Also, paper to accompany bill for relief of Samantha Schrimpher, wife of Thomas J. Schrimpher—to the Committee on Military Affairs.

By Mr. OLMSTED: Petition of citizens of Dauphin County, Pa., for legislation adequately protecting the dairy interest of the country—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of National Veneer and Lumber Company, for amendment to interstate-commerce law, to prevent railway companies from advancing rates without approval of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Commerical Telegraphers' Union of America, for investigation of the condition of the Western Union and Postal Telegraph companies with relation to the people—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. G. Nantz, J. O. Carson, B. T. Cartright, William Allen, Frank J. Connor, Frank Duffy, Harvy N. Connor, William Kennett, Theo Neale, and Walter H. King, against Asiatic immigration—to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of R. W. Seay—to the Committee on War Claims.

By Mr. PEARRE: Petition of Board of Trade of Baltimore, for harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of Board of Trade of Baltimore, Md., for nonpartisan commission to readjust the tariff—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of Grand Army of the Republic post of Platsmouth, Nebr., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of board of trustees of State Soldiers' Home, Bath, N. Y., for restoration of the canteen to Soldiers' Homes throughout the country—to the Committee on Military Affairs.

By Mr. RYAN: Paper to accompany bill for relief of Seymour H. Marshall—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Thomas King and Albert Conklin—to the Committee on Invalid Pensions.

By Mr. STERLING: Papers to accompany bills for relief of Olga H. Updegraff, G. E. Stump, and Jacob Batrim—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of National Corps Army and Navy Union, United States Army, for increase of pay for officers and men of Army, Navy, Marine Corps, and Revenue-Cutter Service—to the Committee on Military Affairs.

By Mr. WASHBURN: Petition of Navigation Conference, for harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. YOUNG: Petition of Axel Erickson and others, against the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Board of Trade of St. Louis, Mo., against removal of duty on sugar for the Philippines—to the Committee on Ways and Means.

Also, petition of Business Men's Association of Battle Creek, Mich., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 11, 1908.*

The House met at 12 o'clock m.

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

The Journal of yesterday's proceedings was read and approved.

COMMAND OF HOSPITAL SHIP RELIEF.

Mr. FOSS. Mr. Speaker, I offer a privileged report and call for the reading of the resolution and the report.

The Clerk read as follows:

House resolution 120.

Resolved, That the Secretary of the Navy be, and he is hereby, requested, if not incompatible with public interests, to furnish to the House of Representatives, for its information, copies of all official letters, reports, orders, and so forth, filed in the Navy Department in connection with the appointment of Surg. Charles F. Stokes as commander of the United States hospital ship Relief, and also all letters, reports, orders, and so forth, filed in the Navy Department in connection with the appointment and resignation of Rear-Admiral Willard H. Brownson as Chief of the Bureau of Navigation.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred House resolution No. 120, requesting the Secretary of the Navy to furnish to the House of Representatives all official letters, reports, orders, etc., filed in the Navy Department in connection with the appointment of Surg. Charles F. Stokes as commander of the United States hospital ship *Relief,* and also all letters, reports, orders, etc., in connection with the appointment and resignation of Rear-Admiral Willard H. Brownson as Chief of the Bureau of Navigation, having had the same under consideration, report as follows:

That the resolution be amended as follows:

In line 4 strike out the words "so forth" and after the word "and" insert "other papers." In line 8 strike out the words "so forth" and after the word "and" insert "other papers." In line 9 strike out the words "appointment and."

When so amended the committee recommend that the resolution do pass.

The amendments recommended by the committee were agreed to.

The resolution as amended was agreed to.

HOUSE OFFICE BUILDING.

Mr. MANN. Mr. Speaker, I present a further privileged report.

The Clerk read as follows:

The special committee which was directed to report to the House plans for the distribution of rooms in the House Office Building and the redistribution of rooms under the control of the House in the Capitol building beg leave to make a further partial report and to recommend the adoption of the following resolution, to wit:

"*Resolved,* That the following assignment of rooms be, and hereby is, made, to wit:

"IN THE HOUSE OFFICE BUILDING.

"To the Committee on the Census, room 141 and room at southeast corner on the first floor.

"To the Committee on Militia, rooms 284 and 285 in place of room 288, heretofore assigned.

"To the Committee on Private Land Claims, rooms 281 and 282.

"IN THE CAPITOL BUILDING.

"To the Committee on the Post-Office and Post-Roads, the rooms heretofore occupied by the Committee on Agriculture and the Committee on Insular Affairs.

"To the Committee on Mines and Mining, the room heretofore occupied by the Committee on Patents.

"As an addition to the minority conference room, the room heretofore occupied by the Committee on the Post-Office and Post-Roads.

"To the Committee on Education, the room heretofore occupied by the Committee on Private Land Claims.

"*Resolved further,* That the rooms made out of the ends of corridors heretofore occupied by the Committee on Disposition of Useless Documents in the Executive Departments, the Committee on Rivers and Harbors, and the Commitee on Expenditures in the Navy Department be abolished and the space restored as part of the corridors."

All of which is respectfully submitted.

JAMES R. MANN.
JOSEPH H. GAINES.
H. O. YOUNG.
JAMES T. LLOYD.
W. C. ADAMSON.

Mr. MANN. I ask for the adoption of the resolution.

The resolution was agreed to.

SHELBY COUNTY, TEX.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6231) to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That Shelby County, in the State of Texas, be, and the same is hereby, attached to and made a part of the Beaumont division of the eastern judicial district of the State of Texas and detached from the Tyler division of said judicial district.

SEC. 2. That all process against persons resident in said county of Shelby and cognizable before the court in said judicial district shall be issued out of and made returnable to said court at Beaumont, and that all prosecutions against persons for offenses committed in said county shall be tried in said court at Beaumont: *Provided,* That no civil or criminal cause begun and pending prior to the passage of this act shall be in any way affected by it.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I suppose this bill has been reported unanimously.

Mr. COOPER of Texas. Unanimously reported by the committee.

The SPEAKER. The Chair hears no objection.

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

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

Mr. COOPER of Texas. Mr. Speaker, I should like to have the report of the committee printed in the RECORD.

The SPEAKER. The gentleman asks unanimous consent for the printing in the RECORD of the report of the committee. Is there objection?

There was no objection.

Report (by Mr. HENRY of Texas) is as follows:

The Committee on the Judiciary has had under consideration the bill (H. R. 6231) to attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district, and report as follows:

The county of Shelby, in the eastern district of the State of Texas, is now attached to the court held at Tyler. It appears that the

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county of Shelby has direct railroad connection with the city of Beaumont and does not have direct railroad connection with the city of Tyler; that litigants, jurors, and persons who have to attend the district and circuit court from Shelby County are now required to go overland for a part of the way and travel over three different railroads to get to Tyler; that Beaumont is nearer to Shelby County than is Tyler, and that it is less expensive and requires less time to reach Beaumont than Tyler; that Shelby County in a financial and business way is more closely connected with Beaumont than it is with Tyler; that it is more economical and will be a saving to the Government in expense for Shelby County to be attached to the Beaumont division of said district; that the bar and the county and precinct officers of Shelby County have, by petition, asked that the said county be attached to the Beaumont division.

Therefore your committee reports this bill favorably and recommends that it do pass.

EMPLOYERS' LIABILITY.

Mr. STERLING. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there be printed for the use of this House 2,000 copies of the opinion and of the dissenting opinion of the Supreme Court in the cases of Howard, administratrix, *v.* Illinois Central Railroad Company, and Brooks, administratrix, *v.* Southern Pacific Company, being decisions of that court relating to the constitutionality of the employers' liability law.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

BRIDGE ACROSS MONONGAHELA RIVER, PENNSYLVANIA.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9087) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 7 of an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, be, and is hereby, amended to read as follows:

"SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 21, 1908."

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, is this unanimously reported by the committee?

Mr. WANGER. Unanimously reported by the committee.

Mr. WILLIAMS. And the bridge is to be constructed under the general law and subject to its limitations?

Mr. WANGER. Oh, yes.

The SPEAKER. The Chair hears no objection.

The following committee amendments were read and agreed to:

In line 7, after the word "three," insert the words "as amended by the acts approved January 11, 1905, February 21, 1906, and February 5, 1907."

In line 8, after the word "hereby," insert the word "further."

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

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

CLAIMS OF VOLUNTEERS IN SPANISH WAR.

Mr. DE ARMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3923) to fix the limitation applicable in certain cases.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the limitation of the act approved April 27, 1904, entitled "An act to amend an act approved March 3, 1899, entitled 'An act to amend an act 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," approved July 8, 1898,' etc., and for other purposes," and the limitations of the acts of which it is amendatory shall be January 1, 1910.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to know the reason for this.

Mr. DE ARMOND. Mr. Speaker, I will send to the Clerk's desk the report, which will explain the matter quite as fully as it can be done otherwise.

Mr. MANN. I have no objection to hearing the report read, but my observation is that reports are of very little use to be read.

Mr. DE ARMOND. This is a very brief report, and contains the entire explanation.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 3923) to fix the limitation applicable in certain cases, having had the same under consideration, report it back to the House with the recommendation that it do pass.

The act of July 8, 1898, the act of March 3, 1899, amending it, and the act of April 24, 1904, amending the last-mentioned act—the titles of all which acts are set forth in the bill—provide, among other things, for payment to the volunteer officers and soldiers of the war with Spain for the time between their assembling at rendezvous and muster in, payment to be made through the State and Territorial governors; nothing on this account to go into any State or Territorial treasury, but only to the volunteer officers and soldiers.

The volunteers in most of the States have received this allowance, but those of a few States have not. In a few cases claims have not been presented by the governors, who alone can present them, and some claims filed are regarded as defective in form of statement, because not minutely itemized.

No limitation is fixed in the 1898 act; that of the act of 1899 is January 1, 1902, and that of the act of 1904 is January 1, 1906. The sole purpose of this bill is to make the limitation January 1, 1910, and its enactment into law would have no other effect.

By its enactment the comparatively few volunteer officers and men of the war with Spain who have not yet received what these acts entitle them to may, through the governors of their respective States, be placed upon equal footing with their comrades in arms from other States; so that those equal in merit may, as they should, fare alike.

It is the unanimous judgment of the committee that the enactment into law of this bill will be simple justice to those whom it would affect, and will accomplish the legislative will embodied in the acts heretofore mentioned.

Mr. MANN. Mr. Speaker, it is now nearly ten years since the Spanish-American war ceased. Here are four statutes that have been passed to pay for the time between the assembling of the volunteer forces and the time they were mustered into the service. The money ought to have been paid to them, if ever at all, five or six years ago. What is the reason for the delay? Is it the red tape and minutiæ in the Department of this Government, the War Department here, or is it the fault of the men who are claimants, the fault of the governors of the States and Territories? It is of course somebody's fault.

Mr. DE ARMOND. Mr. Speaker, I can not answer definitely, but I can state briefly what the facts of the matter are. Provision is made in these various acts for the reimbursement of the States for the equipping and transportation of troops of the Spanish war. Provision also is made for paying the officers and men—the volunteers—at the usual rate of compensation for the time between the gathering at rendezvous and the muster in. Most of the officers and men from most of the States have received this allowance. The officers and men from a few States—and the State which I inhabit among them—have not received it. It is provided in the act that where a claim is presented in behalf of a State for reimbursement on account of any outlay made by the State for the benefit of the General Government in the clothing and equipment and transportation of troops, that claim shall be duly itemized. The reason for that is very plain.

The claim of the State of Missouri—and I know more about that than the others—was presented without itemizing for this allowance to officers and men. The State did not pay out anything for the National Government for equipment, for transportation, or for subsistence. The law provided—why I know not, any more than anybody else knows—that all claims should be preferred through the governors of the States. No soldier, no officer can present a claim himself, because the law does not provide for that.

Now, this claim of the State of Missouri, as I say, "not for reimbursement," but presented for this allowance for officers and men, was not itemized. The facts upon which the claim rests are on file in the office of the adjutant-general in Missouri and on file in the Bureau of the Auditor of the War Department in this city. It was believed that itemizing was entirely unnecessary and would throw no light on the matter, everything being shown by the files of the War Department. However, it was discovered after presenting the claim that there had been a ruling by the Comptroller of the Treasury to the effect that all claims presented under the law should be itemized. Now, then, it was thought that the simpler and better way, with reference to these claims and others in the same situation, would be to get an extension, if it can be had by action of Congress, of the time in which these claims can be filed in itemized form, rather than to go to the Court of Claims and there contest the soundness of the ruling of the Comptroller of the Treasury. I believe that the ruling is erroneous. I believe the itemized statement is meant to apply, when it does apply, to instances where the State claims reimbursement. It would, of course, be ob-

jectionable to present a claim for a State for reimbursement, say, for $10,592.14, on account of the equipment of troops and the transportation of troops, with no items set out.

The claim, however, in this instance, and I think in all instances that will come under this act if it be passed extending the time limit, is solely for officers and men; and unless there be legislation of this kind the officers and men who have not yet received this allowance, which those of other States have received, will be denied it entirely or they will have in some sort of a way to get up some kind of an organization of their own and proceed to the Court of Claims, a very cumbersome sort of procedure to secure very plain rights. I would very much prefer that payment be made directly from the Treasury, and I think it would have been better to so provide in the first instance, but it is not so in the law; and the purpose of this bill is solely to extend the time within which these claims may be presented.

This bill, differing only in the particular of the date—this limit is January 1, 1910—was passed by the last House and was not taken up in the Senate. It then was reported unanimously from the Committee on the Judiciary and was passed unanimously by this House. Again it has been reported unanimously by the Committee on the Judiciary, and now it is before the House for its disposition.

Mr. MANN. When does the limitation in the present law expire?

Mr. DE ARMOND. It expired on the 1st of January, 1906, and the matter is just simply tied up. The soldiers will have to go to the Court of Claims or be denied what has been given to others similarly situated, unless aided by this kind of legislation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

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

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

PRINTING OF COMMITTEE REPORTS.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 1, which I send to the desk and ask to have read.

The SPEAKER. Is this the resolution that was referred to the Committee on Printing?

Mr. PERKINS. Yes.

The SPEAKER. Has it been reported?

Mr. PERKINS. I have the report here.

The SPEAKER. The gentleman now makes the report. The Clerk will read the bill.

The Clerk read as follows:

Resolved, etc., That publications ordered printed by Congress, or either House thereof, shall be in four series, namely: One series of reports made by the committees of the Senate, to be known as Senate reports; one series of reports made by the committees of the House of Representatives, to be known as House reports; one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate documents, and one series of documents other than committee reports, the orders for printing which originate in the House of Representatives, to be known as House documents. The publications in each series shall be consecutively numbered, the numbers in each series continuing in unbroken sequence throughout the entire term of a Congress, but the foregoing provision shall not apply to the documents printed for the use of the Senate in executive session: *Provided*, That of the "usual number," the copies which are intended for distribution to State and Territorial libraries and other designated depositories of all annual or serial publications originating in or prepared by an Executive Department, bureau, office, commission, or board shall not be numbered in the document or report series of either House of Congress, but shall be designated by title and bound as hereinafter provided, and the departmental edition, if any, shall be printed concurrently with the "usual number."

SEC. 2. That in the binding of Congressional documents and reports for distribution by the superintendent of documents to State and Territorial libraries and other designated depositories, every publication of sufficient size on any one subject shall hereafter be bound separately and receive the title suggested by the subject of the volume, and the others shall be distributed in unbound form as soon as printed. The Public Printer shall supply the superintendent of documents sufficient copies of those publications distributed in unbound form, to be bound and distributed to the State and Territorial libraries and other designated depositories for their permanent files. The library edition, as well as all other bound sets of Congressional numbered documents and reports, shall be arranged in volumes and bound in the manner directed by the Joint Committee on Printing.

SEC. 3. That section 2 of an act to amend an act providing for the public printing and binding, etc., approved March 1, 1907, is hereby repealed.

With the following amendment:

On page 2, line 14, after the word "number," insert the words:

And provided further, That hearings of committees may be printed as Congressional documents only when specifically ordered by Congress or either House thereof.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I understand this is the unanimous report of the committee?

Mr. PERKINS. Yes.

Mr. WILLIAMS. And meets with the approval of the minority members of that committee. I have no objection.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the amendment.

Mr. BARTLETT. Mr. Speaker, I would like to ask the gentleman from New York a question with reference to these amendments.

The SPEAKER. Does the gentleman yield?

Mr. PERKINS. Yes.

Mr. BARTLETT. I see that this amendment provides that hearings of committees may be printed as documents only when specifically ordered by Congress or either House thereof. Sometimes there are very important hearings on a dozen different bills before the House. Does this in any way interfere with the right of the different committees to have a specific number of those hearings printed for the use of the committees?

Mr. PERKINS. It does not change the law at all. It leaves the committees the power which they now have to have printed for their own use such number as they see fit; but it does not allow those reports to go into what are called the public documents which are distributed at large into the various libraries. It in no way interferes with what is desired by the gentleman from Georgia.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

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

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

RESTRICTION OF RIGHT OF APPEAL IN HABEAS CORPUS PROCEEDINGS.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4777) restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That from a final decision by a court of the United States in a proceeding in habeas corpus where the detention complained of is by virtue of process issued out of a State court no appeal to the Supreme Court shall be allowed unless the United States court by which the final decision was rendered or a justice of the Supreme Court shall be of opinion that there exists probable cause for an appeal, in which event, on allowing the same, the said court or justice shall certify that there is probable cause for such allowance.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to hear an explanation of this bill. It seems to be a rather important one.

Mr. LITTLEFIELD. Mr. Speaker, I will state the occasion for this legislation arises from the fact that under the existing law there are a large number of groundless appeals prosecuted to the Supreme Court of the United States in habeas corpus proceedings in capital cases. It seems that the law is such that it is only necessary in the proceedings to suggest a frivolous or fictitious Federal question, have the petition overruled, and then take an appeal to the Supreme Court of the United States, which delays the execution of a sentence anywhere from one to two years, as the case may be.

And there is no power to-day in the statute or on the part of the court to prevent the prosecution of these groundless appeals. If a man has been there once he can go right back, start his habeas corpus proceedings again, and go right over the same case. Now, this bill provides that no appeal shall be prosecuted unless the judge making the final adverse decision shall hold or certify that there is probable cause, or unless a justice of the Supreme Court on his part shall certify that there is probable cause. It gives the courts control of the situation and enables them to prevent these endless delays.

Mr. SHERLEY. What opportunity does this give to apply to a justice of the Supreme Court for the issuing of an order that would authorize the appeal?

