in the Treasury, and the restoration of the proceeds became the absolute right of the persons pardoned.*

(6) And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, *and for those whom it should thereafter recognize as entitled.*"

And in its opinion the court uses this language:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

"We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act, and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, *though then hostile, might subsequently become loyal* appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by the proceedings for confiscation.

"It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war. Even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. *The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon.* * * *

"*The restoration of the proceeds became the absolute right of the persons pardoned* on application within two years from the close of the war. It was, in fact, promised for an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment."

And then the court adds this strong language:

"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

And in the prior case of The United States *v.* Padleford (9 Wall., 531) the court held that under the proclamation of pardon issued by President Lincoln, dated December 8, 1863, and the act of March 12, 1863, the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own.

This decision in the Klein case settled the important questions in relation to the owners of captured and abandoned property and their rights under the act of March 12, 1863, and subsequent statutes relating to that subject, and it left nothing for Congress to do but provide a tribunal to which claimants might resort to establish their absolute right, in the language of the Supreme Court, to their share of the fund derived from the sale of such property.

In June, 1873, the case of Haycraft *v.* The United States was commenced in the Court of Claims to recover the net proceeds of certain property of the claimant. The suit was brought more than two years after the suppression of the rebellion, upon the theory that, as the Government held those proceeds *in trust*, as decided in the Klein case, it was liable outside of the act of March 12, 1863, upon an implied promise to pay to the claimant his portion of the fund; but the Court of Claims decided that the provision in that act limiting the right of the claimant to two years in which to prefer his claim was a limitation upon its jurisdiction, and thereupon it dismissed the petition. In January, 1875, this decision was affirmed by the Supreme Court, which held that the question was one of jurisdiction and not of limitation, and that Congress having legislated upon the subject, the Court of Claims did not possess jurisdiction to entertain suits of this character under an implied contract to refund to claimants the net proceeds of their property in the Treasury. (Haycraft *v.* The United States, 22 Wall., 81.)

While the Haycraft case was pending in the Court of Claims, and before its decision by the Supreme Court, a large number of suits were commenced in the former court upon the theory on which the Haycraft case was based, viz, that the Government was liable to the claimants for the net proceeds of their property, under an implied contract, and these cases were all continued upon the dockets of the court till the decision of the Supreme Court to which we have referred, when they were all dismissed for want of jurisdiction.

Here, then, was the difficulty which existed—*parties having rights which they were unable to enforce, for the reason that there was no tribunal to which to resort for their enforcement.* It requires no argument to prove that a right may exist where there is no remedy for its enforcement; and this was, and is to-day, the precise predicament of all persons claiming an interest in the captured and abandoned property fund. While the power of the Court of Claims in the premises had ceased to exist, the rights of the claimants had survived; and neither the court nor the claimants, in order to enable each to act, required anything more than this: *The one the privilege to sue and the other the right to entertain and determine such suits.*

To remedy the wrong which existed in this respect, and in order to make effective the decisions of the Supreme Court to which reference has been made, Congress enacted section 1059 of the Revised Statutes, giving the Court of Claims jurisdiction of four classes of claims. The fourth clause of said section reads as follows:

"Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, 1863, chapter 120, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' or by the act of July 2, 1864, chapter 225, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property, in virtue or under color of said acts, from suit at common law, or any other mode of redress whatever, before any court other than the Court of Claims."

And Congress provided for the payment of any judgment the court might render in favor of claimants under said fourth clause by section 3689 of the Revised Statutes, which, under the head of "Permanent annual appropriations," among other things, provides as follows:

"For the return of proceeds from the sale of captured and abandoned property in insurrectionary districts to the owners thereof, who may, to the satisfaction of the Court of Claims, prove their right to and ownership of said property."

These provisions of the Revised Statutes construed together provided a complete and adequate remedy for the claimants under the act of March 12, 1863, and subsequent statutes relating to the subject. The statutes declare this was the law on the 1st of December, 1873, though they were not approved by the President till June 22, 1874, and were not published till in 1875. These provisions of the statutes were in force, though not published, when the Haycraft case, above cited, was decided by the Supreme Court, and it can hardly be doubted that the decision in that case would have been different if the court had been aware of the existence of the two clauses in sections 1059 and 3689 of the Revised Statutes.

To every unprejudiced mind the language of the fourth clause of section 1059 is clear and unambiguous, and requires no construction to arrive at the intention of the National Legislature. It could have had but one object, and that was to confer upon the Court of Claims a jurisdiction which had once existed and which Congress well knew had expired by limitation. While the provision confers no new rights upon those claiming the fund derived from the sale of their property, but, on the contrary, restricts those rights by making the jurisdiction exclusive, it provides a tribunal before which they can go to enforce existing rights, and that tribunal one specially provided for adjudicating claims against the Government. Acting upon the assumption that the Government can not be sued without its consent, the legal effect of the clause is to give that consent, with the proviso that the claimants shall be confined in the prosecution of their claims to the provisions of the acts of March 12, 1863, and July 2, 1864—that is to say, that they should only recover the net proceeds of the sale of their property after deducting all costs and charges. And this conclusion is strengthened when section 3689 is construed in connection with section 1059.

The act of March 12, 1863, provided for the payment of all judgments rendered under its provisions, and if by the fourth clause of section 1059 it was only intended to continue the jurisdiction of the Court of Claims as to suits then pending before it, then no additional legislation was necessary to provide for the payment of any judgments rendered by the court in favor of the claimants. Besides, the limitation of two years in the act of March 12, 1863, operated upon the claimants rather than upon the court. It gave them the two years in which to prefer their claims to the proceeds of their property, and the act nowhere provided that the jurisdiction of the court should terminate in two years, whether the cases then pending were disposed of or not. But when Congress came to confer a new jurisdiction upon the court without limitation as to time in which suits might be commenced, in order to make the remedy effective it was necessary to make provision for the payment of any judgments obtained by the claimants, and this Congress did by the enactment of section 3689 of the Revised Statutes.

The Court of Claims, however, adhering to its habit of ruling rigidly against claimants in that court, took a different view of sections

1059 and 3689, and in the case of Mary A. Wade, administratrix, and B. M. Martel, syndic, held that Congress did not intend by the above sections to repeal the two years' limitation in the act of March 12, 1863, and that these sections would not admit of such a construction, thus placing Congress in the ridiculous attitude of conferring jurisdiction upon the court and in the same clause limiting that jurisdiction to a period of time which had expired five years previously. This decision is based upon the ground "that the object of the revision of the statutes was not to change existing law, but to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time the commissioners should make the final report of their doings," and that the commissioners, "instead of reenacting the full language, for conciseness and condensation merely referred to the act and provided that the court should have jurisdiction of all claims for the proceeds of captured or abandoned property, as provided in the act of March 12, 1863."

Without stopping to criticise further this decision of the Court of Claims, it is sufficient to say that it completely nullifies the fourth clause of section 1059 of the Revised Statutes and defeats the will of the lawmaking power as expressed by that provision of the law. So long as that decision stands, even were there no other obstacles in the way, no suits can be maintained in the Court of Claims for the recovery of any portion of the captured and abandoned property fund, and the doors of that court, as well as all other legal tribunals, are closed against the claimants.

This is the condition and state of the law bearing upon this subject at this time as construed and defined by the courts, and it seems apparent that if this captured and abandoned property fund is ever to be distributed to its owners some additional legislation is necessary to that end. If the title of the owners of the property seized and sold under the captured and abandoned property acts has never been divested; if the Government holds the net proceeds of the property thus sold without any legal title thereto and as trustee for the owners, and if the President's proclamation of pardon and amnesty, including restoration to civil and political right, was a decision on the part of the Government which decided affirmatively the right of all owners of the property to the proceeds thereof in the Treasury, as the highest judicial tribunal of the nation has decided, then in equity and good conscience it ought not to retain the money, and the honor and dignity of the nation demand that some provision should be made by which the claimants of the fund may be enabled to enforce their rights thereto. For more than thirty years the Government has had the use of this money.

For more than thirty years the claimants have been appealing to Congress for relief; and if Congress in the discharge of more pressing duties has neglected this appeal, or if the remedy it provided has proved inefficacious, the stronger the reason for some action in this direction at the present time. The claimants are fast passing away, leaving as an inheritance to their children the prospect of litigation with their Government; and the witnesses upon whom the claimants must depend to establish their rights are being scattered and lost sight of, and to delay further is simply to rob and deprive these parties of their rights, some of whom are widows and orphans, while others are colored, or men of small means.

That Congress has from time to time felt the necessity for making some provision for the disposition of this fund is evident from the fact that at nearly every session special acts have been enacted for the benefit of claimants of this fund, thus doing justice to some at the expense of others; and it seems to your committee that common justice demands that a general law should be enacted by which all claimants to the fund may be relegated to some tribunal where they can establish their rights according to legal methods and each receive that portion of the fund to which he shows himself entitled.

Time and again favorable reports have been made by one House or the other upon bills having in view the same purpose as the bill now under consideration. In the Fifty-second Congress, first session, the Judiciary Committee of this House made such report on H. R. 455 (Report No. 1377).

In the Fifty-third Congress, second session, the Judiciary Committee upon a number of bills of like character adopted a report of the same committee made in the preceding Congress.

The same in the Fifty-fourth Congress, second session (House Report No. 2568, from the Committee on War Claims, on H. R. 7618).

The same in the Fifty-fifth Congress, third session (Senate Report No. 1634).

The same in the Fifty-seventh Congress, first session (Senate Report No. 1292).

The same in the Fifty-eighth Congress, second session (Senate Report No. 1861).

The same in the first session of the present Congress (Senate Report No. 3290).

Your committee report back the bill and recommend its passage.

Mr. BACON. Of course I recognize the fact that as the committee has failed to report it favorably the point of order made by the Senator from Maine will undoubtedly be sustained by the Chair. I have no question on that point; but this report absolutely demonstrates, I think, under the decisions of the Supreme Court of the United States not only the propriety, but the high duty of Congress to enact this legislation.

Mr. HALE. I insist on the point of order, Mr. President.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. FORAKER. I offer an amendment extending the time for the completion of a local street railway.

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

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the time for the completion of the Anacostia, Surrattsville, and Brandywine Electric Railroad in the District of Columbia is hereby extended for twelve months from March 3, 1907.

Mr. HALE. As I am making these points of order, I must make it against this amendment. It is legislation.

Mr. FORAKER. I am sorry the Senator feels constrained to make the point of order against the amendment, because I think it will work a hardship.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. FORAKER. I offer an amendment which I hope the Senator from Maine will accept.

The SECRETARY. It is proposed to insert at the end of the bill the following:

For the preparation of a table of contents and index to the final report of the Louisiana Purchase Exposition Commission, $350, the same to be immediately available.

The amendment was agreed to.

Mr. LODGE. I move to insert, on page 7, line 2, after the word "annum," the words:

And the salary of the appraiser of merchandise at the port of Boston shall be at the rate of $6,000 per annum.

Mr. HALE. Mr. President——

Mr. LODGE. Before the Senator from Maine makes the point of order against the amendment, I wish to say one word on the matter of the salaries of the appraisers. I have made many attempts to get the salary of the appraiser at the port of Boston increased. It is very low. It is only half what it is proposed to make the salary at New York. The work is just as onerous and it is just the same kind of work. The responsibilities are just as great and the expenses of living are no less.

I have been told year after year, when I have made the attempt, that never under any circumstances were salaries to be increased on an appropriation bill; and I was told particularly that the House would never permit the increase of a salary on an appropriation bill; that it was something the House could not endure. Now I observe the House has increased very largely the salary of the appraiser of merchandise at the port of New York. I dare say it is entirely deserved and entirely proper, but I do not think there should be a different rule applied to one port from that applied to all others, and that the House should put on these increases of salary and we be denied, at all other ports and in all other cases in the country, any opportunity to get increases where they are greatly needed.

The salary of the chief appraiser at the port of Boston is now $4,000. I do not know what it is in New York at this moment, but I think it is $6,000. I move to make the salary of the appraiser at Boston $6,000, not to pay the New York salary, though that ought to be given.

Mr. HALE. If the Senator had moved to insert "six" instead of "eight" in the New York item, that, of course, would not be subject to the point of order. But I must make the point of order that the amendment is not in order here to raise the salary, changing the present law.

Mr. LODGE. I have no desire to cut down the New York salary. I have no doubt it is perfectly proper. But I think we ought to have some arrangement which would be reasonably fair to the members of both Houses.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and sustains it.

Mr. BRANDEGEE. I call the attention of the chairman of the committee to the language on page 61, line 1:

Employees on * * * the session rolls on the 1st day of January.

I am informed by a member of the committee that the roll in the House is made up as of the 1st day of February. I wanted to ask the Senator from Maine whether, if there is any doubt about it, it would not be wise to change the date from January to February, and then the matter could be adjusted in conference according to the fact.

Mr. HALE. The Senator from Iowa, the chairman of the committee, looked into that in connection with a case that came up and found that, so far as was known, everybody that could be covered would either be upon the rolls of the House or the Senate. So this provision covers every case.

Mr. BRANDEGEE. Very well.

Mr. OVERMAN. I have an amendment which I suppose is subject to a point of order, but I ask the Senator if he will not agree to accept the amendment. It merely extends the time to the State to be reimbursed, as others have been reimbursed, for expenses incurred in raising volunteer soldiers for the Spanish war. A great many States have been unable to get a settlement with the Auditor, and this only extends the time for the settlement. The time limit under the act has expired, and this merely extends the time. I wish the Senator would let it go in.

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

The SECRETARY. It is proposed to insert at the end of the bill the following:

The general appropriation provided for in the act approved July 8, 1898, entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to

raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," is hereby continued in effect, and it shall be available for payment of all amounts heretofore allowed or which may hereafter be allowed by the Auditor for the War Department or the Comptroller of the Treasury, under the provisions of said act and the acts amendatory thereof, or by the Court of Claims, for expenses of the States incurred in raising, organizing, supplying, or equipping volunteers for said Volunteer Army.

Mr. HALE. I just made the same kind of a point against the amendment of the Senator from Ohio. I must insist upon the point of order.

The VICE-PRESIDENT. The amendment is in contravention of the rule. The Chair sustains the point of order.

Mr. HEYBURN. I desire to offer an amendment.

The SECRETARY. On page 47, after line 10, it is proposed to insert:

That section 5 of the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, be amended by adding thereto the following proviso:

"*Provided*, That upon the expiration of five years from the date of the entry of said lands by said entryman, upon proof of residence and cultivation of said land as required under the homestead laws of the United States and proof of cultivation as required by this act, and upon the payment by said entryman to the receiver of the United States land office for the district in which the said land is situated of all installments due or to become due upon said land under the provisions of this act, whether in payment for the said lands or for water rights thereon, said entryman shall be entitled, without further delay, to receive a patent from the United States for the said land, and to be discharged from all liabilities for any other or further residence upon said lands or payments for said lands or water except maintenance charges under this act."

Mr. HEYBURN. Mr. President, this is the reverse of the ordinary amendment. This is an amendment asking for the privilege of paying to the Government several million dollars before it is due. It is hardly within the spirit of the ordinary amendment. It asks that these parties may be permitted to pay to the Government five years before it is due sums that amount to several million dollars in order that their titles may be clear. It seems to me that, inasmuch as the Senate adopted this amendment to the agricultural appropriation bill and it went out because it not was not considered by the conferees germane to the bill, the Senator should hardly raise a point of order against the amendment, proposing as it does to allow people to pay money to the Government when they are anxious to pay it and the Government will have the fund and get the benefit of the interest.

Mr. HALE. All the same, it is general legislation, Mr. President.

The VICE-PRESIDENT. The point of order is well taken, and the Chair sustains it.