Mr. LITTLEFIELD. Simply the ordinary opportunity that the representative of the defendant now has.

Mr. SHERLEY. As I understand the bill, however, the denial by a Federal judge of the writ of habeas corpus would end the matter unless he certified that there was such a question as would make it proper to have the Supreme Court review it, or unless a justice of the Supreme Court should order it to that court. Now, I am simply asking what opportunity there might be in a case where the lower Federal judge denied the right of habeas corpus for the petitioner to go to a justice of

of the Supreme Court. Would not the matter be so ended that before he would have an opportunity whatever right was involved would be lost?

Mr. LITTLEFIELD. Well, a man might wait so late that the capital sentence would be executed on his client because he did not have time to get his application to the court, but if he exercises ordinary diligence and does not wait as they now wait, until about the last minute, and then take advantage of this statute and prosecute his appeal, that nobody can now prevent, he would have no difficulty in having his rights protected. It does not change the statute in that respect at all so far as the mode of procedure is concerned.

The SPEAKER. Is there objection?

There was no objection.

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

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

REVISION OF CRIMINAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11701.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the penal codification bill, with Mr. CURRIER in the chair.

The CHAIRMAN. When the committee arose last night the pending question was an amendment offered by the gentleman from Missouri.

Mr. HUGHES of New Jersey. Mr. Chairman——

Mr. SMITH of Missouri. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman from New Jersey [Mr. HUGHES] rise?

Mr. HUGHES of New Jersey. I desire to offer an amendment.

The CHAIRMAN. Will the gentleman from New Jersey withhold his amendment for a moment until the gentleman from Missouri [Mr. SMITH] can be recognized to make a motion in regard to his amendment?

Mr. HUGHES of New Jersey. With the understanding that I be recognized afterwards.

Mr. SMITH of Missouri. Mr. Chairman, I rise for the purpose of having my amendment corrected, especially as to the party who offered it. It is in the RECORD as offered by Mr. BOOHER of Missouri, whereas I offered the amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. SMITH] asks unanimous consent to withdraw his amendment for the present in order to correct it. Is there objection?

There was no objection.

Mr. SMITH of Missouri. Now, Mr. Chairman, that leaves my amendment withdrawn. I desire now to offer another amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment to section 19 of the Criminal Code, which the Clerk will report.

The Clerk read as follows:

Provided, That nothing in this section shall embrace any agreements made by labor or trade unions that shall result in or affect the declaring of a strike or boycott, nor any efforts in the exercise of free speech made by such labor or trade unions after such strike or boycott shall have been declared: *Provided*, Such efforts are made in a peaceable manner: *And provided further*, That they are made for the purpose of inducing nonunion persons to act with them and against the company or corporation against which the strike or boycott has been declared, even though such company or corporation be injured thereby in its property rights.

Mr. SMITH of Missouri. Mr. Chairman, I am not disposed to mar the harmony of the codification or revision of the Federal criminal code, which has been reported to this House by the Commission on Revision. I know how well committees are in love with their work. I have no criticism to offer against their work. I am sure it has been done conscientiously and with ability. But it has been conceded on all sides by those who have engaged in the discussion of this statute that it is of the broadest import, and what it does not include is what we are trying to discover. It seems to include everything, even according to some of the gentlemen who are on the committee.

There has been a contest all along the ages between legislative bodies and the judiciary. Sometimes the courts trench upon the legislative authority, and then again the legislative authority trenches upon the courts. I am not here to pronounce any personal criticism upon our courts.

I have as much respect for the judiciary of this country as any person. I admire its great ability. Yet it will not be denied by any lawyer of experience that courts are inclined to legislate, and often extend their jurisdiction beyond fair interpretation, so as to embrace subjects within statutes, by construction, that were never intended to be so embraced. Taking for a basis the admission of the gentlemen of the committee that it is an extraordinarily broad statute, I am not clearly convinced, but, on the contrary, I believe that it includes the very kind of agreements with respect to strikes by trades unions which are protected by my amendment.

I believe the labor and trades unions of this country have an inherent right to agree to strike and not be charged with a conspiracy; and when the courts talk about it, and when the legislative bodies talk about it, they concede that trades unions have ample rights to make agreements, to make contracts, and to declare strikes; but when they endeavor to obtain the fruits of their efforts in the way of a strike, then it is that they are enjoined by some court of equity or met by some legislative enactment for fear they may give some inconvenience or annoyance to the public, and therefore their efforts are suppressed by some willing court. There is a conflict, as we all know, between capital and labor, notwithstanding it is strenuously denied in some quarters. I am just as friendly to capital as I am to labor, but the power of capital is so great and tremendous in our civilization as to minimize, to impair, and to weaken every effort made by labor for relief. I am here for the purpose of giving to labor, as far as I am able, every opportunity for a fair hearing in the courts, as well as to protect them by every statute that may be enacted here from time to time. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKRAN. I ask unanimous consent that the gentleman may be permitted to extend his remarks until their conclusion.

Mr. PAYNE. What is the request?

The CHAIRMAN. That the gentleman may be permitted to conclude his remarks.

Mr. PAYNE. I shall object to that.

Mr. MANN. How long does the gentleman want?

Mr. SMITH of Missouri. About five minutes more.

Mr. MANN. Then I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. SMITH of Missouri. I believe this section is broad enough to cover labor contracts and agreements, especially when trades unions are arranging and preparing for a strike. I believe, furthermore, that it is broad enough to prohibit labor unions, when a strike is on, from arranging with outside persons, looking to the agitation and discussion of the cause of the strike for the purpose of inducing such persons to stand and act with them. I believe the right of free speech under the Constitution should and does extend to labor unions, and to those who believe as they do and who cooperate with them to agitate, educate, and discuss the cause of the strike or boycott and bring the public, if possible, to their way of thinking. I am not one of those who believe the public ought not to suffer. A little suffering will do it good; it needs to be awakened to the demands of labor. Every great reform entails more or less sacrifice on the part of the public.

Mr. DRISCOLL. I would like to ask the gentleman whether, in his knowledge, this section 19, which we are now considering, has ever been invoked by any court or person for the purpose of regulating or punishing or interfering in any way with a labor organization?

Mr. SMITH of Missouri. That may be, but that is no reason why it may never be invoked.

Mr. DRISCOLL. As far as you know, has it?

Mr. SMITH of Missouri. I do not know that it has. I was connected with a case not many years ago wherein a divided court was so strenuous in its efforts to prevent my clients, who were individuals, from committing a great fraud upon a pool of five great railroads that had secured a charter from the State of Illinois and the passage of an act of Congress to bridge the Mississippi River at Thebes, Mo., that, in order to prevent this alleged fraud, a majority of the court construed, and *held*, that a statute which had been enacted for the building of bridges across inland creeks and streams twenty years before a mile of railroad had ever been built in the State, embraced interstate bridges across great navigable streams, and by virtue of this local bridge act, great railroad bridges might be built as mentioned, and, further, that the bridge company had power under the act to condemn all the land necessary for approaches and terminals, and even for terminal yards.

Hence, it is not always safe to trust too much to the wisdom of the courts; in fact, I am not ready to concede that there is more wisdom in the courts than there is in a coordinate legislative body fresh from the people, and I do not believe in leaving any more to the interpretation of statutes by judges than can be avoided. The best we can do is poor enough when making laws, and any law that is kaleidoscopic should be made by amendment as certain and definite as possible, or it should be repealed. More particularly should this be the case with criminal statutes.

I have read section 19 as carefully as I am capable of reading it, and it does occur to me that the language is broad enough to embrace agreements discussed and made by any labor or trades unions about to enter upon and getting ready to declare a strike or boycott, and particularly any policy that might be adopted by such unions which may rest upon agreements, when undertaking by arguments and persuasion to induce other persons, not members of the unions, not to take employment of or do service for the company or corporation against which the strike or boycott has been ordered. I concede that the section was not enacted to correct what are often termed abuses of trades unions, but for a wholly different purpose. Yet, that does not prevent such agreements as I am speaking of from being included in this omnibus section and by it made a conspiracy.

The country knows that when a great interstate railroad corporation comes into court, with counsel who have a monopoly on the law and capacity for explaining it, that courts become wonderfully sensitive to the situation, and especially do they feel called upon to guard the great public from "labor outrages," and as a rule they find a way of doing so in keeping with judicial interpretation.

I again repeat that agreements to strike may be entered into by and between different unions or locals, and with separate officers of the unions, in the employment of the company against whom the strike is brought. And the unions may desire to arrange with outside persons who sympathize with the strikers, to have them to agitate and to educate others to their way of thinking and thereby induce them, in a most peaceable manner, by the use of effective, and yet free speech, not to take employment from the company. This course of conduct as to labor unions is, in my opinion, lawful and in keeping with the spirit of the Constitution and should be permitted to continue and be forever perpetuated without the slightest question. The case of the Ann Arbor and Toledo Railway Company *v.* the Pennsylvania Railway Company et al., decided by Judge Taft in 1892 and reported in 54 Federal Reporter, has bred a number of opinions that have almost destroyed the effectiveness of the strike or the boycott.

In the leading case I have just referred to former Judge Taft, now Secretary of War, took advanced ground, and held that a laborer could not withhold or bestow his labor for the purpose of inducing a railroad company, against which a strike has been declared, to treat with its striking employees, or, in other words, to accept their demands. That is, a strike called out of sympathy for other strikers may be enjoined on the ground, as I shall state it, that the railroad against which the strike had been declared would be forced to yield to the demands of the strikers or suffer great injury and cause the railroads involved to violate the interstate-commerce act. It would make no difference how unjust the conduct of the complaining railroad had been to its employees. By this decision of Chancellor Taft (for when he wrote this opinion he was sitting as an equity court) held that a railroad company, although at fault, could or might take advantage of its own fault, for if it did not take this advantage it would be forced into the attitude of violating the interstate-commerce act. This is Judge Taft's language:

> But it is said that it can not be unlawful for an employee either to threaten to quit or actually to quit the service when not in violation of his contract, because a man has an inalienable right to bestow his labor where he will and to withhold his labor as he will. Generally speaking, this is true, but not absolutely. If he uses the benefit which his labor is or will be to another by threatening to withhold it, or agreeing to bestow it, or by actually withholding it or bestowing it, for the purpose of inducing, procuring, or compelling that other to commit an unlawful or criminal act, the withholding or bestowing of his labor for such a purpose is itself an unlawful and criminal act. The same is true with regard to the exercise of the right of property. A man has the right to give or sell his property where he will; but if he give or sell it, or refuse to give or sell it, as a means of inducing or compelling another to commit an unlawful act, his giving or selling it or refusal to do so is itself unlawful.

I desire to include that part of the court's opinion which deals with the boycott and to call attention to its hazy and metaphysical character. He has difficulty, and very great difficulty, in his deliverance, but the injunction was made perpetual and the strike was ended by the court. These are Judge Taft's words:

> As usually understood, a boycott is a combination of many to cause a loss to one person by coercing others, against their will, to withdraw from him their beneficial business intercourse through threats that, unless those others do so, the many will cause similar loss to them. Ordinarily, when such a combination of persons does not use violence, actual or threatened, to accomplish their purpose it is difficult to point out with clearness the illegal means or end which makes the combination an unlawful conspiracy; for it is generally lawful for the combiners to withdraw their intercourse and its benefits from any person, and to announce their intention of doing so, and it is equally lawful for the others, of their own motion, to do that which the combiners seek to compel them to do. Such combinations are said to be unlawful conspiracies, though the acts in themselves and considered singly are innocent, when the acts are done with malice—i. e., with the intention to injure another without lawful excuse.

I am unalterably for this amendment, and I hope that it will be adopted, for I believe that every American citizen is entitled to the exercise of the right of free speech, and I believe that every trades union in organizing and agreeing to order a strike or boycott, and every member of such union in furtherance of the strike or boycott, has the constitutional and legal right to agitate, educate, persuade and induce, and form agreements as long as everything is done peaceably and decently, without being chargeable with entering into some unlawful conspiracy or being subject to indictment therefor, or of being injured by some high court of chancery, with the probability of getting into jail before the court gets through with him. This decision is the mother of a whole brood of the same kind, and of some even worse, and legislation will be necessary yet to circumscribe the limits of these very conservative and "patriotic" Federal judges in their antilabor opinions.

There is not much danger of the wage-earner getting more than his dues in this corporation-ridden and capitalist-ridden country. I had rather be found on the side of the oppressed of all ages than against them, even if in doubt as to my exact legal status in the matter. I trust the amendment will be adopted. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Missouri. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUGHES of New Jersey. Mr. Chairman, I desire to offer the substitute which I send to the desk.

The Clerk read as follows:

> In line 15, after the words "United States," insert a semicolon and add the following words:
>
> "*Provided, however,* That it shall not be unlawful for two or more persons to enter into an agreement to leave or to refuse to enter the employ of any person, copartnership, or corporation, or to advise, persuade, or induce others to do so."

Mr. HUGHES of New Jersey. Mr. Chairman, I am in thorough sympathy with the object aimed at by the gentleman from Missouri [Mr. SMITH], who offered the amendment, but I am of the belief that it may be unconstitutional, inasmuch as it attempts to deal with labor unions specifically, and the substitute that I have sent to the Clerk's desk embodies the language of an act of the State of New Jersey which was placed upon the books of that State under the following circumstances:

About twenty-five years ago, in a machine shop in the city of Paterson, five or six, or perhaps ten, machinists engaged in a strike. That strike was carried along for some time, until some diligent gentleman discovered that it was a conspiracy against the common law for two men to get together and agree to quit work at one and the same time; and these men were indicted for a common-law conspiracy and sent to the State prison of the State of New Jersey.

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

Mr. HUGHES of New Jersey. Yes.

Mr. SHERLEY. The gentleman is aware that the common law constitutes no part of the criminal law of the Federal courts.

Mr. HUGHES of New Jersey. I understand that, but I want to say that the provisions of this section are every bit as broad as the common law, and, further, that the courts of my State have held that a manufacturer is constitutionally entitled to a free flow of labor to his plant, and any manufacturer under the statute can come into the courts of the United States and show that a labor union, or any body of strikers, have got together for the purpose of interfering with the free flow of labor to his plant, and consequently they are offending against this provision of the Constitution; and then they would be burned at the stake or boiled in oil, or whatever is the penalty provided for in this section. [Laughter.]

Now, gentlemen, it will be contended here by members of the committee, and has already been contended, that this section is not intended to affect combinations of this kind. Well, if

it is not intended to affect combinations of this kind, let us say so. It is true, perhaps, as the gentleman from New York has said, that no prosecutions have been instituted under this statute. Perhaps the gentlemen who are interested in that kind of prosecutions have not known that there was such a statute, and perhaps this very discussion will point it out to them; and I say, gentlemen, as the gentleman from Missouri [Mr. CLARK] said yesterday, it is a dragnet statute, and in my judgment includes every labor union and every striking body of men in this country.

I want this committee to have that knowledge before it. I want the members of this Committee of the Whole House on the state of the Union on both sides to decide this question from that standpoint, and to stand up here and say whether or not they are willing to take the chance that any six or seven men who go on strike in a little shop in any part of this country may become subject to the provisions of the section.

It is now well settled in my State, not as a criminal proposition, but as an equitable one by the court of chancery, that a manufacturer has a constitutional right to a free flow of labor. Workmen have been enjoined from going to a man whom they thought was about to start to work in a plant at which a strike was in progress and informing him of the condition of affairs existing at the said plant, even though this man was a member of their own union. They have also been enjoined from the publication or posting of a notice of this kind, even though directed to their own members. This has been regarded as an interference with the constitutional right of the employer. If it is an interference with his constitutional right, it is a criminal violation of this statute, and the men who do it and the men who join with them become subject to all these punishments and penalties.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I ask that the time of the gentleman be extended for two minutes.

The CHAIRMAN. The gentleman from Maine asks that the time of the gentleman from New Jersey be extended two minutes. Is there objection?

There was no objection.

Mr. HUGHES of New Jersey. Mr. Chairman, I have simply to say that I have no particular pride of authorship in this amendment nor any desire to prevent the work of the learned and able committee of this House being adopted, but I want the membership of this body to consider this question before passing upon it, as I know it will, now that attention has been called to it. I am willing and ready to accept any language suggested by the committee in charge of the bill or any Member of the House that will bring about the result aimed at, which is simply to make it absolutely certain that no striking workmen shall be subject to the awful pains and punishment of this most drastic provision. [Loud applause.]

Mr. SHERLEY. Mr. Chairman, I shall oppose the amendment and the substitute first, because I do not believe the committee thus early in the consideration of this bill should establish the precedent of using the bill as a means for legislation not considered by any committee. In the course of the reading of this bill will be found sections relating to many matters, and if we are to make it the means of legislation on all the subjects that are being agitated now we had best dispense with all other committees of the House and continue in this Committee of the Whole for the rest of the session and start to work, for we will have many months of hard labor.

I shall oppose both amendments for other reasons. In my judgment the section does not in any sense apply to the conditions that the gentlemen portray. If there have been grave abuses—and I for one think there have been abuses in regard to labor matters—they have not been abuses growing out of an indictment under this section of strikers or members of labor unions, but they have been caused by issuing injunctions in civil processes in the Federal courts. I for one am willing to limit that power, but I do not think that question is germane to the particular section under discussion. If members of the committee will simply read the section, they will find that it says:

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise of a right guaranteed by the Constitution and laws of the United States, they shall be punished, etc.

Now, one of the elements must be a conspiracy against a right guaranteed by the Constitution of the United States. I say to this House that if there is a right guaranteed by the Constitution of the United States, a conspiracy against that right ought to be punished. [Applause.] If the right guaranteed by the Constitution is a wrong right, amend your Constitution, but do not undertake to disregard it by passing an act that a violation of the constitutional right shall not be punished.

Mr. HUGHES of New Jersey. Will the gentleman yield to me for a question?

Mr. SHERLEY. Certainly.

Mr. HUGHES of New Jersey. Mr. Chairman, I want to call the gentleman's attention to the fact that I did not claim any constitutional right was threatened, but merely that the court of chancery holds it to be a constitutional right.

Mr. SHERLEY. If that is the understanding of the gentleman's contention, he is simply speaking about a matter that has no connection with this statute and his amendment is not germane in any sense.

Now, gentlemen, let us not be led astray by hardships in cases portrayed by gentlemen or by political agitation outside. I believe I have a proper appreciation of the rights and the hardships of the laboring man. I have never constituted myself a special champion, because, without meaning to reflect upon anybody, my experience in life has been that those who claim to hold a brief for a special class or set of persons are not always the truest friends of the interests of those persons. [Applause.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. FITZGERALD. The gentleman seems to hinge his objection to this amendment on the ground that rights that are guaranteed by the Constitution, if they are conspired against, should be punished; but this section I wish to call to his attention goes further, and protects rights guaranteed not only by the Constitution, but by the laws, and is not the gentleman's argument somewhat unfair in omitting to call attention to that fact?

Mr. SHERLEY. I assure the gentleman that the omission was not with any intention to mislead the House and I am glad that he has called my attention to it, because, while the argument as to the Constitution has additional weight by reason of the sanctity of that instrument, it also has weight as pertaining to the laws. I answer you again, if you have a law upon the statute books that gives a right, then as long as that law is there you ought to punish conspiracies to violate that right. The remedy is, if you have by law conferred a right that ought not to have been conferred, to repeal that law and not to authorize the disregard of the law and law breaking.

Mr. SMITH of Missouri. That is what we are trying to do now, is it not?

Mr. SHERLEY. No; it is not. It is not what they are trying to do. The proposition is not to take away any right that may exist, but it is to say that if men conspire against a right that exists they shall not be punished—an entirely different proposition.

Mr. SMITH of Missouri. I will ask the gentleman whether that statute is not capable of a great many imaginary things.

Mr. SHERLEY. I answer the gentleman that anything is capable of imaginary things, and that this statute, to be perfectly frank, is a very broad statute, and it could be abused; but that is true of many, many laws, as I took occasion to say.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent to proceed for ten minutes?

The CHAIRMAN. Is there objection.

There was no objection.

Mr. HARDWICK. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield.

Mr. SHERLEY. Yes.

Mr. HARDWICK. I want to ask the gentleman this question. If the rights secured are not only those guaranteed by the Constitution, but by the laws, as the gentleman suggests, and this section seeks to provide for conspiracy against rights that are guaranteed only by the law, would not the penal part of the law take care of that in every case? And why do we need for rights that are not constitutional this additional protection?

Mr. SHERLEY. The gentleman's statement as I understand it is not quite correct. The reason for this is that there are many offenses which become serious when the result of conspiracy, that are not serious when simply the result of individual action, and it is always necessary in any form of penal law to have a general provision covering certain classes of cases, and the criticism should simply be to see whether that general provision is properly hedged around. Now, what is offered here is not aiming at the real evil. You do not undertake to do away with the bad law that creates a wrongful legal right, but you undertake to authorize people to disregard the law. What we need in America is to teach the people to obey the law and not to disregard the law.

Mr. HARDWICK. The gentleman I do not think apprehends

my question entirely. I say this. If the law provides a punishment in each case, for each penal statute does, why do you need this extra provision here?

Mr. SHERLEY. Simply because those sections that do provide penalties for certain acts relate to individual acts and not to acts of conspiracy. It is an entirely different thing. The gentleman is a good enough lawyer to know that in all ages it has been held a much graver offense to conspire to do certain things than for an individual to undertake the doing of those things. I want to come back to this proposition. It is true that a section may be abused. There is no power given to government that may not be abused, but the whole theory of government rests and must rest upon a belief in the integrity of the judiciary and in the integrity of your jury. This is not a section that will give power to a Federal judge by his own will to do some wrongful act against the laboring man. Under the section there must be indictment by a grand jury, there must be a trial before a petit jury; the man shall have the right to be confronted by the witnesses and to cross-examine them and to be represented by counsel. All the safeguards that the Anglo-Saxon law has thrown around the rights and liberties of the individual will be thrown around those who are accused under this section.

If they are guilty of conspiracy against the enjoyment of a right guaranteed by the Constitution or the laws, they ought to be punished. Let us be frank and manly in the matter. Let us deal with the labor question properly when it comes up. I for one will be glad of the opportunity, but do not let us take advantage of the penal code, undertaking simply to present a revision, bringing in no new law, and use it as a handle for a crude piece of legislation that will not even accomplish what the gentlemen are after, because most of your problems are problems growing not out of a violation of a right claimed under the Federal law, but a right claimed under the State law, and the Federal court gets jurisdiction by virtue of citizenship and not by virtue of the subject-matter; and if you want to aim at it, if you want to legislate, legislate completely, but let us have enough candor to realize that this is not the time for that kind of a law.

Mr. OLLIE M. JAMES rose.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. SHERLEY] yield to his colleague [Mr. JAMES]?

Mr. SHERLEY. I do.

Mr. OLLIE M. JAMES. If I understand the gentleman correctly, he takes the position that this section could not be invoked against laboring people, either in quitting employment or going to places and asking others to quit.

Mr. SHERLEY. I think not.

Mr. OLLIE M. JAMES. Then why not let that be made clear?

Mr. SHERLEY. My answer to the gentleman is simply this, that if you are to put as addenda or provisos to a law everything that the law does not pertain to, you will have a rather voluminous set of statutes.

Mr. OLLIE M. JAMES. Would it not be better to have a voluminous set of statutes than to have the laboring people of this country imposed upon by Federal judges? [Applause on the Democratic side.]

Mr. SHERLEY. The gentleman forgets the fact that no Federal judge can impose upon the laboring man by virtue of this provision. It requires a grand jury and requires a petit jury. And the gentleman can not state a single case in his knowledge where there has been a trial under this section.

Mr. OLLIE M. JAMES. The gentleman, living in Kentucky, is aware of the fact that Federal judges direct grand juries as well as petit juries what to do, and I know that the gentleman has had experience that will make him appreciate that statement.

Mr. SHERLEY. I can also say that the circuit courts of appeals reverse judges when they do those things.

Mr. OLLIE M. JAMES. And the laboring men lie in jail until the reversal is had. [Applause.]

Mr. SHERLEY. No, they do not, because they are entitled to bail, and because even if the district judge should undertake to instruct the grand jury or petit jury, he must have a compliance by them in those instructions in order to accomplish his effect. And I, for one, have enough belief in the manhood and in the integrity of the citizenship of America to believe that twelve men upon their oaths in the jury box will have the courage to stand against any judge that undertakes to violate the law.

Mr. OLLIE M. JAMES. I know I have great respect, and as much, perhaps, as the gentleman has for the citizenship of the United States. The gentleman says that a laboring man can give a bond. Now, that is, provided, of course, that he has friends who have sufficient means to make the bond good. He might have to stay in jail without bond.

Mr. SHERLEY. If the gentleman will permit, his case would be as hard as that of any other innocent man who is wrongfully imprisoned, but it would not be any harder. I want to make a statement here that will not be misunderstood by those who know me, and who desire to deal frankly with me and with this question. I believe the laboring man is entitled to his rights, but I do not believe the time has come in this country when any class of men are entitled to special rights over any other class of men. [Applause on the Republican side.] My Americanism begins and ends there. I am willing to defend him, and I have defended him in my own country and in my own district, but I am not willing to be demagogic about him [applause] and I am not willing to take this section and make it the instrument for legislation that is not germane, but which is crude, and has not been considered by a committee of this House.

Mr. SMITH of Missouri. Does the gentleman regard these amendments as demagogical?

Mr. SHERLEY. By no means. I make no reflection on any man. They are not. But I tell you what I do think. I think that they will not accomplish their purpose. I think they are not germane in the true sense, and I think they ought not to be considered by the Committee of the Whole House until they have been carefully considered by one of the regular committees of the House.

Mr. McCALL. Mr. Chairman, I agree with the gentleman from Kentucky, that we should be very cautious about amending a report of this character, which is a revision of the criminal laws of the United States, but is seems to me when we have reached a section which this House would not think of reenacting, that we should consider the propriety of absolutely striking it from the law.

The gentleman from Kentucky has said that conspiracy is a very grave offense. He is correct about that. But the section of the bill which the House has just passed over provides for punishing a conspiracy to destroy the Government of the United States and to levy war upon the United States by the maximum imprisonment of six years in the penitentiary. But this section, which deals with conspiracies which have for their object to threaten or defeat some right of a man under the Constitution and laws, provides for taking away all civil rights and in addition an imprisonment for ten years. There can be no justification for such disparity of penalties. If a State legislature should pass a law that if two men should conspire to injure some man in his person or his rights the penalty should be hanging or imprisonment for a term of years, it would be precisely analogous to this case, because that would cover murder, which might, perhaps, in the minds if some justify hanging; but it would cover assault and battery, and it would be within the power of the court to sentence a man to be hung for simply an assault and battery. This section is drawn after the dragnet fashion. It does not at all differentiate between rights, but the threatening of any right under the laws, whether the right be important or not, would carry the loss of citizenship. Under the laws of the country, for instance, a man may engage in interstate commerce. If two or three men conspire to prevent him from enjoying this right or to threaten him, they would be subject to this enormous penalty. I agree that there should be some punishment, but it should bear some relation to the crime. Without addressing myself to either amendment now before the committee, I do not believe the committee would enact such a section as this to-day, and therefore if the opportunity is given to me I shall vote to strike it out of the law. [Applause on the Democratic side.]

Mr. LITTLEFIELD. I do not understand the gentleman from Massachusetts to be opposing the amendment pending.

Mr. McCALL. Not at all. I am simply addressing myself to the section.

Mr. HACKNEY. Mr. Chairman, the section of the pending bill now under consideration has well been termed the "dragnet" conspiracy section. Its broad, vague, and indefinite terms may at a glance appear inoffensive and harmless; but on a closer scrutiny and analysis will be found fraught with a scope, force, and expansive application almost immeasurable and indescribable. Let me read the first part of the section:

SEC. 19. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States * * * they shall be fined not more than $5,000 and imprisoned not more than ten years. * * *

I will now read the amendment offered by my colleague [Mr. SMITH of Missouri]:

Provided, That nothing in this section shall embrace any agreements made by labor or trade unions that shall result in or affect the declar-

ing of a strike or boycott, nor any efforts in the exercise of free speech made by such labor or trade unions after such strike or boycott shall have been declared: *Provided*, That such efforts are made in a peaceable manner: *And provided further*, That they are made for the purpose of inducing nonunion persons to act with them and against the company or corporation against which the strike or boycott has been declared, even though such company or corporation be injured thereby in its property rights.

I now wish to call the attention of the House to the language of the substitute offered by the gentleman from New Jersey [Mr. HUGHES]:

Provided, however, That it shall not be unlawful for two or more persons to enter into an agreement to leave or to refuse to enter the employ of any person, copartnership, or corporation, or to advise, persuade, or induce others to do so.

Gentlemen in charge of this bill have on the floor of this House stated various reasons for opposing the adoption of either the original amendment or the substitute. They say on one hand that the original section is not capable of such construction as would make it apply to labor disputes or strikes, and that the amendment or substitute is unnecessary. On the other hand, they say that if this section is applicable to such matters, we ought not now to undertake to remedy this feature of the bill, notwithstanding that we are considering the bill section by section for the express purpose of now, here, putting it into proper form to become part and parcel of the law of our land, but that we should await some more convenient season in order to remedy this evil; that the beauty and harmony and simplicity of diction of the bill would be marred by engrafting upon it provisos calculated to exempt this or that act or thing from its operation.

It seems to me that these suggestions are wholly without force or merit. That the language of the original section of this bill is very broad, vague, indefinite, and uncertain must be conceded by every candid mind. That it is capable of application to almost every conceivable invasion of vested rights, however trivial, if the actors are two or more acting in unison, is apparent to every lawyer. That it is likely to become the subject of serious contention and much uncertainty of decision can well be foreseen. Why, then, should this statute be reenacted in that condition? It has been the reproach of the written law that its provisions were too often veiled in uncertainty, sometimes through the carelessness or ignorance of the lawmaking body, though sometimes through design. Everyone is held to know the law and be bound by its provisions, whether he, in fact, ever heard of the law or not. Why should not the language of the law be made as plain and specific as the intelligence of the author and his command of language, the vehicle of his thoughts, will admit? The people are surely entitled to that. It was the tyrant Caligula who wrote his laws in very small characters and hung them upon high pillars where they could illy be seen and read, in order that the people might thereby be even more effectually ensnared. Can it be possible that it is the wish of any Member of this House to reenact this law in such terms as to contain a covert meaning and application which no one would dare publicly espouse and defend as right and proper? [Applause.] It is probably true that it was not the intention of the framers of this section, when it was originally adopted, to give it such a construction as would make criminal the acts of laboring men in declaring a strike and adhering to its terms.

In my opinion the framers of the section had a different purpose in view; but I do say that, in my opinion and in the opinion of many others in this House, there is grave danger that some Federal judge will be found too soon who is ready to put his seal of approval on such construction of this section as will make felons of those honest men of toil who are trying by the only legitimate means in their power to exact fair treatment at the hands of their employers. [Applause.] Every lawyer knows that it has been but a few years since the first decision was rendered by our Federal courts holding men guilty of criminal conspiracy and contempt of court because they went onto a strike and refused to serve some of our great railroad corporations. Look, if you please, to the case of United States *v.* Kane, in 30 Federal Reporter; to the Ann Arbor Railway case, in 54 Federal Reporter; to the Phelan contempt case, in 63 Federal Reporter—the latter two decisions having been rendered by the then circuit judge, Hon. William H. Taft, now a prominent candidate for the very highest office in this land—and you will see an evolution of construction the tendency of which bodes nothing but ill for the laboring man. It may be true, as reported in the public press, that the very distinguished jurist just mentioned has modified his harsh views toward organized labor, now that he is a candidate seeking popular support; but had he remained on the Federal bench, does anyone believe he would have modified his views in this direction? Experience teaches us that the public official clothed with power and authority for life, secure from the wrath of an outraged public opinion, too often is inclined to lean further and further away from the people's side, until he finally becomes, by transition, not the people's servant, but their master.

I entertain all due respect for the Federal judiciary. I know that great and good men have adorned the Federal bench in the past, adorn it now, and will adorn it in the future, but I am not blind to the fact well known to every man that many men have been elevated to the Federal bench whose private lives and characters and whose public acts have been found reeking with iniquity. Let us not, therefore, open the door of opportunity for tyranny and oppression wider to any court, to any judge, to any officer, be he high or low. Let us rather, while we have the opportunity as we have now, throw around each and every citizen of our land those just safeguards which will stand between him and the oppressor's wrong as a pillar of cloud by day and a pillar of fire by night. [Applause.]

In my judgment this entire section could well be repealed and no citizen of the land suffer inconvenience or harm. The many other sections of the Federal criminal code appear to me to cover every known or conceivable offense against the legitimate rights of the public and individuals, and in addition to this each and every citizen of the land is well protected by just laws in this respect in every State and Territory of this Union. But as it seems to be the wish of those having charge of this bill to retain this section, then I believe it is our sacred duty to ourselves and to our country to make it so clear, so specific, and so definite in its terms that there will be no room for doubt or cavil as to its application.

This section of the statute, like several others, was enacted during reconstruction days for the avowed purpose of aiding a weak and helpless race who were just beginning to enjoy the privileges of citizenship. It has served its purpose, has outlived its usefulness, and its further continuation on our statute books will, I fear, be for a far different purpose. Instead of being used as a shield for a weak race in their struggle to enjoy the full benefits of life, liberty, and property, I very greatly fear that we who are now here sending it out with new life, molded into permanent form in the statute law of our nation, will live to see the day when it will be turned into a sword to strike down the weak and humble laboring man in his unequal strife with the agencies of greed and oppression. [Applause.]

We have another illustration of this same transition in the fourteenth amendment to our Federal Constitution. Adopted as it was for the purpose of firmly engrafting into our constitutional fabric the basic rights of the recently freed race, it served its purpose in that regard, but has recently been made the vehicle of carrying into Federal courts the settlement of almost every claim of corporations to be permitted to override State laws and local legislation enacted by the very power that gave the corporation life and being. Under this amendment to our Constitution we see the great railroad corporations rushing into the Federal courts and procuring injunctions against the enforcement of rate laws, antitrust laws, and many other wholesome laws enacted by the States for the people's protection. The only use now made of this amendment appears to be one entirely foreign to the minds of its framers and unthought of until years after its adoption. We have all seen many other laws, enacted by a lawmaking body in a certain period to meet a particular evil, serve their purpose and then become dormant, but after having lain dormant for many years they have been resurrected and brought to life and given application to new conditions unthought of at the time of their original adoption.

Mr. Chairman, I am heartily in favor of the principle contained in this amendment and the substitute. Lest, as has been suggested by many, the amendment be held unconstitutional, let us adopt the substitute. Let us put away as unworthy of consideration all question of beauty of form, of elegance of expression, and harmony contained in the original bill; let us commence here and now and amend this section so as to send an antidote with the poison; let us not delay to await some other opportunity, some more convenient season. We are called upon to revise, amend, codify, and reenact the criminal law. No time can be more opportune than now to put just limitations on this statute.

Mr. Chairman, I make no pretense of being the spokesman or the champion of organized labor, or of any other class, but I do feel and hope that every Member of this House will recognize it as his bounden duty to do justice toward every citizen of the land, be he high or low, and I do believe that justice can only be done by placing some proper limitation upon the broad terms of this section. [Loud applause.]

Mr. MOON of Pennsylvania. Mr. Chairman, the attitude of the committee upon this question is to oppose these amend-

ments, without any discussion whatever as to their wisdom or desirability. We oppose them upon the ground that they result in the incorporation into existing law of substantially new features of legislation, altering existing law by adding subjects upon which Congress has not heretofore legislated. It is not the policy of this House to do it, and it was the policy of the committee to which this bill was submitted that no changes of that kind would be made, under those conditions.

Mr. COCKRAN. Will the gentleman allow me a question?

Mr. MOON of Pennsylvania. Will you just permit me to finish stating what I have in my mind? If any argument were needed as to the propriety of that attitude of the committee, it seems to me the discussion upon the floor of this House would furnish that argument. Here various questions have arisen, referring to the validity of these provisions.

Many people feel that the addition of this amendment to this section would involve its constitutionality. I believe it. Many others believe that it is not at all germane to the section itself. Now, the only way in the world in which these subjects can properly be considered, in orderly legislation under the rules of this House, is to submit them to a committee and have that committee report to the House, and not in this wholesale manner, under the spur of excitement or of political feeling, attempt to alter an organic law of the land by the addition of a totally new subject.

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

Mr. MOON of Pennsylvania. Certainly.

Mr. COCKRAN. Carrying out the suggestion which the gentleman has just made, would the gentleman accept now a motion to refer this section back to his committee, with instructions to report it at a later date, after having considered the objections made to it in its present form and such suggestions by way of amendment as Members of the House might submit?

Mr. MOON of Pennsylvania. No; I do not think that would be advisable. It would impair the symmetry of this great work which it is necessary for us to complete, because the gentleman must bear in mind something which he seems to forget, that we are engaged in a codification of existing law and not the enactment of new legislation upon every conceivable subject.