Mr. SCOTT. I have a very small amendment that I am sure the Senator from Maine will not object to, because it is so evidently just and proper.

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

The SECRETARY. It is proposed to insert at the end of the bill the following:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the sixty-nine Capitol police of the Senate and House the sum of $150 each as additional compensation to the salary they now receive.

Mr. HALE. I make the point of order that the amendment increases an appropriation; that it is not estimated for, and that it is not reported by a committee.

The VICE-PRESIDENT. The amendment is clearly against the rule, and the Chair sustains the point of order.

Mr. LODGE. I have no desire to reduce the sum proposed for the appraiser in New York, but I should like to have the matter before the conference committee, so that the conferees may consider the case of the Boston appraiser, who now has a salary of $4,000, in comparison with the salary at New York, which I think is a proper one. I therefore move to strike out "eight" and insert the word "seven," and, after "thousand," to insert "five hundred." That is in order, for it is to reduce an appropriation.

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

The SECRETARY. On page 7, line 1, before the word "thousand," it is proposed to strike out "eight" and insert "seven;" and, after the word "thousand," to insert "five hundred."

Mr. HOPKINS. I should like to have the clause read as it will read if the amendment is adopted.

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

The Secretary read as follows:

Hereafter the salary of the appraiser of merchandise at the port of New York shall be at the rate of $7,500 per annum.

The amendment was agreed to.

Mr. PATTERSON. The junior Senator from Wisconsin [Mr. LA FOLLETTE] introduced a proposed amendment to this bill. He is ill at home, and at his request I offer the amendment.

The VICE-PRESIDENT. The Senator from Colorado on behalf of the junior Senator from Wisconsin offers an amendment which will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That section 2 of the deficiency appropriation act approved May 18, 1872 (17 Stat. L., p. 134), is hereby revived and continued in force and made applicable to all labor performed in excess of eight hours per day by all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States since the 19th day of May, 1869, the date of the proclamation of the President concerning such pay: *Provided*, That all of the said claims for labor so performed in excess of eight hours per day be, and they are hereby, referred to the Court of Claims, to be adjusted upon the basis that eight hours constitute a working day, and they are to be paid for at the price per day as provided in said act and judgment given against the United States in favor of each claimant for the amount found to be due, shall be paid as other judgments of the Court of Claims against the United States, and no statute of limitations or payment made or receipt given for a less sum per day than the full price of a day's work, as provided in said act, shall affect the right of recovery, nor shall any contract or agreement made by any such laborer, workman, or mechanic, whether for piecework, stintwork, taskwork, or any other kind of work, affect such right: *Provided further*, That all suits under this act shall be commenced within two years from and after its passage, and any number of claimants may join in the same suit: *And provided further*, That whenever a sufficient number of claimants of any one class shall join in one suit, so that the amount claimed shall in the aggregate exceed the sum of $5,000, the said claimants shall have the right of appeal to the Supreme Court of the United States: *And provided further*, That the heads of the proper and respective departments of the Government are hereby authorized and required to furnish, upon call duly made by or through the Court of Claims, a complete statement of all the laborers, workmen, and mechanics referred to above, who have performed labor under the direction of the said departments in excess of eight hours per day, during the period covered by this act, stating the amount of the excess of labor above eight hours in each case and the rate of pay per diem, respectively.

Mr. HALE. The amendment is a great body of general law, and I must make the point of order against it.

Mr. PATTERSON. Mr. President, I wish to make just a short statement.

Mr. HALE. Very well. I will withhold the point of order for a moment.

Mr. PATTERSON. This identical bill was reported favorably from the Committee on Education and Labor the 2d of February, 1903, but no action was taken upon it in that Congress. However, a few days ago, on the 27th of February, a like measure to provide for the payment of overtime claims of letter carriers was adopted by the Senate. The only reason why this amendment has not been reported from one of the standing committees of the Senate to the Committee on Appropriations is because the chairman of the Committee on Education and Labor has been absent and no meetings have been held. The junior Senator from Wisconsin [Mr. LA FOLLETTE] hoped that under those circumstances the point of order would not be made against it.

The VICE-PRESIDENT. The proposed amendment is forbidden by the provisions of Rule XVI as an amendment to a general appropriation bill. The point of order is well taken, and the Chair is obliged to sustain the point of order.

Mr. CULBERSON. Mr. President, I would not ask the question I am about to ask if I had had the time to read the bill. It has just been reported, and the print we have is that of the subcommittee. I therefore ask the Senator from Maine if there is any provision in the bill to pay for the remaining expenses of the constitutional convention of Oklahoma?

Mr. HALE. There is.

Mr. McLAURIN. I should like to ask the Senator who has the bill in charge a question regarding the amendment found on page 64, at line 8:

To reimburse the Hon. REED SMOOT for expenses incurred in the matter of the protest against his right to retain his seat in the Senate of the United States, $15,000.

I should like to ask the Senator of what items this consists?

Mr. HALE. The committee has followed the rule in all contested cases in putting on the amendment offered by the committee that had charge of the case. The expenses of the Senator in that case were greatly in excess of $15,000. The counsel fees alone, as I remember, amounted to this sum. It is a large sum; but instead of being like other cases, where we have reported $5,000 and other sums, cases that have occupied only a session of Congress, this investigation, as Senators know, dragged through two entire Congresses. The appropriation does not in any way make good the expenses of the Senator from Utah, but the committee thought it was advisable to put in this amount to partially compensate him for his expenses.

Mr. McLAURIN. The question I desire to have answered is of what items the appropriation consists.

Mr. HALE. As I remember it, the payment of counsel fees amounted to $15,000, aside from other expenses.

Mr. SUTHERLAND. Mr. President——

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

Mr. HALE. Certainly.

Mr. SUTHERLAND. The expenses of counsel fees alone amounted to $20,000. I happen to know about that.

Mr. HALE. I was under the impression that the expenses of counsel amounted to only $15,000; but the Senator is correct; they amounted to $20,000. However, the committee allowed him only $15,000.

Mr. McLAURIN. The Senate by its action yesterday declared that it was not the policy of the Government to pay costs, and I think if that policy is to be pursued in one particular it ought to be followed in all.

Personally I should like to see the Senator from Utah get the amount, because personally I like the Senator from Utah; but it seems to me that this is a pretty loose way of appropriating the public money.

Mr. BLACKBURN. Will the Senator from Mississippi allow me to ask the Senator from Maine, in charge of the bill, a question?

Mr. McLAURIN. Certainly.

Mr. BLACKBURN. I ask the Senator in charge of the bill whether this item is predicated upon a report made by the Committee on Privileges and Elections?

Mr. HALE. I thought I had stated that it was.

Mr. BLACKBURN. I understood the Senator to say that the committee had followed the usual rule. That rule, as I understand it, is to predicate the amount upon a report made from the committee that tried the case.

Mr. HALE. That is the case here.

Mr. McLAURIN. I have not read the bill through, but I should like to know another thing. I should like to know whether any amount has been allowed to those who prosecuted the protest against the admission of the Senator from Utah to a seat in the Senate.

Mr. HALE. Of course there has been no claim presented to Congress, because there was no contestant. Heretofore in cases where there have arisen contests between sitting members and contestants the Senate has appropriated money for both, but in this case no claim of that kind has been put forward because there was no contestant for the seat.

Mr. McLAURIN. Do I understand the Senator to say that the Committee on Privileges and Elections have recommended the payment of this amount?

Mr. HALE. Fifteen thousand dollars. The amendment was introduced from the committee. It is on that basis.

Mr. McLAURIN. The Committee on Privileges and Elections?

Mr. HALE. The Committee on Privileges and Elections.

Mr. HANSBROUGH. I offer an amendment to come in after line 25, on page 48. I move to insert as a separate paragraph:

For maintenance of the Indian school at Bismarck, N. Dak., $15,000, or so much thereof as may be necessary.

I will state——

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

Mr. HANSBROUGH. Certainly.

Mr. OVERMAN. I wish to correct one matter stated here. While I am not objecting to the item in the bill, I wish to state that there has been no meeting of the Committee on Privileges and Elections, so far as I know; that I received no notice of any meeting. There must be some mistake about a recommendation of this amount by the Committee on Privileges and Elections. They might have done it, but there has been no meeting of the committee. Other Senators bear me out in my statement. If there has been any call, we were not notified.

Mr. HALE. I am mistaken in my statement. I thought that the amendment was offered by the Committee on Privileges and Elections. I am told by the chairman that that was not the case. I was wrong about it. But there is no question about the amount.

Mr. HANSBROUGH. I was about to state that the Indian school building at Bismarck, N. Dak., is now in process of construction and will be completed early in the fall. This sum of $15,000 is for maintenance between the time of completion and the end of the fiscal year. Of course if it is not completed the money will not be used. Therefore I have added the words "or so much thereof as may be necessary."

Mr. HALE. I know nothing about this matter. Has it been estimated for by the Department, or is it a bill that has passed the Senate? If not, of course it is subject to a point of order. I do not know about that. The Senator must tell us about it.

Mr. HANSBROUGH. Of course it is a matter that would hardly come in the estimates. The situation was only recently discovered by the Department. My attention was called to it by an officer of the Department a few days ago. Certainly the matter had been overlooked by the Department itself. I hardly think it comes within the rule.

Mr. GALLINGER. Mr. President, the white people of Washington have been put to a great deal of inconvenience, and I think the Indians can suffer slightly in the same direction. I make the point of order against the amendment.

The VICE-PRESIDENT. The point of order is sustained.

Mr. SPOONER. On page 45, after line 13, I move to insert:

To enable the Secretary of the Interior to purchase from the reporter of the Supreme Court of the United States, at $3 per copy, 576 copies of a digest prepared by him of opinions contained in volumes 187 to 202, inclusive, of the reports of said court, and to distribute such digests in the same manner and to the same persons as the 576 copies of reports of said court are now distributed by him under the several acts of Congress relating thereto, and that the amount necessary to pay for said digests is hereby appropriated out of any money in the Treasury not otherwise appropriated; in all, $1,728.

Mr. HALE. This is entirely new. Has it been estimated for or has it been a bill passed by the Senate or recommended by any committee?

Mr. SPOONER. If the Senator will allow me a moment, I agree with him entirely that the amendment is subject to a point of order. That it is subject to a point of order, I think, is due entirely to an oversight of my own. It was before the Committee on the Judiciary in my charge and I overlooked it. I have no doubt the committee would have authorized a favorable report upon it.

The purpose appears upon the face of the amendment. Under existing law 576 copies of the report are distributed to judicial and quasi-judicial officers of the United States. It is very important, of course, everyone knows, that officers discharging judicial functions or quasi-judicial functions, like the land officers and district attorneys, should have the digest. This brings the decisions up from volume 182 to volume 202.

I will say to the Senator, if he will let it go in and the conference committee feel that it is not well justified, it can be stricken out. I think it is important.

Mr. HALE. On the statement of the Senator, I will not make the point of order.

The amendment was agreed to.

Mr. McLAURIN. I offer the following amendment, to come in immediately after the word "dollars," line 11, on page 64:

Provided, That the same amount shall be appropriated to defray the expenses of those who prosecuted the protest.

I have just been informed that the women of the country made up $7,500 to employ attorneys to prosecute the protest. They do not seem to have been able to raise as large an amount by very nearly one-third as was raised by the contestee or protestee; but, I think, if the protestee is to receive $15,000 to defray his expenses, those who opposed him ought to receive an equal amount for prosecuting the protest, which they did in good faith.

Mr. SPOONER. The Government has paid $25,000 of the expenses.

Mr. McLAURIN. I did not hear what the Senator from Wisconsin said.

Mr. HALE. I was just going to say what the Senator from Wisconsin has already said. The United States has already paid more than $25,000 to these parties.

Mr. McLAURIN. I can not hear what the Senator from Maine says.

Mr. HALE. The United States has already paid for the benefit of the parties who were making this contest, who were the contestants, more than $25,000. That has already been paid, but nothing has been paid to the Senator from Utah.

Mr. McLAURIN. I will ask the Senator if he will yield to me for a question?

Mr. HALE. Certainly.

Mr. McLAURIN. How was the money paid to these protestants?

Mr. HALE. I do not know to whom it was paid, but it was paid to cover their expenses in the way of witness fees and traveling expenses of witnesses who were summoned here.

Mr. McLAURIN. I will ask if the same thing was not done for the witnesses for Senator SMOOT?

Mr. HALE. Not unless they were summoned by the committee.

Mr. McLAURIN. My understanding is that the same thing was done for the witnesses for the protestee and that the United States paid his witnesses. That is my understanding.

The VICE-PRESIDENT. The Chair does not understand that the Senator from Maine has interposed a point of order.

Mr. HALE. I think it is better to take the vote of the Senate. I have some doubt about it.

Mr. McLAURIN. I should like to know what the point of order is, if it is to be made.

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

Mr. BACON. I ask that the amendment may be read.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. On page 64, line 11, after the word "dollars," insert:

Provided, That the same amount shall be appropriated to defray the expenses of those who prosecuted the protest.

Mr. BACON. Mr. President, I think there is a good deal in what the Senator from Mississippi suggests to the Senate in this regard, though I do not think the amendment is in proper shape. I think it has been the universal custom in each House when there has been a contested election, which is analogous to this case, to pay a certain sum, but which is considered not as compensation. I suppose the Senator from Maine inadvertently used the word "compensation" when he meant "reimbursement." It is to pay a certain sum of money to reimburse each side for expenses incurred in the contest. I think it would not be proper to adopt an amendment which should stipulate that a certain sum equal to that which was paid to reimburse the Senator from Utah should be paid to those who occupied an opposing attitude to him, but I do think it would be proper to pay an amount to reimburse them within certain limits for such expenditures as they made in the prosecution of the contest.

Mr. WARREN. Will the Senator permit me to ask him a question?

Mr. BACON. Certainly.

Mr. WARREN. Of course a contest between two men who both believe they are entitled to the same seat in Congress makes some foundation upon which to rest the payment of the expenses of both; but would the Senator from Georgia undertake or consent to establish a precedent here now by paying John Doe and Richard Roe, who make claim for no one for a seat in this body, so that hereafter any persons, no matter whether it is any of their business or not, can attack any Senator on this floor and be paid for making such attacks?

Mr. BACON. I certainly would not desire to encourage any capricious attack on the right of a Senator to a seat on this floor, but nobody will contend that this was a capricious attack. It was one which very deeply interested the entire American people, and there is not pretense that it was a capricious attack on the right of a Senator to his seat on this floor. I think it was evidently done in the utmost good faith. Whereas there may have been some zealous parties who may have possibly been influenced by motives rather more extreme than we would sustain or approve, at the same time the general proposition which was made and upon which this most notable contest was founded can not be classed among those attacks which may be said to be capricious, and an undue attack upon the right of a Senator to his seat on this floor.

Mr. CARMACK. I wish to ask the Senator if those who prosecuted this protest against the Senator from Utah have made any request for reimbursement?

Mr. BACON. They have not, so far as I know.

Mr. CARMACK. Then it seems to me the Senate certainly ought not to volunteer to make reimbursement.

Mr. BACON. If the Senator had permitted me to proceed I possibly would have made a suggestion in that regard which would have relieved him of that inquiry. I had previously said that I did not think the amendment was in proper form.

Mr. McCUMBER. Mr. President——

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

Mr. BACON. I would prefer if the Senator will allow me to proceed with my reply, and then I will yield.

Mr. McCUMBER. I merely wanted to ask the Senator a question.

Mr. BACON. I wish to reply first to the suggestion of the Senator from Tennessee. I can not reply to both at once. Then I will yield with pleasure to the Senator.

I was proceeding to say when interrupted that I would think it unfortunate if any action should be taken by the Senate at this time which would negative the propriety of the reimbursement within certain limitations of the parties who made expenditures in the prosecution of the question as to the right of Senator SMOOT to retain his seat.