Mr. COCKRAN. Then the gentleman's position is not that objections to the measure should go to a committee for consideration and action, but that we must take the bill just as it stands.

Mr. MOON of Pennsylvania. That if new legislation is introduced it ought to go to the Judiciary Committee or some other committee, to be reported to the House as a new bill, upon the new subject of legislation.

Mr. COCKRAN. But the gentleman surely does not mean to suggest that the committee should at one and the same time pass a section and then call upon the Judiciary Committee to remedy its doubtful qualities.

Mr. MOON of Pennsylvania. Not at all. The gentleman utterly misunderstands me. I say the proposition here is a subject of new legislation, and, like every other new legislation, it ought to be regularly introduced and referred to a committee and the committee carefully consider it and report upon it.

Mr. COCKRAN. Will the gentleman allow me this question?

Mr. MOON of Pennsylvania. Certainly.

Mr. COCKRAN. What conceivable class of cases could this section apply to under existing conditions, except those labor controversies mentioned by the gentleman from New Jersey and the gentleman from Missouri?

Mr. MOON of Pennsylvania. Why, if the gentleman would look at the reported cases——

Mr. COCKRAN. Give us one concrete case.

Mr. MOON of Pennsylvania. If the gentleman will look at the reported cases he will find that it has been applied to almost every kind of case except that, and nobody ever dreamed or ever will dream that it is applicable to that kind of a case.

Mr. COCKRAN. Even assuming that to be the case, I would ask the gentleman this question: The amendment offered by the gentleman from Missouri surely does not extend the scope of this section, but qualifies and limits it. Is not that so?

Mr. MOON of Pennsylvania. No, I think it embraces a new subject, upon which we have not legislated; and while I have not had time really to consider it, I heard it read from the desk and I looked at it in the RECORD this morning sufficiently to be convinced of the fact that it was practically a new subject of legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Pennsylvania. I want to get this debate concluded, and I move that all further debate on this amendment and the section close in ten minutes.

The CHAIRMAN (Mr. CURRIER). Will the gentleman allow the Chair to state the question? The gentleman from Pennsylvania moved that all debate on this section and the pending amendment shall be closed in ten minutes.

Mr. HUGHES of New Jersey. Mr. Chairman, I want to correct an impression under which the gentleman from Pennsylvania is laboring. The gentleman from New Jersey is not in order with this motion pending.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Pennsylvania to modify his motion and confine it to these amendments. The gentleman's proposition would cut out my amendment.

The CHAIRMAN. The Chair will state that it would not cut out the amendment of the gentleman from Missouri, but it would cut out debate upon it.

Mr. CLARK of Missouri. I do not want any debate, but I want a chance to state to the committee and the Members who were not here yesterday what the effect of the amendment is.

The CHAIRMAN. If the motion prevails, the gentleman can not state that.

Mr. MOON of Pennsylvania. I do not want, Mr. Chairman, to prevent the gentleman from Missouri making that statement.

Mr. CLARK of Missouri. Then I will offer the amendment now.

The CHAIRMAN. The amendment can be read for the information of the House. The gentleman from Missouri sends up the amendment to be read for the information of the House, and without objection it will be read.

The Clerk read as follows:

Amend section 19 by striking out all after the word "years," in line 18.

Mr. HUGHES of New Jersey. Now, Mr. Chairman, I ask the gentleman from Pennsylvania to yield to me for permission to correct a misapprehension that he is laboring under.

The CHAIRMAN. The gentleman from Pennsylvania has made a motion, which is pending.

Mr. HUGHES of New Jersey. But I ask him to permit me to make a statement.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New Jersey for that purpose?

Mr. MOON of Pennsylvania. Yes.

Mr. HUGHES of New Jersey. I want to say that the gentleman from Pennsylvania stated that this amendment of mine was the one that was in the RECORD last night.

Mr. MOON of Pennsylvania. Oh, I did not intend to say that. The gentleman misunderstood me. Now, Mr. Chairman, I move that all debate on the section and the amendments be closed in ten minutes, and that five shall be controlled by the gentleman from Missouri and five by myself.

Mr. WILSON of Pennsylvania. Mr. Chairman, I desire to ask the gentleman to permit me to make a statement.

The CHAIRMAN. The gentleman from Pennsylvania has renewed the motion that all debate on the section and the amendments thereto be closed in ten minutes.

The question was taken, and on a division there were—ayes 103, noes 88.

Mr. COCKRAN demanded tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. MOON of Pennsylvania and Mr. COCKRAN.

The House again divided, and the tellers reported that there were—ayes 123, noes 96.

So the motion was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania is recognized to control five minutes.

Mr. MOON of Pennsylvania. I yield to the gentleman from Missouri. I understand that we have ten minutes.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania can yield to the gentleman from Missouri.

Mr. MANN. I want it understood that the gentleman has no time to yield.

Mr. FITZGERALD. I object to the yielding of time.

The CHAIRMAN. The Chair understood that the gentleman from Missouri [Mr. SMITH] had five minutes and the gentleman from Pennsylvania had five minutes.

Mr. MANN. There was no order by the committee to that effect.

The CHAIRMAN. That is where the recognition would naturally go, to the chairman of the committee and to the gentleman who offered the amendment.

Mr. MOON of Pennsylvania. I ask unanimous consent that the gentleman from Missouri [Mr. CLARK] may have three minutes of the time.

The CHAIRMAN. Is there objection to that request?

There was no objection.

Mr. CLARK of Missouri. Mr. Chairman, the justice of the amendment I sent to the Clerk's desk and have had read will address itself to the understanding of every man here. It is to strike out all of this section after the word "years," in line 13, "and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States."

Now, the first penalty is a fine of $5,000 and ten years in prison added. A judge might find somebody guilty of some transgression under this section and fine him $1 and send him to jail for twenty-four hours, and then this enormous penalty attaches, of disqualifying him for all time to come for any place of honor in the country. I say that all that it needs is to be stated.

Mr. WILLIAMS rose.

The CHAIRMAN. Will the gentleman yield?

Mr. CLARK of Missouri. Certainly.

Mr. WILLIAMS. Is it not true as a matter of history that the thing which the gentleman desires to strike out, or the penalty put there, is a part of the reconstruction legislation?

Mr. CLARK of Missouri. That is absolutely true.

Mr. WILLIAMS. And is about the last relic of that sort left on the statute books?

Mr. CLARK of Missouri. That is true.

Mr. WILLIAMS. I am heartily in favor of the gentleman's proposition.

Mr. SHERLEY. If the gentleman from Missouri will permit me, I believe I can say, on behalf of the committee, that it does not desire in any sense to oppose the amendment offered by the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I am very glad of that. I yield back the balance of my time.

Mr. BARTLETT of Georgia rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BARTLETT of Georgia. I desire to address myself to my motion to strike out the section.

The CHAIRMAN. The Chair will recognize the gentleman if no member of the committee desires to take the time. If the gentleman from Missouri [Mr. SMITH] does not desire to take the time, the Chair will recognize the gentleman from Georgia.

Mr. SMITH of Missouri. Mr. Chairman, I desire only one minute. I desire also to yield to the gentleman from New York [Mr. COCKRAN] for three minutes.

Mr. MANN. Mr. Chairman, it might as well be understood one time as another that in Committee of the Whole nobody has any time to yield.

The CHAIRMAN. The Chair understands that, except by unanimous consent.

Mr. MANN. Then I object. Gentlemen should be recognized in their own right.

The CHAIRMAN. The Chair understands that.

Mr. SMITH of Missouri. I desire to yield three minutes of my time to the gentleman from New York [Mr. COCKRAN].

The CHAIRMAN. The gentleman can not do that.

Mr. COCKRAN. May I have the floor in my own right?

The CHAIRMAN. The gentleman can, if no member of the committee desires to use the time.

Mr. COCKRAN. Then I shall ask it, Mr. Chairman.

The CHAIRMAN. The Chair will say that the gentleman from Georgia [Mr. BARTLETT] has been twice on his feet, and the Chair feels that he ought to recognize him first.

Mr. COCKRAN. Very well.

[Mr. BARTLETT of Georgia addressed the committee. See Appendix.]

Mr. COCKRAN. Mr. Chairman, I desire to say for the information of the committee that when this debate began I was rather inclined to sympathize with the position of the gentleman from Kentucky [Mr. SHERLEY], but after his explanation it became perfectly clear that there is an absolute, pressing necessity for the adoption of just such an amendment as that which has been suggested by the gentleman from New Jersey [Mr. HUGHES]. I venture to say now that the only class of cases that could possibly come under this section, and the class of cases that are intended to be reached by it, are labor disputes such as have been described by the gentleman from Missouri and the gentleman from New Jersey.

Mr. SHERLEY. If the gentleman will take the trouble to read some of the decisions of the Supreme Court under this section, he will find it has been used in quite a number of other cases and has never been used in regard to that.

Mr. COCKRAN. Nobody pretends that any case arising from a labor dispute has ever been brought to trial under this section. It was passed, as everyone knows, to meet conditions created in the South by the Federal election laws passed after the civil war. Since these laws were wiped from the statute book this section has lain dormant. That is conceded by everyone. But it is equally true that the adoption of this section now and the rejection of these amendments will be accepted by the courts so surely as the development of our system of jurisprudence shall follow the path it has pursued for the last twenty-five years undeviatingly, as a reenactment of those provisions, and they will be held to include precisely this class of cases. There is no other class of cases in which anyone, on behalf of the Government or private interests, would seek to invoke such a provision of law. I am quite willing to admit that in this the gentleman from Kentucky and myself are both engaged in prophecy. I do not claim any power as a prophet. I am unwilling to concede that the gentleman from Kentucky is infallible in prophecy. We are both agreed in this, however, that while we have agreed to disagree on the interpretation which the courts will put on the section in this respect, we are united in the belief that this section should not be applied to labor cases. He says in terms that it can not and should not affect the class of cases which the gentleman from New Jersey seeks to exclude from its operation. I say that it can and that it will.

Many gentlemen here share my belief in this respect. The gentleman from New Jersey [Mr. HUGHES] believes it, and the gentleman from Missouri [Mr. SMITH] believes it. Then, in heaven's name, what objection can there be to making the exclusion of these labor cases which we all favor so clear and distinct that no one can read any other meaning into this statute. The gentleman's objection is that the amendment of the gentleman from New Jersey would make the section too long. Well, after he has stricken out the part which is so glaringly objectionable that he does not venture to defend it now that its indefensible features have been pointed out by the gentleman from Massachusetts [Mr. MCCALL], whose susceptibility it has alarmed—when that language has been stricken out the whole section will not be so long, with the amendment of the gentleman from New Jersey included, as it is now. So, conceding that in legislation as in wit brevity is the most admirable quality, this measure will by no means be impaired, but much improved in length and clearness through the adoption of this amendment.

On the gentleman's own statement it can do no harm. In the opinion of nearly everyone on this side, it is absolutely essential to a perversion of the law in operation from the significance which we here intend should attach to it.

It is said also that this is simply a codification of laws, and therefore no attempt should be made to change existing statutes, even by employing clearer terms to define their purposes.

Now, Mr. Chairman, the history of revisions touches the operations of government in every State of this Union. There never has yet been a revision of law that was not found to have incorporated something new in its provisions. The objection which Mr. James C. Carter made to the proposed codification of the laws of New York, repeated through many years, in an address to the legislature, which is a classic upon the capacity of the common law to deal with every conceivable condition affecting men under civilized government, begins with the proposition that in the very nature of things it is impossible to codify without either enlarging or narrowing the scope of existing law in the process. [Applause.] And you are enlarging the scope of our laws here by revivifying an obsolete statute, and by that very fact extending it to an entirely new class of case. [Applause.]

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from New Jersey [Mr. HUGHES] to the amendment offered by the gentleman from Missouri [Mr. SMITH].

Mr. SMITH of Missouri rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SMITH of Missouri. I rise for the purpose of accepting the substitute of the gentleman from New Jersey [Mr. HUGHES].

The CHAIRMAN. The question is on the substitute of the gentleman from New Jersey [Mr. HUGHES].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. PAYNE. Division, Mr. Chairman.

The committee divided, and there were—ayes 85, noes 101.

Mr. HUGHES of New Jersey. Tellers, Mr. Chairman.

Mr. PRINCE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PRINCE. I would like to have the substitute read. We can not hear anything back here.

The CHAIRMAN. Without objection, the Clerk will read the substitute.

The substitute was again read.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] and the gentleman from Pennsylvania [Mr. MOON] will act as tellers.

Mr. HEPBURN. A further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. Is this a substitute for the text or for some other amendment?

The CHAIRMAN. It is a substitute for the amendment offered by the gentleman from Missouri [Mr. SMITH].

The committee divided, and tellers reported—ayes 101, noes 119.

So the substitute was lost.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. SMITH].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. SMITH of Missouri. Division!

The committee divided, and there were—ayes 79, noes 116.

Mr. SMITH of Missouri. I call for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Missouri [Mr. SMITH] and the gentleman from Pennsylvania [Mr. MOON] will act as tellers.

The committee again divided, and tellers reported—ayes 85, noes 117.

So the amendment was lost.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 19 by striking out all after the word "years" in line 13.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is now upon the motion offered by the gentleman from Georgia, to strike out section 19.

The question was put.

The CHAIRMAN. The Chair is in doubt.

Mr. EDWARDS of Georgia. Division!

The committee divided, and there were—ayes 83, noes 109.

Mr. BARTLETT of Georgia. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] and the gentleman from Pennsylvania [Mr. MOON] will act as tellers.

The committee again divided, and tellers reported—ayes 87, noes 112.

So the motion was lost.

The CHAIRMAN. The Clerk will read.

Mr. WILSON of Pennsylvania. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILSON of Pennsylvania. I rise to make a motion. I move you, sir, that section 19 as amended be referred back to the committee for further consideration.

Mr. PAYNE. I make the point of order against that motion.

The CHAIRMAN. The gentleman from New York makes the point of order against the motion. That motion would take the entire bill back to the committee, and the Chair does not think the Committee of the Whole can refer a bill back to the committee. The Chair sustains the point of order; and the Clerk will read.

The Clerk read as follows:

SEC. 20. If in the act of violating any provision of the preceding section, any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed. (R. S., s. 5509.)

Mr. DE ARMOND. Mr. Chairman, I have just submitted a motion to strike out the section.

The Clerk read as follows:

Strike out the section just read.

Mr. DE ARMOND. I would like to say a few words upon the motion.

The section is a short one, and anyone by reading can readily grasp what is in it. The provision is, in effect and in form, one to confer jurisdiction upon the Federal courts in reference to matters which should be cognizable solely, I think, in the State courts. And the fact that the provision of State law with reference to punishment is adopted as the measure for the Federal courts does not relieve the section of the objections that lie against it.

Now, in the first place, section 19, as to the offenses embraced within it, is so vague that it is utterly impossible, I think, for anybody to tell just what is meant. Certainly the boundary lines are too shadowy, too uncertain, for anybody to declare just what those offenses are, just what would be an offense within the provisions of this section 19 just passed. Now then, anything that may by construction be covered by that section is carried forward by implication into section 20; and under section 20, if in an attempt to do anything, forbidden or supposed to be forbidden, denounced or supposed to be denounced, in section 19, whatever it may be, another felony or misdemeanor be committed, then the Federal court, under section 20, is clothed with jurisdiction, and the poor saving of a measure of punishment according to the provisions of local law by no means mitigates the evil of invading the distinct, well-defined jurisdiction of the State.

As I said before, no man can say how small, how trivial, how insignificant a thing may really be embraced within this multitudinous and vague classification of section 19. Now, although the thing itself be not done, if in the attempt to do a thing which can not be defined here, because it is too vague and uncertain, another offense be committed, then the Federal court is to have jurisdiction of that incidental offense, committed in the attempt to do something else—anything which, in the judgment of the Federal court, may be a violation of section 19. No kind of harm can come from the striking out of this section, and much harm might result from retaining it. If the section be stricken out, then, by the concession of the section itself, provision for punishment is made in the several States, because you take from the State laws the penalty to be inflicted. The State law makes the penalty. The matter is provided for by State law, and it is severed from section 19, as it ought to be, because it probably is in effect and in fact distinct from anything covered by section 19. If the twentieth section be stricken out, every offense that could be reached by it would be left where it ought to be and where we have reason to suppose it is, except for section 20; that is to say, within the province of State law. The State would have jurisdiction uninterfered with, unimpeded, and uninterrupted by the exercise of jurisdiction by the Federal courts. I hope the section will be stricken out, because I am sure that it ought to be.

Mr. HACKNEY. I ask unanimous consent for leave to extend my remarks on the amendment to section 19.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks on section 19. Is there objection?

There was no objection.

Mr. MOON of Pennsylvania. Mr. Chairman, on behalf of the committee, I object to the proposition that section 20 be stricken out. It has had its application in quite a number of cases. It is quite apparent that many an act might be committed in pursuance of the conspiracy defined in section 19, a conspiracy to injure or intimidate any citizen in the free exercise of the rights guaranteed by the Constitution or the laws. Even murder might be committed.

Mr. LITTLEFIELD. This section does not create any new offense. It simply prescribes a uniform penalty for offenses that may be committed in connection with these conspiracies, and the offenses are all defined in the law. Is not that all there is to it?

Mr. MOON of Pennsylvania. That is exactly true. It simply enforces the law; that is, it adopts the law of the State as the measure of punishment.

Mr. LITTLEFIELD. As the penalty, that is all.

Mr. HOUSTON. In answer to the question of the gentleman from Maine [Mr. LITTLEFIELD], I think he misinterprets the scope of this section. It does not create a new offense, but it does give the courts of the United States jurisdiction over an offense that they would have no jurisdiction of without that section.

Mr. LITTLEFIELD. It is impossible for this statute to give Federal jurisdiction over a State offense. That can not be done. You may undertake it, but you can not do it.

Mr. HOUSTON. It proposes that any felony committed in an attempt to commit the offenses prescribed in section 19 shall be punished as such in the Federal courts.

Mr. LITTLEFIELD. Yes; but it must be an offense against a Federal statute.

Mr. HOUSTON. Certainly it is an offense against a Federal statute, in that the Federal court is given jurisdiction of it by this section. The offense is against the laws of the United States if this section is to remain in, but with it stricken out there would be no offense save the ones defined in section 19.

Mr. LITTLEFIELD. Yes; very true, but this does not define any felony or misdemeanor. If they commit any other felony than the one defined in section 19, in the pursuance of the acts that are prohibited in section 19, we can not punish a State offense.

Mr. HOUSTON. It says the offender shall be punished with the same or such punishment as is attached to such felony or misdemeanor by the laws of the State.

Mr. LITTLEFIELD. Very true.

Mr. HOUSTON. That carries with it the jurisdiction of the Federal court to enforce it.

Mr. LITTLEFIELD. But it must be a violation of a Federal statute.

Mr. HOUSTON. Certainly it would be such by virtue of this section 20.

Mr. LITTLEFIELD. Well, we can not provide for the punishment of anything else.

Mr. HOUSTON. It would not be a violation of a Federal statute for a man to commit murder in the State of Maine; but if in the attempt to perpetrate an offense defined in section 19 he kills a man, then the Federal court would have jurisdiction to try him for such murder.

Mr. LITTLEFIELD. That follows right along with this matter, but that would be a definition of a crime under the statutes of the United States. I do not think he could be tried for murder, but for a conspiracy and murder in pursuance.

Unless the offense is an offense against the Federal statute, either under section 19, or some other section, the Federal court could not try him.

Mr. COCKRAN. The gentleman will not contend that under existing law the Federal court could try a man for committing murder——

Mr. LITTLEFIELD. Not unless it was an offense under the Federal statute.

Mr. COCKRAN. Let me put the gentleman a concrete case. Assume that under existing law a man while committing an offense as clearly against the Federal law as an attempt to violate the revenue law, killed another. Could he be tried for murder in the United States courts?

Mr. LITTLEFIELD. I would not say but that there could be concurrent jurisdiction.

Mr. COCKRAN. The gentleman would not say that he could be tried in the United States court?

Mr. LITTLEFIELD. My impression would be the other way.

Mr. COCKRAN. But under this section he could be sentenced for just such a crime.

Mr. LITTLEFIELD. Unless the offense is an interference with the Federal statute, a violation of the Federal statute, how are you going to punish him in the United States court?

Mr. COCKRAN. I am asking the gentleman to interpret a concrete case. He is going off with the facility which characterizes him on general principles, which he illuminates with his eloquence, but without answering my specific question. I am putting to the gentleman a concrete case. Suppose a man commits murder in attempting to violate a law as purely Federal as a revenue law, he would not be triable under existing law before a United States court, would he?

Mr. LITTLEFIELD. I should think not.

Mr. COCKRAN. But, if in an attempt to violate section 19 of that law he committed murder, he would be triable under this section 20, if it be adopted.

Mr. LITTLEFIELD. If it is a State offense, my impression is no.

Mr. MANN. If he should kill a revenue officer while the officer was in discharge of his duty, he would be dealt with under the Federal statute.

Mr. LITTLEFIELD. Of course it is not quite up to the gentleman from New York to propound conundrums and answer them himself.

Mr. COCKRAN. I have tried to get the gentleman from Maine to answer it, but he seems inclined to give me information which I have not sought rather than that for which I have begged.

Mr. LITTLEFIELD. After the felicities which have characterized the debate thus far, I will give the gentleman this answer: I do not see how it is possible by this or any other statute for us to give jurisdiction to a Federal court of a State offense. I do not think we can impose a punishment for an offense not obnoxious to a Federal statute; and if a man committed murder and the circumstances were such that he was in the purview of a constitutionally enacted Federal statute, that would be triable as murder in the Federal court. That is as near as I can get to the gentleman's conundrum.

Mr. COCKRAN. With that introduction, will the gentleman answer the question that I have put to him?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. COCKRAN. Mr. Chairman, I would like to ask the floor in my own right.

The CHAIRMAN. Debate on this amendment under the rule is exhausted.

Mr. COCKRAN. Under what rule?

The CHAIRMAN. Five minutes to a side.

Mr. COCKRAN. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word to the paragraph.

Mr. COCKRAN. I merely want to renew my inquiry of the gentleman from Maine [Mr. LITTLEFIELD].

Mr. MANN. Suppose the gentleman moves to amend the section in order to perfect it.

The CHAIRMAN. That motion has priority, I understand.

Mr. COCKRAN. Surely the gentleman from Illinois [Mr. MANN] does not mean to shut out the light which I am sure the gentleman from Maine [Mr. LITTLEFIELD] will ultimately shed on this question?

Mr. LITTLEFIELD. In cooperation with the gentleman from New York.

Mr. COCKRAN. Oh, mine is merely the hand that strikes the match. Yonder is the flame which will enlighten us.

Mr. LITTLEFIELD. Here is the illuminating process. [Laughter.]

Mr. COCKRAN. I want to ask the gentleman from Maine, conceding the general principle he has enunciated, suppose a man in violating section 19, which would be as purely an offense against the United States as a violation of the revenue law or attempting to pass a counterfeit Treasury bill, should kill another, would he be punishable under this section 20 for murder according to the penalty denounced against it by the laws of the State where the homicide occurred?

Mr. LITTLEFIELD. Not unless there was some statute of the United States——

Mr. COCKRAN. Well, but here is a statute of the United States.

Mr. LITTLEFIELD. Oh, does the gentleman insist on answering his own conundrum, or shall I?

Mr. COCKRAN. If I thought the gentleman would answer it, of course I should not interrupt him.

Mr. LITTLEFIELD. I may be infirm in reaching the conclusion the gentleman desires, but I will do the best that I can.

Mr. COCKRAN. Not infirm, but profuse. [Laughter.]

Mr. LITTLEFIELD. And diffuse—largely induced by the repetition of the conundrum, which is almost the same. I will say this, that he would not be triable in a Federal court and he would not violate a Federal statute unless it was a Federal statute applicable to that offense. That covers the whole ground.

Mr. COCKRAN. I will put a concrete case.

Mr. LITTLEFIELD. I can not tell you about that. I feel bound to say that I have not right here with me now, without referring to the books, all the statutes of the United States, and I can not do that.

Mr. COCKRAN. I asked the gentleman's judgment.

Mr. LITTLEFIELD. The gentleman is giving his judgment from a legal standpoint and has given all that he can.

Mr. COCKRAN. Oh, if that be all the opinion that the gentleman will venture——

Mr. LITTLEFIELD. The gentleman has exhausted the fund of information on that subject, so far as I am concerned.

Mr. COCKRAN. The gentleman does himself faint justice. His information is much more extensive, I think, than his candor. [Laughter.]

Mr. LITTLEFIELD. The gentleman consults his imagination rather than his knowledge of the facts when he makes that suggestion.

Mr. COCKRAN. I do not claim to have full knowledge of the gentleman's resources. I only attempt to tap such of them as appear to be within my reach, and I believe they are practicably inexhaustible.

Mr. LITTLEFIELD. If that be true, I have absolutely exhausted the subject, so that covers the whole ground.

Mr. COCKRAN. Let me ask this question. Under existing laws if a murder were committed in an attempt to violate the United States laws, are there any circumstances under which the perpetrator could be punished for murder by the Federal courts?

Mr. LITTLEFIELD. I think there is a statute.

Mr. MANN. This is the statute itself.

Mr. LITTLEFIELD. Section 19.

Mr. COCKRAN. I mean independent of this section.

Mr. LITTLEFIELD. I think there is a specific section.

Mr. COCKRAN. That would give the United States the right to punish a man for murder committed under such conditions?

Mr. LITTLEFIELD. Interfering with the enforcement of the revenue laws.

Mr. COCKRAN. A man could be tried for a capital offense?

Mr. LITTLEFIELD. If there is not, there ought to be.

Mr. COCKRAN. But that is a totally different thing.

Mr. LITTLEFIELD. Sure.

Mr. COCKRAN. Under this section 20 there is no doubt whatever the United States Government would have the right to punish a man for murder committed in violating the preceding section.

Mr. LITTLEFIELD. If there is a statute that would now make a man triable under those circumstances, this would apply, and if there is not, it would not apply.

Mr. COCKRAN. Does the gentleman mean that under this section 20 if a man were in the act of violating the preceding section and committed murder the United States court would not have the right to inflict upon him the penalty denounced against murder by the State law?

Mr. LITTLEFIELD. I mean to say that the words "felony" and "misdemeanor" do not cover any further Federal offense.

Mr. COCKRAN. That is all the gentleman undertakes to tell us.

Mr. LITTLEFIELD. That is all I undertook to state in the beginning. We have landed just where we started in the beginning.

Mr. COCKRAN. Unfortunately. I was in hopes that I could get the gentleman a little further on the way to enlighten us and give an opinion as to the effect of this law in such a case as I suggested.

Mr. LITTLEFIELD. That is the correct legal situation.

Mr. HARDY. I would like to make a suggestion. My reading of that statute seems to convey the idea that this statute reaches out and absorbs all the penal statutes of all the States of the United States and makes any act that may be committed in violation of section 19 also a violation of a law of the United States which is defined by the penal laws of the several States.

Mr. LITTLEFIELD. Does the gentleman have an idea that there is a degree of interlacing between the State and Federal legislation? We can enforce in the Federal courts a crime defined in a State court, and we can enforce in a State court a crime defined in a Federal court. Is that the gentleman's conception of the legislation? Let me say right here, if that is his conception it is not mine, and hence we disagree.

Mr. HARDY. Just one moment. I want to get the gentleman's ideas upon it. It says that if the offender shall commit an offense against the law of any State in the perpetration of this section 19, that then he shall be punished by the Federal authorities for the commission of that offense against State laws?

Mr. LITTLEFIELD. No; the section does not happen to make that statement.

Mr. HARDY. Now, let me read it, and I will see whether it does or not.

Mr. LITTLEFIELD. That is, section 20 does not happen to read that way.

Mr. HARDY. I will read:

> If in the act of violating any provision of the preceding section any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

I understand that to reach out when this act violative of section 19 is committed, if in the commission of it any offense against the State law is committed, this section No. 20 takes cognizance of that offense against the State law and imposes on the United States the penalty prescribed.

Mr. LITTLEFIELD. It would be absolutely unconstitutional, and legislation of that sort would be void. The court would wipe it from the statute books as with a sponge.

Mr. COCKRAN. That is what this says.

The CHAIRMAN (Mr. CRUMPACKER in the chair). The time of the gentleman from New York has expired.

Mr. SHERLEY. I do not care to take much time of the committee. I only want to say that the statement made by the gentleman from Texas [Mr. HARDY] seems correct. I do think the effect of this provision is to make the commission of any State offense in the pursuance of the conspiracy provided against in section 19 cognizable by the Federal court.

As to the suggestion made by the gentleman from Maine [Mr. LITTLEFIELD] that such offense would be clearly unconstitutional, I am not quite so sure that that is accurate. I have some doubts as to the constitutionality of this section, but it might be upheld on the ground that, having gotten jurisdiction by virtue of the conspiracy, the incidents of it, which would include the commission of even a State offense, could be taken cognizance of by a Federal court; and that is seemingly the intention of the section, for the reason that section 20 refers to such punishment as is applied to such felony or misdemeanor by the laws of the State in which the offense is committed. If the words "felony" and "misdemeanor" relate to any other Federal felony or misdemeanor there would be no need to refer to the State punishment, because, it being a Federal statute that was violated, that statute itself would fix the punishment. And so, in construing the reference to the punishment provided by the State, we are forced to the conclusion that they mean by that to take jurisdiction of offenses against State statutes. As to the constitutionality of that I am in doubt. As to the wisdom of it, I should like personally very much for the committee to express its view. Our committee did not feel at liberty to repeal this section, though it was discussed quite a good deal in the committee.

Mr. LITTLEFIELD. Does the gentleman think for a moment that any act in violation of a State statute that was not necessarily an interference with a Federal function would be within the scope of Federal power?

Mr. SHERLEY. I can not say just that; but when a court of the Federal Government got jurisdiction of a matter by virtue of a conspiracy punished by section 19 it would probably also get sufficient jurisdiction to take hold of offenses that might be committed in furtherance of that conspiracy. That is the theory on which this section is based.

Mr. LITTLEFIELD. Would they have jurisdiction without the offense were a Federal offense an interference with some Federal power?

Mr. SHERLEY. In this particular case it is where a man may not have committed a Federal offense per se; but a State offense is made a Federal offense, because it is made in pursuance of a Federal offense.

Mr. LITTLEFIELD. Is it not further a constitutional question as to whether it is an interference with Federal power?

Mr. SHERLEY. Not necessarily. I think the gentleman may by right; but I suggest as a matter for some thought my proposition. The court gets the original jurisdiction properly by virtue of the conspiracy section, and then it gets further judisdiction for the purpose of punishing the additional offense.

Mr. LITTLEFIELD. The conspiracy must be the substantive offense, and the additional offense a matter of aggravation for the purpose of affecting the penalty.

Mr. SHERLEY. I wanted to call the attention of the committee so as to show that it did undertake to give jurisdiction to what otherwise might be simply a State offense.

The CHAIRMAN. The time of the gentleman from Kentucky has expired, and debate on the pro forma amendment is exhausted.

Mr. MANN. I move to strike out the last two words.

Mr. Chairman, this section was originally enacted in 1870 for the purpose of enforcing the fifteenth amendment to the Constitution. It is part of the reconstruction legislation, which might well have been left out if the committee had been at liberty to leave out part of the law when it was only endeavoring to codify the law. The particular part of the original section which this section was intended to sustain was a provision to prevent hindering or controlling another from exercising or in exercising the right of sufferage under the fifteenth amendment, and went to the extent of prohibiting in the original section a refusal to lease property or to make a contract for labor. So that the original section, to which this was really an addenda, having been repealed, as I take it, in the repel of certain reconstruction acts—while I shall vote with the committee—I wish that the committee would say to the House that this provision of law no longer has any life, no longer is invoked by the court. [Applause on the Democratic side.] And there is no reason now, when one amendment has been adopted, why another amendment should not be adopted, and this antiquated, out-of-date endeavor to control elections in the States might well be wiped off the statute books. [Applause on the Democratic side.]

Mr. FLOYD. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. That is not necessary. There is a pro forma amendment pending, and the gentleman can speak of that.

Mr. FLOYD. If I understand the meaning of this section, Mr. Chairman, it is not to give the Federal court jurisdiction of offenses committed in a State; if it did, the gentleman from Maine would be right in his contention. The main proposition is this: If two or more persons enter into any conspiracy to commit any offense against the Constitution or laws of the United States—for instance, to interfere with the right of franchise—and in the perpetration of this offense they violate any other law—for instance, commit murder—then this provides that, instead of fixing the punishment provided in the preceding section for this offense, the Federal court may fix

the punishment prescribed by the State for murder, and, in that case, hang or imprison the man for this class of offense.

Mr. FOSTER of Vermont. Does the gentleman mean by that that the United States take away from that State the right to try that man for murder, provided it was a crime upon that State?

Mr. FLOYD. No, sir. It only provides by substitution the punishment prescribed for murder in the State as the penalty for conspiracy under section 19—undertaking to say because the crime was committed under this conspiracy that they should fix the same punishment as is prescribed by the law of that State. In such cases wherein murder resulted it would be for murder, and the penalty for that would be imprisonment or the death penalty; that is what it means. [Applause.]

Mr. NORRIS. Mr. Chairman——

Mr. FLOYD. I yield to the gentleman from Nebraska.

Mr. NORRIS. I think the gentleman just answered the question that I wanted to suggest—that is, if I caught the idea aright, and it seems to me that it is the right one—that this statute means that if two or more persons were committing the felony mentioned in section 19 and they committed an offense which was made a crime by the laws of the State, that upon the trial in the United States court, having been found guilty——

Mr. FLOYD. Having been found guilty of the conspiracy——

Mr. NORRIS. Of the conspiracy in section 19, they should be given the punishment——

Mr. FLOYD. They should be given the punishment provided by the State for the crime.

Mr. NORRIS. That is the point.

Mr. FLOYD. Yes, and that ought to convince every Member of this House that the section is entirely wrong and ought to be stricken out.

Mr. LITTLEFIELD. In that event the section does not create any new affirmative offense, on this theory.

Mr. COCKRAN. The object of the jurisdiction is the penalty. If they get the jurisdiction they may impose the penalty.

Mr. SHERLEY. Mr. Chairman, I have just been handed a decision of the Supreme Court of the United States bearing on this section. I was not myself familiar with it when I answered the gentleman from Maine. The Supreme Court upholds its constitutionality. I have not had the opportunity to read the case so as to see just what construction the courts put upon it, but the case is found in 178 United States, page 458.

Mr. LITTLEFIELD. Will you read the headnote?

Mr. SHERLEY. It is quite long.

Mr. FLOYD. I will not yield any further. Gentlemen are taking up my time. My objection is this, that if Congress undertook by the enactment of that law to give jurisdiction to try an offense committed in the State, it would be beyond its jurisdiction and the act would be unconstitutional; but I insist that the act is not unconstitutional in its clear meaning, and I am trying to make my meaning clear. I may repeat, the proposition is this, as laid down in the provision, if in the perpetration of the conspiracy described in section 19—to illustrate, say it is a conspiracy to interfere with the ballot, to intimidate voters, or to keep them away from the polls—if in their effort to do that they resort to murder and a man is killed, it does not give the Federal courts any jurisdiction over the murder, but it provides that if they are convicted of that conspiracy in which it is shown to the court that murder resulted, if the State in which the offense occurred prescribes the death penalty for murder, the Federal court may prescribe the death penalty for this conspiracy; and it can not mean anything else if it is constitutional.

Mr. LITTLEFIELD. Your idea is this——

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. FLOYD. I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. GARRETT. What do the words "any other felony" mean?

Mr. LITTLEFIELD. Your idea is that the words——

Mr. FLOYD. I will answer the gentleman from Tennessee [Mr. GARRETT], and I think that will answer the inquiry which the gentleman from Maine has in mind. Let us notice the wording of the section:

> If in the act of violating any provision of the preceding section, any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

Mr. MOON of Pennsylvania. It is perfectly apparent that "the same" means this offense.

Mr. FLOYD (reading)—

> The offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

It means the conspiracy, the offense with which he is charged. If it means anything else it is unconstitutional.

Mr. MACON. There is no such thing as a misdemeanor under section 19 at all. It is a felony.

Mr. GARRETT. It says:

> Any other felony or misdemeanor.

I should like to have those words explained.

Mr. MOON of Pennsylvania. Does the gentleman mean that if a man is charged with conspiracy to commit one offense, and in the commission of that offense a murder is committed, that that gives the power to the court to impose the punishment for murder under the conviction for conspiracy?

Mr. FLOYD. That is what it says. It means that or else it is unconstitutional. If it is unconstitutional it ought to be stricken out, and if it means what I have shown, then it ought to be stricken out.

Mr. MOON of Pennsylvania. The language is perfectly clear, that he shall "be punished for the same."

Mr. FLOYD. What does it mean?