As I understand it, the Government has paid the expenses of witnesses on both sides, which I think was eminently proper to be done. I understand further that the appropriation in this bill is to reimburse Senator SMOOT for expenditures made by him outside of the matter of procurement of witnesses, in the payment of his counsel and other expenses, and I think that is an eminently proper appropriation to be made. I think it also proper, if we knew the amount, to reimburse the parties who we must be assured made expenditures upon the same line in the prosecution. But in the absence of any information on that subject, I do not think we could properly adopt the amendment offered by the Senator from Mississippi.

So the Senator from Tennessee and myself are in accord on that matter. My sole purpose was to prevent any action by the Senate which would seem to negative the right of these parties at some future time to make known what demands they may have in reference to the matter.

Mr. HALE. Mr. President——

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

Mr. BACON. I promised to yield to the Senator from North Dakota.

Mr. HALE. If the Senator is not through, I do not wish to interfere.

Mr. BACON. I promised to yield to that Senator.

Mr. McCUMBER. I simply wish to ask the Senator a question. Is it not true that all the witnesses have been paid?

Mr. BACON. I think so.

Mr. McCUMBER. Then, the sum that is sought to be paid by this amendment is for the attorneys. Is it not also true that the attorneys have been paid?

Mr. BACON. I am sure I do not know. They were not paid by the Government, I presume.

Mr. McCUMBER. No; but if they have been paid by anyone who employed them, why should the Government pay them again?

Mr. BACON. I understand that this appropriation is to reimburse the Senator from Utah.

Mr. McCUMBER. I am not speaking about the Senator from Utah, but of the amendment. The amendment proposes to appropriate $15,000 to pay some other expenses; and inasmuch as the Government has already paid the expenses of the witnesses, most of the appropriation must necessarily be for expenses of counsel. It is my understanding that the counsel for the prosecution were taken care of and that their expenses and fees have been paid.

Mr. BACON. Now, Mr. President, that is, I presume, the question of the Senator from North Dakota. As I understand it, the Senator from Utah has paid his counsel, and this is to reimburse him for that expenditure. On the other hand, I suppose it is true really that those who prosecuted this question as to the right of the Senator from Utah to his seat have also paid their counsel. I simply contended that when a proper presentation was made they should within certain limitations be reimbursed; but, so far as this amendment is concerned, I myself could not vote for it, because we have no evidence as to what was paid or the persons by whom it was paid. I think that makes clear my position in the matter.

Mr. HALE. I move to lay the amendment on the table.

Mr. DUBOIS. Mr. President——

Mr. HALE. I am so very desirous of getting the bill through and getting it over to the House to avoid a night session that I must make the motion.

Mr. DUBOIS. I can clear up a little of this question in just a few words, if the Senator from Maine will allow me.

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

Mr. HALE. I will yield briefly to the Senator.

Mr. DUBOIS. I knew nothing about the amendment which the Senator from Mississippi has proposed. I was not consulted about it at all and I had nothing whatever to do with it. But the facts are that the women organizations of the country and the ministerial association paid the attorneys $7,500. That amount was paid and it was paid by those organizations. That answers the question of the Senator from Tennessee.

Mr. CARMACK. Let me ask the Senator how the money was paid?

Mr. DUBOIS. It was paid directly to the attorneys through the ministerial organization and the woman's organizations of the country.

Mr. CARMACK. They collected the money, I suppose?

Mr. DUBOIS. They collected the money from their people.

Mr. CARMACK. And will give it back?

Mr. DUBOIS. If it is given back to them I have no doubt it will be used in good work, in missionary work, and works that they carry on.

Mr. HALE. Mr. President, I have already moved to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine to lay the amendment on the table.

The motion was agreed to.

Mr. McLAURIN. Mr. President, I offer another amendment, and I wish to address a few remarks to the Senate on it, before anybody else gets the floor.

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

The SECRETARY. At the same point in the bill it is proposed to insert the following proviso:

Provided, That $7,500 be appropriated to defray the expense of those who prosecuted the protest.

Mr. McLAURIN. Mr. President, in reference to the form of the amendment, I should myself prefer to put it in different phraseology if I had time, but I did not see this provision in the bill until a few minutes ago, and I have not had an opportunity while this discussion has been going on to prepare an amendment which meets in some respects my idea of the justice of this case. If I had time to prepare an elaborate amendment, I should prepare one that probably would be in better phraseology than this.

In reference to the suggestion of the Senator from Tennessee [Mr. CARMACK] that this is a mere voluntary act, I think an act of justice ought always to be voluntary, and I do not think that the Senate of the United States or the Congress of the United States ought to wait until demand is made to do an act of justice when it is apparent that it ought to be done.

Mr. CARMACK. Mr. President——

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

Mr. McLAURIN. With pleasure.

Mr. CARMACK. Does the Senator from Mississippi claim that the United States ought to pay money to any person who is not even asking for it?

Mr. McLAURIN. I think if it owes the money or if it is just, that it ought to. I think the United States Government, like an individual, ought not to wait to be dunned. I think when an individual has the money and owes a just debt that the individual ought to pay it, and so, I think, with the Government. Here is a proposition to pay one of the contestants, and in that same proposition there is a proposition, which I make, to pay the other.

Mr. BACON. Will the Senator permit me to ask him a question?

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

Mr. McLAURIN. I do, if the Senator from Tennessee is through with his question.

Mr. CARMACK. I intended to ask the Senator one other question.

Mr. McLAURIN. Very well.

Mr. CARMACK. The money which has been used by the opponents or the contestants against Senator SMOOT was collected, as I understand the Senator from Idaho [Mr. DUBOIS], from people all over the country. How are we going to get this money back to the people who really paid it?

Mr. DUBOIS. No, Mr. President; the Senator misunderstood me. It was this woman's organization which expended this money in this good work, and they would expend it again in good work if the amount is refunded to them.

Mr. CARMACK. For other purposes?

Mr. DUBOIS. In good work, missionary work. The money originally came from this organization.

Mr. McLAURIN. That I think answers the question of the Senator from Tennessee.

Mr. CARMACK. No, sir; the money might be expended for other purposes.

Mr. BACON. Mr. President, I desire to ask the Senator from Mississippi a question.

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

Mr. McLAURIN. With pleasure.

Mr. BACON. I desire to ask the Senator from Mississippi this question: If this amendment should be adopted, who is the person who will be authorized to go to the Treasury and draw the money?

Mr. McLAURIN. Is that the question the Senator propounds?

Mr. BACON. Yes.

Mr. McLAURIN. The person who paid the money for the prosecution.

Mr. BACON. But it must be paid to somebody.

Mr. McLAURIN. If the Senator from Georgia or anybody else can draw an amendment that will make it more explicit, I shall take pleasure in accepting such an amendment.

Mr. BACON. If the Senator from Mississippi will pardon me, I would do so if I knew the names of the parties and the amounts paid by them; but I would not be in favor of paying them any amount larger than was expended by them. I do not know what the amount is nor the parties by whom the expenditure was made, and I do not see how any amendment could be framed which would meet the case.

Mr. TILLMAN. Somebody must receipt for it before they can get the money out of the Treasury.

Mr. McLAURIN. I believe that by law that is certain which is capable of being made certain—id certum est quod certum reddi potest. I believe that is one of the legal maxims, and I think that about covers the case. The parties who paid the amount would present their claim, and that amount could be returned to them. It does not seem to me that there is so much trouble about the ascertainment of the ones to whom this money should go, as there is about the willingness to pay the amount to them.

Here is $15,000 to be paid to one of the parties to this contest and $7,500 is asked for the other parties to the contest. Because one party——

Mr. CLAY. Mr. President——

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

Mr. McLAURIN. With pleasure.

Mr. CLAY. I will ask the Senator has there been any contest at all?

Mr. McLAURIN. Then, I will say "protest." There has been a protest.

Mr. CLAY. If the Senator will allow me, if somebody else had been a candidate for United States Senator against Senator SMOOT and had claimed that he, instead of Senator SMOOT, had been elected, though Senator SMOOT had received the certificate of election, and such a contestant had come here and contested the seat of Senator SMOOT, then there would have been a precedent for paying both the contestant and the contestee; but simply to say that because numerous persons have protested against the Senator from Utah holding a seat in this body, the Senate should pay them for their expenses is simply inviting assault upon the titles of Senators and Representatives to their seats.

Mr. McLAURIN. If A should sue B in court, there would be two litigants, and the litigation would probably end by the success of one and the defeat of the other; but that does not disprove the proposition where a protest is filed, as in this case, and the protest has been prosecuted by the protestant and defended by the protestee, that there is a contest. There was a contest here between the protestant and the protestee, and it does not make any difference whether the parties were called protestants and protestees or whether it be called a contest; it is an effort on the part of the protestants to keep out of the Senate a man who is supposed by them not to be worthy of a seat in the Senate, and the junior Senator from Georgia, who has just taken his seat [Mr. CLAY], did not believe that this was a frivolous protest—the prosecution of the protest against the seating of the claimant to his seat—because, as I recollect, he voted for excluding the Senator from Utah from his seat and voted to uphold the protest made by these protestants.

Mr. MALLORY. Mr. President——

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

Mr. McLAURIN. With pleasure.

Mr. MALLORY. I desire to ask the Senator from Mississippi if he does not see the difference in the case of a contest for a seat in the United States Senate between a contestant and a contestee who was seated, and the case of parties who come here protesting against the seating of an individual or who come here with a protest showing why they think he ought not to be seated? Does the Senator from Mississippi see no distinction between those two cases?

Mr. McLAURIN. Of course there is a distinction; but when a Senator comes with a certificate showing that he is duly elected and the contestant comes with a contest and fails, the contestant is allowed money for his expenses in the contest. It is a distinction without a difference.

Mr. MALLORY. Why do these protestants ask for this money?

Mr. McLAURIN. I suppose it is because they want to get the money out of the Treasury. I do not know of any other reason. It seems to me the justice of the matter would be to allow these litigants to stand upon their merits just as any other contestants in election cases are allowed to stand upon their merits. Like any other contestants prosecuting a contest,

they should not be denied the amount expended in defraying the expense of the litigation. That is my idea about it.

Mr. MALLORY. I will not interrupt the Senator to go into an exposition of my views of the matter.

Mr. McLAURIN. I should be very glad if the Senator would do so, because I always like to hear the Senator speak.

Mr. MALLORY. There is a very wide distinction between the two cases. The Senate pays a contestant in case of a contest, because it is proper and right that those who think themselves duly elected to this body should not be deterred from contesting their seats just because they may not have the means to do so and have no certainty of reimbursement; but that is a very different thing from a case in which there is no contest whatever brought into the Senate, but just simply a protest filed. If we set a precedent of this kind, there is no telling how many protests may be filed against any Senator who comes here, duly elected, simply for the purpose of getting the compensation which may be awarded to the protestant.

Mr. McLAURIN. A frivolous protest would be treated as a frivolous suit or a frivolous prosecution in court would be treated. The prosecutor would be taxed with the costs.

Mr. DANIEL. Was the money that it is proposed to reimburse to these people the money of those by whom it was expended?

Mr. McLAURIN. I do not know that the Senator from Utah paid out of his own pocket his expenses. I do not know that the Mormon Church did not pay them; I do not know anything about that; but I know if it is just to pay the expenses of the protestee it is just to pay the expenses of the protestants.

Mr. DANIEL. The Senator does not know that they had any? That is the question I asked him.

Mr. McLAURIN. They have already paid——

Mr. DANIEL. Seven thousand five hundred dollars, I believe.

Mr. McLAURIN. It is said that they paid $7,500 to the lawyers.

Mr. DANIEL. Are there any other expenses?

Mr. McLAURIN. I did not ask whether there were any other expenses. This amendment does not propose to pay the lawyers. It proposes to refund to the protesting women the money they paid to the lawyers.

Mr. DANIEL. The lawyer, then, has been paid, according to his contract?

Mr. McLAURIN. Certainly.

Mr. DANIEL. And you propose to pay him a bonus?

Mr. McLAURIN. No, sir; I do not propose to pay the lawyer.

Mr. DANIEL. Who is to be paid?

Mr. McLAURIN. It is to reimburse those who have paid the lawyer to prosecute the protest.

Mr. DANIEL. Who paid for their own legal expenses?

Mr. McLAURIN. Certainly. The committee amendment proposes to reimburse the protestee for his own legal expenses, and if that is done the protestants should be reimbursed their legal expenses.

Mr. DANIEL. Was the $7,500 gathered up by small contributions?

Mr. McLAURIN. It was stated by the Senator from Idaho to be from organizations.

Mr. DANIEL. Did the organizations gather it by contribution?

Mr. McLAURIN. I am not in the confidence of the organizations. I do not know about it; but it does not make any difference to me who gathered it, where they gathered it, or how they gathered it. They used it for what they considered a good purpose, a just purpose, and a purpose that was moral. Furthermore, they were women, and because they were women they ought not to be cut out. That is my idea about it.

Mr. BURROWS. Mr. President——

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

Mr. McLAURIN. With great pleasure.

Mr. BURROWS. Mr. President, I perhaps ought to state the facts, so far as I know them. When this investigation commenced it was asked at the outset if anyone appeared for the contestants, and Mr. Tayler, now Judge Tayler, said he appeared for the contestants, who were nineteen gentlemen from the city of Salt Lake who signed the protest. The question was asked if anyone appeared for Senator SMOOT, and Mr. Worthington, an attorney of this city, and also Mr. Van Cott, of Salt Lake City, said they appeared for him and desired to be heard.

Mr. Carlisle was also announced to appear for the protestants and did appear, and he conducted the latter part of the hearing. The hearing was a protracted one, as the Senate knows. Over one hundred witnesses were subpœnaed. Of course the witnesses were all paid by the Government their traveling expenses and the usual per diem allowance. Mr. Tayler remained in the case until he went on the Federal bench, and then Mr. Carlisle concluded the case. What was paid by the contestants for Mr. Tayler's services and for Mr. Carlisle's services I have no knowledge. I have stated the simple facts of the case, and that is all there is to it.

Mr. McLAURIN. Mr. President, there has been handed to me a list of the expenses, which is as follows: Witnesses $22,641.40; stenographer $4,124.43; marshal $181.34. Then there is a little item which I can not make out, of $14.20; aggregating $26,961.44.

The thing that occurs to me is that it is bad policy for the Government to pay expenses of either party to this protest; but, inasmuch as the expenses of the protestee are to be paid, and inasmuch as extravagant counsel fees are to be allowed—because it does seem to me that in a case of this kind $15,000 is rather extravagant for counsel and attorney's fees—if the organization of women who fought this case thought that the morals of the country required that there should be a protest entered against the admission of a man into the Senate who belonged to an organization that recognized polygamy; if they thought that the admission of one who belonged to an organization that recognized polygamy was to strike at the homes of the country; prosecuted in good faith that protest and expended this amount of money, and it can not be charged that it was a frivolous prosecution, it does seem to me that the actual amount of money that they expended, inasmuch as it is only half of that that is appropriated for the protestee, ought to be appropriated in their behalf. That is my idea about it, and I submit it to the Senate.

As I have said before, I can not believe it is good legislation or that it is good policy for the Government to pay either party to this contest. So far as the principle is concerned, while there is an apparent distinction between a contestant contesting for a seat and a contestee contesting for the retention of his seat, that distinction is merely in words, because the principle is exactly the same.