Mr. MOON of Pennsylvania. It is perfectly apparent on its language, and the court has held that to be constitutional. I can not speak authoritatively of the details of the case, because I have not examined it, but it has been held constitutional upon the ground that the court having obtained jurisdiction of the original offense, to wit, conspiracy to deprive a man of his rights guaranteed under the Constitution or under the laws of Congress, having obtained jurisdiction of the offense by virtue of section 19, it can retain jurisdiction for the punishment of any other misdemeanor or felony that may be committed in carrying that out.

Mr. FLOYD. I will ask the gentleman to answer this question: If the violation of the law by the commission of any other felony or misdemeanor referred to means a Federal offense, does not the Federal law prescribe a punishment for all of these offenses, and why does it say that the same punishment prescribed by the State shall be imposed?

Mr. MOON of Pennsylvania. I do not say that it means a Federal offense; I think it is an offense denounced by the State law.

Mr. FLOYD. If it attempts to confer jurisdiction upon a Federal court for crimes committed in the State it must fail. But it seeks to enforce the rights of citizens against the violation of laws of the United States and the Constitution of the United States, and section 19 fixes the penalty for this violation. Section 20 simply provides, as I understand it, and I will rest with this explanation, that if in the commission of the offense mentioned in section 19, murder, felony, or any misdemeanor grows out of it, the parties charged with conspiracy under section 19 are arraigned in the Federal court for trial and convicted and it appears to the court in the facts developed that another heinous crime has been committed, the Federal authorities are authorized to fix the punishment for this conspiracy prescribed by the State law for the punishment of those crimes, either felonies or misdemeanors, committed within the State as a result of the conspiracy.

Mr. MANN. Does the gentleman from Arkansas mean to say that on a trial for conspiracy where murder has been committed, the parties having been convicted will be punished for murder?

Mr. FLOYD. That is what the law says.

Mr. SHERLEY. That is really what did happen. There was an indictment growing out of the fact that a conspiracy was had against an informer against the violation of the revenue law, and the conspiracy resulted in the murder of the informer. The men were indicted under sections 5508 and 5509, and the court upheld the constitutionality of those sections and the men were punished by imprisonment for life for murder.

Mr. COCKRAN. Was he convicted of conspiracy or convicted of murder?

Mr. SHERLEY. He was practically tried for both and convicted of both—conspiracy and murder.

Mr. COCKRAN. Not under one indictment?

Mr. LITTLEFIELD. I have the case here, and I will state what the indictment was for.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that the

time of the gentleman from Arkansas be extended five minutes. Is there objection?

Mr. LITTLEFIELD. I will read what the offense was. The first count in the indictment charged in substance that on the 14th day of March, 1898, within the jurisdiction of the court, the persons above named conspired to injure, oppress, threaten, and intimidate one W. A. Thompson. The third count differs from the first only in charging a conspiracy formed by the same persons conspiring to injure, oppress, threaten, and intimidate. There are seven counts in the indictment, but the first and third are sufficient to show the nature of the charges against defendants and to bring out the questions disposed of by the opinion.

Mr. COCKRAN. They were not indicted for murder?

Mr. LITTLEFIELD. No, for conspiracy.

Mr. COCKRAN. But they were sentenced for murder?

Mr. LITTLEFIELD. They were sentenced for murder or its equivalent.

Mr. COCKRAN. That is it. In other words, the penalty for murder was inflicted on a conviction for conspiracy?

Mr. LITTLEFIELD. That is how I understand the gentleman from Kentucky.

Mr. COCKRAN. That is what we have contended all along.

Mr. FLOYD. Mr. Chairman, I want to say that I have not had the opportunity to examine the decisions upon this question, and it seems that other gentlemen have had limitations also in their examination, for they are not very clear upon the subject. My proposition is that this section is to enable the Federal court to prescribe the exact punishment for conspiracy committed under section 19, not only to impose the punishment prescribed by the Federal statute, but, in addition thereto, if they see proper, to impose the punishment prescribed by the State for the offense committed.

Mr. COCKRAN. And that without trial.

Mr. FLOYD. And that without further trial than for conspiracy, if it develops that the other crime was committed as a result thereof. There is no other construction that will make the section constitutional. If it is not constitutional it ought to be eliminated. I think for safety it ought to be eliminated, and the motion to strike out section 20 ought to be adopted.

Mr. COCKRAN. That is the motion of the gentleman from Missouri?

Mr. DE ARMOND. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to address the committee for five minutes. Is there objection?

There was no objection.

Mr. DE ARMOND. Mr. Chairman, in a State where there are no provisions for punishment for a particular misdemeanor or felony, so called, this statute—section 20—as a Federal statute would be wholly inoperative. In a State where there are such provisions it is wholly unnecessary. I think there is no escape from either conclusion. There is no independent penalty provided. If there is no penalty provided in this law, except by borrowing the penalty from the State law, then in any State where there is no penalty for a particular offense there are no means at the hands of the Federal court of inflicting any punishment whatever under section 20; and in a State where punishment is provided by the State law for the specific offense there is no need for this provision. Confusion, at the least, would result from it. The question might arise as to whether the State courts were ousted of jurisdiction. If not, there would be a putting of jurisdiction in both Federal and State courts.

But it is suggested by the gentleman from Pennsylvania [Mr. MOON] that in the trial of a case under section 19 punishment might be inflicted under section 20, where a misdemeanor or felony had been committed in the attempt to do some of the things forbidden by section 19. That is not all of it. Under section 20 there might be indictment and trial in the Federal court for the commission of the offense provided for in section 20, borrowing the penalty from the State law, without any connection, except a mere argumentative one with section 19 or any offense denounced in it.

Another thing will be noticed. We are now in chapter 3, the title of which is "Offenses against the elective franchise and civil rights of citizens." Everybody knows that originally this legislation had reference to election and racial matters. The distinct purpose now of keeping it here, of keeping these provisions in the law, is to make the law effective against labor organizations and in labor disputes. When we vote to strike out this section, or vote to keep it in, let there be no doubt here or elsewhere as to what we vote for or what we vote against. [Applause on the Democratic side.]

Mr. BARTLETT of Georgia rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last four words. I desire to call attention to the fact that this section punishes for a violation of State law; and I call attention to it because, as a lawyer, I have had experience in the identical case where parties were indicted under section 5508 for conspiracy and convicted and sentenced for murder, because in the conspiracy it was alleged, and the jury so found, that a murder was committed, and they were punished as provided in this section 20. Parties were charged under the Federal law with conspiracy, and the jury found that murder had been committed in carrying out the conspiracy, and the jury recommended the defendants to be imprisoned for life, and they were sentenced by the Federal judge to imprisonment for life, as provided by the Georgia statute.

Now, if you will attend to the reading of this section, you will see that it means nothing more or less than to add an additional penalty to the crime denominated "conspiracy" in section 19; because if the party charged with conspiracy had in the carrying of it out committed the offense of murder or any felony cognizable under the laws of the United States it would not be necessary—I mean by that over which the courts of the United States had jurisdiction—it would not be necessary to say he should be punished under the law prescribed by the State, because if it was a felony or misdemeanor denounced by the laws of the United States for the violation of which Congress had a right to prescribe a penalty, then there would be no necessity to say that he should be punished for such felony or misdemeanor as prescribed by the laws of the State for the offense committed. It can mean but one thing, and that is this, that if in the pursuit and carrying out of the conspiracy the party charged with that conspiracy shall commit a violation of the law, shall commit murder or assault with intent to murder, or burglary, or riot, as these crimes may be defined by the laws of the several States wherein the offense is committed, then the defendant shall be punished by the judge of the United States courts who tries the case, in the same way as if it had been tried in his court for a violation of the State law.

It means nothing else except that this offense was deemed not to be sufficiently punished when they prescribed the penalty for conspiracy, and it was the purpose of the law when it was enacted to take away from the State the right to try parties and to transfer that jurisdiction to the Federal court, because both of these sections, 5508 and 5509, being also sections 19 and 20 of this bill, originated after the end of the civil war, not for the purpose of being generally applied, but for the purpose of being applied specially to one section of this Union.

I desire to reply to the case referred to by the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Kentucky [Mr. SHERLEY] who said that in the case referred to by them in 178 United States, of Motes, the Supreme Court had decided that both these sections were constitutional. I take issue with the gentlemen and want to refute that statement, and in order to do so will read, on page 462, the language of Judge Harlan, who announced that decision, wherein he said:

> No question has been made—

And the judge parenthetically gave utterance to an obiter when he said—

> and, indeed, none could be successfully made, as to the constitutionality of these statutory provisions.

And an investigation of the case will disclose that it was tried and decided on entirely different questions than the constitutionality of either or of both these sections. As this is the only case that any gentleman has cited to sustain the constitutionality of these sections, I apprehend that no other can be found. Yet the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Maine [Mr. LITTLEFIELD] stated that in the case referred to in 178 United States Report the court had decided both these sections to be constitutional. That statement is inaccurate, for, I repeat, the judge who announced the decision of the court in that case says, "No question has been made—indeed, none could successfully be made—as to the constitutionality of these statutory provisions." Hence the question was not made in that case, and it does not sustain the contention of these gentlemen.

I close this argument in support of the motion to strike out this section by repeating what I said yesterday, when I moved to strike out section 19 of this bill, which is but the codification of section 5508 of the Revised Statutes of the United States; that in my opinion this section, if tested by the decisions of the Supreme Court of the United States as contained in the reported cases of the United States *v.* Cruikshanks (92 U. S., 542), of United States *v.* Ruse (92 U. S., 214), in the civil

rights cases (109 U. S.), Harris *v.* United States (106 U. S.), which I have here before me, and a number of others that could be cited, is clearly unconstitutional and should not be codified as a part of the criminal laws of this Government. Let me call the attention of this committee to what Chief Justice Waite said in delivering the opinion of the court in the case of Cruikshanks (92 U. S.). Said the Chief Justice:

> It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder, within a State, than it would be to punish for false imprisonment or murder itself.

This was the decision of the Chief Justice, rendered in 1875 soon after this law was enacted; and from that day to this the Supreme Court of the United States have adhered to it—at least they have not reversed it. These sections should no longer cumber our statute books. I hope that the motion of the gentleman from Missouri [Mr. DE ARMOND] will prevail. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I move to strike out the last six words.

The CHAIRMAN. The gentleman from New York moves to strike out the last six words.

Mr. PAYNE. Mr. Chairman, this debate upon this section illustrates the folly of the House in Committee of the Whole trying to amend laws which have endured the test of time. Now, it has been almost impossible to hear during the confusion of the House what the views are of the various lawyers who have addressed themselves to this subject. We have here a law that has been upon the statute books for thirty years or more. Up to this afternoon nobody has been making any complaint against this particular section except moonshiners who have committed the crime of murder, or those who have committed heinous crimes while attempting to violate or to render null through fraud the land laws of the country, or, as in the old times, when men were indicted for murder while violating the election laws and the amendments relating to that subject. The latter part has fallen into innocuous desuetude. We have repealed most of those laws, so that nobody is complaining in any part of the country against this section of that statute on account of the election laws.

Now, Mr. Chairman, it often follows in some localities in this country that where there is a conspiracy for moonshining and resisting the officers in the collection of the revenues of the country a murder happens to be committed by the people who have conspired—perhaps not their original intention, and yet sometimes perhaps it was their original intention—it has been found impossible in the State courts to convict them of the crime of murder and punish them accordingly. And under these statutes the case has gone into the United States courts; and in the only case which has been cited under these statutes, where the men were indicted for conspiracy under the nineteenth section and also for committing murder in pursuance of that conspiracy and were convicted before a jury in the Federal courts of the commission of this murder, they were punished for that crime by imprisonment for life, which happened to be the law regulating punishment for murder in the State of Alabama, where this crime occurred.

Now, the House is asked, without full examination, and only the examination that is made here in Committee of the Whole, amidst all this confusion, to strike this section out and to render it null so far as the execution of the law is concerned in some States and in some localities in some States, where it is popular, by the practice of moonshining, to evade the revenue law. And all that those conspirators would have to do, it would seem, in case they should commit murder in carrying on their nefarious schemes, would be to have the indictment found and prosecuted in the State courts, and the Government could not get justice, because of the popular feeling. In United States courts convictions have been had.

[Here the hammer fell.]

Mr. PAYNE. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PAYNE. We are asked here to repeal this section without knowing the effect of it, here in the Committee of the Whole, without having time to examine into it. If any gentleman desires to have it repealed let him in an orderly way present a bill and have it referred to the Committee on the Judiciary, composed of able lawyers of this House.

Mr. DE ARMOND and Mr. COCKRAN rose.

The CHAIRMAN. Does the gentleman from New York [Mr. PAYNE] yield?

Mr. PAYNE. The gentleman from New York [Mr. COCKRAN] has had a good deal to say in this discussion, and I hope he will not take up my time now.

The CHAIRMAN. Does the gentleman from New York [Mr. PAYNE] yield to the gentleman from Missouri [Mr. DE ARMOND]?

Mr. PAYNE. I can not yield. In an orderly way, I say, present this matter and have it go to the Committee on the Judiciary. Let them examine into it and see if there is any complaint and any hardship about the working of this law or any incongruity in the statute. Let us go on with this business of simply codifying the penal laws of the United States and leave this as it is, without getting hot-headed and without giving the matter due consideration, without giving a fair expression of the judgment of the House upon the subject, and without having any report from any committee that has looked into it at their leisure and examined the decisions and the working of the law. Let us go on with this bill, and instead of striving to amend or strike out every section, following some whim or caprice of the members of the committee to cut it out of the statute, without giving it calm deliberation and the considerate judgment of this House. [Applause on the Republican side.]

Mr. SIMS. Mr. Chairman, I want to ask some questions, in view of the statement made by the gentleman from New York. The gentleman wants us to expedite business by going on considering this bill, because, as he alleges, we have not time to properly consider each section. Now, has it not just developed with reference to this section 20 that there was a decision of the Supreme Court of the United States bearing on it directly, which the committee has not considered, if I understood the gentleman? If I am wrong, I am willing to be corrected.

Mr. SHERLEY. If the gentleman will permit me. He must realize that no committee or any set of men could possibly undertake to come upon this floor fortified by all of the decisions that have been made on all the criminal laws of the United States, but on any section wherein we have brought in a change of existing law we will be prepared to defend the change that is made.

Mr. SIMS. I meant no reflection on the gentleman.

Mr. SHERLEY. You have made none.

Mr. SIMS. I see the great work the committee has had to do, and yet with the long time the committee have had to consider this measure it has not read and studied and presented here all the important decisions of the courts bearing on this bill. Now, we are asked to pass this bill, which is equivalent to a reenactment of every one of these sections anew, without considering it section by section. It is equivalent to reenacting all these laws. They will be treated as enacted from this hour, and the "innocuous desuetude" referred to by some gentlemen as applying to some of these sections will be wiped out by the action of this Congress.

The gentleman from Illinois [Mr. MANN] said he wanted a certain section out, and so do we all. But are we compelled to so follow the committee that we must reenact all these statutes simply out of compliment to the committee? The gentlemen of the committee themselves state it is impossible to present every decision of the courts bearing on these various statutes.

Mr. MANN. Does the gentleman think it desirable that the penal code shall be codified so that the law on penal matters will be accessible to the people and to the lawyers of the country?

Mr. SIMS. I believe it is a good idea as a matter of convenience.

Mr. MANN. Does not the gentleman believe that if we started in to amend section after section of this bill—does he not know—that it would never be enacted into law?

Mr. SIMS. Then why did the gentleman say a while ago that he would strike out a portion of it and now say he refuses to do this because it is a portion of the bill as reported?

Mr. MANN. Let the gentleman bring in a bill striking it out and bring it before the House, and I will vote for it, but I will say to the gentleman that I am interested to have the law of the country in such shape——

Mr. SIMS. Do not take all my time.

Mr. MANN. I will not take any more of it.

Mr. SIMS. Go on.

Mr. MANN. I just got the gentleman five minutes.

Mr. SIMS. I know it is an easy matter to say bring in a bill and have it brought before the House. That is trite.

Mr. MANN. The Committee on the District of Columbia brings in more bills that they do not know about than any other committee.

Mr. SIMS. If bills have been so reported by that committee that the House could not accept them, that is no reason why we should accept this measure without due consideration. The

District Committee has brought in many bills that were not considered as fully as they might have been, and no Member has done more than the gentleman from Illinois to prevent the passage of those bills.

Mr. MANN. Except the gentleman.

Mr. SIMS. I take my part of the lashing.

Mr. MANN. I know you always do your share of the work.

Mr. SIMS. We have the acknowledgment of the gentleman from Kentucky that it is impossible for the committee in presenting their report to bring in all the decisions that relate to the different sections covered in the bill.

Mr. SHERLEY. What "the gentleman from Kentucky" said was this, and it is apparent to any man who will think a moment about the work, that no set of men could undertake to bring in a codification of the criminal laws of America and be prepared to answer as to all the decisions that had been made as to this and every section, but when we brought in a change of existing law we would be prepared and should be prepared to defend the change we recommend. But when we simply presented to the House the existing law, it certainly is not fair to us to expect that we should be prepared to present in the Committee of the Whole every decision that has been had on existing law, and our failure to do so was the criticism made by the gentleman from Tennessee.

Mr. SIMS. I ask unanimous consent for two minutes.

The CHAIRMAN. The gentleman asks unanimous consent that he be allowed to address the committee for two minutes. Is there objection?

There was no objection.

Mr. SIMS. The gentleman from Kentucky [Mr. SHERLEY] has tried to put me in the attitude of criticising him and his committee. I deny it. It appeared that gentlemen here had not read this decision. It is an important decision, bearing on a section of this bill. I am not blaming the gentleman from Kentucky for not having read it. I say it is impossible for him to have read everything bearing on all the sections of this bill, but if the House discovers something that ought to be done which this august committee has not done, are we to be absolutely estopped from doing that which the committee has been unable to do?

Mr. SHERLEY. No; but what has the House discovered? It has discovered that the decision that was read here on the floor in 178 United States upheld the constitutionality of this act, after we had had thirty minutes' talk about its unconstitutionality. Now, does that not prove that this Committee of the Whole had better leave existing law as it is than to change it without themselves having read all the decisions? [Applause.]

Mr. SIMS. Mr. Chairman, this is equivalent to reenacting it. It is revitalizing it; it is indorsing and approving anew this old provision. I say that is the moral as well as the legal effect of it.

Mr. SHERLEY. Don't you know that if this bill was to die to-day, these sections 5508 and 5509 of the Revised Statutes would be as much the law as if they were reenacted?