In one case the contestant says, "I am entitled to this seat and the other man is not entitled to it, and he ought not to be permitted to legislate for the country, because he has not been elected to represent the State whose credentials he brings purporting to authorize him to represent it," whereas in the other case the protestants say, not that they want a seat, but that good government requires that the man who occupies the seat ought not to be entitled to the seat until an adjudication can be had of the question of his election, of the returns of his election, and of his qualifications. If they say that because of a deficiency in either one of these he is not entitled to his seat, they have a right to present their protest, whether it is to the election, to the returns, or qualifications, and they have a right to bring it before the Senate of the United States and ask the Senate to pass upon the qualifications. Whether it is decided by the Senate that the only qualifications are those negatively named in the Constitution or whether all matters tending to justify his expulsion may be considered, is a matter immaterial to this question.

Mr. HALE. Mr. President, the House of Representatives is waiting to receive this bill, and therefore I am constrained to move to lay the amendment of the Senator from Mississippi on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

Mr. HANSBROUGH. I offer the amendment which I send to the desk to come in on page 63, after line 3.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 63, after line 3, it is proposed to insert:

For increase in salary of the Secretary of the Senate, from March 4 to June 30, $833.33, and for the fiscal year of 1908, $2,500.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota. [Putting the question.] The "noes" appear to prevail.

Mr. HANSBROUGH. I should like to have the question again put.

Mr. HALE. I would rather the amendment would go in, and I will make no point on it.

The VICE-PRESIDENT. The Chair will again put the question. The question is on the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH].

The amendment was rejected.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25745) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes; further insists upon its disagreement to amendments Nos. 4, 10, 11, 12, 68, 69, 80, 82, 83, 87, 96, 97, 98, 99, 117, and 126 to the bill; recedes from its disagreement to the amendments of the Senate Nos. 78 and 79; agrees to a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. TAYLOR of Alabama managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10305) to provide for the repayment of certain customs dues.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, and it was thereupon signed by the Vice-President.

THE MERCHANT MARINE.

Mr. GALLINGER. Mr. President, it will be recalled that there was an agreement that the shipping bill should go over until 5 o'clock, it being understood that it would not interfere with appropriation bills. I now rise to make a request for unanimous consent that the further consideration of that matter shall be postponed until 11 o'clock to-morrow morning.

Mr. BLACKBURN. That is agreeable, Mr. President.

Mr. GALLINGER. I understood it would be agreeable to the opponents of the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none; and it is so ordered.

HOMESTEAD SETTLERS IN ALABAMA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6704) to amend an act entitled "An act for the relief of certain homestead settlers in the State of Alabama," approved February 24, 1905, which was, on page 4, line 2, after the word "aforesaid," to insert:

Provided, That such homesteader or vendee or successor in interest of either of said railroad companies shall not be permitted to select more than 160 acres of lands in one section nor more than 320 acres of contiguous lands.

Mr. PETTUS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

STANDING AND SELECT COMMITTEES OF THE SENATE.

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

Resolved, That the standing and select committees of the Senate as constituted at the end of this session be, and they are hereby, continued until the next regular session of Congress, or until their successors are elected.

PAYMENT OF CLAIMS.

Mr. PETTUS. I desire to make a few remarks to the Senate, and I promise that I will try my best to deserve the praise that was given to Red Jacket, who was famed as a speaker; and the secret of his mastery was that his speeches were short, so Halleck says.

I desire to ask unanimous consent for the present consideration of the bill (S. 5951) to repeal section 3480 of the Revised Statutes of the United States.

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

Mr. PETTUS. Mr. President, I desire to thank the Senators, and especially the President of the Senate, for the indulgence and kindness which they have extended to me ever since I have been here. The Senate may possibly be afflicted with my presence for the next eight years. I have been treated here with as much kindness and consideration as I have at my home, and the Lord knows that has been abundant.

Now, as to this question, here is a statute which has been virtually abrogated ever since the President made his proclamation of amnesty. Some Senators, impressed with the idea that that was not so, have objected to this bill, but they have had the magnanimity and kindness to yield their notions on that subject when they had the advice of lawyers in whom they had confidence, and I thank them for so yielding.

Mr. President, this act was enacted years ago, just after the war. It was one of the penal statutes, but I propose to prove now in a very short way that it has been abrogated by the President of the United States in his general amnesty. Here I have the authorities, which I will not trouble the Senate to read, except the headnote:

The President's proclamation of the 25th December, 1868, granting "unconditionally and without reservation to all and every person who directly or indirectly participated in the late insurrection or rebellion a full pardon and amnesty for the offense of treason against the United States, etc., with restoration of all rights, privileges, and immunities under the Constitution, and the laws which have been made in pursuance thereof," granted pardon unconditionally and without reserve; and enables persons otherwise entitled to recover from the United States the proceeds of captured and abandoned property, under the abandoned and captured property act, to recover it though no proof be made, as was required by that act, that the claimant never gave any aid or comfort to the rebellion. (Armstrong *v.* U. S., 13 Wallace.)

There is another case following this to exactly the same effect. These two decisions of the Supreme Court decide without any qualification that the act which I seek to have repealed has been abrogated. There were some gentlemen who doubted this matter, but they consulted counsel in whom they had confidence.

This bill has been approved by every member of the Judiciary Committee except one, and that is the distinguished Senator from Pennsylvania [Mr. KNOX]. He was not present. But he has thoroughly examined the question and has convinced those who were opposed to the bill on the legal grounds that there was no foundation for it. This statute has been virtually destroyed by these decisions, as the Committee on the Judiciary has unanimously agreed.

Mr. President, the statute being of no force or effect, you might ask me, "Why do you want it repealed if it is of no force or effect?" It has been published as the law of the land ever since, and there are various men affecting to know all about the law who now act upon it.

During Mr. Cleveland's Administration the Comptroller of the Treasury refused to pay a small warrant issued by the Secretary of the Interior because it was to a southern man and there was no proof of his loyalty; and that stood, although the Secretary of the Interior tried his best to get it allowed.

Mr. President, this thing of pardon is not usually very well considered by anybody except the lawyers. If I had lived north of Mason and Dixon's line in 1861 I would quote the Bible for you. I would say:

Let the wicked forsake his way and the unrighteous man his thoughts; and let him return unto the Lord, and He will have mercy upon him; and to our God, for He will abundantly pardon. (Isaiah lv, 7.)

I myself do not say that, but I say if I lived north of Mason and Dixon's line I would put in that plea.

Mr. President, all I have to say in conclusion is that this statute has been virtually repealed by the amnesty proclamation of the President. All lawyers who thoroughly examine the case agree that it was virtually repealed by that act. I would not ask to have it repealed, but it is acted on by many people who think they know more law than Chief Justice Marshall, although they never looked into a law book.

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

ADDITIONAL DISTRICT JUDGE IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 25692) to provide for an additional district judge for the northern and southern districts of California; which was read the first time by its title and the second time at length.

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

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

Mr. SPOONER. I move to amend the bill by striking out all after the enacting clause and inserting in lieu thereof what has passed the Senate, on the recommendation of the Judiciary Committee, at an earlier stage of the session.

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

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

That there shall be in the northern district of California an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation provided by law in respect to other district judges.

SEC. 2. That the senior circuit judge of the ninth circuit or any circuit judge within the State of California shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

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.

The title was amended so as to read: "A bill to provide for an additional district judge for the northern district of California."

ORDER OF PROCEDURE.

Mr. HALE. I ask that at the conclusion of the eulogies which are set for to-day, the Senate take a recess until 11 o'clock to-morrow morning.

Mr. DANIEL. Just a suggestion, Mr. President——

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that at the conclusion of the eulogies this evening the Senate take a recess until 11 o'clock to-morrow morning. Is there objection to the request?

Mr. DANIEL. I rose to make an observation—to see, if it consisted with the views of the Senators who have in charge the regulation of business; I should like to have the Senate proceed with the eulogies at 8 o'clock to-night, if it be agreeable, and I hope it may be. We have deferred them that they might not interfere with other business.

Mr. CARTER. I suggest that a recess be now taken until 8 o'clock.

Mr. HALE. Then let me see if I can modify my request. Of course we have to take a recess. We can not adjourn. This session must be carried on until Monday forenoon.

Mr. CULLOM. Mr. President——

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

Mr. HALE. I am trying to do my best. The trouble is that if the eulogies come on at 8 o'clock nobody will be here——

Mr. DANIEL. This evening at 8 o'clock?

Mr. HALE. Yes; but I say nobody will be here if we take a recess from now until 8 o'clock—two hours—and nothing is to be done but the eulogies. Therefore I have to get the agreement now.

Mr. ALDRICH. What is the suggestion of the Senator from Maine?

Mr. HALE. I do not know how the Senator himself may be, but the Senator from Wisconsin and others have stated that they will go right on——

Mr. DANIEL. Some gentlemen are not ready, though.

Mr. FLINT. Mr. President——

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

Mr. FLINT. Before any action is taken——

Mr. HALE. I will make this proposition, that the Senate now take a recess——

Mr. ALDRICH. I suggest 6.30, so as to have an executive session.

Mr. HALE. What else does some one else want?

Mr. WARREN. The Senator asks what some one else wants. There are a few small matters, a conference report or two, and one or two small matters to which there can be no objection. It seems to me they ought to be cleaned up between now and 8 o'clock. So I think we ought not to take a recess until 8 o'clock.

Mr. FLINT. Before any action is taken——

Mr. HALE. If we are going into general business——

Mr. LODGE. Which will keep us all here.

Mr. CULLOM. I want to make a statement.

Mr. HALE. I am no more interested in this than is anybody else. We have got to do——

Mr. CULLOM. I was about to move an executive session.

Mr. KEAN and others. Oh, no.

Mr. HALE. Let us have an agreement. I will make this proposition. I ask unanimous consent that the Senate take a recess until 8 o'clock——

Mr. DANIEL. When?

Mr. HALE. Now—that the Senate take a recess until 8 o'clock, and then at the close of the evening session the Senate shall take a recess until 11 o'clock to-morrow morning.

Mr. ALDRICH. I ask for a modification of the request—that at 6.30 o'clock the Senate take a recess. That will enable the Senate to have an executive session, which I am told on all hands is very desirable.

Mr. CULLOM. It will last only a few minutes.

Mr. ALDRICH. Let us take a recess until 8 o'clock, with the understanding that at the session this evening there shall be nothing but eulogies, and on the conclusion of the eulogies a recess shall be taken until 11 o'clock to-morrow morning.

Mr. HALE. Then, I will modify my proposition——

Mr. FLINT. Mr. President——

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

Mr. HALE. Yes.

Mr. FLINT. I should like to ask what in the meantime becomes of the unfinished business, the conference report on Senate bill 5133?

Mr. HALE. It goes over until to-morrow.

Mr. FLINT. Then, I should like to have unanimous consent that it shall be taken up immediately——

Mr. HALE. It will be up.

Mr. LODGE. It is privileged, anyway.

Mr. HALE. I will see if I can get this agreement—that at the conclusion of the executive session the Senate take a recess until 8 o'clock this evening, and that at the close of the night session it take a recess until 11 o'clock to-morrow morning.

Mr. ALDRICH. And that at the evening session there be nothing but eulogies.

Mr. HALE. Of course, the evening session to be devoted to eulogies.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that at the close of the executive session the Senate take a recess until 8 o'clock this evening, then to reassemble and listen to eulogies, and that at the close of the eulogies the Senate take a recess until 11 o'clock to-morrow morning.

Mr. HALE. That is it.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. TILLMAN. No other business to be transacted this evening but the eulogies.

Mr. OVERMAN. I rise to inquire, as it understood that no business is to be conducted after the eulogies to-night?

The VICE-PRESIDENT. That is the purport of the unanimous-consent agreement.

Mr. HALE. Yes.

DEATH OF H. BOWYER M'DONALD.

The VICE-PRESIDENT laid before the Senate the following communication; which was read:

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
March 2, 1907.

To the President of the Senate:

It becomes my painful duty to advise you of the death of H. BOWYER MCDONALD, Chief Clerk of the Senate, and for upward of thirty-four years an employee of this body.

Respectfully,

CHARLES G. BENNETT, *Secretary.*

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, recedes from its disagreement to the amendments to the bill numbered 86 and 88, further insists on its disagreement to the residue of the amendments, agrees to a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 4964. An act for the relief of Thomas F. Walters;

S. 5660. An act for the relief of William N. Hughes;

S. 5869. An act for the relief of Larvan Gordon;

S. 6134. An act providing for the conveyance to the State of North Dakota of certain tracts of land for the use and benefit of the North Dakota State Historical Society;

S. 6729. An act authorizing the President to appoint Webb C. Maglathlin a second assistant engineer in the Revenue-Cutter Service;

S. 7550. An act for the relief of Harry A. Young;

S. 7840. An act granting an increase of pension to Lewis A. Towne;

S. 8303. An act to establish the Foundation for the Promotion of Industrial Peace;

S. 8427. An act to annul certain titles to land acquired by judicial proceedings in courts of the United States in Texas, and for other purposes;

S. 8540. An act to ratify a certain lease with the Seneca Nation of Indians;

S. 8580. An act granting land to Anna Johnson;

H. R. 3268. An act for the relief of Henry C. Bassett, heir of Henry Opeman Bassett, deceased;

H. R. 8699. An act for the relief of James A. Carroll;

H. R. 10095. An act making certain changes in the postal laws;

H. R. 10305. An act to provide for the repayment of certain customs dues;

H. R. 11401. An act granting an increase of pension to William Kling;

H. R. 13418. An act for the relief of W. S. Hammaker;

H. R. 15859. An act ceding lands to Colorado State Agricultural College;

H. R. 19500. An act for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin;

H. R. 19751. An act to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway along the national cemetery roadway at Natchez, Miss.;

H. R. 21091. An act authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Homason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis;

H. R. 22588. An act for the relief of homestead entrymen who have paid more than the lawful purchase money;

H. R. 24816. An act to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906;

H. R. 24833. An act for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company;

H. R. 25437. An act to grant American registry to the German bark *Mariechen;*

H. R. 25474. An act to amend sections 5 and 6 of an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same;"

H. R. 25739. An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across Cumberland River;

H. R. 25801. An act granting an honorable discharge to Seth Davis;

H. R. 25811. An act to authorize the Monroe, Farmerville and Northwestern Railway Company to construct a bridge over the Ouachita River and one over the D'Arbonne River in Louisiana;

H. R. 25832. An act to authorize Herman L. Hartenstein to construct a dam across the St. Joseph River, near the village of Mottville, St. Joseph County, Mich.;

H. R. 25849. An act permitting the building of a dam across the Savannah River at Cherokee Shoals;

S. R. 92. Joint resolution to authorize the Secretary of War to permit José March Duplat to receive instruction at the Military Academy at West Point; and

H. J. Res. 236. Joint resolution authorizing the Secretary of the Navy to furnish metal for a bell.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE RIXEY.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 25, 1907.

Resolved, That as a mark of respect to the Hon. JOHN F. RIXEY, late a Member of this House from the State of Virginia; and in pursuance of the order heretofore made, the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. DANIEL. Mr. President, I beg leave to offer the resolutions which I send to the desk.

The resolutions were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. JOHN F. RIXEY, late a Representative from the State of Virginia.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Mr. DANIEL. When two days hence the Fifty-ninth Congress shall cease and the term of the Sixtieth Congress shall begin, there will be names accredited to the new roll which will have none to answer thereto. Death has been busy in this Congress. Four Senators and five Representatives have ceased to be. This day three weeks ago JOHN FRANKLIN RIXEY, of Culpeper, Va., Representative of the Eighth district, was numbered amongst them. He was the able and effective Representative of that district for ten years. He had been chosen, although absent from the State by reason of his sickness, to succeed himself. No need for his presence. The people knew him and were for him. The voice of the Ruler of the Universe has overruled the voice of the people and has disposed the purposes of man.

Mr. RIXEY was born in Culpeper, near the county seat which bears the county name, on the 1st day of August, 1854. He died in this city on the 9th day of February of the present year, at the home of his brother, Surgeon-General Rixey, of the Navy. His body, attended by the committee of the two Houses of Congress which had been appointed to pay to him the last honors, and followed by many mourning friends, was borne to his home and consigned to his native dust.

There is a brief sketch of him in the Congressional Directory, which recites as follows: That he was educated in the common schools, at Bethel Academy, and the University of Virginia; is a lawyer and farmer; was Commonwealth's attorney for Culpeper County twelve years; was elected to the Fifty-fifth, Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses, and reelected to the Fifty-ninth Congress, receiving 7,986 votes to 2,443 for his opponent. To this account should be added that he was reelected to succeed himself at the Congressional election of November, 1906.

For five terms he had faithfully served his people with diligence and with successful attention to every duty committed to his hands.

It is probable that there is no district in the United States, unless it be the Congressional district of Maryland which adjoins the District of Columbia, which has so many affairs to be attended to in Washington as has this Eighth district of Virginia. Many of its people have located here. Many who are engaged in Washington on official or other business have located there. Many of them find employment here by reason of their proximity and convenient access. The Representative of the district has therefore entailed upon him multifarious duties such as are but lightly shared by Representatives from distant places.

With patience, with alacrity, with faithful and affectionate regard for his people, as well as with a loyal and devout sense of obligation to his country, Mr. RIXEY bestowed a constant and unrelaxing devotion to his tasks.

The feelings of a past generation have died out save in honor of the past. There is nothing of public sentiment in Virginia that is not in unison with the United States. Congressman RIXEY, though in boyhood he knew war in its sternest and bitterest ways, represented to-day and to-morrow as much as ever his brother, who heads the Medical Corps of our Naval Department.

As a member of the Naval Committee of the House he distinguished himself by his knowledge of naval affairs, and he was always to be found at the post of duty. His interest in and attention to agriculture led to the measure that established the experimental agricultural station in Alexandria County, just across the Potomac River.

Of a fine mind, well trained in the schools, and with an earnest and energetic nature which was tireless and ceaseless in pursuing the ends it aimed at, few men have been so concentrative in their endeavors or so successful in their attainment.

His boyhood was spent at the very focus of the active scenes of war. From his father's house, where were the headquarters of the Federal Army in the town of Culpeper, General Grant, on the 3d of May, 1864, rode forth to the battle of the Wilderness. During the four years while the storm of conflict raged over northern Virginia scenes of swift recurring battles were familiar to his eyes and the diapason of the cannonade familiar to his ears. When war ended, the territory which he represented and that adjoining had come to be known as "the Flanders of the War."

When the surviving Confederate soldiers returned to their

homes, Maj. Albert G. Smith, who had been wounded in Pickett's charge at Gettysburg, and who I have heard described by his comrades as standing on the heights with the hilt of a sword in his hand, which had been broken by some hurtling missile of the battle, established the Bethel Academy near the town of Warrenton, in Fauquier. As Lee went to the head of Washington College, which became Washington and Lee University, so Major Smith now devoted himself to training the boys of the countryside in the ways of peace. Not forgetting that peace must always be prepared for war, and instinctively knowing that "to ride, to shoot, and to tell the truth" was the maxim of his people for the instruction of youth not less than the ancient Persian, he made it a military as well as a classical and mathematical academy. At one time one of his tutors was Major Jenkins, of South Carolina, afterwards distinguished at Santiago, and many of his boys went forth with the Army of the United States to the Spanish war.

In the Berkley School and in this academy young RIXEY received his early education, and then repaired to the University of Virginia and to the study of law.

He was ere long elected Commonwealth's attorney for Culpeper County, and then commenced the Congressional career which has been so unhappily closed by his death.

For scenic and for dramatic things and for those which attract conspicuous notice, Mr. RIXEY displayed but little taste. His was a businesslike and practical mind, that looked to the accomplishment of results rather than to ostentation or parade on the road to them.

He was a lover of the country, and lived at a beautiful home near Brandy Station, which overlooks the field of the great cavalry battle of June 9, 1863, between Stuart and Pleasanton. A third of the war was fought in Virginia. The Eighth and the adjoining districts, with that around Richmond and Petersburg were its centers. Within view of the summit on which stands his home are many other battlefields and scenes identified with the great strife which on each side made ambition virtue.

As success came to him he increased his holdings of land. A farm was to him the spot of most attractiveness. On the scarred Manassas field, scene of great wrestlings, as well as in his native county of Culpeper, he rejoiced to see the grass grow and his flocks and herds feed amidst scenes of pastoral beauty.

His was a wholesome as well as an active and busy life. The domesticity of his nature manifested itself in his pursuits and apirations whenever public cares relaxed.

He was an able lawyer; well read in the books, and well practiced in his profession. He established high rank at a bar where he was brought into competition and conflict with many of the brightest and ablest minds of the State.

When he entered politics he soon became a leader of the people. The successive times that he was chosen to represent them here attest their fidelity to him even as his own career attests his fidelity to them.

If deep conviction, thorough devotion, and the enthusiasm of service make the partisan, such, then, must Mr. RIXEY be counted. But he was not a man offensive either in words or ways to those opposed to him. Standing for the independence and honesty of opinion, for free action and free speech, he respected those whose opinions were different from his own. He observed the wisdom that comes from the heart. He obeyed the wise counsel so well given by Allen G. Thurman, "the old Roman," when he said: "Keep a civil tongue in your mouth."

Such is the characteristic of all well-mannered, self-respecting, and well-poised men, who remember that by the very truths on which their own rights are founded rest also side by side with them the equal rights of others. "So use thine own as not to hurt another" is a maxim of our common law, borrowed from the broad-minded and deep-hearted jurisprudence of ancient Rome, that lays its inflexible injunction on the tongue as well as on the hand of man, and keeps him within the bounds of his own domain in the moralities, decencies, and civilities of life as well as in his dealings with respect to material things.

Partisan he may have been—most of us are—but he never trenched by word upon the character, as he did not by deed, upon the belongings of another.

The Eighth district of Virginia is one of the most historic regions of the United States. If its history were written it would involve the writing of the history of the whole country from its colonial days to the present time.

When one considers even the names of the counties which Mr. RIXEY represented he sees in them the names drawn from memory of the motherland rather than from the new inspirations of the Republic.

Culpeper County, of which he was a native and a resident, was formed in 1748 and named after Lord Culpeper, one of the colonial governors of Virginia.

Fairfax County dates its origin to 1742 and bears the name of Lord Fairfax, who held an immense grant from the English Crown. Fauquier County, separated from Prince William in 1759, was called after Charles Fauquier, colonial governor from 1758 to 1767. King George County, formed in 1720 from Richmond County, takes its name from the English King. Loudoun County, formed in 1757 from Fairfax, gets its name from the Earl of Loudoun, who commanded the British forces during the latter part of the French war. Prince William County, named after an English prince, was created from Stafford and King George. Stafford, formerly a part of Westmoreland, was formed in 1675. Louisa, created in 1742 from Hanover, and Alexandria, the newcomer—all alike bear the ancient names. I have not examined to see, but, unless in New England, I doubt if there is another Congressional district in the United States where so many counties bear the old colonial names which they bore when independence was declared. Alexandria County has the fine flavor of the ancient days, which it acquired from the venerable city which was the home of both Washington and Lee.

The traits of the fatherland are in them. But they are Americans all; founders and lovers of freedom as the greatest of human possessions; patriotic to the core; upholders of home rule, but filled with the splendid aspiration of the reunited nation.

They are lovers of the land, and on isolated plantations they have planted pleasant homes. They have taken part not only in the Indian wars that antedated the Revolution, but in every war with which this country has been identified. I noted not long since, in traversing some of the reminiscences of Culpeper, that George Washington was surveyor of that county when he was a youth of 17, in the service of Lord Fairfax, making his own living and going out into the adventures of life before he had yet become a man. In the records of that county there is this entry:

> 20th July, 1749, George Washington, Gent., produced a commission from the president and members of William and Mary College, appointing him to be surveyor of this county, which was read, and thereupon he took the usual oaths to His Majesty's person and Government and took and subscribed the abjuration oath and test, and then took the oath of surveyor, according to law.

Four of our great Presidents are identified with its history. Washington's tomb is in Fairfax. Madison lived and rests in Orange. Monroe for a time had his seat at Oak Hill, in Loudoun. Zachary Taylor was born in Orange.

When the Revolution broke out the Culpeper minutemen made a name for themselves, not only in the swift patriotism with which they responded to the call of Governor Patrick Henry, but by their conduct upon the field of battle. The Culpeper minutemen turned out for war the last time in the Spanish war. From the day of the Revolution to this hour they have always been ready to respond at a moment's warning to their country's call. They float on their flag the picture of a rattlesnake, with the legend, "Don't tread on me!" Those Culpeper minutemen and the men of the adjoining counties were soon formed into a regiment. Lawrence Taliaferro, a kinsman of the distinguished Senator now representing Florida in this body, was its colonel.

Stevens was its lieutenant-colonel, afterwards a general. Thomas Marshall, father of the great Chief Justice, was its major, and serving as a lieutenant was the incipient Chief Justice himself.

There is a story told of this regiment at the battle of the Great Bridge which I like to refer to, because it is characteristic of the great people who inhabit the region of Virginia along the Potomac, and which those going westwardly in the State and beyond it have carried with them. This regiment encountered in the battle of the Great Bridge a regiment of the British regulars. They were behind earthworks, and when the British regulars charged them they were beaten back. Swift to heal, as quick and steady to fight, the Virginians leaped over the breastworks and helped to bind the wounds which they had made.

The people of this whole section are high spirited, chivalrous, brave, quick to resent insult, firm and strong in resistance to wrong, but at the same time one of the sweetest-tempered and most hospitable people that one could meet upon a summer's day. They are lovers of the land. They rejoice in the scenes of the countryside, in the fields, in the streams, in the woods. In their libraries are good books that abound not in sensations. They are good hunters and fine marksmen and they are hospitable

hosts. The refinements of life abide amongst them and they are as gentle in peace as they are fierce and dauntless in war.

Mr. RIXEY was a representative man of this countryside. His father was a landholder. He himself had that land thirst which made him buy and cultivate the land whenever he was able to do so. He bespoke a people who loved home, who imbibe principles of love of country from the fireside. They respect character above all things; never call without reverence the name of woman.

The Representatives of this district have always been men of mark. The district looks upon its Representative as a man who must be one fit to hold a great and responsible office and worthy to discharge its trust and duty. Since the reconstruction period but six men have represented it: Elliot Braxton, descended from a signer of the Declaration of Independence; Eppa Hunton, renowned first in his service in the legislature of his State and in the State convention and then as a soldier, who led the ironsides of battle; John S. Barbour, accomplished in many ways—in the studies of the academy; as president of a great railroad; as chairman of a great party; equal in mental grasp and in social dignity to any of the higher tasks of life. Then William H. F. Lee, a brave soldier and a noble gentleman, a man whose beautiful attachment to his every duty was like the esprit de corps which converts the soldier to the cause which commands his allegiance; then Elisha Meredith, a younger man of a new generation, but one of a most noble and manly type; manly and vigorous mold, generous, active, a true friend, a hardy champion, a man of hope who died too young, and then succeeding him came JOHN F. RIXEY, whom we mourn to-day.

Three of these Representatives have died while they served in the House of Representatives, Lee and Meredith, and now, also, RIXEY. Two of them became Senators of the United States, John S. Barbour and Eppa Hunton, and the former was borne from this Chamber to his last home. The latter survives, venerated of all. Who will be Mr. RIXEY's successor no man knows, but we all know that these six gentlemen who have represented their State in the halls of Congress have represented it and their country well and that their successor has worthy exemplars before him.

Mr. RIXEY's home life was a happy one. He wedded Miss Barbour, daughter of James Barbour, who was a lawyer, legislator, and publicist, who was distinguished by the abilities which have characterized the family to which he belonged. For many years they dwelt together in the holy estate and in the quiet hospitable home. We pause at its threshold. But to its inmates go forth our deepest sympathy for the loss irreparable. We can neither retrieve nor heal it; we can only bow before Him whose mercy endureth forever.

In the fifty-fourth year of his age, while his ripened faculties, cultivated by experience as well as by education, were at maturity, and when they might have been of most benefit to his country, to his family, and to his kind, he has been cut down. There were premonitions of his end. A year ago, when Congress adjourned, it was known that he was ailing. It seemed that that dreadful disease, tuberculosis, had menaced if not yet fully attacked him. He went to the wholesome climate of Colorado seeking relief. But he sought it there in vain. He returned to his home. During his absence he had been chosen as his own successor. But it was not to be. He was for several months an invalid, and it became evident that the hand of the destroyer could not be stayed. Patient, submissive, meeting the fate in store for him with the fortitude with which he had contemplated all the tasks and dangers and tribulations of life, peacefully, at his brother's home in this city, on the 9th day of last month he breathed his last.

It is a characteristic of our race, Mr. President, and one worthy to be cultivated and preserved, that they do not make loud lamentations over the dead and do not seek ostentatious funerals. When their time has come, they step aside for the generation that presses upon their heels. They would not add one memory of grief and sorrow to those left behind. It can be said of JOHN F. RIXEY that he performed a man's part in life, and did it well and faithfully. It is enough.

His kindred, his companions, and his people honored him. Those dear to him loved him. Such was his reward. He proved equal to all the tasks which he assumed. He has passed hence, leaving a name to be cherished by those who loved him and to be honored and respected by those who knew him.

Mr. HOPKINS. Mr. President, death is ever an unwelcome guest. He is no respecter of person, no respecter of time or place. The laughing schoolboy feels the clutch of his icy fingers and passes from the pleasures and pastimes of childhood into the great unknown. The gray-haired man, who has conquered every obstacle that appeared in his pathway during a long and strenuous life, though surrounded by every comfort and luxury that wealth can bring, responds to the call that death sends to him, and leaves all and follows death out into the shadows and across the dark waters that separate this life from a future existence.

However long may be the struggle, however fierce the contest, all alike must sooner or later yield to that grim-visaged monster.

JOHN F. RIXEY has trodden the path prepared for him by death long before his exit from this world, and has passed into the great unknown. Many years before death finally claimed him for his own he recognized that he was stricken with a mortal disease and, like the Christian philosopher that he was, prepared to meet his final conqueror with that perfect resignation that comes from a realization of a well-spent life here and an assurance that the transition from this life to another will take him to that better world where all Christians are taught the just will meet.

Death achieved no mastery over him. He fought the battle as becomes a true Christian, and when the inevitable hour approached welcomed death more in the spirit of a victor than that of the vanquished. Dearly as he loved this life, his family and friends, his native State and his country, he believed that he was passing into that higher and holier existence that we are all taught is the fortune of those who follow the simple precepts of a Christian life.

I first met Mr. RIXEY in the House of Representatives in the Fifty-fifth Congress. He had just been elected to the House from the Eighth Virginia district, and I had been reelected from the then Eighth district of Illinois. I had had a service of some years in the House of Representatives and was well acquainted with many of the older Members of Congress from that State. That great Commonwealth and her public men have always had a great interest for me. The Northwest Territory, from which the State of Illinois was carved, was once a possession of Virginia, and all loyal citizens of Illinois take a natural pride in that State and her public men. Mr. RIXEY was a typical Virginian. He had inherited that love of country life that is characteristic of the great men of that State from the time of Washington and Jefferson to that of Lee and Wise. The men of mark in that State have been men who were passionately fond of country life.

Mr. RIXEY did not possess the brilliant qualities of mind that made Patrick Henry the first orator of his time and Robert E. Lee one of the greatest military geniuses of his age. His attainments were of the solid, substantial kind, that were so marked in the type of men like James Madison in the earlier history of the State, and more recently in men like the late Senator Barbour.