Mr. SIMS. Yes, of course they would, but when sections of the law have fallen into "innocuous desuetude," as these have, they should remain where they are, but now we are asked to reenact, revitalize, and reindorse that law which has been ignored and has fallen out of use.

Mr. SHERLEY. The gentleman knows that these decisions have been rendered within the last twenty years.

Mr. SIMS. I can not convince the gentleman from Kentucky that I know anything about this matter. What I am trying to do is to convince the House that it ought to take sufficient time to find out something about this bill. I was replying to the gentleman from New York [Mr. PAYNE], who has always heretofore been able to take care of himself and his side of the House; but the gentleman from Kentucky comes to his defense. The gentleman from New York was lecturing the House—I think a great deal of the gentleman, and he always smiles when he lectures us—he was chiding us for blocking business. The gentleman from Kentucky [Mr. SHERLEY] rushes to his defense, under the assumption that he and his committee are being criticised by myself, when I have not thought of it, but have simply asked that we strike out a section in the bill that we do not want; and I do not feel that we should be estopped from making such motions simply because it is a codification bill and reported unanimously.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINLEY. Mr. Chairman——

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. MOON of Pennsylvania. I move that all debate on this section——

The CHAIRMAN. The Chair has recognized the gentleman from South Carolina for five minutes.

Mr. FINLEY. I move to strike out section 20.

The CHAIRMAN. The Chair understands that that motion is pending.

Mr. LITTLEFIELD. To what is the gentleman from South Carolina addressing himself?

The CHAIRMAN. The gentleman is addressing himself to a pro forma amendment, and proceeding under unanimous consent.

Mr. MANN. If the gentleman is proceeding under unanimous consent, I think the gentleman from Pennsylvania ought to have a chance to make a motion to close debate when the gentleman has finished. [Cries of "Regular order!"]

The CHAIRMAN. The Chair recognized the gentleman from South Carolina, who was proceeding in his own time. At the expiration of his five minutes the Chair will recognize the chairman of the committee.

Mr. MANN. Is the gentleman proceeding by unanimous consent?

The CHAIRMAN. In this particular instance the gentleman is proceeding in his own time, but the Chair thinks the debate is running by unanimous consent.

Mr. FINLEY. Mr. Chairman, the reasons advanced as to why no changes should be made in this proposed codification do not strike me with any force. There are many provisions of law on the statute books of the United States that ought to be changed or ought to be repealed. Now, when Congress is asked to reenact, so to speak, the statutes that are objectionable or unwise, I see no objection to striking out or amending any such sections. The work of the committee, no doubt, is well done. I can understand that the committee took the scope of their work to be codification and not to amend by striking out existing law in the proposed codification. There is no question about that. I think the arguments advanced are not conclusive. I think the argument advanced by the gentleman from New York, where he cites crimes against the excise law—moonshine liquor cases—are not conclusive. They are not tried under section 20 and section 19. These two sections are political in their scope. As I understand it, generally speaking, a man can only be prosecuted under these two sections where he has committed some act of conspiracy and by which act he interferes with the political rights guaranteed to a citizen of the United States by the Constitution.

There is a serious objection to section 20 in that the punishment is cumulative. In addition to the punishment provided in section 19 for conspiracy, it provides that the punishment provided in the State statutes may be inflicted. As has been so well said by the gentleman from Missouri [Mr. DE ARMOND], if there is no State statute, then section 19 means nothing. If there is a State statute against murder, assault and battery, or anything of that sort, then that punishment is added. So that the punishment provided in section 20 is cumulative.

I think, however, it is open to another serious doubt at least. We all know that for violation of the revenue laws a man, for instance, selling whisky may be prosecuted in the State court. That does not bar a prosecution in the Federal court. So that, carrying that illustration into the consideration of this statute, a man can be prosecuted for a murder committed where there is a conspiracy. Now, I ask the gentleman in charge of the bill, does he think that for the murder so committed under these circumstances and a trial had in the State court and the party found not guilty, he could be afterwards tried in the Federal courts on a charge of conspiracy and where murder was proved he could be found guilty?

Mr. MOON of Pennsylvania. My judgment is it would bar a prosecution for murder. Conspiracy is a separate and distinct offense.

Mr. FINLEY. Then the gentleman admits that if there was a prosecution for murder in a State court where there was a conspiracy and the defendant was found not guilty, this would be a bar to prosecution in the Federal courts. In my judgment section 20 does not bear out the gentleman's contention. The section should be stricken out, and I will so vote.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that all debate on this section be now closed.

The CHAIRMAN. The gentleman from Pennsylvania moves that all debate on this question be closed.

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

The CHAIRMAN. Without objection, the pro forma amendments will be withdrawn. The question now is on the amendment offered by the gentleman from Missouri [Mr. DE ARMOND] to strike out section 20.

The question was taken.

The CHAIRMAN. The Chair is in doubt, and will order a division.

The House divided, and there were—ayes 78, noes 83.

Mr. DE ARMOND. I demand tellers.

Tellers were ordered.

The Chair appointed as tellers Mr. DE ARMOND and Mr. MOON of Pennsylvania.

The House again divided, and the tellers reported that there were—ayes 87, noes 93.

So the motion was lost.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11701) for the codification of the criminal law and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. FRENCH, by unanimous consent, obtained leave of absence indefinitely, on account of sickness in his family.

ADJOURNMENT.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 3 o'clock and 37 minutes p. m.) the House adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

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

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for the elimination of grade crossings in the District of Columbia—to the Committee on the District of Columbia and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Agriculture submitting an estimate of appropriation for observatory at Mount Weather, Virginia—to the Committee on Agriculture and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Commissioner of Internal Revenue submitting drafts of proposed legislation for imposing a tax on Porto Rico bay rum, for amending the oleomargarine law, and for amending the law relative to wholesale dealers in malt liquors—to the Committee on Ways and Means and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Director of the Mint submitting an estimate of appropriation for freight on bullion and coin between mints and assay offices—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bayou Courtableau, Louisiana—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Munising Harbor, Michigan—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of emergency appropriation for the Isthmian Canal Commission—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAYES, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 10568) relating to immigration into the Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 90), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2949) granting an increase of pension to William Smith O'Brien, reported the same with amendment, accompanied by a report (No. 37), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2363) granting an increase of pension to Charles McCoy, reported the same with amendment, accompanied by a report (No. 38), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 586) granting an increase of pension to Squire J. Carlin, reported the same with amendment, accompanied by a report (No. 39), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2755) granting an increase of pension to John H. Nutter, reported the same with amendment, accompanied by a report (No. 40), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6872) granting an increase of pension to Amos W. Polley, reported the same with amendment, accompanied by a report (No. 41), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10168) granting an increase of pension to Matthew B. Reid, reported the same with amendment, accompanied by a report (No. 42), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10411) granting an increase of pension to Albert Butler, reported the same with amendment, accompanied by a report (No. 43), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8013) granting an increase of pension to Mary E. Young, reported the same with amendment, accompanied by a report (No. 44), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2101) granting an increase of pension to William H. Mize, reported the same with amendment, accompanied by a report (No. 45), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1035) granting an increase of pension to Henry C. Palmer, reported the same with amendment, accompanied by a report (No. 46), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2407) granting an increase of pension to Rudolphus Bard, reported the same with amendment, accompanied by a report (No. 47), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4333) granting an increase of pension to John H. Oakley, alias John Hoyt, reported the same without amendment, accompanied by a report (No. 48), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4332) granting an increase of pension to Alonzo Harter, reported the same without amendment, accompanied by a report (No. 49), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8774) granting an increase of pension to James R. Batten, reported the same without amendment, accompanied by a report (No. 50), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3180) granting an

increase of pension to Charles I. Krickbaum, reported the same with amendment, accompanied by a report (No. 51), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3341) granting an increase of pension to James R. Grider, reported the same with amendment, accompanied by a report (No. 52), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3325) granting a pension to Edwin H. Buck, reported the same with amendment, accompanied by a report (No. 53), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8462) granting an increase of pension to Henry Smith, reported the same with amendment, accompanied by a report (No. 54), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8088) granting an increase of pension to Thomas Johnson, reported the same with amendment, accompanied by a report (No. 55), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2408) granting an increase of pension to Frank N. Bement, reported the same with amendment, accompanied by a report (No. 56), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7333) granting an increase of pension to De Loss Hopkins, reported the same with amendment, accompanied by a report (No. 57), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7865) granting an increase of pension to Edwin T. Farmer, reported the same with amendment, accompanied by a report (No. 58), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3767) granting an increase of pension to John H. Bond, reported the same with amendment, accompanied by a report (No. 59), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4405) granting an increase of pension to Miles C. Christy, reported the same without amendment, accompanied by a report (No. 60), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4516) granting an increase of pension to William Bain, reported the same without amendment, accompanied by a report (No. 61), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3842) granting an increase of pension to William Winter, reported the same with amendment, accompanied by a report (No. 62), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8237) granting an increase of pension to Henry A. Rice, reported the same with amendment, accompanied by a report (No. 63), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1884) granting an increase of pension to Henry C. Hoover, reported the same with amendment, accompanied by a report (No. 64), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2803) granting an increase of pension to William B. P. Turner, reported the same with amendment, accompanied by a report (No. 65), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3628) granting an increase of pension to Charles W. Wheat, reported the same with amendment, accompanied by a report (No. 66), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1990) granting an increase of pension to Martha Andrews, reported the same with amendment, accompanied by a report (No. 67), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1501) granting an increase of pension to Harrison Burkett, reported the same with amendment, accompanied by a report (No. 68), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1036) granting an increase of pension to Alexander W. Skinner, reported the same with amendment, accompanied by a report (No. 69), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2974) granting an increase of pension to William Little, reported the same with amendment, accompanied by a report (No. 70), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3334) granting an increase of pension to George Frederick Nichols, reported the same with amendment, accompanied by a report (No. 71), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2864) granting an increase of pension to Ferdinand Stritsman, reported the same with amendment, accompanied by a report (No. 72), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10630) granting an increase of pension to John N. Hubbard, reported the same with amendment, accompanied by a report (No. 73), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11407) granting an increase of pension to Alfred G. Anderson, reported the same with amendment, accompanied by a report (No. 74), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2425) granting an increase of pension to J. M. Essington, reported the same with amendment, accompanied by a report (No. 75), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8249) granting an increase of pension to Jacob Wiler, reported the same with amendment, accompanied by a report (No. 76), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5977) granting a pension to Mary Cross and Anna L. Cross, reported the same with amendment, accompanied by a report (No. 77), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9328) granting an increase of pension to Cecilia Quinlin, reported the same with amendment, accompanied by a report (No. 78), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2934) granting an increase of pension to Lucy Ferguson, reported the same with amendment, accompanied by a report (No. 79), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10437) granting an increase of pension to Elizabeth B. Thomason, reported the same with amendment, accompanied by a report (No. 80), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2940) granting a pension to Frank D. Newberry, reported the same with amendment, accompanied by a report (No. 81), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4315) granting

an increase of pension to Mary A. Defendall, reported the same without amendment, accompanied by a report (No. 82), which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4126) granting an increase of pension to Annie M. Owen, reported the same without amendment, accompanied by a report (No. 83), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9573) granting an increase of pension to Cynthia Bridges, reported the same with amendment, accompanied by a report (No. 84), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1060) granting an increase of pension to Rhoda Lloyd, reported the same with amendment, accompanied by a report (No. 85), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2364) granting an increase of pension to Anna M. Bohn, reported the same with amendment, accompanied by a report (No. 86), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2935) granting an increase of pension to George W. Fuchs, reported the same with amendment, accompanied by a report (No. 87), which said bill and report were referred to the Private Calendar.

Mr. HAYES, from the Committee on Immigration and Naturalization, to which was referred the joint resolution of the House (H. J. Res. 25) permitting the waiving of the alien immigration law in the case of Mathilde Sandgren, reported the same with amendment, accompanied by a report (No. 91), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following title, which were thereupon referred as follows:

A bill (H. R. 12636) granting a pension to Delia E. Ahern—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12690) granting an increase of pension to Lulu Chessrown Darragh—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. GRONNA: A bill (H. R. 13256) to regulate the publication of notices issued under the public-land laws—to the Committee on the Public Lands.

By Mr. HAMILL: A bill (H. R. 13257) making an appropriation for the improvement of the Hackensack River in the State of New Jersey—to the Committee on Rivers and Harbors.

By Mr. SHERMAN: A bill (H. R. 13258) equalizing the salaries at the port of New York of the deputy surveyors to the same amount as that of the deputy collectors at that port—to the Committee on Ways and Means.

By Mr. CHAPMAN: A bill (H. R. 13259) for the erection of a Federal building for the United States at Harrisburg, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON: A bill (H. R. 13260) for increasing the efficiency of army bands—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 13261) providing for certain pensions to be paid widows of civil and Mexican war soldiers—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 13262) to purchase certain property adjacent to the National Military Home, Kansas—to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 13263) to provide for the extension of Nineteenth street from Belmont road to Biltmore street in the District of Columbia, with uniform width of 50 feet, and for other purposes—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 13264) amending section 23, chapter 1876, act of April 26, 1906—to the Committee on Indian Affairs.

Also, a bill (H. R. 13265) to prevent the interstate shipment of intoxicating liquors into States or counties where the sale of liquors is prohibited by law—to the Committee on the Judiciary.

By Mr. SHERLEY: A bill (H. R. 13266) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903—to the Committee on the Judiciary.

By Mr. HAWLEY: A bill (H. R. 13267) to extend the provisions, limitations, and benefits of an act entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war, approved July 27, 1892," approved June 27, 1902—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 13268) to establish a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. ACHESON: A bill (H. R. 13269) for the erection of an equestrian statue of Col. William Crawford—to the Committee on the Library.

By Mr. CAPRON: A bill (H. R. 13270) to construct and place a light-ship off Point Judith, Rhode Island—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER of Missouri: A bill (H. R. 13271) to amend section 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890—to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 13272) prescribing the method by which rural free-delivery mail routes may be changed or discontinued—to the Committee on the Post-Office and Post-Roads.

By Mr. PUJO: A bill (H. R. 13273) for improving an inland waterway channel and excavating a canal from the Mermenteau River, Louisiana, to the Sabine River—to the Committee on Rivers and Harbors.

By Mr. KELIHER: A bill (H. R. 13274) to provide for the purchase of ground for and the erection of a public building for an immigration station in the city of Boston, Mass.—to the Committee on Immigration and Naturalization.

By Mr. BENNET of New York: A bill (H. R. 13275) relating to Presidents of the United States—to the Committee on Election of President, etc.

By Mr. SCOTT: A bill (H. R. 13276) providing for the control of grazing upon the public lands in the arid States and Territories of the United States—to the Committee on the Public Lands.

By Mr. MAYNARD (by request): A bill (H. R. 13277) to enable the Navy Department to purchase the song and music entitled "Don't Scorn the Sailor"—to the Committee on Naval Affairs.

By Mr. HUGHES of West Virginia: A bill (H. R. 13278) to regulate the use of the contingent fund of the House of Representatives in the payment of the funeral expenses of deceased Members—to the Committee on Accounts.

By Mr. DAWSON: Joint resolution (H. J. Res. 96) directing the Secretary of the Treasury to withhold payment of the sum of $10,000 appropriated by the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1907—to the Committee on Appropriations.

By Mr. LASSITER: Joint resolution (H. J. Res. 97) proposing an amendment to the Constitution relative to the term of service of the President of the United States—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ACHESON: A bill (H. R. 13279) granting an increase of pension to John L. Camblin—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 13280) granting a pension to Samuel P. Hoeffer—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 13281) granting a pension to Patrick Deneen—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 13282) granting an increase of pension to Robert L. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13283) granting an increase of pension to Pearson W. Clifford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13284) granting an increase of pension to William H. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13285) granting a pension to Joseph Beauchamp—to the Committee on Pensions.

Also, a bill (H. R. 13286) granting a pension to Mary A. Hanks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13287) granting a pension to Mrs. J. C. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13288) for the relief of Andrew Jackson—to the Committee on Military Affairs.

Also, a bill (H. R. 13289) for the relief of James Gillieece—to the Committee on Military Affairs.

Also, a bill (H. R. 13290) for the relief of Eric E. Walgren—to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 13291) granting an increase of pension to Orodine Drake—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 13292) granting a pension to John Bender—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13293) granting a pension to Caroline Larcom—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 13294) for the relief of John H. Butman—to the Committee on Naval Affairs.

By Mr. CAPRON: A bill (H. R. 13295) granting an increase of pension to Peter Shaughnessy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13296) granting an increase of pension to Georgianna Fanning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13297) granting an increase of pension to Patience G. Reddy—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 13298) granting an increase of pension to Williamson D. Halsey—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 13299) for the relief of Alonzo Rich—to the Committee on Military Affairs.

Also, a bill (H. R. 13300) for the relief of William Martinson—to the Committee on Military Affairs.

Also, a bill (H. R. 13301) granting a pension to R. J. Hiner—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 13302) granting an increase of pension to Cora M. Mosier—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 13303) granting a pension to Sidney N. Utley—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 13304) granting an increase of pension to Merrill H. Cram—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 13305) granting an increase of pension to George W. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13306) granting an increase of pension to George A. Currier—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 13307) granting an increase of pension to Isaac Irwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13308) granting an increase of pension to Willis D. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13309) granting an increase of pension to John T. Waxler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13310) for the relief of Henry C. Vincent—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 13311) for the relief of Samuel H. Lofland—to the Committee on War Claims.

Also, a bill (H. R. 13312) for the relief of William T. and Hannah J. Woolard—to the Committee on War Claims.

Also, a bill (H. R. 13313) for the relief of Caroline F. Eddy—to the Committee on War Claims.

Also, a bill (H. R. 13314) for the relief of Mary E. Willett—to the Committee on War Claims.

Also, a bill (H. R. 13315) for the relief of the heirs of Peter S. Clemments, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13316) for the relief of the heirs of Mary H. Holloway, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13317) for the relief of the heirs of Jacob Hufty, deceased—to the Committee on War Claims.

By Mr. DRISCOLL: A bill (H. R. 13318) for the relief of Santa Anna Wallace—to the Committee on War Claims.

By Mr. ELLIS of Oregon: A bill (H. R. 13319) for the relief of the heirs of Thomas J. Miller—to the Committee on Claims.

By Mr. FINLEY: A bill (H. R. 13320) for the relief of Joseph Thompson—to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 13321) granting a pension to Alberta Duncan—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 13322) granting an increase of pension to Bryant Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13323) granting an increase of pension to Isaac W. Waters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13324) granting an increase of pension to W. W. Willer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13325) granting an increase of pension to Lydia Nesbit—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13326) granting a pension to Martin Warren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13327) granting a pension to Elvira Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13328) to remove the charge of desertion from the military record of W. B. Chamness—to the Committee on Military Affairs.