In his brief biographical sketch that he prepared for the Congressional Directory, he described himself as a lawyer and a farmer. To men residing in great cities like Chicago, New York, or Philadelphia this combination of farmer and lawyer seems inconsistent, but it accurately described the life that was led by Mr. RIXEY. He was a country-bred lawyer, and when he was not engaged in court or over his law books in the preparation of a case for trial, was out upon his plantation enjoying to the fullest limit the pleasures of rural life. It is said that he was very successful at the bar. From my knowledge of him as a Member of Congress, I can well appreciate the fact of his great success with courts and juries. He had an air of honesty that disarmed opposition, and possessed a clearness of speech and a cogency of reasoning that must have made him very effective with the jury of twelve or with the judge.

His experience upon his farms in coming in close touch with nature gave him keener perceptions and a nicer judgment on all questions of right and justice than can be acquired in a smoky law office in a great city. There is something about life in the country that broadens and enlightens the mind. Men who follow intellectual pursuits are greatly strengthened and broadened by this contact with nature that one derives from country life. John Marshall would never have given to the country and to the world those marvelous opinions construing the Constitution of our common country had he been deprived of the benefits and influences exerted upon him in that ideal country life that he enjoyed during the thirty-odd years that he was Chief Justice of the Supreme Court of the United States.

The late Judge Drummond, of Chicago, is a man whose name is revered and loved by all lawyers who had the good fortune to practice in the circuit court of the United States at Chicago—the court over which he presided. I have often heard it said by those who were most familiar with him, that whenever he was troubled over legal questions that were argued before him or when his mind was clouded or uncertain on what course he should adopt on litigation pending before him, he would go out

into the country to his little farm and there, while he was overseeing the care of his cattle and sheep and hogs and horses, he solved the problems that perplexed him while in his court room in the great city; and when he came back to his court he came with a mind clarified and broadened by his country experience and administered the law in a spirit of fairness and justice that has placed his name among the greatest judges of this or any other country.

Mr. RIXEY naturally, from his mode of life, took a deep interest in politics, and that he should eventually represent his people in Congress was as natural and as inevitable as that night follows day. His practice at the bar in the circuit carried him over many of the counties of his district. The people in the court room learned of his high character, his candor, and his fidelity to duty, and when the time came in his career when he felt that he could abandon in whole or in part his law practice the people of the Eighth Virginia district honored themselves by electing him to the House of Representatives of the United States. The repeated elections which followed his first show how well he met the expectations of his constituents and how fully he discharged all of the duties of a Representative in Congress. I found him during the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses, in which I served with him, always alert when the interests of his constituents or of his State were involved. He was a broad-minded, patriotic citizen, and while he never forgot the people of his district or of his State, he was always quick to respond to any question that involved the true interests of his country.

Mr. President, Virginia will undoubtedly have in the future, as she has had in the past, men to represent her in the Congress of the United States of marvelous oratorical ability, but she will have no one, in my judgment, who will be more faithful to her interests or more true to his ideals than was JOHN F. RIXEY.

Mr. HEMENWAY. Mr. President, I desire to add a few words of tribute to the memory of JOHN FRANKLIN RIXEY. I served with him in the Lower House of Congress, and there learned to respect and admire him. He was a member of the Committee on Naval Affairs, and my position on the Committee on Appropriations frequently brought me in personal contact with the members of his committee, and I shall never forget the industry, patience, and patriotism with which Mr. RIXEY discharged his duties as a Representative of the great State of Virginia. We differed in politics, but above partisanship there always shone out from his character the higher and nobler sentiments of a patriotic American citizen.

He was a typical Virginian, and he was proud of her history. He knew Virginia as the great State that she is, that has furnished to our country some of our most noted statesmen and greatest jurists. He was born in Culpeper County, August 1, 1854, during the days when public sentiment was arraying itself on one side or the other of the question that seven years later resulted in the greatest war the world has ever witnessed. His earlier impressions were formed during the days when men thought deep and strong, when martial music filled the air and soldiers were marching to war. Though he lived in a section of the country where the fruits of war were most bitter, and where the hand of destruction fell most heavily, yet in his life and public service there was naught but the broadest statesmanship that rejoices in a great united country.

Words of eulogy can not add to or detract from the fame of any man, but when offered as they are to-day they do credit to those who speak them. Perhaps no higher tribute can be paid a man in public life than the tribute that he labored earnestly and faithfully to bring about matters of public benefit, and perhaps no public man who had an ambition to serve the people faithfully and earnestly would desire a greater compliment than have it said of him "he succeeded."

Measured by this test, Mr. RIXEY's life was complete. He not only served his people diligently and faithfully and accomplished much good, but he made many friends, who shall always remember him pleasantly and kindly.

Mr. CARMACK. Mr. President, the death of JOHN F. RIXEY was to me a personal grief. I served with him as a Member of the House, was brought into close and frequent contact with him in committee, and learned to know him—head and heart. We entered the House together. We became friends almost as soon as we became acquaintances. This friendship, upon my part, was based upon the only sure and enduring foundation of friendship, an admiration for the solid qualities of the man. I observed in my association with him that his conscientiousness in the performance of public duties was marked and exceptional. He loved to know things thoroughly and to do things well. He sought with earnest purpose to know his premises perfectly before he reasoned to the conclusion. He brought to the consideration of public questions a mind that was lucid, clear, and logical. It seemed to me that he labored to cast out of his thought all prejudice and preconceived opinion when he had to deal with a particular case. He had fixed principles which he held, not for show nor for purposes of academic discussion. They were to him rules of life, and he made his opinions and his conduct in particular cases conform rigidly thereto. Truth and right and justice were always present with him.

In dealing with public matters his thought was directed to the merits of the question in debate rather than to the temper or disposition of his audience, and his power of persuasion lay in the force of his reasoning, the lucidity of his statement, and his clear comprehension of the subject. He was a man of ability—of much more than usual ability—and yet it was his character more than his intellect that commanded respect. The same might be said of every man who is truly great. It was true of Washington; it was true of Lee; it was true of Alfred. JOHN F. RIXEY had a character which made him love the right; he had an intellect which enabled him to understand and defend it.

He therefore could always command attention. While never a rhetorical, he was always an interesting speaker, for he brought to the discussion of every question that most compelling of all faculties, earnestness—an evident sincerity and a strong conviction. His intellectual abilities would not have made him what he was if they had not been coupled with love of truth and justice. I saw and observed this quality in him when we were members of the Committee on Claims in the House of Representatives. No false or unjust demand upon the public Treasury could evade his relentless questioning; but he was as eager to do justice to the claimant as he was to the Government, and every honest claim found in him an earnest champion.

Before he entered public life he had won distinction as a lawyer in competition with a bar famed for legal lore and skilled in forensic combat. There were perhaps many of those whom he met in such combat who had, in the popular sense of the term, a greater gift of eloquence than he. He was a match for the best of them, because he was learned in the law, industrious in the preparation of his cause, and clear and logical in its presentation, and had that indescribable power of character which gives double power to the intellectual faculties. Those who knew him as a lawyer not only testify to his ability, but to the fidelity with which he observed the ethics and honorable traditions of a noble profession. This was a part of his character as a gentleman, born and bred.

From my first acquaintance with JOHN F. RIXEY he seemed a man in feeble and failing health, whose mental energies held disease at bay. In the latter years of his service this fatal disease made steady progress upon him, but he clung heroically to his post of duty, disregarding the warnings of his physicians and the pleadings of his friends that he might be faithful—faithful to the last—to his trust. He felt that the high honors his people had bestowed upon him demanded of him a great sacrifice in their service. He made that sacrifice to the uttermost—"greater love hath no man than this."

JOHN F. RIXEY was not only esteemed and respected, but by those who knew him he was loved. He had that charm of manner which goes with a pure and upright soul—the charm which, unconsciously and without effort, sheds itself abroad, a charm which all men feel, but which none can define.

It is to me a melancholy pleasure to lay my humble wreath upon the coffin of so grand a man. I hope the few but earnest words I speak may be of some comfort to his family and his friends. Whenever such a life goes out there is the comforting thought that such a character and such a life can never be in vain. The pure spirit of JOHN F. RIXEY has passed beyond the bounds of this mortal life; but he lives, not alone in the loving hearts of friends and family, but in the blessed influence he left behind, which will help to make in his own image the lives of those who come after him.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE ADAMS.

The VICE-PRESIDENT laid before the Senate the following resolutions from the House of Representatives; which were read:

IN THE HOUSE OF REPRESENTATIVES,
February 24, 1907.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. HENRY C. ADAMS, late a Member of this House from the State of Wisconsin.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. SPOONER. Mr. President, I offer the resolutions which I send to the desk, and ask their adoption.

The VICE-PRESIDENT. The resolutions will be read.

The resolutions were read, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY C. ADAMS, late a Member of the House of Representatives from the State of Wisconsin.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Mr. SPOONER. Mr. President, the angel of death has been very busy among the Members of the Fifty-ninth Congress. Many times we have been summoned, giving pause to the public business, to stand by the open grave of a comrade in the public service who has died in the line of duty. In this roll of the dead is the name of one of Wisconsin's best-loved and most-trusted citizens, the Hon. HENRY CULLEN ADAMS, late a Member of the House of Representatives from the Second district, who was stricken on his journey homeward, and in Chicago on Monday, the 9th of July last, sank into "that sinless, stirless rest which we call death."

It is my belief that but for his spirit of self-sacrifice and unyielding devotion to duty as a legislator he might have been still among us. I saw him often during the last week of the session, ill and weary, but intensely interested, as a leading member of the Committee on Agriculture, in the pure food and agricultural appropriation bills, each containing novel and important propositions which he deemed of vital consequence to the people, and the success of which he promoted with unflagging spirit and unceasing personal effort. The end of the session left him, in the reaction from its activity and excitement, an easy victim to any acute physical ailment. In our last conversation he spoke of his unutterable longing for the rest and companionship of home and its surroundings of rare beauty. In the providence of God he was never again to behold it, but his wasted body was borne by loving hands, amid the tears of the thousands who had known and loved him, to the resting place which he had long ago chosen.

Mr. ADAMS was born November 28, 1850, at Verona, Oneida County, N. Y. He removed with his parents to Wisconsin in 1851, attended the Albion Academy one year and the University of Wisconsin three years, being compelled by frail health to forego the ambition to graduate with honor in his class, which no one doubted he would have attained.

He was a member of the Wisconsin legislative assembly two terms, from 1883 to 1887, and from the beginning of his service was a distinguished and useful member of that body.

He served a time as State superintendent of public property, and was dairy and food commissioner of Wisconsin from 1894 to 1902. It is safe to say that there was not in any State a dairy and food commissioner who excelled him in aptitude for the work or in ability to perform it, if, indeed, his equal was anywhere to be found.

He was elected to the Fifty-eighth Congress and reelected to the Fifty-ninth Congress from the Second district, his home being at Madison, the capital of the State, which also is the home of my colleague and myself.

Mr. ADAMS was married on the 15th of October, 1878, to Miss Anna B. Norton, and his home life was always a charming and happy one.

He could look back upon an ancestry in which were great names celebrated for learning, eloquence, and distinguished public service to the whole country. I knew his father well and entertained for him great admiration. He was a scientific farmer, many times a member of the legislature, and a man of mark and individuality in a body in which were a large number of the ablest men in the State. He was an entrancing speaker. His voice was musical and his diction perfect. A very modest man, who never talked of himself, it used to be marveled that "Farmer Adams" was so scholarly and so eloquent. But Benjamin Franklin Adams was one of the earlier graduates of Hamilton College, New York, and for some years professor of Greek and Latin in that institution. He would have been eminent at the bar or in public life, but he preferred the life of the farm and the intelligent and scientific pursuit of agriculture. The last time I ever saw him was at a Psi Upsilon banquet, the first he had attended for over forty years and at which he was the guest of honor. In an hour he grew young again and made an address of great beauty. In a little time he died.

On the farm and under the tutelage of such a father, HENRY CULLEN ADAMS spent his youth, and was well taught before entering college in history, the languages, literature, rhetoric, and agriculture in its theoretical and practical phases. Here he imbibed an abiding love for agriculture, a thorough knowledge of the needs of the farmer, and a sincere devotion to his interests. His life work was largely dedicated to the service of agriculture. He was a man of large constructive ability, an admirable logician, of analytical, yet broad, mind, and the author of many laws enacted in Wisconsin and other States in the interest of agriculture. He spoke in many States in advocacy of pure-food laws and of the dairy interests of the country. There was no field or phase of agriculture in which he had not been a student and upon which he could not write and speak instructively and with great ability.

He was a Republican always. He loved politics of a decent, manly sort, and he was one of the most interesting and popular exponents of the principles and policies of the party which he loved who ever appeared upon the hustings in the Northwest.

He was a broad-minded man, full of charity for all men and tolerant of differences of opinion, and, although a partisan, he found no warrant because of difference of opinion upon party principles and public policies for impeaching the patriotism or sincerity of his opponents.

It had been, Mr. President, to my knowledge, the ambition of his life to become a member of the national House of Representatives, and he was admirably equipped in every way to render to the country great and conspicuous service as a national legislator. During the too brief period which he served here he exhibited in a high degree strength as an original thinker, an eloquent and resourceful debater, a high order of constructive statesmanship, an unconquerable spirit, a geniality which won the affectionate regard of his associates in both parties, and made it certain that, with health and years of service, he could easily achieve a lofty eminence in the field of national legislation. His whole life, Mr. President, was pathetic in this, that it was the constant struggle of a dauntless spirit with bodily weakness.

In the last session which he attended he made great impression upon the body of which he was a member, and won the respect and admiration of the President and members of his Cabinet. I have more than once dwelt with peculiar pleasure, since he was laid to rest at "Forest Hill," near by the home which he had builded for himself and family, and in which he had spent so many happy years, upon the fact that I was able in the last conversation I had with him, as we sat in our cloak room, to repeat in his presence the friendly and flattering words spoken of him by the President in conversation with me an hour before. They brought color into his pale cheeks and a new light to his tired eyes.

He spoke always with persuasive eloquence, and when aroused, with great power, and with a vocabulary which was simple and quite classic.

His body was frail, but his will was strong; his ambition was keen and honorable, and his spirit was unconquerable. He possessed a rare sense of humor and was a delightful companion, a faithful friend, and quick and tender in his sympathies.

It was altogether characteristic of him and of his life that the first legislative purpose which he developed and pursued in Congress to successful consummation was an enlargement of the appropriation for the support of agricultural colleges and experiment stations, the value of which to the farmers of the country, and therefore to the people of the country, he knew as well, if not better, than any other man of my acquaintance.

He was a man of strong convictions, and when committed upon a policy or principle which he thought was right he was absolutely unshakable. He was opposed to the compulsory joinder of two Territories into one State, and no power or pleading could move him from his position. And that, Mr. President, was characteristic of him, although he was as free from what men commonly call obstinacy as any man I ever knew.

He died too soon, but—

Death is the dropping of the flower that the fruit may swell.

Wisconsin will not forget his shining qualities and his splendid public services, and her good people will tenderly cherish his memory.

My colleague [Mr. LA FOLLETTE], who was a lifelong friend of Mr. ADAMS, is, to his sorrow, prevented from joining in the tribute to him this evening because of illness.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE KETCHAM.

The VICE-PRESIDENT laid before the Senate the following message from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,
February 24, 1907.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon JOHN H. KETCHAM, late a Member of this House from the State of New York.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the

House, at the conclusion of the memorial exercises of this day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk communicate these resolutions to the family of the deceased.

Mr. DEPEW. Mr. President, I offer the resolutions I send to the desk.

The VICE-PRESIDENT. The Senator from New York submits resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. JOHN H. KETCHAM, late a Representative from the State of New York.

Resolved, That the business of the Senate be now suspended, that fitting tribute may be paid to the memory of the deceased.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from New York.

The resolutions were unanimously agreed to.

Mr. DEPEW. Mr. President, those of us who have been here for many years have experienced during this Congress and others how frequently death comes where there are 90 Senators and 386 Members of the House. As a rule, the colleague who has departed did not have the qualities of mind or distinction in public life which raised him sufficiently above the average of his fellows for him to be distinguished beyond them all. Now and then there is a rare character who does possess these qualities and has achieved this unique success.

I know of no one in my long acquaintance with public men, covering now more than half a century, who without being spectacular, without calling to himself the attention of the whole country, yet had such a remarkable career as Gen. JOHN H. KETCHAM. He lived in the district adjoining the one in which I was born and passed most of my life, and during the whole of his public career he was my intimate friend. I knew him in his private, business, and political life. He had the distinction of being for thirty-four years a Member of the House of Representatives, a period longer than any other man has served since the formation of the Republic, and in the changing conditions, increased population, and greater competition of our times and those which will succeed, I doubt if that record will ever be equaled, and I think he will always stand as the man who spent more years in the public service in the popular branch of our Government than any other one who ever served there.

His career presents a beautiful example of American life. He was born in modest circumstances. He became a farmer in early life, upon a moderate patrimony, and proceeded at once, with the qualities which made his success, to impress himself upon his community. The advantages of education to him were only those of the common school and the local academy, but they sufficed to overcome all obstacles and to enable him to surpass all his contemporaries.

He was a member of the local legislature of his county as a supervisor from his town the year he became of age. Two years afterwards he became a member of the lower house of the legislature of the State of New York, and at 25 he was a State senator. He was reelected, and then came the civil war.

The manner in which the volunteer regiments were raised in our State was that in each Congressional district three citizens were appointed to take charge of the recruiting. In his Congressional district they were Benson J. Lossing, the distinguished historian; Judge Emmett, one of the most eminent members of our supreme court, and this young senator. The work of this recruiting service devolved upon this young man, who had already become a familiar figure upon every farm and in every household in the district. In three weeks the One Hundred and Fiftieth New York was raised. They were men of his own age, of his own period, his intimate friends, his political allies and associates, and their demand was that he should go with them as their leader to the front, and they elected him their colonel.

He was a young married man with a little family—very young—yet he did not hesitate a moment. He assumed the responsibility of command of the regiment—a farmer's boy who knew nothing whatever of military tactics and who had never been connected with a military organization. But with the same persistent energy and grasp of things with which he had to do that made his success, he drew about him the best military talent available and studied night and day, and used the same efforts with his regiment, until when it came to the front it was a disciplined organization with a competent leader.

During all the years of the civil war it was the characteristic of the One Hundred and Fiftieth New York that it was equal to any duty it might be called upon to perform. It was in all the campaigns of the Army of the Potomac and afterwards in those of the Army of the West, and as in different battles its ranks were depleted they were recruited again from these same farmer boys of the district which its colonel had represented in the legislature.

He was wounded at Gettysburg, his life despaired of, and from that wound he suffered during his life. But when he could once more move, though he had ample excuse to retire, he was with Sherman, at the head of the One Hundred and Fiftieth New York, and marching through Georgia to the sea.

In 1865 the boys, writing home from the regiment of their colonel, who was always caring for their comfort regardless of his own, whether it was in camp or on the battlefield or in the hospital, created a sentiment in the district that he should represent them in Congress, and he was practically unanimously elected. For four terms he was in the lower House, covering eight years.

Then came one of the most remarkable contests which has ever occurred in our country. It was in 1872. The candidacy of Horace Greeley had demoralized for the time the Republican party, which had been brought up on the New York Tribune, and demoralized the Democratic party which had nominated its most distinguished, able, and bitter opponent as its candidate for the Presidency. The Democratic party then undertook to defeat Colonel, Brigadier-General, Major-General, and Congressman KETCHAM. They selected a millionaire opponent, and the contest developed election methods to an extent never before or since known.

In those days we had no civil-service and no corrupt-practices acts. In those days when the courts met and the judge charged the grand jury on the statutory clauses, among which was bribery at the polls, it received no other attention than a smile in the court room. In this contest, which attracted the attention of the country, and especially of our State, General KETCHAM was defeated by a few hundred votes. But it was known and admitted that the contest had cost the successful candidate more than a quarter of a million dollars, and when the grand jury met again and the judge solemnly charged, no smile was seen in the court among the grand jury, the petit jurymen, the litigants, the lawyers, or the witnesses, because all knew the facts, and many of them were disgracefully connected with them.

No investigation followed and no action was taken, and no public interest in the matter shown. We hear much in praise of the good old times and regrets that they can not return, but such a canvass and election would be impossible now in our State or any other.

General Grant knew and appreciated General KETCHAM as a soldier, and came, during the General's eight years in Congress, to recognize his talents for affairs, and instantly called upon him to serve the Government in the new organization of the District of Columbia, appointing him on the commission with Governor Dennison, of Ohio, and Henry T. Blow, of Missouri, two eminent executive officers. The General made a deep and profound study of the capital problem. He became familiar with the plan of that remarkable genius, L'Enfant, who was selected by General Washington to lay out this city, then a city of magnificent distances, so well described by that phrase.

During his three years as Commissioner he energetically advanced the plans since carried out and expanded which have made Washington remarkable, and in the full development of which this city will become the most beautiful capital in the world.

But after three years without its old Representative his district found it did not have the same distinction and service as with General KETCHAM, and it again called on him to represent its people in the House of Representatives. The second time he was a Member for sixteen years, eight times consecutively reelected, generally without any opposition, though it was one of the most doubtful districts in our State, and often Democratic. But frequently he would be unopposed in order that his forceful genius and efforts might not prevail in the local campaign.

At the end of sixteen years his health failed, and he retired for three years, but the district again demanded him. It would have no one else. He was unanimously called upon and remained in Congress for eight years more, until his death.

One of the most pathetic and beautiful tributes which can be paid to a man was that which crowned his life. It was known that he was in desperate health; it was known that he was paralyzed; that he could perform little or no service for his district or the country, and yet the convention of his party unanimously nominated him, and it was understood that there would be no opposition; but unhappily he died ten days before election.

Mr. President, here is the life of a man who was fifty-one years in the public service, who was thirty-four years in Con-

gress, who served with distinction in the legislature of his State, who won approbation as a Commissioner of this capital District of the country, and who as a soldier received the commendation of his brigade and division commanders for distinguished services in the field, and who left the Army a major-general.

Now, what were the peculiarities, what were the characteristics, which made this very remarkable career? He served in Congress under the leadership of Thaddeus Stevens, James G. Blaine, James A. Garfield, William McKinley, David B. Henderson, and JOSEPH G. CANNON; and while the RECORD might display little of what he did, he was a most valuable assistant to each one of them. He was in Congress with every President from Lincoln to Roosevelt, and while occupying but little space in the public press he was constantly invited to the White House for his assistance and advice.

It was known that while orators might speak and leaders might direct, there was no Member of Congress in KETCHAM's time who could accomplish so much for the success of any measure or the defeat of any bill which was before the House. If he could have written his reminiscences and autobiography, giving the unwritten story of party measures and policies and the secret of success and of failure of leaders during his long term, what a valuable contribution it would have been to our political history.

In New York, which probably more than any other State in the Union has been for a century in both parties subject to dominant leadership, he was always a stalwart. He was in office when the famous partnership of Seward, Weed, and Greeley was dramatically dissolved, and continued during Greeley's temporary leadership and the control of Thurlow Weed. He was in office when Conkling and Fenton had their bitter fight, first Fenton in command and then the autocratic domination of Conkling, and so on down to the time of his death. He never shifted from one side to the other as leaders changed. His own side might be in a minority in the State organization, but his hold upon his own district, from the affection which the people had for him, was such that the State organization could never wrest from his hands the organization of his Congressional district.

He was a politician of the old school. He believed in machines. He believed in patronage. He believed in getting all that was possible of positions for his friends. I do not think any man who lived in his time, or any twenty, had so many men in office as General KETCHAM. He had an instinctive knowledge when there was a vacancy in any Department of the Government, and he had a man ready to fill it and generally got him in. The President or a Cabinet minister or the bureau head knew perfectly well when General KETCHAM came in that the desired position had to be surrendered before the General retired. He did not confine his activities to political appointments in taking care of his friends. There was scarcely a firm or corporation in the State with a large force of employees which was not subject to his activities. The New York Central Railroad had the Hudson River division running on one side of his district and the Harlem division on the other, and during the period of nearly twenty years while I was its executive officer if a vacancy occurred in his district General KETCHAM knew it before I did—before it was reported to the president—and he was in my office with a candidate for the place, and usually secured it.

I will say in this connection that his selections were always men fitted for the duties. There was no distinction with him as to politics in securing positions. If the candidate was a young man whom he believed deserving or a middle-aged man with whom fortune, for no fault of his own, had somehow gone wrong, he would do for him what he could. Fathers were succeeded by sons grateful to this old general who had either given them in youth a lift in life or saved the family in hard luck from distress.

He had an utter contempt for the holier-than-thou patriot. He had an inexpressible and infinite loathing for the man who believed that he was lifted as he tore down reputations.

Now, then, what constituted his enormous success? How did he remain fifty-one years in public life? How did he rise to be a major-general in the hot battles of the civil war? Why was it he could never be defeated, except in that one extraordinary canvass against him, in his own district? Why was he as fortunate in business as in politics? Because under all circumstances and at all times he was a man of such wise judgment and good sense that he knew a situation before other people; because of tireless industry, which was spurred to greater effort by failure and often won victory from defeat.

He never made a speech, and yet he was more successful than great orators. He never wrote a magazine article or a contribution for the newspapers, and yet he had more influence with the public opinion of his district than all orators or editors or magazine writers.

Mr. President, this farmer, legislator, Senator, Congressman, soldier had ideals. He had ideals about his home, and it was a beautiful one, with wife and children. He had ideals about the public service, and he did his full part in the great measures which for the last fifty years have been before the Congress of the United States. He had his ideals as a soldier, and he met the commendation of those great soldiers whose names will be forever connected with the most glorious part of the history of our country. He had ideals of public life—that he should be true to his country, his friends, and his own manhood and independence.

So Gen. JOHN H. KETCHAM lived and died. For fifty years he was in the open and before the public. Important investigations were held while he was upon the platform, but he was never brought in. Great scandals smirched both Houses of Congress while he was in office, but he was never touched. Continually on the platform and in the public eye, his record was always honorable, and he had the highest consideration of his associates, his friends, and his enemies.

I know of no example of a man so inconspicuous and yet so great which furnishes such a noble lesson of the possibilities of American citizenship to the youth of our country as that of Gen. JOHN H. KETCHAM.

Mr. HOPKINS. Mr. President, I served for eighteen years in the House of Representatives with General KETCHAM. During that period I learned to know him well. I ask the privilege of printing in the RECORD my estimate of his character and his public services.

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

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE FLACK.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The resolutions were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 24, 1907.

Resolved, That the business of the House be now suspended and that opportunity be now afforded Members to pay tribute to the memory of Hon. WILLIAM H. FLACK, late a Representative from the State of New York.

Resolved, That as a special mark of respect and esteem for Mr. FLACK, the House, at the conclusion of these proceedings, adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. DEPEW. Mr. President, I submit the resolutions which I send to the desk, and I ask for their adoption.

The resolutions were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. WILLIAM H. FLACK, late a Representative from the State of New York.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Mr. DEPEW. Mr. President, when a man has passed his limit of three score and ten, and four score is near, his death is not an interruption, but the sudden checking of ultimate possibilities. We mourn his loss as we have in the last hour that of General Ketcham, who died at 74. But when the dread event comes in the early forties it is more than an ordinary calamity. The citizen who is in his meridian and has accomplished something of success is a valuable asset of his community and of the State. He has cleared the obstacles and difficulties from his pathway, his judgment has ripened, experience has made him wise, and the course before him is clear.

Mr. WILLIAM HENRY FLACK commenced the struggle early, with no advantages other than those afforded by the common school. He made his fight in the battle with the world in the community where he was born. At 46, when he died, he had been a success in business, a trustee and president of his village, chairman of his party committee in the county, and twice a Member of Congress from the district comprising the counties of St. Lawrence, Franklin, Essex, and Clinton. In the usual course of events he should have possessed thirty years more for service to his country and rewards for himself.

The difficulties which surround a country boy who aspires not only to business success, but to a political career, are greater than those which meet the son of the city. This is peculiarly the case where political distinction is desired. The man of the town is absorbed in the hot competitions of his vocation. The theater, the club, and other social diversions claim his spare time. It is only in periods of excitement about public questions that his attention is diverted to political matters. Public

opinion in great cities is dormant unless aroused by some crisis in the affairs of the municipality, the State, or the nation. After a period of feverish and passionate activity the people settle down again to the normal conditions with less interest in public affairs than in those which pertain immediately to their welfare. In the city there is no neighborhood. The citizen rarely knows who lives on his street or who are the occupants of the other apartments in his apartment house. Many a man who has been distinguished and looked up to by his neighbors in the country, who has been a local oracle and in a measure the pride of the people, has come to the metropolis for a larger field for his talents and activities. I have had the ex-judge and the ex-Senator or ex-Congressman say to me: "I do not know who lives on either side of me or across the way. I am a stranger in the elevator to those who are going to their offices in the vast building. I am jostled in the streets and crowded on the cars. Few call upon my family, and we might almost as well be in the Desert of Sahara. I miss the attention and recognition to which I have been accustomed, and that most delightful flattery in the world, the respect and admiration of men, women, and children, which I had at home, and we are going back. No pecuniary rewards compensate for the loss of that human contact and brotherly feeling which constitute the larger part of the pleasures of life." Under these conditions the organization more than the individual governs his career, unless he can control the organization.

In the country, however, the circle of the citizen enlarges with his activities and he becomes socially and politically well known, first in the town, then the county, and afterwards the district; but he must be somebody and do something which raises him above the average in order to receive recognition as a leader. Happily for our institutions, politics in these rural communities are not the spasmodic and often wild passions or crazes of the hour, but they are the thought and the pursuit of everyone all the year round. The newspapers are not read for the stock market or telegraphic news or cablegrams, but for editorials, transactions of conventions, and speeches of public men. Magazines are on the table of the sitting room not for ornament, but to be read. The lecture hall takes the place of the theater, and there the greatest questions of religion, politics, and sociology are discussed. The interval between the morning and afternoon service on Sunday is utilized as a sort of Chautauqua for the interchange of views, and they promote general education. It is to the credit of Mr. FLACK that he made his career in such a community. There is no community more typical of the very best conditions of rural life in the country than the district which Mr. FLACK represented in Congress. Its common and high schools, its academies and its college, are of the foremost educational rank. Its people have always been noted for their public spirit, interest in public affairs, and pronounced convictions. In the best sense they are all politicians, and the schoolhouse is as much a political primary as it is a primary school. Men of State and national fame have been its representatives. No ordinary man could command the suffrages of these counties. The difficulties in the way of success are greater because they are overwhelmingly of the same party, and a nomination is an election, and the competition is infinitely keener than where a nomination means a doubtful fight.

Mr. FLACK possessed not only the confidence of the people, which led to his being so often honored, and each time with promotion, but he had in a peculiar degree the love as well as the respect of all. He possessed a personality so agreeable and a disposition so charming that they won to him everyone with whom he came in contact. His illness, unfortunately, prevented continued activities in the House of Representatives, but while here he was a conscientious worker and had the confidence and respect of his associates. He leaves an honorable record for his family and for the representation of New York in the Congress of the United States.

Mr. DEPEW. I move that the Senate do now take a recess.

The motion was agreed to; and (at 9 o'clock and 32 minutes p. m.) the Senate took a recess until to-morrow, Sunday, March 3, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1907.

COLLECTORS OF CUSTOMS.

Reginald Branch, of New Jersey, to be collector of customs for the district of Burlington, in the State of New Jersey, in place of I. Snowden Haines, resigned.

William B. Boone, of New Jersey, to be collector of customs for the district of Bridgeton, in the State of New Jersey, in place of George W. McCowan, whose term of office expired by limitation February 23, 1907.

Walter Fifield, of New Jersey, to be collector of customs for the district of Great Egg Harbor, in the State of New Jersey. (Reappointment.)

Charles F. Leach, of Ohio, to be collector of customs for the district of Cuyahoga, in the State of Ohio. (Reappointment.)

APPOINTMENTS IN THE ARMY.

General officers.

Col. Alfred C. Markley, Thirteenth Infantry, to be brigadier-general from March 2, 1907, vice Jocelyn, retired from active service.

Col. Charles B. Hall, Eighteenth Infantry, to be brigadier-general, vice Duggan, to be retired from active service.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. John G. D. Knight, Corps of Engineers, to be colonel from March 2, 1907, vice Heuer, retired from active service.

Maj. George W. Goethals, Corps of Engineers, to be lieutenant-colonel from March 2, 1907, vice Knight, promoted.

Capt. Herbert Deakyne, Corps of Engineers, to be major from March 2, 1907, vice Goethals, promoted.

First Lieut. Michael J. McDonough, Corps of Engineers, to be captain from March 2, 1907, vice Deakyne, promoted.

Second Lieut. Ernest Graves, Corps of Engineers, to be first lieutenant from March 2, 1907, vice McDonough, promoted.

Cavalry Arm.

Second Lieut. Arthur J. Lynch, Fifteenth Cavalry, to be first lieutenant from February 28, 1907, vice Duncan, Fourteenth Cavalry, retired from active service.

APPOINTMENTS IN THE ARMY.

Maj. Gen. Fred C. Ainsworth, The Military Secretary, to be The Adjutant-General with the rank of major-general from April 23, 1904.

Brig. Gen. William P. Hall, military secretary, to be adjutant-general with the rank of brigadier-general from April 23, 1904.

Col. Henry O. S. Heistand, military secretary, to be adjutant-general with the rank of colonel from July 22, 1902.

Col. George Andrews, military secretary, to be adjutant-general with the rank of colonel from August 7, 1903.

Col. William A. Simpson, military secretary, to be adjutant-general with the rank of colonel from August 18, 1903.

Col. Henry P. McCain, military secretary, to be adjutant-general with the rank of colonel from April 23, 1904.

Col. James T. Kerr, military secretary, to be adjutant-general with the rank of colonel from June 17, 1905.

Lieut. Col. Alexander O. Brodie, military secretary, to be adjutant-general with the rank of lieutenant-colonel from June 10, 1905.

Lieut. Col. Benjamin Alvord, military secretary, to be adjutant-general with the rank of lieutenant-colonel from June 17, 1905.

Maj. Eugene F. Ladd, military secretary, to be adjutant-general with the rank of major from June 23, 1905.

PROMOTIONS IN THE ARMY.

Adjutant-general with the rank of lieutenant-colonel.

Maj. Eugene F. Ladd, adjutant-general, to be adjutant-general with the rank of lieutenant-colonel from March 2, 1907, to fill an existing vacancy.

Deputy surgeon-general with the rank of lieutenant-colonel.

Joseph Y. Porter, late captain and assistant surgeon, United States Army, to be deputy surgeon-general with the rank of lieutenant-colonel from March 2, 1907.

POSTMASTERS.

CALIFORNIA.

Clyde F. Baldwin to be postmaster at Whittier, in the county of Los Angeles and State of California, in place of Lindley M. Baldwin. Incumbent's commission expired February 9, 1907.

Oliver H. Duvall to be postmaster at Claremont, in the county of Los Angeles and State of California. Office became Presidential January 1, 1907.

KENTUCKY.

James N. Coffey to be postmaster at Columbia, in the county of Adair and State of Kentucky. Office became Presidential January 1, 1907.

ILLINOIS.

Charles F. Douglass to be postmaster at Ashland, in the county of Cass and State of Illinois, in place of Charles F. Douglass. Incumbent's commission expired February 23, 1907.

Karl Miller to be postmaster at Winchester, in the county of

Scott and State of Illinois, in place of Karl Miller. Incumbent's commission expires March 3, 1907.

B. Reinbach to be postmaster at Waverly, in the county of Morgan and State of Illinois, in place of James M. Joy. Incumbent's commission expired February 23, 1907.

INDIANA.

Henry P. Hardie to be postmaster at Anderson, in the county of Madison and State of Indiana, in place of Robert P. Grimes, resigned.

NEW JERSEY.

Charles C. Cowperthwait to be postmaster at Mount Holly, in the county of Burlington and State of New Jersey, in place of Charles C. Cowperthwait. Incumbent's commission expired February 26, 1907.

Thomas C. Elvins to be postmaster at Hammonton, in the county of Atlantic and State of New Jersey, in place of Marcellus L. Jackson. Incumbent's commission expires March 2, 1907.

Arthur Winner to be postmaster at Palmyra, in the county of Burlington and State of New Jersey, in place of John E. Morton, resigned.

MASSACHUSETTS.

George Abbott to be postmaster at East Douglass, in the county of Worcester and State of Massachusetts, in place of George Abbott. Incumbent's commission expired February 11, 1907.

Frederick H. Greene to be postmaster at Ashburnham, in the county of Worcester and State of Massachusetts, in place of Ermina L. Evans, resigned.

MICHIGAN.

Frederick A. Roethlisberger to be postmaster at Hillsdale, in the county of Hillsdale and State of Michigan, in place of Edwin J. March. Incumbent's commission expired February 19, 1907.

MISSOURI.

Walter A. Coon to be postmaster at Republic, in the county of Greene and State of Missouri. Office became Presidential January 1, 1907.

John M. Eaton to be postmaster at Fayette, in the county of Howard and State of Missouri, in place of James Taylor. Incumbent's commission expired January 13, 1907.

PENNSYLVANIA.

Clara E. Fessenden to be postmaster at Roulette, in the county of Potter and State of Pennsylvania. Office became Presidential January 1, 1907.

OKLAHOMA.

W. S. Cade to be postmaster at Shawnee, in the county of Pottawatomie and Territory of Oklahoma, in place of George E. McKinnis. Incumbent's commission expired January 13, 1907.

TEXAS.

William J. Miller to be postmaster at Hallettsville, in the county of Lavaca and State of Texas, in place of William J. Miller. Incumbent's commission expires March 2, 1907.

J. S. Wells to be postmaster at Bowie, in the county of Montague and State of Texas, in place of William C. Smith, removed.

WISCONSIN.

James W. Meiklejohn to be postmaster at Waupun, in the county of Fond du Lac and State of Wisconsin, in place of James W. Meiklejohn. Incumbent's commission expired February 26, 1907.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 2, 1907.

Henry P. Hardie, sent to the Senate to-day, to be postmaster at Anderson, Ind.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1907.

UNITED STATES MARSHAL.

George H. Green, of Texas, to be United States marshal for the northern district of Texas.

REGISTER OF LAND OFFICE.

William Farre, of Oregon, to be register of the land office at Burns, Oreg.

PROMOTIONS IN THE NAVY.

Commander Thomas B. Howard to be a captain in the Navy, from the 24th day of February, 1907.

Passed Asst. Paymaster Francis J. Painter, United States Navy, retired, with the rank of lieutenant, to be a paymaster on the retired list of the Navy, with the rank of lieutenant, from the 29th day of June, 1906, in accordance with the provisions of an act of Congress approved on that date.

Professor of Mathematics Harry McL. P. Huse, to be a commander on the active list of the Navy from the 25th day of February, 1907, to take rank next after Commander William L. Rodgers, in accordance with the provisions of an act of Congress approved February 15, 1907.

PROMOTIONS IN THE ARMY.

Joseph Y. Porter, deputy surgeon-general and lieutenant-colonel.

Maj. Gen. Fred. C. Ainsworth, adjutant-general and major-general.

To be adjutant-generals.

Col. William P. Hall, with the rank of brigadier-general.
Col. Henry O. S. Heinstand, with the rank of colonel.
Col. George Andrews, with the rank of colonel.
Col. William A. Simpson, with the rank of colonel.
Col. Henry P. McCain, with the rank of colonel.
Col. James T. Kerr, with the rank of colonel.

Lieut. Col. Alexander O. Brodie, with the rank of lieutenant-colonel.

Lieut. Col. Benjamin Alvord, military secretary, to be adjutant-general with the rank of lieutenant-colonel from June 17, 1905.

Maj. Eugene F. Ladd, adjutant-general, to be adjutant-general with the rank of lieutenant-colonel from March 2, 1907, to fill an existing vacancy.

Maj. Eugene F. Ladd, with the rank of major.

Colonels to be brigadier-generals.

Alfred C. Markley.
Charles B. Ball.

Corps of Engineers.

Col. John G. D. Knight to be colonel.
Maj. George W. Goethals to be lieutenant-colonel.
Capt. Herbert Deakyne to be major.
First Lieut. Michael J. McDonough to be captain.
Second Lieut. Ernest Graves to be first lieutenant.

Cavalry Arm.

Second Lieut. Arthur J. Lynch to be first lieutenant.

COLLECTORS OF CUSTOMS.

William B. Boone to be collector of customs at Bridgeton, in the State of New Jersey.

Reginald Branch to be collector of customs at Burlington, in the State of New Jersey.

Walter Fifield to be collector of customs at Great Egg Harbor, in the State of New Jersey.

POSTMASTERS.

COLORADO.

Augusta Reardon to be postmaster at Victor, in the county of Teller and State of Colorado.

CONNECTICUT.

Walter B. Cheney to be postmaster at South Manchester, in the county of Hartford and State of Connecticut.

ILLINOIS.

Karl Miller to be postmaster at Winchester, in the State of Illinois.

B. Reinbach to be postmaster at Waverly, in the State of Illinois.

Charles F. Douglas to be postmaster at Ashland, in the State of Illinois.

INDIANA.

Virgil A. Geiger to be postmaster at Cherubusco, in the county of Whitley and State of Indiana.

W. O. Nash to be postmaster at Jacksonville, in the county of Green and State of Indiana.

IOWA.

Charles H. Hoyt to be postmaster at Fayette, in the county of Fayette and State of Iowa.

KANSAS.

John K. Cochran to be postmaster at Pratt, in the county of Pratt and State of Kansas.

John Gilman to be postmaster at Madison, in the county of Greenwood and State of Kansas.

Robert D. Rodgers to be postmaster at Syracuse, in the county of Hamilton and State of Kansas.

Lisse H. Shoup to be postmaster at Cimarron, in the county of Gray and State of Kansas.

MICHIGAN.

William H. Goodman to be postmaster at Allegan, in the county of Allegan and State of Michigan.

John T. P. Smith to be postmaster at Clarkston, in the county of Oakland and State of Michigan.

MINNESOTA.

Thomas M. Paine to be postmaster at Glencoe, in the county of McLeod and State of Minnesota.

Mark Swedberg to be postmaster at Luverne, in the county of Rock and State of Minnesota.

MISSISSIPPI.

Robert Burns to be postmaster at Brandon, in the county of Rankin and State of Mississippi.

MISSOURI.

Archie T. Hollenbeck to be postmaster at Westplains, in the county of Howell and State of Missouri.

William W. Wagner to be postmaster at Jefferson City, in the county of Cole and State of Missouri.

NEBRASKA.

James N. Brooks to be postmaster at Rushville, in the county of Sheridan and State of Nebraska.

William Cook to be postmaster at Hebron, in the county of Thayer and State of Nebraska.

William T. Mauck to be postmaster at Wahoo, in the county of Saunders and State of Nebraska.

John F. Nesbit to be postmaster at Tekamah, in the county of Burt and State of Nebraska.

NEVADA.

William B. Graham to be postmaster at Ely, in the county of White Pine and State of Nevada.

NEW JERSEY.

James E. Sherman to be postmaster at Frenchtown, in the county of Hunterdon and State of New Jersey.

NORTH DAKOTA.

James D. McKenzie to be postmaster at Milnor, in the county of Sargent and State of North Dakota.

OREGON.

William H. Lachner to be postmaster at Baker City, in the county of Baker and State of Oregon.

Thomas P. Randall to be postmaster at Oregon City, in the county of Clackamas and State of Oregon.

James S. Van Winkle to be postmaster at Albany, in the county of Linn and State of Oregon.

PENNSYLVANIA.

Ada U. Ashcom to be postmaster at Ligonier, in the county of Westmoreland and State of Pennsylvania.

W. F. Balsbach to be postmaster at Bellwood, in the county of Blair and State of Pennsylvania.

Barnett C. Fretts to be postmaster at Scottdale, in the county of Westmoreland and State of Pennsylvania.

SOUTH DAKOTA.

John Reich to be postmaster at Scotland, in the county of Bonhomme and State of South Dakota.

Delbert W. Wilmarth to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota.

VIRGINIA.

James Carter to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia.

R. W. Garnett to be postmaster at Farmville, in the county of Prince Edward and State of Virginia.

John B. Grayson to be postmaster at Warrenton, in the county of Fauquier and State of Virginia.

William H. Parker to be postmaster at Onancock, in the county of Accomac and State of Virginia.

Thomas H. Smith to be postmaster at Manchester, in the county of Chesterfield and State of Virginia.

WISCONSIN.

James W. Meiklejohn to be postmaster at Waupun, in the State of Wisconsin.

David B. Worthington to be postmaster at Beloit, in the county of Rock and State of Wisconsin.

REJECTION.

Executive nomination rejected by the Senate March 2, 1907.

POSTMASTER.

CONNECTICUT.

Joseph T. Elliott to be postmaster at Middletown, in the county of Middlesex and State of Connecticut.

PECUNIARY CLAIMS.

The injunction of secrecy was removed March 2, 1907, from the ratification of a convention signed on August 13, 1906, by the delegates of the Governments represented at the Third International Conference of American States, continuing in force, with the exception of its third article, the convention providing for the arbitration of pecuniary claims signed on January 30, 1902, by the delegates to the Second International Conference.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 2, 1907.*

The House met at 11 o'clock a. m.

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

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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.

The message also announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 236. Joint resolution authorizing the Secretary of the Navy to furnish metal for a bell;

H. R. 25849. An act permitting the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 25811. An act to authorize the Monroe, Farmerville and Northwestern Railway Company to construct a bridge over the Ouachita River and one over the D'Arbonne River, in Louisiana;

H. R. 25801. An act granting an honorable discharge to Seth Davis;

H. R. 24833. An act for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company;

H. R. 22588. An act for the relief of homestead entrymen who have paid more than the lawful purchase money;

H. R. 21091. An act authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis;

H. R. 19751. An act to authorize the Natchez Electric Street Railway and Power Company to construct and operate an electric railway along the national cemetery roadway at Natchez, Miss.; and

H. R. 15859. An act ceding certain lands to Colorado State Agricultural College.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 25437. An act to grant American registry to the German bark *Mariechen.*

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 54.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill S. 5623, entitled "An act granting an increase of pension to Nicholas M. Hawkins."

Also:

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill S. 7822, entitled "An act granting an increase of pension to William N. Bronson."

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 8622. An act granting an increase of pension to William N. Bronson.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 16659. An act to correct the military record of Tobe Holt.

SENATE BILLS REFERRED.

Under clause 2, 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. 8328. An act to permit the laying of two water pipes from Bayonne, N. J., to Staten Island, New York—to the Committee on Interstate and Foreign Commerce.