Also, a bill (H. R. 13329) to remove the charge of desertion from the military record of Brice Prater—to the Committee on Military Affairs.

Also, a bill (H. R. 13330) to remove the charge of desertion from the military record of James Lewis—to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 13331) granting an increase of pension to Jacob G. Voorhees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13332) granting an increase of pension to William N. Furman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13333) granting an increase of pension to Jacob N. Thatcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13334) granting an increase of pension to Matilda Vail—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13335) granting an increase of pension to Emma J. Cory—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 13336) granting a pension to Regina Albert—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 13337) for the relief of Seletha J. Powers, widow of John Powers, deceased—to the Committee on Claims.

By Mr. GODWIN: A bill (H. R. 13338) for the relief of the Fayetteville Independent Light Infantry, of Fayetteville, N. C.—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 13339) granting an increase of pension to Ann E. Pape—to the Committee on Invalid Pensions.

By Mr. GRONNA: A bill (H. R. 13340) to confirm an entry made by John J. Warley—to the Committee on Private Land Claims.

By Mr. HALE: A bill (H. R. 13341) granting an increase of pension to Hazlewood A. C. Bradfute—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13342) granting an increase of pension to William L. Northern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13343) granting an increase of pension to Elijah Richardson—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 13344) granting a pension to Andrew J. Patten—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 13345) to carry into effect the findings of the Court of Claims in the matter of the claim of the Methodist Episcopal Church of Bryantsville, Ky.—to the Committee on War Claims.

By Mr. HIGGINS: A bill (H. R. 13346) granting an increase of pension to Stephen Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13347) granting a pension to Eugene F. Chesbrough, alias Marvey Chase—to the Committee on Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 13348) for the relief of Mrs. P. A. Eskridge—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 13349) granting an increase of pension to William G. Winslow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13350) granting an increase of pension to Henry H. Martin—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 13351) granting an increase of pension to Asa Y. Gibson—to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 13352) for the relief of Louis T. Barnes—to the Committee on War Claims.

Also, a bill (H. R. 13353) for the relief of the estate of Joseph Brannon, deceased—to the Committee on War Claims.

By Mr. OLLIE M. JAMES: A bill (H. R. 13354) granting a pension to John S. G. Green—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 13355) granting an increase of pension to Samuel A. Slemmons—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 13356) granting a pension to Charlotte W. Boalt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13357) granting a pension to Nellie E. Parmenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13358) granting an increase of pension to Samuel D. Ritz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13359) granting a pension to Gertrude A. Huth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13360) granting an increase of pension to James V. Whitney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13361) granting an increase of pension to Jacob Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13362) granting an increase of pension to Anna M. Hueston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13363) granting an increase of pension to Milton J. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13364) granting an increase of pension to Anna A. Probert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13365) granting an increase of pension to Joseph Enck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13366) granting an increase of pension to Jasper R. Lybarger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13367) granting an increase of pension to John B. Taylor—to the Committee on Invalid Pensions.

By Mr. LEAKE: A bill (H. R. 13368) granting an increase of pension to Albert Allen—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 13369) granting an increase of pension to Emma Crewitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13370) granting an increase of pension to Virginia Brewster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13371) granting an increase of pension to William J. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13372) granting an increase of pension to John H. Seagrist—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13373) for the relief of Louisa Weaver—to the Committee on War Claims.

By Mr. McCREARY: A bill (H. R. 13374) granting an honorable discharge to James Haggerty—to the Committee on Military Affairs.

By Mr. McKINLAY of California: A bill (H. R. 13375) authorizing and directing the Secretary of War to grant an honorable discharge to Almon M. Butler—to the Committee on Military Affairs.

By Mr. MACON: A bill (H. R. 13376) for the relief of the estate of Julia E. Rightor, deceased—to the Committee on War Claims.

By Mr. MURDOCK: A bill (H. R. 13377) granting a pension to James W. Coen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13378) granting a pension to Sarah McKee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13379) granting an increase of pension to John Brenneman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13380) granting an increase of pension to Michael M. Stuckey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13381) granting an increase of pension to Chauncey Buckingham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13382) granting an increase of pension to Seth D. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13383) granting an increase of pension to William M. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13384) granting an increase of pension to Thomas L. Story—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13385) granting an increase of pension to Alfred Ratzell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13386) granting an increase of pension to Jane Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13387) granting an increase of pension to John Huggins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13388) granting an increase of pension to Cornelius Kramer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13389) granting an increase of pension to William Innes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13390) granting an increase of pension to Margery McCoy—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 13391) granting an increase of pension to Stephen Lyons—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 13392) for the relief of the heirs of W. F. Matthews, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13393) for the relief of the heirs of Allen Fanning, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13394) for the relief of the heirs of Philip Kitching, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13395) for the relief of G. R. Smook—to the Committee on War Claims.

By Mr. PRINCE: A bill (H. R. 13396) granting an increase of pension to Corydon S. Hickman—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 13397) granting a pension to W. Grant Mellott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13398) granting a pension to William S. Suter, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13399) granting a pension to Elisha B. Foor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13400) granting a pension to Annie S. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13401) granting an increase of pension to John Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13402) granting an increase of pension to Blair W. Peck—to the Committee on Pensions.

Also, a bill (H. R. 13403) granting an increase of pension to John F. Welch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13404) granting an increase of pension to Ambrose Lindsay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13405) granting an increase of pension to Frank M. Amos—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13406) granting an increase of pension to Patrick Kenney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13407) granting an increase of pension to Alexander Johnson—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 13408) granting an increase of pension to Guy S. McMickle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13409) granting a pension to Susan B. Cheshier—to the Committee on Pensions.

Also, a bill (H. R. 13410) granting a pension to W. P. Dickson—to the Committee on Pensions.

Also, a bill (H. R. 13411) granting a pension to Mary J. Reed—to the Committee on Pensions.

Also, a bill (H. R. 13412) granting a pension to Mrs. Nelson McCarty—to the Committee on Pensions.

Also, a bill (H. R. 13413) granting an increase of pension to Joseph B. McGahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13414) for the relief of William M. West—to the Committee on War Claims.

Also, a bill (H. R. 13415) to carry into effect the findings of the Court of Claims in the matter of the claim of William A. Bethel, administrator—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 13416) to carry out the findings of the Court of Claims in the case of John W. Brooks—to the Committee on War Claims.

Also, a bill (H. R. 13417) granting an increase of pension to Meredith T. Moore—to the Committee on Pensions.

Also, a bill (H. R. 13418) granting a pension to Samuel N. Pack—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 13419) granting an increase of pension to Sarah Hammond—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 13420) granting a pension to Ortha A. Glanville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13421) granting a pension to James M. Polsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13422) granting an increase of pension to Mary Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13423) granting an increase of pension to Sarah J. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13424) granting an increase of pension to Hiram Swank—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 13425) granting an increase of pension to Charles Joy—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 13426) for the relief of the heirs of Frederick Dieker—to the Committee on War Claims.

By Mr. WILEY: A bill (H. R. 13427) for the relief of Mrs. E. W. Williams—to the Committee on War Claims.

PETITIONS, ETC.

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

By the SPEAKER: Petition of mayor and council of the city of Brunswick, Ga., for legislation to further the project for the Atlantic and Great Western Canal—to the Committee on Railways and Canals.

Also, petition of American Association for Advancement of Science, for legislation fostering work of National Bureau of Education—to the Committee on Education.

Also, petition of American Association for Advancement of Science, for establishment of Southern Appalachian and White Mountain forest reserves—to the Committee on Agriculture.

Also, petition of American Association for Advancement of Science, for investigation as to utilization of nation's resources, especially the mining industry—to the Committee on Mines and Mining.

Also, petition of American Association for Advancement of Science, for encouragement of the biological survey of the Panama Canal Zone—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Woman's Christian Temperance Union, for increase of pay in the Revenue-Cutter Service—to the Committee on Military Affairs.

By Mr. ADAIR: Papers to accompany bills for relief of George W. Miller and Earl W. Soper—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: Paper to accompany bill for relief of George Houtz—to the Committee on Invalid Pensions.

By Mr. ANTHONY: Petitions of Mayetta State Bank and A. E. Mayhew and other voters of the First Congressional District of Kansas, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Paper to accompany bill for relief of Henry B. Keffer—to the Committee on Invalid Pensions.

By Mr. BOOHER: Paper to accompany bill for relief of Nora R. Willett—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James L. Ballenger—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of Rodman Post, No. 12, Grand Army of the Republic, of Providence, R. I., for the Lafean bill—to the Committee on Invalid Pensions.

Also, petition of South Woodlawn Improvement Society, of Pawtucket, R. I., for a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of the East Side, Providence, R. I., for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Navigation Conference, for harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

Also, papers to accompany bills for relief of Georgianna Fanning, George Bellamy, William T. Collins, Peter Shaughnessy, William H. Burdick, and Clara Walker—to the Committee on Invalid Pensions.

By Mr. CHANEY: Petition of Levi Sauserman and others, of Linton, Ind., for the Littlefield original-package bill (H. R. 4776)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Manufacturers' Association of America, of New York, and J. B. Vaughn, of Vincennes, Ind., against the Kittredge copyright bill—to the Committee on Patents.

Also, petitions of Peter Rafle and others and M. B. Cutter Post, Grand Army of the Republic, of Indiana, for legislation giving all soldiers $1 per day—to the Committee on Invalid Pensions.

Also, petition of Capt. J. M. Ogden, of Scotland, Ind., for civil-war officers' volunteer retired list—to the Committee on Military Affairs.

Also, petition of Judge James P. L. Werner, for law to equalize pensions of soldiers' widows—to the Committee on Invalid Pensions.

Also, petition of Fasset A. Cotton, superintendent of public instruction of Indiana, for increase of salary of the United States Commissioner of Education—to the Committee on Education.

Also, paper to accompany bill for relief of Cora M. Mosier—to the Committee on Invalid Pensions.

Also, petitions of Steinesville (Ind.) Post, Grand Army of the Republic; George W. Houston and others, of Elletsville, Ind.; John W. Graham and others, of Gosport, Ind.; citizens of Spencer, Ind.; and Grand Army of the Republic post, of Bloomfield, Ind., for law to give all soldiers a pension to $30 per month—to the Committee on Invalid Pensions.

Also, petition of Pierce Piano House, of Indianapolis, Ind., for amendment to copyright bill benefiting musical composers—to the Committee on Patents.

Also, petition of Carriage Builders' Association, of Wilmington, Del., for removal of duty on lumber—to the Committee on Ways and Means.

Also, petition of George M. Cornwall, for amendment to interstate rate law to prevent change of rate by corporations without sanction of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petitions of H. P. Townley Stone Company, of Terre Haute, Ind.; Shoemaker & Son, of Borden, Ind.; S. C. Eskridge, of Washington, Ind.; M. H. Fielding, of Glenwood, Ind.; Hugh Ham and others, of Bicknell, Ind.; Doctor Kamplain, of Oaktown, Ind.; C. H. Bond and others, of Oaktown, Ind.; Shaw Hardware Company, of Worthington, Ind.; M. J. Carnahan Company, of Washington, Ind.; C. A. Simpson and A. H. Berkert, citizens of Biddeford, Ind.; M. W. Bond and others, of Second Congressional District of Indiana, and A. C. Nicholson and others, of Wheatland, Ind., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Indianapolis Board of Trade, for authorization of Postmaster-General to apply to ships of second class same rate of mail pay as is provided for ships of the first class—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. A. Reep, of Vincennes, Ind., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles Meyers, of Gosport, Ind., for a law to meet currency emergencies—to the Committee on Banking and Currency.

Also, petition of Religious Liberty Bureau of Indiana, against Sunday legislation in District of Columbia—to the Committee on the District of Columbia.

By Mr. CLARK of Florida: Petitions of Farmers' Cooperative and Educational Unions of Bristol and Walton County, Fla., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COCKRAN: Petition of Navigation Conference, for harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. COOPER of Pennsylvania: Petition of Woman's Interdenominational Missionary Union of the District of Columbia, for a Sunday-rest law and prohibition of liquor sale and manufacture—to the Committee on the District of Columbia.

By Mr. CURRIER: Petition of Navigation Conference, for a national harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. DAWSON: Petition of H. F. Gode and others, of Marengo, Iowa, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Aldelearan Court, No. 12, Tribe of Hen Hur, of Cedar Rapids, Iowa, against change of postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Shelby Norman Post, No. 231, Grand Army of the Republic, for the Dawson bill increasing widows' pensions—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Papers to accompany bills for relief of Samuel H. Lofland, Peter S. Clemments, Mary H. Holloway, and Hannah J. Woolard—to the Committee on War Claims.

By Mr. ESCH: Petition of farmers of Black River Falls, Wis., favoring a proposed bill by Representative HEPBURN to prevent gambling in futures in grain and other commodities—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Paper to accompany bill for relief of Margaret Brown—to the Committee on Invalid Pensions.

By Mr. FORDNEY: Petition of legal voters of Eighth Congressional District of Michigan, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of W. M. McAllister, of Sycamore, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of 49 members of Maple Grove Grange, of Winnebago County, Ill., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chicago Real Estate Board, for a site to erect a post-office building in Chicago—to the Committee on Public Buildings and Grounds.

Also, petition of Winnebago County (Ill.) Association of Union ex-Prisoners of War, for the Hamilton pension bill (H. R. 15585)—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: Petition of farmers of Erath County, Tex., for a national bank to benefit the masses, a noninterest-bearing Government currency to be loaned to the States, that the States may lend it to individuals—to the Committee on Banking and Currency.

By Mr. GRAHAM: Petition of R. B. Stacy, for amendment of copyright law relative to the section inimical to musical composers—to the Committee on Patents.

Also, petition of Chamber of Commerce of Pittsburg, Pa., for a ship-subsidy law—to the Committee on the Merchant Marine and Fisheries.

Also, petition of W. N. Haywood, for the Littlefield bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW: Petition of Grand Island Council, No. 134, United Commercial Travelers, of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Henry H. Martin—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Memorial of mayor and council of Brunswick, Ga., for survey of Atlantic and Great Western Canal—to the Committee on Rivers and Harbors.

By Mr. HOWELL of New Jersey: Petition of Capt. J. W. Conover Post, Grand Army of the Republic, of Freehold, N. J., for the Lafean pension bill—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Paper to accompany bill for relief of the estate of Harris Barnes—to the Committee on War Claims.

By Mr. JAMES: Petition of citizens of Murray and Calloway counties, Ky., for legislation making all liquors shipped into any State subject to operation of the State law—to the Committee on Interstate and Foreign Commerce.

By Mr. LEE: Papers to accompany bills for relief of Noah Hugate and John W. Gillian—to the Committee on War Claims.

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

Also, papers to accompany bills for relief of Damascus Baptist Church and Calhoun Baptist Church, of Georgia—to the Committee on War Claims.

By Mr. LEVER: Paper to accompany bill for relief of Carrie C. Nunn—to the Committee on Invalid Pensions.

By Mr. MACON: Paper to accompany bill for relief of Frank H. Wells—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of deaf soldiers of the different companies and regiments, for a pension of $50 per month for soldiers totally deaf—to the Committee on Invalid Pensions.

Also, petitions of Woman's Home Missionary Society; Fletcher Place Methodist Episcopal Church, of Indianapolis, and Woman's Home Missionary Society of Roberts Park Church, for the Littlefield bill (H. R. 13655)—to the Committee on Interstate and Foreign Commerce.

By Mr. RAUCH: Petition of Local No. 7, Commercial Telegraphers' Union of America, for Congressional investigation of the methods of telegraph companies in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. REYNOLDS: Paper to accompany bill for relief of Blair W. Peck—to the Committee on Pensions.

Also, papers to accompany bills for relief of Annie E. Linton and Annie S. Jones—to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of Grand Army of the Republic Post No. 67, of Erie, Pa., for increase of pay of officers and men of Army and Navy—to the Committee on Military Affairs.

By Mr. ROBINSON: Paper to accompany bill for relief of Katie B. Whitmore, heir of Charles W. Belknap—to the Committee on War Claims.

By Mr. SHACKLEFORD: Petition of merchants' associations of different Missouri cities, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of California Saengerbund, against H. R. 9086, to prohibit manufacture and sale of liquor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: Paper to accompany bill for relief of James H. Berry—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Nestor Jarmillo—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Cornelia H. Keyes, Bert O. Brown, George W. Karter, John Love, Elbert W. McLaughlin, and Alice I. Simpson—to the Committee on Invalid Pensions.

By Mr. STERLING: Papers to accompany bills for relief of Henry Lucas and James H. Arrowsmith—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Paper to accompany bill for relief of Charles Joy—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Martin V. B. Davis—to the Committee on Invalid Pensions.

By Mr. WALLACE: Petition of Mound Prairie Presbytery of Presbyterian Church, of Foreman, Ark., against the National Government permitting retail liquor dealers in dry territory to pay special tax—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *January 13, 1908.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM ALABAMA.

Mr. JOHNSTON. Mr. President, my colleague, Mr. Bankhead, whose credentials have been heretofore presented, is present, and I ask that the oath be administered to him.

The VICE-PRESIDENT. The Senator-elect from the State of Alabama will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Bankhead was escorted to the Vice-President's desk by Mr. JOHNSTON, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

TRADE CONDITIONS IN COLOMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent Charles M. Pepper on trade conditions in Colombia, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

IMMIGRATION STATIONS AT BOSTON AND PHILADELPHIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of the 7th instant, certain information relative to the cost of construction of new immigrant stations and suitable buildings therewith at the ports of Boston and Philadelphia, which was referred to the Committee on Appropriations and ordered to be printed.

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company, of the District of Columbia, for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

GEORGETOWN BARGE, DOCK, AND ELEVATOR RAILWAY COMPANY.

The VICE-PESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock, and Elevator Railway Company for the fiscal year ended Decemeber 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

FRENCH SPOLIATION CLAIM.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and the conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Fortune*, William Hubbard, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

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

In the cause of the trustees of the Christian Church of Harrisonville, Mo., *v.* United States;

In the cause of the trustees of the Cumberland Presbyterian Church of Waverly, Tenn., *v.* United States; and

In the cause of the Christian Church of Atlanta, Ga., *v.* United States.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 14) extending the time allowed the organized militia of the several States and Territories and the District of Columbia to conform to the provisions of section 3 of the act approved January 21, 1903.

The message also announced that the House had passed the joint resolution (S. R. 1) amending an act relative to the public printing and binding, approved March 1, 1907, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed