By Mr. HOUSTON: Paper to accompany bill for relief of John B. Johns—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of W. R. Huffman and John T. Rice—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition of Pan-American Bureau of Education, for a commission to investigate and report relative to establishment of a pan-American university—to the Committee on Education.

By Mr. LILLEY: Paper to accompany bill for relief of Francis Beaumont—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Maritime Trades Council, for construction of a new battle ship in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Merchants' Association of New York City, for relief of widows and children of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

By Mr. JOHNSON of South Carolina: Papers to accompany bills for relief of Emily C. Cooper and John M. Wilson—to the Committee on Pensions.

Also, papers to accompany bills for relief of John B. Dill, Mary A. Edwards, and Nannie E. Lewderman—to the Committee on Invalid Pensions.

By Mr. KELIHER: Petition of Massachusetts Library Club, against S. 2900 and H. R. 11794, which provided for consolidation and revision of acts respecting copyright—to the Committee on Patents.

Also, petition of Massachusetts Institute of Technology, for forest reservation—to the Committee on Agriculture.

Also, petition of National Association of Cotton Manufacturers, for law that will contribute to preservation of forests—to the Committee on Agriculture.

By Mr. KNAPP: Papers to accompany bills for relief of Wakeman D. Smith and Rosa A. Penfield—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of adjutant-general's office, of Albany, N. Y., for legislation to promote efficiency of the militia—to the Committee on Militia.

By Mr. McCALL: Petition of voters of Massachusetts for assignment of more work to Boston Navy-Yard—to the Committee on Naval Affairs.

By Mr. McGUIRE: Paper to accompany bill for relief of Santovoir Q. Brown, alias Bird—to the Committee on Military Affairs.

By Mr. McKINNEY: Petition of Local Union No. 241, Carpenters and Joiners of America, of Moline, Ill., favoring public improvements—to the Committee on Rivers and Harbors.

Also, petition of Local Union No. 241, Carpenters and Joiners of America, of Moline, Ill., for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of citizens of District of Columbia, for control of street railways of the District by the District Commissioners, etc.—to the Committee on the District of Columbia.

Also, petition of Maritime Association of Port of New York, for a light and fog signal on Governors Island—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Rachel S. Marshall—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of citizens of Eustis, Nebr., in favor of bill for Federal grain inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: Petition of Marine Trades Council, for construction of battle ship in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of W. R. Moore—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Abraham Toller and Emily Hayes, administratrix of Oliver B. Hayes—to the Committee on War Claims.

By Mr. PRINCE: Petitions of C. H. Williamson and 62 others of Quincy; L. W. Sanborn and 48 others of Galesburg and Abingdon; George W. Burke and 17 others of Brooklyn and Adams County; and W. F. Trim and 42 others of Adams County, all in the State of Illinois, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PEARRE: Paper to accompany bill for relief of St. Paul's Episcopal Church of Sharpsburg, Md.—to the Committee on War Claims.

By Mr. PUJO: Petition of Shreveport Ministerial Association, for legislation to prevent infringement of State laws on prohibition—to the Committee on the Judiciary.

Also, petition of Savannah (Ga.) Pilots' Association, against H. R. 4771—to the Committee on the Merchant Marine and Fisheries.

By Mr. RIORDAN: Petition of Robert G. Shaw Post, No. 12, Grand Army of the Republic, Department of New York, against abolition of the pension agencies—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of voters of Massachusetts, requesting that work may be sent to the Boston Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Andrew J. Martin and other volunteer officers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Boston Wholesale Grocers' Association, against the Sherman antitrust law, so far as it is detrimental to cooperation of the smaller dealers—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of American Society of Civil Engineers, for the establishment of Government forest reserves—to the Committee on Agriculture.

Also, Petition of Boston Wholesale Grocers' Association, for amendment of the pure-food act—to the Committee on Agriculture.

Also, petition of Boston wholesale grocers, to amend interstate-commerce act, so as not to interfere with cooperation among smaller dealers—to the Committee on Interstate and Foreign Commerce.

Also, petition of adjutant-general of Connecticut, for H. R. 14783, to increase efficiency of the militia—to the Committee on Militia.

By Mr. SHERMAN: Paper to accompany bill for relief of Frank Schader—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Alumni Association of the New York Nautical School, against detaching naval officers from duty as superintendents at nautical schools—to the Committee on Naval Affairs.

Also, petition of Nelson H. Henry, favoring bill to be introduced further amending act to promote efficiency of the militia—to the Committee on Military Affairs.

By Mr. WANGER: Petition of Farmers' Union of Worcester Township, Montgomery County, Pa., in favor of a parcels-post similar to that in Great Britain—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Petition of E. H. Bedell, of Newark, N. J.; Albert F. Ganz, of Hoboken, N. J.; Henry S. Morton, of New York; A. Riesenburg, of Union, N. J.; Edwin L. Wiles, of Denver, Colo.; J. E. Sague, of Albany, N. Y.; W. E. S. Strong, of Chicago; and Roy E. Lynd, of Dover, N. J., for H. R. 11562, for repayment of $45,750 to the Stevens Institute of Technology, Hoboken, N. J.—to the Committee on Claims.

SENATE.

TUESDAY, *January 28, 1908.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

PRIVILEGES OF THE FLOOR.

Mr. LODGE submitted the following order, which was unanimously agreed to:

Ordered, That the privilege of the floor be extended to Benito Legarda and Pablo Ocambo, Resident Commissioners appointed by the Philippine assembly in accordance with the provisions of the act approved July 1, 1902.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement;

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties; and

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ENROLLED BILLS SIGNED.

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

S. 456. An act to provide for the holding of United States district and circuit courts at Salisbury, N. C.;

S. 2694. An act to authorize the construction of a drawbridge over the Black River in Lawrence County, Ark.;

H. R. 7606. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River near the village of Bemidji, in Beltrami County, Minn.," approved March 3, 1905;

H. R. 10368. An act to authorize the Secretary of War to change the name of Julius Flemming to his proper name of Jacob John Locher; and

H. R. 12412. An act to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River in Woodruff County, Ark.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the general assembly of the State of Virginia, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Joint resolution.

Whereas the question of an inland waterway along the Atlantic coast for the passage of large vessels and ships of war is being agitated, and the fact that such route would be of great advantage from a strategic standpoint in case of war, as well as of great importance from a commercial standpoint, and would permit safe water transportation south, avoiding the dangerous coast of Hatteras, which is of such a menace to commerce, causing high insurance for valuable cargoes, thereby increasing freight rates, etc.; and

Whereas upon the completion of the Panama Canal an inland waterway will be essentially necessary to afford quick transportation under all conditions of weather, and will be of great benefit especially to the farmers of the country in transporting their produce through this route, thence through the Panama Canal to the Far East to new and larger fields of trade: Therefore be it

Resolved by the house of delegates (the senate concurring), That our Senators and Representatives in the Congress of the United States be, and they are hereby, requested to use their influence and vote for the passage of a bill embracing a liberal appropriation for an inland waterway along the Atlantic coast, and that before any route is finally selected through this State our Representatives in Congress are further directed to request the Secretary of the Navy to appoint a board of naval officers to ascertain, upon inspection, the best route in their opinion from a naval standpoint, taking into consideration all the advantages other than from an engineering standpoint, which is fully covered by the report of the Army engineers, and this report to be submitted to Congress by the Secretary of the Navy for its information and guidance in dealing with the question.

It is directed that the clerk of this house forward certified copies of these resolutions to the President of the United States, the Secretary of the Navy, the presiding officers of both Houses of Congress, and to each of Virginia's Representatives in the Congress of the United States.

Agreed to by the general assembly of Virginia January 14, 1908.

JOHN W. WILLIAMS,
Clerk of House of Delegates and Keeper of Rolls of Virginia.

The VICE-PRESIDENT presented a petition of the Wayne Knitting Mills, of Fort Wayne, Ind., praying for the adoption of an amendment to the present interstate-commerce law providing for a uniform classification of goods shipped by freight throughout the United States, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Grass Valley, Cal., praying that an appropriation be made for the purchase of a site and erection of a public building thereon at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Commercial Travelers' Association of San Francisco, Cal., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of 554 volunteer officers of the Army and Navy during the civil war and a petition of 2,509 representative citizens, all of the State of California, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. CLAY presented sundry petitions of citizens of Marietta, Ga., praying for the enactment of legislation for the relief of the Methodist Episcopal Church South at that city, which were referred to the Committee on Claims.

Mr. ANKENY presented a petition of the Chamber of Commerce of Bellingham, Wash., praying that an appropriation be made for the purchase of additional submarine torpedo boats for the defense of Puget Sound in that State and the cities along its coast, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry volunteer officers of the civil war of Meyers Falls, Harvey, Colville, and Daisy, all in the State of Washington, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of Pomona Grange, Patrons of Husbandry, of Chautauqua County, N. Y., praying for the establishment of postal-savings banks, and also for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Ilion, N. Y., praying for the ratification of international arbitration treaties, and also for the adoption of a progressive naval programme which will give the United States a more efficient Navy, which was referred to the Committee on Naval Affairs.

Mr. NELSON presented a petition of the Commercial Club of Duluth, Minn., praying for the adoption of an amendment to the interstate commerce law providing that whenever a railroad company shall propose to increase an interstate rate notice of the increase shall be furnished shippers, etc., which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Commercial Club of Fertile, Minn., and a memorial of Local Council No. 63, United Commercial Travelers of America, of Minneapolis, Minn., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a memorial of sundry citizens of Craig, Colo., remonstrating against the enactment of legislation providing for the Federal control of grazing upon public lands in the United States, which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Fruita, Colo., praying for the enactment of legislation providing for the Government guaranty of deposits in national banks, which was referred to the Committee on Finance.

He also presented petitions of sundry volunteer officers of the civil war of Colorado Springs, Boulder, Florence, Fort Collins, Denver, and Cortez, all in the State of Colorado, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. ELKINS presented a petition of the National Conference on Combinations and Trusts of Chicago, Ill., praying for the enactment of legislation permitting agreements between railroad corporations on reasonable freight and passenger rates subject in all respects to the approval, supervision, and action of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. BACON presented sundry papers to accompany the bill (S. 3206) for the relief of the estate of Sybil A. Penniman, which were referred to the Committee on Claims.

Mr. HEMENWAY presented a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of Greensburg, Ind., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented the petition of A. H. Wampler and sundry other citizens of Gosport, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented the petition of C. E. Triplett and 138 other volunteer officers of the civil war, of the State of Indiana, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. McCUMBER presented a memorial of sundry citizens of Enid, N. Dak., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

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

Mr. DOLLIVER presented a memorial of the Commercial Club of Des Moines, Iowa, remonstrating against the passage of the so-called "Crumpacker bill," relating to the method of selecting and employing additional clerks to handle the Thirteenth Census, which was referred to the Committee on the Census.

He also presented a petition of the Ladies' Literary Club of Independence, Iowa, and a petition of the National Association

of State Universities, of Washington, D. C., praying for the establishment of a national forest reserve in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CURTIS presented a petition of the Commercial Club of Topeka, Kans., praying that interested parties be granted a hearing before the Interstate Commerce Commission before an increase in rates can be put into effect and higher charges collected, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry veterans of Chautauqua County, Kans., praying that increased pension be granted them on account of age, which was referred to the Committee on Pensions.

He also presented a memorial of the Fort Scott Council, No. 66, United Commercial Travelers, of Fort Scott, Kans., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Kansas City, Kans., praying for the enactment of legislation providing for the Federal inspection of grain, which was referred to the Committee on Agriculture and Forestry.

Mr. BROWN presented a petition of sundry third-class postmasters of the First Congressional district of Nebraska, praying for the enactment of legislation placing third-class postmasters on the same basis as second-class postmasters as to allowances for clerk hire and equipment for post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 3189) granting an increase of pension to John G. Snook, which were referred to the Committee on Pensions.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the passage of the so-called "ship subsidy bill," which was referred to the Committee on Commerce.

He also presented petitions of sundry volunteer officers of the civil war, of Portland, Lubec, Houlton, Bridgton, and Pittsfield, all in the State of Maine, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. STEPHENSON presented the memorial of M. J. Hansen and 14 other citizens of Fall River, Wis., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 93, American Federation of Musicians, of Superior, Wis., praying for the enactment of legislation to prohibit Army and Navy musicians from competing with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented a petition of W. S. Rosecrans Post, No. 49, Department of Wisconsin, Grand Army of the Republic, of Grantsburg, Wis., praying for the enactment of legislation making $20 per month the maximum pension at the age of 65 years, which was referred to the Committee on Pensions.

He also presented a petition of the Petworth, Brightwood Park, Brightwood and Takoma Park Citizens' associations of the District of Columbia, praying for the enactment of legislation authorizing the Commissioners of the District of Columbia to regulate and control the management of street railway companies in the District of Columbia with respect to schedules, cleanliness, etc., of all passenger cars, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Portage, Wis., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a memorial of the Business Men's Association of Stevens Point, Wis., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the General Assembly of the Commercial Telegraphers' Union of America, of Milwaukee, Wis., praying that an investigation be made into the existing conditions of the telegraph companies in the United States, which was referred to the Committee on Education and Labor.

He also presented petitions of the Military Order of the Loyal Legion of the United States, Commandery of Wisconsin; of S. H. Siger Post, No. 207, Grand Army of the Republic, Department of Wisconsin, and of sundry volunteer officers of the civil war, all in the State of Wisconsin, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a petition of the Wisconsin Pea Packers' Association, praying for the enactment of legislation to relieve the present financial situation, which was referred to the Committee on Finance.

He also presented a petition of the National Institute of Arts and Letters, praying for the repeal of the duty on works of Art, which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the enactment of legislation to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Wisconsin Conference of the Methodist Episcopal Church, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Chicago, Ill., and a memorial of the Produce Exchange of New York City, N. Y., remonstrating against the enactment of legislation providing for a uniform inspection of grain under Federal control, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Union No. 545 of Waukesha, of Local Union No. 163 of Superior, and of Local Union No. 324 of Racine, all of the International Typographical Union, in the State of Wisconsin, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the American Institute of Electrical Engineers, of Boston, Mass., and a petition of the National Association of State Universities, of Washington, D. C., praying for the enactment of legislation to establish national forest reserves in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Chamber of Commerce of New York, praying for the passage of the so-called "ship subsidy bill," which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of New York, praying that an appropriation be made for the improvement of Pearl Harbor, in the Hawaiian Islands, which was referred to the Committee on Commerce.

He also presented a petition of the National Association of Audubon Societies for the Protection of Wild Birds and Animals, of New York City, N. Y., praying for the enactment of legislation for the protection of wild birds and game in the United States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Fruit Growers' Association of the State of California, praying for the enactment of legislation providing for a modification of the present Chinese-exclusion law, which was referred to the Committee on Immigration.

TONKAWA INDIANS OF OKLAHOMA.

Mr. OWEN. I present a memorial of the Tonkawa tribe of Indians, of Oklahoma, relative to their claim against the United States, arising out of a pretended agreement between them and the United States, dated October 21, 1891. I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

COMMAND OF HOSPITAL SHIPS.

Mr. GALLINGER. I present a memorandum relating to the command of hospital ships in the United States Army and Navy. I move that it be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

EMPLOYERS' LIABILITY BILL.

Mr. BURKETT. I present a compilation of the laws of the States, the Territories, and the United States regulating the liability of employers for injuries to employees, prepared by the Bureau of Labor. I move that it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

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

A bill (S. 1162) to correct the naval record of Alfred Burgess; and

A bill (S. 1163) to correct the naval record of Peter H. Brodie, alias Patrick Torbett.

Mr. CURTIS, from the Committee on Indian Depredations, to whom was referred the bill (S. 216) to provide for the payment of the volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. DAVIS, from the Committee on Claims, to whom was referred the bill (S. 4024) for the relief of John H. Hamiter, reported it without amendment.

Mr. BORAH, from the Committee on Claims, to whom was referred the bill (S. 2285) for the relief of Louisa G. Smithson, administratrix of the estate of Villo R. Smithson, deceased, reported adversely thereon, and the bill was postponed indefinitely.

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

A bill (S. 1931) to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the Village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village; and

A bill (S. 2876) to correct the military record of Talton T. Davis.

Mr. SMOOT, from the Committee on Pensions, to whom was reerred the bill (S. 522) to extend the provisions of the act of June 27, 1902, 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, Cherokee disturbances, and the Seminole war,' approved July 27, 1892," reported it without amendment and submitted a report thereon.

COURTS IN FLORIDA.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 14779) to transfer for the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said disrict, to report it favorably without amendment.

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

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

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

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

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4550) granting a pension to J. Nelson Neill, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 4551) granting an increase of pension to Peter J. Coughlin; and

A bill (S. 4552) granting an increase of pension to Robert W. Jones.

Mr. TALIAFERRO introduced a bill (S. 4553) to provide for the erection of a public building for the use of the United States court, custom-house, and post-office in the city of Key West, Fla., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4554) to carry into effect the findings of the Court of Claims in the case of St. John's Church, of Jacksonville, Fla., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4555) for the relief of the estate of F. C. Blackmer, deceased, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 4556) for issuance of land patent to W. B. Allen, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

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

A bill (S. 4557) for the relief of the estate of John Linton, deceased;

A bill (S. 4558) for the relief of the heirs of Harriet F. and Robert McPeters;

A bill (S. 4559) for the relief of heirs of Sylvia Cannon;

A bill (S. 4560) for the relief of Methodist Episcopal Church of Corinth, Miss.;

A bill (S. 4561) for the relief of the trustees of Cumberland Presbyterian Church, of Corinth, Miss.;

A bill (S. 4562) for the relief of the trustees of the Baptist Church of Corinth, Miss.;

A bill (S. 4563) for the relief of the heirs of George W. Gardner, deceased; and

A bill (S. 4564) for the relief of Don Manuel Pardo, of Nueva Caceres, P. I.

Mr. TELLER introduced a bill (S. 4565) granting to the State of Colorado for the Colorado State University certain lands in lieu of lands inclosed in forest reservations, which was read twice by its title and referred to the Committee on Public Lands.

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

A bill (S. 4566) to construct and place a light-ship off Point Judith, Rhode Island; and

A bill (S. 4567) to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters.

He also introduced a bill (S. 4568) to establish a fish-cultural station in the State of Rhode Island, which was read twice by its title and referred to the Committee on Fisheries.

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

A bill (S. 4569) for the relief of George R. Frye; and

A bill (S. 4570) for the relief of Patrick J. Sullivan, Jeremiah McCarthy, and Bartholomew Shea, and for the relief of the heirs and legal representatives of John B. Dillon.

He also introduced a bill (S. 4571) to remove the charge of desertion from the naval record of John McLaughlin, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4572) to grant an honorable discharge to Nathan P. Randall, which was read twice by its title and referred to the Committee on Military Affairs.

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

A bill (S. 4573) granting a pension to Almie C. Smith;

A bill (S. 4574) granting an increase of pension to William Henry Dean;

A bill (S. 4575) granting an increase of pension to James F. McKenna;

A bill (S. 4576) granting a pension to Henry W. Whiteman;

A bill (S. 4577) granting an increase of pension to Rosanna Sweeney;

A bill (S. 4578) granting a pension to Louisa Thompson;

A bill (S. 4579) granting an increase of pension to William Leonard;

A bill (S. 4580) granting an increase of pension to Fannie A. Moore;

A bill (S. 4581) granting a pension to Penelope T. Cummings;

A bill (S. 4582) granting an increase of pension to John Holt;

A bill (S. 4583) granting an increase of pension to Annie C. Anthony;

A bill (S. 4584) granting an increase of pension to Caroline M. Packard;

A bill (S. 4585) granting an increase of pension to George H. Paddock;

A bill (S. 4586) granting an increase of pension to John L. Nason;

A bill (S. 4587) granting an increase of pension to Ephraim Thurber;

A bill (S. 4588) granting an increase of pension to Adelia A. Gardner; and

A bill (S. 4589) granting an increase of pension to Henry E. Wells.

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

A bill (S. 4590) for the relief of the trustees of Asbury School, of Clayton County, Ga.;

A bill (S. 4591) for the relief of the estate of Samuel E. Bratton, deceased;

A bill (S. 4592) for the relief of the heirs of Lucy T. Phipps, deceased (with accompanying papers); and

A bill (S. 4593) for the relief of the trustees of Asbury Methodist Church South, of Clayton County, Ga.

Mr. OVERMAN introduced a bill (S. 4594) authorizing a public building at Lexington, N. C., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS introduced a bill (S. 4595) to provide for the temporary warranting and for the retirement of pay clerks in the Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4596) granting an increase of pension to Charles E. Pendleton, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4597) granting an increase of pension to Jacob Mays, which was read twice by its title and, with accompanying papers, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 4598) for the relief of Isaac d'Isay, which was read twice by its title and referred to the Committee on Military Affairs.

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

A bill (S. 4599) granting a pension to Alsey E. Potts;

A bill (S. 4600) granting an increase of pension to Jacob Wright;

A bill (S. 4601) granting an increase of pension to Harrison P. Hunt; and

A bill (S. 4602) granting an increase of pension to John C. Woody.

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

A bill (S. 4603) granting an increase of pension to Charles H. Palmer;

A bill (S. 4604) granting an increase of pension to Stephen D. Taber;

A bill (S. 4605) granting an increase of pension to John L. Smith;

A bill (S. 4606) granting an increase of pension to George T. Miller;

A bill (S. 4607) granting an increase of pension to Mary J. Collett;

A bill (S. 4608) granting an increase of pension to Charles F. Still;

A bill (S. 4609) granting an increase of pension to Shadrach M. Cordon;

A bill (S. 4610) granting an increase of pension to Bradford H. Hall; and

A bill (by request) (S. 4611) granting an increase of pension to Calvin T. Blessing.

Mr. CULBERSON (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4612) for the relief of the heirs and estate of A. Underwood, deceased;

A bill (S. 4613) for the relief of John P. Anderson; and

A bill (S. 4614) for the relief of Tennessee J. Spiller.

Mr. JOHNSTON introduced a bill (S. 4615) to donate certain lands in Baldwin County, Ala., for educational purposes, which was read twice by its title and referred to the Committee on Public Lands.

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

A bill (S. 4616) granting a pension to Mariette Roach (with accompanying papers);

A bill (S. 4617) granting an increase of pension to George Britton (with accompanying papers);

A bill (S. 4618) granting an increase of pension to Philester S. Elliott;

A bill (S. 4619) granting an increase of pension to William H. Elliott (with accompanying papers);

A bill (S. 4620) granting an increase of pension to Herman Greager (with accompanying papers);

A bill (S. 4621) granting an increase of pension to Charles C. Jones (with accompanying papers);

A bill (S. 4622) granting an increase of pension to Sidney F. Sanborn (with accompanying papers); and

A bill (S. 4623) granting an increase of pension to John H. Steward.

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

A bill (S. 4624) granting an increase of pension to Joseph Hanna;

A bill (S. 4625) granting a pension to Mary A Wampler;

A bill (S. 4626) granting an increase of pension to William Smith;

A bill (S. 4627) granting an increase of pension to Armstead Fletcher; and

A bill (S. 4628) granting an increase of pension to Richard H. Bartlett.

Mr. RAYNER introduced a bill (S. 4629) granting a pension to William Bieber, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 4630) for the relief of Richard T. Gott, administrator of Thomas N. Gott, deceased;

A bill (S. 4631) for the relief of the rector, wardens, and vestry, St. Paul's Protestant Episcopal Church, Sharpsburg-Antietam parish, Washington County, Md. (with an accompanying paper); and

A bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md.

Mr. HEMENWAY introduced a joint resolution (S. R. 43) directing the printing of 50,000 copies of Bulletin No. 333, issued by the United States Geological Survey, which was read twice by its title and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 44) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for performance of manual labor, and providing for pensions to widows and minor children and dependent parents, and for other purposes," which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $2,475.80 to reimburse Columbia Hospital for Women and Lying-in Asylum for expenditures for indigent patients sent to the hospital by the Board of Charities, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. TALIAFERRO submitted an amendment providing for the placing of lights on the Hillsboro, Halifax, and Matanzas rivers, in Florida, their entrances or inlets, tributaries, and connecting canals, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $1,600,000 for the purchase of two steamships for the use of the Isthmian Canal Commission, to be employed in the transportation of supplies, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF NATIONAL BANKING LAW.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking law, which was referred to the Committee on Finance and ordered to be printed.

SURVEY OF HACKENSACK RIVER, NEW JERSEY.

Mr. KEAN submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of the Hackensack River, New Jersey, with a view to improving the navigability thereof, and providing a channel of 16-foot depth from Newark Bay to Little Ferry, and of 12-foot depth from Little Ferry to the Anderson Street Bridge in the town of Hackensack.

PENSIONS FOR MEMBERS OF LIFE-SAVING SERVICE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, on motion of Mr. FRYE, referred to the Committee on Commerce and ordered to be printed:

To the Senate and House of Representatives:

In my first annual message to the Fifty-ninth Congress I called attention to the desirability of legislation providing pensions for members of the Life-Saving Service when they become incapacitated for duty by reason of disability incurred in service. I said:

"I call your especial attention to the desirability of giving to the members of the Life-Saving Service pensions such as are given to firemen and policemen in all our great cities. The men in the Life-Saving Service continually and in the most matter-of-fact way do deeds such

as make Americans proud of their country. They have no political influence; and they live in such remote places that the really heroic services they continually render receive the scantiest recognition from the public. It is unjust for a great nation like this to permit these men to become totally disabled or to meet death in the performance of their hazardous duty and yet to give them no sort of reward. If one of them serves thirty years of his life in such a position he surely should be entitled to retire on half pay, as a fireman or policeman does, and if he becomes totally incapacitated through accident or sickness or loses his health in the discharge of his duty he or his family should receive a pension just as any soldier should. I call your attention with especial earnestness to this matter, because it appeals not only to our judgment but to our sympathy, for the people on whose behalf I ask it are comparatively few in number, render incalculable service of a particularly dangerous kind, and have no one to speak for them."

The need for some appropriate legislation for the relief of this body of men has not become less; it has, on the contrary, increased and will steadily continue to grow until relief is granted. The determination of what course will best secure the desired end involves two important considerations. One has to do with the efficiency of the Service itself, and the other—which I think should appeal to the Congress with equal force—directly concerns the welfare of the members of the life-saving crews when disability incurred in the line of duty has impaired their usefulness.

The exigencies of the Life-Saving Service require the employment of the hardiest men it is possible to enlist in the station crews and at the same time forbid that considerations of humanity should influence their retention in the ranks when their bodily vigor has become impaired, however ill fitted they may be to secure a livelihood for themselves and their families.

During the last several years the members of the station crews have given up their places in large numbers to seek employment where the work is less exacting and hazardous, the compensation larger, and the prospect for the future brighter. The exodus of these men, in many instances after long service, has embarrassed the work of the life-saving establishment to a marked degree.

A few years ago, when the demand for labor was less than at present, the Service had the pick of the coast fishermen, a class who were especially expert in surfmanship. As the station crews have been depleted it has become necessary, under the changed industrial conditions, to take on men of less experience in the handling of boats and unused to the concerted action of the fishing gangs from which their predecessors were largely recruited. The once excellent teamwork of the life savers—so important where combined physical effort is required—has consequently deteriorated and the former standard can not be regained in the present circumstances. Of late it has been found practically impossible to secure material of any kind for recruiting the crews at many of the stations. For instance, the records show that at one station there is but a single regularly enlisted man, and at several but two. In one district only two out of eleven stations have full crews of regulars; in another but two out of seventeen, and in still another only six out of fourteen. In fact, nearly all the thirteen districts of the Service are seriously crippled in this respect, and the eligible lists from which the crews must be selected are wholly insufficient to fill the vacancies occurring. A list recently furnished by the Civil Service Commission shows for one district but six eligibles, and for another nine, in which there are, respectively, twenty-three and thirty vacancies to be filled.

The only thing the Service has been able to do in this situation is to pick up at random for temporary service men who are unemployed at a season of unprecedented demand for labor. The very fact that these men can be obtained by such inducements as the Service is at present able to hold out is sufficient proof of their unsuitability for a vocation requiring exceptional energy and courage.

That the Service has not yet been chargeable with serious loss of life in consequence of this state of affairs is due to fortunate chance, and also to the fact that the introduction of recent great improvements in life-saving appliances has afforded the means to accomplish rescues which formerly would have been impossible. But the indefinite continuance of good fortune can not be hoped for, and occasions may be expected to arise when even improved appliances will not redeem the deficiencies of the men who are charged with their operation.

No one will deny that the conditions set forth call loudly for correction. The remedy should be to establish such conditions as will attract and retain men of the highest qualifications and character, and also safeguard the future welfare of the veteran surfmen who have been and are still the bulwark of the Service.

The pay of a surfman (the technical designation applied to the rank and file) is now $65 a month while actually employed. The longest period of employment, except at a few stations on the Pacific coast, is ten months in the year and the shortest five months. On the Great Lakes they serve from the opening to the close of navigation—approximately eight months. The average amount paid is, therefore, somewhere near $600 a year, or $50 a month. The chance for a surfman to become a keeper or captain of a station crew and receive $900 per annum is about 1 in 7, and of being made a superintendent of a life-saving district about 1 in 162. Their pay is the only remuneration they receive. They have to find their rations, supply their uniforms, and even furnish the heavy oilskins which they are obliged to wear on patrol and at wrecks. Moreover, they are required to reside constantly at the stations during the period of the active season. This requirement, while necessary to the efficient conduct of life-saving operations, nevertheless works great hardship upon such of the men as have families, as they are in that case required to contribute to the support of two housekeeping establishments, namely, the station mess and that in their own homes, which latter they visit only at irregular and uncertain intervals.

Recently the Secretary of the Treasury took occasion to inquire into the circumstances of a number of individuals who within the last five years became separated from the Service on account of disability incurred in the line of duty. Information was secured in forty-one cases. There are of record numerous similar cases concerning which no data of the character set forth are at hand, but those cited are representative of their class and will serve for illustration.

It appears that of the forty-one instances twenty-six men were totally incapacitated for labor of any kind, six could perform about one-fourth of a man's work, and nine about one-half. Forty had dependent families, the number of dependents ranging from one to eight per family, with an average of three or four. The average amount of property owned was less than $400 for each man. Twenty-three were entirely destitute. One of the number owned property to the estimated value of $7,500, which was not acquired, however, in the Service. If the last-named amount, which represents an exceptional instance, be deducted from the total value of the property held by all, the average for each of the forty persons remaining is a little less than $200. The twenty-three destitute surfmen and their families are of course objects of charity.

It should be borne in mind that the data above given are incomplete and confined to a period of but five years, and that there are many other former employees of the Service still living who at the present time are undoubtedly in absolute penury. Our treatment of these men is gravely discreditable to us as a nation.

The situation calls for immediate action, and I earnestly urge some adequate form of relief for a body of men who have saved thousands of lives, often under circumstances of extreme peril, and millions of dollars' worth of property at a comparatively insignificant cost; whose valor has never been surpassed upon the field of battle; whose achievements have won world-wide recognition, and who are deserving of the nation's gratitude and protection.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 28, 1908.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement; and

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties.

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va., was read twice by its title and referred to the Committee on the Judiciary.

MEDICAL DEPARTMENT OF THE ARMY.

The VICE-PRESIDENT. Morning business is closed, and the Calendar, under Rule VIII, is in order. The Secretary will announce the first bill on the Calendar.

The bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, was announced as first in order, and the Secretary proceeded to read the bill.

Mr. BEVERIDGE. In view of the fact that the Senator from Wyoming [Mr. WARREN] is not here, I suggest that the bill go over.

Mr. LODGE. I ask the Senator from Indiana if he himself objects to the bill?

Mr. BEVERIDGE. I do not.

Mr. LODGE. The Senator from Wyoming, I know, is very anxious to have the bill passed.

Mr. BEVERIDGE. I suppose, as a matter of course, as he is in charge of the bill, that he will be present when it is considered.

Mr. LODGE. He is in charge of the bill, but he told me that if he was not here when it was reached he hoped the consideration might go on.

Mr. BEVERIDGE. Very well, if there is some one here to take charge of the bill. I did not see the Senator from Wyoming present, and I did not see any use in taking the time of the Senate if the Senator from Wyoming was not going to be here and the bill could not be considered; that is all.

The Secretary resumed and concluded the reading of the bill, which was considered as in Committee of the Whole.

Mr. WARREN entered the Chamber.

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

TEA FOR MEDICINAL PURPOSES.

The bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, was read.

Mr. LODGE. When this bill was up before I asked to have it go over in order that I might get information in regard to it. I have communicated with the Department of Agriculture and asked for information in regard to the operation or the probable operation of the bill. I have heard nothing as yet from the officers of the Department charged with the administration of the pure-food act, who promised to inform me in regard to it. I should be glad if the bill could go over until I can get that information.

I have no objection whatever to the bill if it can be enforced and if it does not lead to the manufacture of deleterious substances for medicine. It seems to me there would be great difficulty in discovering where the tea siftings and tea waste would go. I should be glad if the Senator from Missouri would let the bill go over until I can get the reply.

Mr. STONE. I ask the Senator from Massachusetts if he has taken occasion to examine the matter I placed in the RECORD on Wednesday last?

Mr. LODGE. Yes. The Senator was kind enough to send it to me and I examined it. It seems to make a very clear case in regard to the bill, but——

Mr. STONE. I know the Senator's feelings in regard to the

bill, and I have no objection to its going over in order to give him sufficient time to get the information desired, but I should like to suggest——

Mr. LODGE. I assure the Senator I shall make no factious opposition to the bill. I have no interest in it in the world except as to the pure-food act.

Mr. STONE. I should like to say to the Senator, in answer to his suggestion that he would like to know what drugs might be made of these importations, I think it would go almost without saying that any drug made from tea siftings would be made of wholesome tea brought in for the purposes of food, and if tea siftings could be used for any wrong purpose in the manufacture of drugs so could wholesome tea, the only difference being that the tea siftings serve the purpose of making the drugs mentioned in the bill just as well as the pure tea, and can be had for much less cost.

Mr. LODGE. I understand, of course, the main purpose of the bill, but it seems to me there must be great difficulty in determining what becomes of these articles after being imported, no matter how the importation is conditioned.

Mr. STONE. As the bill will go over, it is hardly worth while to enter upon that discussion now.

Mr. LODGE. No.

Mr. STONE. The bill will go over for the present.

Mr. LODGE. I assure the Senator that as soon as I get the information I have asked for I shall let him know, and I will make no further opposition to the measure.

Mr. STONE. That is satisfactory. Let the bill be passed over without prejudice.

Mr. LODGE. Without prejudice.

The PRESIDING OFFICER (Mr. NELSON in the chair). The bill will be passed over, retaining its place on the Calendar.

WILLIAM R. LITTLE.

Mr. BURKETT. I wish to enter a motion to reconsider the vote by which the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians was passed. It was passed yesterday while I had temporarily stepped out of the Chamber.

The PRESIDING OFFICER. The motion to reconsider will be entered.

Mr. BURKETT subsequently said: I understand that Senate bill 819 has been sent to the other House. I therefore move that the House be requested to return the bill to the Senate.

The motion was was agreed to.

BILLS PASSED OVER.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, was announced as next in order.

Mr. KEAN. The Senator from Idaho [Mr. HEYBURN] desires to be present when the bill is considered, and I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

The bill (S. 1643) for the relief of Englehart & Cease was announced as next in order.

Mr. BURKETT. I ask that the bill may go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from Nebraska.

The bill (S. 114) for the relief of Rathbun, Beachy & Co. was announced as next in order.

Mr. BURKETT. I ask that the bill may go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from Nebraska.

The bill (S. 2268) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same, was announced as next in order.

Mr. CLAPP. That bill can go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Minnesota.

Mr. CURTIS. I suggest that it go to the Calendar under Rule IX.

Mr. CLAPP. That course is perfectly agreeable to me.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Kansas.

The bill (S. 2227) for the relief of Mary C. Mayers was announced as next in order.

Mr. GALLINGER. I want to look up some precedents in the line of the bill, and I ask that it may go over without prejudice.

The VICE-PRESIDENT. It is so ordered.

POPE & TALBOT.

The bill (S. 1256) for the relief of Pope & Talbot, of San Francisco, Cal., was considered as in Committee of the Whole. It proposes to pay to Pope & Talbot, of San Francisco, Cal., $3,179.20 in full for damages to their schooner *Spokane*, injured by the United States revenue cutter *Bear* off the port of San Francisco, Cal., on the 4th day of June, 1904.

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

OVERTIME CLAIMS OF LETTER CARRIERS.

The bill (S. 2802) to provide for the payment of overtime claims of letter carries, excluded from judgment as barred by limitation, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the several parties named in Senate Document No. 216, Fifty-sixth Congress, first session, and Senate Document No. 158, Fifty-sixth Congress, second session, or their legal representatives, out of any money in the Treasury not otherwise appropriated, the amounts set opposite each of their names, respectively, aggregating $282,943.88, representing services actually performed by them as letter carriers in excess of eight hours per day, and reported by the commissioners of the Court of Claims as being the amounts due them under the provisions of the act of May 24, 1888, entitled "An act to limit the hours that letter carriers in cities shall be employed per day," but which have been excluded or excepted from judgment for the sole reason that the same were barred by the statute of limitations.

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

BOUNDARY LINE BETWEEN IDAHO AND WASHINGTON.

The bill (S. 135) for the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Idaho and the State of Washington was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the ascertainment, survey, marking, and permanent establishment of that portion of the boundary line between the State of Idaho and the State of Washington from a point in the center of the Snake River opposite the mouth of the Clearwater River, thence due north to the international boundary line between the United States and the British possessions, an estimated distance of 185 miles, including the expense of an examination of the survey in the field, the rate of compensation per mile to the surveyor to be fixed by the Secretary of the Interior, the same to include the cost of the preparation of the plats and field notes of the survey in triplicate.

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

LEASING OF LAND BY INDIAN ALLOTTEES.

The bill (S. 1773) to amend section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" was read.

Mr. KEAN. Let the report be read.

Mr. SUTHERLAND. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Utah.

CHOCTAWHATCHEE RIVER BRIDGE AT JONES OLD FERRY, ALABAMA.

The bill (H. R. 9210) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala., was considered as in Committee of the Whole.

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

LEAVES OF ABSENCE TO HOMESTEADERS.

The bill (S. 134) granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902, was announced as next in order.

Mr. KEAN. As I do not see the Senator from Idaho [Mr. HEYBURN], who reported that bill, in the Chamber I ask that it may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

Mr. HEYBURN subsequently said: Mr. President, during my temporary absence from the Chamber Senate bill 134 was passed over. I ask unanimous consent to recur to that bill and that it may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in line 3, after the word "heretofore," to strike out "or shall hereafter make" and insert "made;" in line 7, after the word "showing," to insert "that they have made substantial improvements, and;" in line 11, after the word "canals," to strike out "on" and insert "from which;" and in the same line, after the word "land," to insert the word "is," so as to make the bill read:

Be it enacted, etc., That all qualified entrymen who have heretofore made bona fide entry upon lands proposed to be irrigated under the provisions of the act of June 17, 1902, known as the national irrigation act, may, upon application and a showing that they have made substantial improvements, and that water is not available for the irrigation of their said lands, obtain leave of absence from their entries, until water for irrigation is turned into the main irrigation canals from which the land is to be irrigated: *Provided*, That the period of actual absence under this act shall not be deducted from the full time of residence required by law.

The amendments were agreed to.

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

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

PUBLIC BUILDING AT SALISBURY, N. C.

The bill (S. 3835) increasing the limit of cost for a public building at Salisbury, N. C., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 5, after the word "post-office," to insert "United States court," so as to make the bill read:

Be it enacted, etc., That the amount heretofore fixed as a limit of cost for the purchase of a site and the erection of a public building for the accommodation of the United States post-office, United States court, and other Government offices in the city of Salisbury, in the State of North Carolina, be, and the same is hereby, increased from $75,000 to $125,000, which sum is hereby fixed as a limit of cost for the erection of said building, including the cost of site therefor.

The amendment was agreed to.

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

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

RETIREMENT OF ARMY OFFICERS.

The joint resolution (S. R. 33) adjusting the status of certain officers of the Army as to their period of service required by the act of Congress approved June 30, 1882, to entitle an Army officer to retirement on his own application, was considered as in Committee of the Whole. It provides that the period of service entitling an Army officer to retirement on his own application, as required by act of Congress approved June 30, 1882, shall include all service rendered by such officers as cadets at the United States Naval Academy, Annapolis, Md., or subsequent to graduation therefrom, or to service as commissioned officers of the Navy, or to both.

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

ARMY OFFICERS RETIRED WITH INCREASED RANK.

The bill (S. 653) to authorize commissions to issue in the cases of officers of the Army retired with increased rank was considered as in Committee of the Whole. It provides that officers of the Army on the retired list whose rank has been, or shall hereafter be, advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank.

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

AMOS DAHUFF.

The bill (S. 428) granting an honorable discharge to Amos Dahuff, was considered as in Committee of the Whole. It proposes to grant an honorable discharge to Amos Dahuff as captain of Company H, Twelfth Indiana Cavalry Volunteers, on February 19, 1865, but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

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

REVENUE CUTTER AT KEY WEST, FLA.

The bill (S. 3345) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 7, before the word "dollars," to strike out "175,000" and insert "250,000," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct a steam revenue cutter of the first class for service in the waters of Key West, Fla., at a cost not to exceed the sum of $250,000.

The amendment was agreed to.

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

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

KANSAS RIVER DAM.

The bill (S. 3438) to authorize the construction and maintenance of a dam or dams across the Kansas River within Shawnee County, in the State of Kansas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 7, after the word "at," to strike out "any" and insert "a;" and in line 8, after the word "Kansas," to insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of dams across navigable water,' approved June 21, 1906," so as to make the section read:

That the assent of Congress is hereby given to the Kansas Power Company, a corporation created and organized under the laws of Kansas, its successors and assigns, to erect, construct, and maintain a dam or dams across the Kansas River at a suitable place or places within Shawnee County, in the State of Kansas, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

The amendment was agreed to.

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

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

WHITE RIVER, ARKANSAS, BRIDGE.

The bill (H. R. 12439) authorizing the construction of a bridge across White River, Arkansas, was considered as in Committee of the Whole.

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

PURCHASE OF LANDS FOR CALIFORNIA INDIANS.

The bill (S. 517) authorizing the purchase of lands for California Indians was announced as next in order.*

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

HOOPA VALLEY INDIAN RESERVATION, CAL.

The bill (S. 518) to make an appropriation for the construction of a wagon road on the Hoopa Valley Indian Reservation, in California, was considered as in Committee of the Whole.

Mr. KEAN. Let the report on that bill be read, Mr. President.

The VICE-PRESIDENT. The Secretary will read the report at the request of the Senator from New Jersey.

The Secretary read the report submitted by Mr. SUTHERLAND January 23, 1908, as follows:

The subcommittee of the Committee on Indian Affairs, to whom was referred the bill (S. 518) to make an appropriation for the construction of a wagon road on the Hoopa Valley Indian Reservation in California, report the said bill favorably, and as showing the necessity for this appropriation submit copy of a letter from the Commissioner of Indian Affairs, as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, November 16, 1907.

MY DEAR SENATOR: In response to your oral request, I send you herewith draft of a bill to appropriate the sum of $10,000, or so much thereof as may be necessary, for the purpose of constructing a wagon road on the Hoopa Valley Reservation in California.

It is the policy of this Department to withdraw its control and guardianship of individual Indians and Indian tribes as soon as it becomes apparent that they are possessed of the means and ability to take care of themselves.

The Indians of the Hoopa Valley Reservation in California have shown a disposition to work and earn their own livelihood, and I believe that the time is at hand when they can be given fee-simple title to their individual allotments, suitable disposal made of their surplus lands, and the support of the Government withdrawn.

When this is done the Indians will need every possible advantage that can be given them in order to maintain themselves among the surrounding white population.

Facility of transportation is of the greatest importance in a mountainous country and determines largely the prosperity of its inhabitants. The valley which comprises most of the agricultural lands of these Indians is now reached only by a wagon road 44 miles long from Korbel, the nearest shipping point, and by a mail trail which joins the wagon road at Redwood Creek, the combined distance by road and trail being 32 miles.

Owing to the circuitous route of the wagon road, steep grades, abrupt turns, and northern exposures, freight rates are high and the uncertainties of winter travel compel the trader in the valley to maintain an expensive pack train for transporting supplies, thus making it possible for one person to control practically all the trade of the valley.

Under existing conditions fruit raising, the purpose to which the valley is best adapted, can not be carried on with profit and other products are denied a place on the market.

With a good wagon road built on lighter grades and with southern exposures, so that it can be kept open all the year, freight rates and attendant risk and uncertainty would be reduced to a minimum, the present unsatisfactory trade conditions would soon regulate themselves through natural competition, and the Indians be enabled to market their surplus proudcts.

They are fully alive to the benefits which a better road will bring them and have volunteered to contribute 600 or more days' labor, in the aggregate, without pay.

It will be necessary to furnish them with blasting and other materials, tools, subsistence for themselves and horses, etc.

It is also likely that more labor will be required than they can contribute under their offer.

Superintendent Kyselka has submitted an estimate of the cost of these items, amounting to $7,800. This, however, does not include the cost of transportation or of a resurvey of the line, which may be required.

The length of the road which it is purposed to construct within the reservation is 9.12 miles. If this is done, it is anticipated that the county authorities will finish it to Redwood Creek.

I believe that the 9.12 miles can be constructed at a maximum cost of $10,000. I shall be pleased to have this legislation enacted.

Very respectfully,

F. E. LEUPP, *Commissioner.*

Hon. FRANK P. FLINT,
United States Senate.

P. S.—I may add that from the local newspapers and from personal letters I have received I learn that the authorities of Humboldt County are heartily alive to the wisdom of this project, and are ready to build a public road from the reservation line to Redwood Creek, thus making the connection of the valley with the market for its products complete.

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

COMMISSION TO INVESTIGATE MINING OPERATIONS.

The joint resolution (S. R. 18) appointing a commission to investigate the recent mining disasters in certain States of the United States was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Mines and Mining with amendments.

Mr. KEAN. Mr. President, I have understood that the Government of the United States is making an investigation of the causes of explosions in mines, and so on, and I think we ought to await some report from whatever body is making these investigations instead of embarking upon this large expenditure.

Mr. HEYBURN. I hope the Senator will withhold any objection until the amendments to the joint resolution can be stated, so that the record will be complete.

Mr. KEAN. Certainly.

Mr. HEYBURN. I should like to have the amendments stated.

The VICE-PRESIDENT. The amendments will be stated.

The amendments were, on page 1, line 3, after the words "consisting of," to strike out "three" and insert "six;" in line 5, before the word "Members," to strike out "three" and insert "six;" in line 8, after the words "into the," to insert "methods of operation and into the;" in line 9, after the word "recent," to strike out "explosions" and insert "accidents;" in the same line, after the word "coal," to insert "and other;" and in line 12, after the words "authorized to," to insert "appoint subcommittees with full power to," so as to make the joint resolution read:

Resolved, etc., That a commission is hereby created, consisting of six Senators, to be appointed by the President of the Senate, and six Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. Said commission shall make full inquiry, examination, and investigation into the methods of operation and into the recent accidents in coal and other mines in the States of West Virginia, Pennsylvania, Alabama, and other States. For the purpose of said inquiry, examination, and investigation said commission is authorized to appoint subcommittees with full power to send for persons and papers, make all necessary travel, and through the chairman of the commission or any member thereof to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusions reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiring, examination, and investigation are hereby appropriated and authorized to be paid, out of moneys in the Treasury of the United States not otherwise appropriated, on vouchers approved by the chairman of said commission.

The amendments were agreed to.

Mr. KEAN. I think there ought to be some limitation on the expenditure. The appropriation is entirely unlimited.

Mr. GALLINGER. If the Senator from New Jersey will permit me, I desire to offer some amendments.

Mr. KEAN. Certainly.

Mr. GALLINGER. In lines 7 and 8, on page 1, the commission is directed to make "full inquiry, examination, and investigation." I think the word "investigation" covers "inquiry" and "examination," and I move to strike out the words "inquiry, examination and."

The amendment was agreed to.

Mr. GALLINGER. In line 11 I move the same amendment.

The SECRETARY. In line 11, page 1, it is proposed to strike out "inquiry, examination, and," so as to read:

For the purpose of said investigation.

The amendment was agreed to.

Mr. GALLINGER. In line 8, on page 2, I move to strike out "inquiring, examination, and."

The amendment was agreed to.

Mr. GALLINGER. That is all.

Mr. KEAN. I wish to offer an amendment. On page 2, line 11, after the word "appropriated" I move to insert "not to exceed $10,000."

Mr. SCOTT. Mr. President, I have no objection to a limitation being placed upon the amount, but I think the Senator from New Jersey ought to leave to the commission some discretion. If the commission is going to employ experts in the way of mining engineers and to use employees of the Geological Survey, it may have to send them to different mines to make investigation, and the expense may be greater than $10,000. Of course the commission will not expend any more than is necessary, whether the appropriation is limited or not.

Mr. KEAN. I have no desire whatever to hamper the investigation, but I think it is very unusual for Congress to pass a law without a limitation on the appropriation for a commission.

Mr. SCOTT. I suggest to the Senator from New Jersey that he make it $15,000.

Mr. KEAN. I am willing to increase the amount to $15,000, at the suggestion of the Senator from West Virginia. The purpose is merely to have a limitation. If this sum is not sufficient, I have no doubt that Congress will be glad to give more money. But I think a limitation ought to be put on. I modify my amendment to that extent.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Jersey as modified will be stated.

The SECRETARY. On page 2, line 11, after the word "appropriated" it is proposed to insert "not to exceed $15,000."

The amendment was agreed to.

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

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

The committee reported an amendment to the title so as to make it read "joint resolution appointing a commission to investigate methods of operation and recent mining disasters in certain States of the United States."

Mr. GALLINGER. I wish to move an amendment to the amendment. As proposed to be amended the title reads: "Joint resolution appointing a commission to investigate methods of operation and recent mining disasters in certain States of the United States;" that is, to investigate methods of operation in certain States of the United States. I move to amend it by adding after the word "operation" the words "of coal and other mines."

The amendment to the amendment was agreed to.

The title as amended was agreed to.

INDIANS ON FORT BELKNAP RESERVATION, MONT.

The bill (S. 3084) providing for the purchase of machinery, tools, implements, and animals for the Indians on Fort Belknap Indian Reservation, in the State of Montana, to enable said Indians to engage in the raising of sugar beets and other crops was announced as the next business in order on the Calendar.

Mr. GALLINGER. Let the bill go over for the present, Mr. President.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from New Hampshire.

Mr. CARTER. What was the order with reference to the bill, the title of which has just been read?

The VICE-PRESIDENT. The Senator from New Hampshire asked that the bill go over.

Mr. GALLINGER. I do that, Mr. President, for the purpose of looking into this matter a little. A moment ago I asked that a somewhat similar bill should go over.

I should like to ask the Senator from Montana, however, whether, in his judgment, it ought to be the policy of the Gov-

ernment to appropriate money and grant lands to all the destitute Indians of the country? There are a great many destitute white men in the country who, I think, are equally as deserving and who, if public money is to be appropriated, ought at least to share in the appropriation. Perhaps the Senator from Montana can explain why we should make these appropriations for destitute Indians.

Mr. CARTER. Mr. President, I am glad to make the explanation suggested by the Senator from New Hampshire.

The Senator will recall that not many years ago we were required by the necessities of the case to appropriate for the maintenance of nearly every Indian tribe on the continent. The policy of late years, both in Congress and in the Executive Departments, has been to place these various tribes as rapidly as possible upon a self-sustaining basis. Contracts have been made by the Department for and on behalf of these particular Indians, looking to the erection of a beet-sugar factory near by these lands. During the last Congress we authorized the lease of 20,000 acres of land for the purpose of enabling parties to proceed to the cultivation of sugar beets in this vicinity. The Department concluded that it would be better for the Indians themselves to hold the lands. But in order to prepare for the cultivation of beets, the Indians must be provided with some agricultural implements. The Indians have no credit on their own account. They have no place to go to borrow money except the Public Treasury. This bill does not make a grant of money to the Indians, but merely an advance, and it provides for the repayment of the sums under rules and regulations to be prescribed by the Department.

This bill will undoubtedly result in making these Indians self-sustaining by giving them a loan for the time. I think the bill is very meritorious; it has been approved by the Department; and failure to pass it will result in setting the Indians back.

Mr. GALLINGER. Mr. President——

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

Mr. CARTER. Certainly.

Mr. GALLINGER. I will ask the Senator if he is rash enough to believe that this money will ever be repaid to the Treasury of the United States?

Mr. CARTER. On this identical reservation the present management secures repayments for the wagons which have been disposed of to the Indians from time to time by the Department. The Indians on the reservation are disposed to pay their debts and have been in the habit of doing so. A departure was made on this reservation, I understand, in that the present policy is to charge to the Indians any implements that may be issued to them, and in due time the Indians pay their bills. I have no doubt whatever they will repay this sum of money.

Mr. SMOOT. Mr. President, I think the statement made by the Senator from Montana is absolutely correct. In our State a sugar factory is now located in a section where Indians live, and we find in our State that the Indian is about as good a farmer for the raising of the sugar beet as any individual we have in the State. He has made a success of it. He is self-supporting, and it has been the means of bringing wealth even to a great many of them living in that section of our State.

I believe that these Indians in Montana, if they have a chance to raise beets for the factory that is to be established, will make a success of it and be able to repay all advances made for machinery, and as it is under the direction of the Indian Bureau, I have no doubt in the world that the money will be returned to the Government.

Mr. GALLINGER. Mr. President, having very great doubt on that point, I ask that the bill go over for the present.

The VICE-PRESIDENT. The bill will go over without prejudice.

ADOLPHUS N. PACETTY.

The bill (S. 1758) granting a pension to Adolphus N. Pacetty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adolphus N. Pacetty, late captain Pacetty's boat company, Florida Volunteers, Seminole Indian war, and to pay him a pension of $12 per month.

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

ALVAH MOULTON.

The bill (S. 57) granting a pension to Alvah Moulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alvah Moulton, invalid and dependent child of Elias Moulton, late of Company G, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $12 per month.

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

ELMER HONNYMAN.

The bill (S. 1746) granting a pension to Elmer Honnyman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmer Honnyman, late of Company A, First Regiment Nevada Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

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

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

CAROLINE E. SWEET.

The bill (S. 1634) granting an increase of pension to Caroline E. Sweet was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "war with Spain," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline E. Sweet, dependent mother of Maurice R. Sweet, late of Company G, Thirty-second Regiment Michigan Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

JANE C. STINGLEY.

The bill (S. 1757) granting an increase of pension to Jane C. Stingley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane C. Stingley, widow of James D. Stingley, late of Capt. John Mathis's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

ELIZABETH SWEAT.

The bill (S. 1408) granting an increase of pension to Elizabeth Sweat was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "company," to insert "independent;" in line 8, before the word "and," to insert "Seminole Indian war;" and in line 9, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Sweat, widow of James A. Sweat, late of Capt. E. T. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

MARTHA STEWART.

The bill (S. 1403) granting an increase of pension to Martha Stewart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Regiment," to strike out "of" and insert "East;" in line 8, before the word "and," to insert "Seminole Indian war," and in line 9, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of

Martha Stewart, widow of Daniel Stewart, late of Captain Niblack's company, Second Regiment East Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

NANCY MOTES.

The bill (S. 1423) granting an increase of pension to Nancy Motes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Motes, widow of Lewis Motes, late of Captain Thigpin's company, Second Regiment Florida Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

EMILY AYRES.

The bill (S. 638) granting an increase of pension to Emily Ayers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "dependent," to strike out the name "Ayers" and insert "Ayres," and in line 7, before the word "late," to strike out the name "Ayers" and insert "Ayres;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Ayres, dependent and helpless daughter of Whiting L. Ayres, late of Company E, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting a pension to Emily Ayres."

JOHN S. HYATT.

The bill (S. 523) granting an increase of pension to J. S. Hyatt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Hyatt, late of Captain Hancock's company, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to John S. Hyatt."

JOHN LOWDER.

The bill (S. 524) granting an increase of pension to John Lowder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to insert "Utah Volunteers," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lowder, late of Capt. James A. Hunter's company, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

DOROTHEA AND PAUL DANA CLENDENIN.

The bill (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, deceased, late surgeon major, United States Volunteers, was considered as in Committee of the Whole. It proposes that homestead entry No. 24024, made July 15, 1903, at Minot, now Williston, N. Dak., land district by Clement A. Lounsberry, guardian of the person and estate of Dorothea Clendenin, under section 2307 of the Revised Statutes of the United States, for the northwest quarter of the northeast quarter, northeast quarter of the northwest quarter section 14, and southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter section 11, township 152 north, range 104 west, fifth principal meridian, containing 160 acres, be, and is hereby, confirmed; and upon satisfactory proof of compliance with the requirements of the homestead laws as to cultivation and improvements the Commissioner of the General Land Office is hereby directed to issue patent for the said described land in favor of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers.

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

Mr. GALLINGER. Let the title be amended by striking out the word "deceased." These are "minor orphan children;" doubtless the father is dead.

The amendment to the title was agreed to.

Mr. KEAN. I ask that the report in connection with the bill be published in the RECORD.

The VICE-PRESIDENT. The report will be printed in the RECORD, in the absence of objection.

The report, submitted by Mr. NELSON on the 23d instant, is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, deceased, late surgeon major, United States Volunteers, having had the same under consideration, beg leave to report it back with the recommendation that the same do pass.

The measure was referred to the Secretary of the Interior, and his report thereon, which is printed herewith, shows that there is no objection to the legislation.

Your committee, therefore, unanimously recommend the enactment of the bill into law.

The letter of the Secretary is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 14, 1908.

GENTLEMEN: I have the honor to acknowledge the receipt, from the clerk of your committee, of Senate bill 392, with the request that the Department submit its views thereon. The bill is entitled "A bill to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, deceased, late surgeon major, United States Volunteers," and provides:

"That homestead entry No. 24024, made July 15, 1903, at Minot, now Williston, N. Dak., land district by Clement A. Lounsberry, guardian of the person and estate of Dorothea Clendenin, under section 2307 of the Revised Statutes of the United States, for the northwest quarter of the northeast quarter, northeast quarter of the northwest quarter section 14, and southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter section 11, township 152 north, range 104 west, fifth principal meridian, containing 160 acres, be, and is hereby, confirmed; and upon satisfactory proof of compliance with the requirements of the homestead laws as to cultivation and improvements, the Commissioner of the General Land Office is hereby directed to issue patent for the said described land in favor of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon-major, United States Volunteers."

The homestead entry No. 24024, Minot series, was made on July 15, 1903, by Clement A. Lounsberry, then and now an employee of the General Land Office, as guardian of Dorothea Clendenin, for the NW. ¼ NE. ¼, NE. ¼ NW. ¼ sec. 14; SE. ¼ SW. ¼, SW. ¼ SE. ¼ sec. 11, T. 152 N., R. 104 W., fifth principal meridian.

It appears that Dorothea Clendenin was a minor child of Maj. Paul Clendenin, a surgeon of the United States Army, and was born November 19, 1889; that her mother died in 1894, and the father remarried, and by such marriage Paul Dana Clendenin was born August 19, 1899; that Maj. Paul Clendenin died in Cuba July 4, 1899, and that his widow married Capt. Basil Taylor, an officer of the British Army, at Hongkong, China, June 17, 1903; that the child Paul Dana Clendenin is now residing with his mother in China under her guardianship as a British subject; that said Lounsberry was appointed guardian of Dorothea Clendenin on January 2, 1900, and in July, 1900, made settlement on the land described for the benefit of said Dorothea Clendenin, and annually since then the land has been cultivated and improved, and that actual residence was established in a house built on the land in the early part of July, 1904.

Section 452, United States Revised Statutes, prohibits persons employed in the Land Department from directly or indirectly purchasing or becoming interested in the purchase of public lands, but if the bill is enacted into law it will remove any question that might be raised respecting the right of Mr. Lounsberry to make the entry.

As Maj. Paul Clendenin was engaged in the war with Spain from the commencement thereof until his death, July 4, 1899, credit for military service may be given for the term of enlistment, not to exceed four years, but residence and cultivation for at least one year is required by section 2307, Revised Statutes. The marriage of the widow of Maj. Paul Clendenin to a British subject, and her removal to a foreign country, taking with her the minor child of Maj. Paul Clendenin, deceased, who was born a citizen of the United States, does not deprive such minor child of his citizenship, nor remove him from the protection of this country. Therefore, the entry should have been made in the interest of both minor children of Maj. Paul Clendenin, and when final proof is submitted in connection with said entry the final receipt and

certificate, if issued, should issue to both of said children. Attention is called to the fact that this bill directs the issuance of patent upon satisfactory proof of "cultivation and improvements," but does not provide that residence shall be shown as required by the homestead laws.

Prior to the time this entry was made, July 15, 1903, persons who made entry as widows or heirs of soldiers were only required by the rules of this Department to maintain cultivation and improvements and were not compelled to reside upon the lands covered by their entry, but subsequent to that date this rule was modified, and under the departmental decision in the case of Anna Bowes (32 Land Decisions, 331), rendered on December 7, 1903, all persons then holding entries of this character were notified that actual residence must be established within six months from the issuance of the notice and thereafter maintained as required in the case of other homestead entrymen, and since that decision no patents have been issued in cases where the required residence was not shown by the final proof.

Aside from these suggestions, this Department knows of no reason why this bill should not become a law.

Very respectfully, JAMES RUDOLPH GARFIELD, *Secretary.*

The COMMITTEE ON PUBLIC LANDS, *United States Senate.*

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

POSTAGE ON CREDIT NEWSPAPER SUBSCRIPTIONS.

Mr. STONE. I ask the leave of the Senate to have printed as a document the papers I hold in my hand. The first is a letter from the Third Assistant Postmaster-General. It relates to recent rulings of the Department as to postage to be paid on newspaper subscriptions that have expired, or credit subscriptions. He has sent some data with the letter.

I do not know how it is with other Senators, but I am receiving a great many letters from publishers in my State for information concerning this ruling. It is very concisely and well stated by the Department in these papers, but it requires a very long letter to make an explanation to correspondents in regard to it. Therefore I thought it would be well to ask the Senate to have it printed in pamphlet form so that it could be distributed. I ask that 1,000 copies of it may be printed for the use of the Senate.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent that a thousand copies of the letter from the Post-Office Department submitted by him, with the accompanying data, be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered.

TIMBER ON INDIAN RESERVATIONS IN WISCONSIN.

The VICE-PRESIDENT. The next bill on the Calendar will be stated.

The bill (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin was announced as next in order, and was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments in section 2, on page 2, line 10, after the words "Secretary of the Interior," to insert "in so far as practicable;" and, in line 11, after the word "times," to strike out the words "employ Indians, and in so far as possible shall;" so as to read:

That the Secretary of the Interior shall, as soon as practicable, cause to be built, equipped, and operated suitable sawmills for manufacturing into lumber the timber cut under the provisions of this act, and there shall be employed such skilled foresters, superintendents, foremen, cruisers, rangers, guards, loggers, scalers, and such other labor, both in the woods and for operating sawmills, as may be necessary in cutting and manufacturing logs and lumber and in the protection of the forests upon such Indian reservations. The Secretary of the Interior, in so far as practicable, shall at all times employ none but Indians upon said reservations in forest protection, logging, driving, sawing, and manufacturing into lumber for the market such timber, and no contract for logging, driving, sawing timber, or conducting any lumber operations upon said reservations shall hereafter be let, sublet, or assigned to white men, nor shall any timber upon any such reservations be disposed of except under the provisions of this act.

The amendments were agreed to.

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

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

Mr. GALLINGER. The report on this bill is exceedingly interesting as I have glanced at it. I ask that it be printed in the RECORD.

There being no objection, the report, submitted by Mr. LA FOLLETTE on the 23d instant, was ordered to be printed in the RECORD, as follows:

[Senate Report No. 110, Sixtieth Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin, have had the same under consideration and report it with an amendment, and when so amended recommend that it do pass.

The avowed object of all legislation pertaining to Indian affairs for the past half century has been to prepare and qualify the Indian for citizenship and the management of his own business. Because of his incapacity to manage his own property the Government has treated the Indian as a ward and has maintained guardianship over him. In some instances it has followed the plan of permitting the Indian tribes to hold the land included in the Indian reservations in common; in others it has allotted the lands in severalty to the individual members of the tribe. In the latter case restrictions as to alienation have been imposed, these restrictions not to be removed until it is made to appear that the Indian is capable of handling his own affairs. It is unfortunately too often the fact that the Government's officers charged with the duty of determining the capability of the Indian have acted upon false or misleading information. The work of preparing the Indian for the responsibility of providing for himself according to the ways of the white man in most instances has only resulted in making him more incompetent. He has been an idle spectator while others have managed his affairs. The tendency has been to weaken, not to strengthen, him. The result is, in a majority of cases, that the responsibility of caring for himself is thrust upon him when he is in no way prepared to meet it. He loses his property and becomes a charge upon the community.

The aim of the proposed legislation is to give to Indians on reservations in Wisconsin practical instruction and experience in the management of their own business and thus to prepare them against the time when their lands shall be allotted, their restrictions entirely removed, and they be compelled to assume the complete management of their own affairs. While this proposed legislation in no manner departs from the avowed purpose of all Indian legislation, yet the method herein provided for the accomplishment of the purpose is a departure from that now employed.

There still remain upon the Indian reservations of Wisconsin some fine bodies of timber. In fact the only considerable stand of white pine still remaining are those upon the lands of the Indians. The timber upon the reservation of the Menominee Indians is the finest in the State. In addition to the pine, there are also large quantities of hard wood. The value of this timber is constantly increasing. The rapid disappearance of our forests increases the desire of the lumber and mill men to secure the timber from the lands of the Indians. In 1890 Congress authorized these Indians, under rules and regulations to be prescribed by the Secretary of the Interior, to cut and sell not to exceed 20,000,000 feet of this timber in any one year. This law provided that the timber should be logged under the contract system. Under it contracts were let to Indians and to white men. Because of the anxiety of the contractors to take out as much timber as was permitted under the law, white labor as well as Indian labor was employed in the logging operations. The Indian funds were used to finance these operations. The net proceeds of the sale of the timber were credited to the Indian funds. The Indian received some financial benefit, but the system does nothing to educate him in the practical work of manufacturing the timber into lumber nor in the preservation and perpetuation of the forest.

Under the contract system there has been a constant breaking down of the character of the Indian, a lowering of his standards. This system has brought upon the reservations white loggers. This has been done in opposition to the desires of the Indians. In many cases they have protested against the system, pointing out that it inevitably resulted in the introduction of intoxicating liquors upon the reservation, the demoralizing of the men, and the debauching of the women. A system which does these things should not be continued. It has not only resulted in his moral degradation, but the contract system also tends to prevent the development of the Indian as an industrial factor. The forests are cut away under conditions which make for a reckless destruction and do not in any way teach them to properly conserve their resources.

The proposed legislation will change the method of handling the Indians' affairs by abolishing the contract system, by placing the care of the forests and the harvest of the forests' crop ultimately in the hands of the Indians upon these reservations. The forest is the natural home of these men. They are what is known as "timber Indians." Their every instinct teaches them to seek a livelihood from within the forest. The care, the preservation, of these forests should be the Indian's interest and his work. What the white man has in other places destroyed the Indian should be taught here to preserve. This does not mean that the forest shall be permitted to remain in its wild state and contribute nothing to the industrial life of the community and add nothing of economic value to our country. It does mean that the harvest of the crop of forest products should be made in such a way that the forest will perpetuate itself; that it shall remain as a rich heritage to these people from which, through their own labor, they may derive their own support, and that, too, without ruthless destruction. Under the bill as proposed the Secretary of the Interior is authorized to employ all of the assistance needed to properly educate the Indians in the care of the forest and in the manufacture of forest products. It provides that the Indians are to do the logging; that they shall make roads, improve the streams, build sawmills, manufacture the timber into lumber, and that the lumber is to be sold upon the market. In a word, it provides that these Indians shall be made a factor in our industrial life. In this way they will become self-reliant, learn to know the value of their heritage, and master the best methods for its preservation.

The Fifty-ninth Congress enacted a law authorizing the Indians of the Menominee Reservation to log the dead and down timber upon that reservation. Under the rules and regulations adopted for the administration of that law contracts were let to individual Indians to log certain portions of this timber. The Indians sublet the contracts to white men, and white men and Indians are now at work clearing the dead and down timber. It was not the intent of the law passed at that time that the contract system should be continued, and it is unfortunate that contracts were awarded under the act. While it is to be regretted that the Indians called in any white men to aid them, it is also true that in the logging of this dead and down timber and in the logging operations conducted under the act of 1890 these Indians have demonstrated that they are capable of logging. If they are given the aid, counsel, and encouragement provided for in the proposed legislation, and if the proposed legislation at all times be executed with intelligence and fidelity, the result will be not only to develop the Indian upon his industrial and moral side, but also to increase the financial returns. It has been urged against the change from the contract system to one which will permit the Indians to handle

their own affairs that it will result in the loss of some valuable timber. Your committee do not consider this a valid objection. It may be true that there will be some loss, but what will be lost in this way at the outset will be offset in the benefits which will accrue to the character of the individual Indian and to the uplift of the tribe as a whole, both industrially and morally.

The proposed bill has been submitted to the Department of the Interior and meets with the approval of the Secretary. His letter follows:

DEPARTMENT OF THE INTERIOR,
SECRETARY'S OFFICE,
Washington, D. C., January 21, 1908.

MY DEAR MR. LA FOLLETTE: I have your letter of January 16, with the inclosed Senate bill No. 4046, the purpose of which is to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin.

I have but two minor verbal suggestions to make. On page 2, line 7, after the word "Interior," insert "in so far as practicable;" line 8, strike out the words "employ Indians and in so far as possible shall." As you will see, the purpose of these changes is to avoid the difficulty that might arise should it be impossible to obtain the full quota of Indian employees at any particular time or place.

I have conferred with Mr. Leupp, the Commissioner of Indian Affairs, very fully on this particular bill and the general subject of the use of timber lands belonging to the Indians. It is our purpose to have these logging and timber operations conducted either directly under the Forest Service or under such a system of cooperation as to give to the Indians the benefit of the experience which the Forest Service has gained from its administration of the national forests, and we believe that this bill will be a step in that direction.

As to the general purpose of the bill, I appreciate that it changes the system that has been in operation for a number of years on the Menominee Reservation, but, being advised by the Forest Service that under this bill a very much better method for the cutting and preservation of timber can be carried out, which will in the end yield a larger return to the Indians as well as continue the growth of the forests, I believe that the change should be made.

Very truly, yours,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. ROBERT M. LA FOLLETTE,
United States Senate.

If this legislation be adopted it will certainly give to these Indians a business experience which should, if they are ever allotted, render them capable of protecting themselves against fraud and prevent, in Wisconsin, a repetition of the conditions now existing in Oklahoma which have forced many Indians to find homes upon the section lines while others seek safety in a foreign country.

The amendment proposed by the committee meets the suggestion of the Secretary of the Interior, and is as follows:

Amend by inserting in line 7, page 2, after the word "Interior," the words "in so far as practicable" and by striking out the words "employ Indians, and in so far as possible shall" where they occur in line 8, page 2.

AGNES LANGE SMITH.

The bill (S. 712) granting a pension to Agnes Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes Lange Smith, widow of Lewis Smith, late major, Fourth Regiment United States Artillery, and lieutenant-colonel, Artillery Corps, United States Army, retired, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting a pension to Agnes Lange Smith."

CALESTA CLARK.

The bill (S. 406) granting a pension to Celesta Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the name "Celesta" and insert "Calesta," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calesta Clark, widow of Joseph Clark, late of Company G, Twenty-fifth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting a pension to Calesta Clark."

MARGARET K. HERN.

The bill (S. 2420) granting an increase of pension to Margaret K. Hern was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Hern," to strike out the letter "A." and insert "W.," and in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret K. Hern, widow of David W. Hern, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

MARY A. SANDS.

The bill (S. 1171) granting a pension to Mary A. Sands was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Sands, helpless and dependent child of Edward D. Sands, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and to pay her a pension of $12 per month.

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

MARTHA A. KENNY.

The bill (S. 920) granting an increase of pension to Martha A. Kenny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Kenny, widow of Nicholas D. Kenny, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving:

Provided, That in the event of the death of Ellen Louise Kenny, helpless and dependent child of said Nicholas D. Kenny, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death or remarriage of Martha A. Kenny the name of said Ellen Louise Kenny shall be placed on the pension roll at $12 per month from and after the date of the death or remarriage of said Martha A. Kenny.

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

PENSIONS TO CERTAIN PERSONS.

The bill (S. 4376) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the persons named at the rate per month stated, as follows:

Walter S. Sylvester, late of Company F, First Regiment Maine Volunteer Cavalry, $24.

Alvin S. Doughty, late of Company H, Eighth Regiment Maine Volunteer Infantry, $24.

Mary E. Linehan, widow of John C. Linehan, late musician, Third Regiment New Hampshire Volunteer Infantry, $12.

Horace L. Ingalls, late of Company H, Eighth Regiment New Hampshire Volunteer Infantry, $24.

Hattie S. Nourse, widow of Frederick A. Nourse, late captain Company A, Fourteenth Regiment United States Colored Volunteer Heavy Artillery, $20.

Daniel Wagner, late of Company E, Twenty-first Regiment Iowa Volunteer Infantry, $24.

William Havens, late of Company K, Eighteenth Regiment New York Volunteer Infantry, and Company A, Fourteenth Regiment New York Volunteer Heavy Artillery, $30.

Maria Wells, widow of Moses Wells, late of Company H, One hundred and twenty-second Regiment Ohio Volunteer Infantry, $12.

Littleton T. Morgan, late of Company B, Third Regiment West Virginia Volunteer Infantry, $30.

Royal M. Bones, late of Companies C and B, First Regiment Missouri Volunteer Engineers, $24.

Josephine Pagett, widow of Charles W. Pagett, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and landsman, U. S. S. *Great Western*, United States Navy, $12.

John C. Roth, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, $30.

Mary A. Allen, widow of James Allen, late captain Company L, Fifth Regiment Michigan Volunteer Cavalry, $20.

William Lockwood, late of Company H, One hundred and nineteenth Regiment New York Volunteer Infantry, $24.

George L. Courtney, late of Company A, Fortieth Regiment Indiana Volunteer Infantry, $24.

Ambros W. Geer, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, $24.

John M. Baker, late first lieutenant Company G, One hundred and fifteenth Regiment Illinois Volunteer Infantry, $24.

Matilda Daly, widow of Edward Daly, late of Company E, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, $12.

Sarah E. Hasler, widow of Samuel J. Hasler, late first lieutenant Company G, Twentieth Regiment Ohio Volunteer Infantry $17.

Theodore M. Burge, late of Company E, Sixth Regiment United States Cavalry, $30.

Richard Black, late of First Independent Battery, Iowa Volunteer Light Artillery, $30.

Augusta A. Hawes, widow of Eugene M. Hawes, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and Company D, Eleventh Regiment Massachusetts Volunteer Infantry, $12.

Hiram M. Tarbell, late of Company E, Eighth Regiment New Hampshire Volunteer Infantry, $30.

William L. S. Tabor, late of Company K, Fifteenth Regiment New Hampshire Volunteer Infantry, $24.

Sarah S. Luther, widow of William H. Luther, late of Company F, Tenth Regiment Rhode Island Volunteer Infantry, $12.

Frances E. Topliff, widow of Thomas D. Topliff, late acting master's mate, United States Navy, $16.

Sarah Cullen, widow of Philip Cullen, late of Company F, Ninth Regiment Iowa Volunteer Cavalry, $12.

Patrick Devitt, late of Company G, Eleventh Regiment Minnesota Volunteer Infantry, $24.

Helen Jeffcoat, widow of John Jeffcoat, late first lieutenant Company B, One hundred and thirteenth Regiment Illinois Volunteer Infantry, $17.

James I. Walker, late of Company K, Twenty-second Regiment Ohio Volunteer Infantry, and Twenty-second Battery, Ohio Volunteer Light Artillery, $30.

Thomas H. Ewing, late of Company C, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, $24.

William P. Snowden, late of Company C, First Regiment Missouri Mounted Volunteers, war with Mexico, and veterinary surgeon Fifth Regiment Iowa Volunteer Cavalry, $30.

William H. Stannah, late of Company B, Ninety-fourth Regiment Ohio Volunteer Infantry, $30.

John M. G. Maver, late sergeant-major, Twenty-eighth Regiment Michigan Volunteer Infantry, $30.

Samuel M. Smith, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, $30.

Nelson Miner, late of Company C, Ninth Regiment Vermont Volunteer Infantry, $24.

Francis F. Clark, late of Company A, Sixth Regiment Vermont Volunteer Infantry, $30.

Euretta Betts, widow of Willis W. Betts, late of Company D, Fourth New York Volunteer Heavy Artillery, $8.

William C. Piatt, late of Company H, Seventh Regiment Illinois Volunteer Cavalry, $30.

Mary H. Yule, widow of Thomas Yule, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, $12.

Sophia Froelich, widow of Louis Froelich, alias August Zimmermann, late of Company D, First Regiment Louisiana Volunteer Cavalry, $8.

Mary McCarty, widow of Owen McCarty, late of Company K, Sixty-ninth Regiment New York Volunteer Infantry, $8.

Daniel H. Dornsife, late of Company K, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, $24.

Jeremiah Hazen, late of Company E, Thirty-eighth Regiment New York Volunteer Infantry, $24.

Charles M. Kell, late of Company C, First Regiment Mountaineers, California Volunteer Infantry, $30.

Martha A. Spalding, widow of David C. Spalding, late surgeon Tenth Regiment Michigan Volunteer Cavalry, $20.

Allison Varney, late of Company G, Forty-first Regiment Ohio Volunteer Infantry, $30.

Frederick C. Wilkie, late captain Company G, and major, Fifth Regiment New York Volunteer Heavy Artillery, $30.

Elijah Trollope, late of Company I, Twentieth Regiment, and Company G, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, $24.

Elizabeth Plummer, widow of William Plummer, late of Company B, Eleventh Regiment Illinois Volunteer Infantry, $16.

James M. Grimes Keyton, late of Company M, Fourth Regiment Missouri Volunteer Cavalry, $24.

Imogene P. Hunsdon, widow of Charles Hunsdon, late colonel Eleventh Regiment Vermont Volunteer Infantry, $20.

Peter B. Hoffman, late of Company I, Eighth Regiment Maryland Volunteer Infantry, $24.

Ada G. Dickerson, widow of Perley B. Dickerson, late first lieutenant Company H, Thirteenth Regiment United States Colored Volunteer Infantry, $17.

James M. Procter, late of Company G, Third Regiment United States Infantry, $30.

Annie E. Creary, widow of William E. Creary, late of Company K, Nineteenth Regiment, and Independent Company, Veteran Reserve Corps, and major and paymaster, United States Army, $20.

Monroe A. White, late of Company D, Eleventh Regiment United States Infantry, $30.

Joseph Beal, late of Companies I and D, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, $24.

Fenimore P. Cochran, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, $30.

Marion B. Mullen, widow of John H. Mullen, late captain Company C, Twelfth Regiment Connecticut Volunteer Infantry, $20.

Criss Becker, late of Company G, Tenth Regiment Minnesota Volunteer Infantry, $24.

Henry M. Lester, late of Company G, Seventh Regiment Massachusetts Volunteer Infantry, $30.

Henry Tyler, late of Company F, Twenty-sixth Regiment Connecticut Volunteer Infantry, $30.

Delu Norris, late of Company E, Twenty-third Regiment Iowa Volunteer Infantry, $30.

Franklin D. Allen, late of Company H, Eighth Regiment Iowa Volunteer Infantry, $30.

William H. H. Miller, late of Company F, Thirty-seventh Regiment Iowa Volunteer Infantry, $24.

Parnel B. Moor, late of Company B, Sixth Regiment Maine Volunteer Infantry, and Company E, First Regiment Maine Veteran Volunteer Infantry, $24.

Amanda M. P. Brock, widow of Alvan D. Brock, late captain Company L, Thirty-first Regiment Maine Volunteer Infantry, $20.

Naomi V. Culley, widow of Joseph Culley, late acting second assistant engineer, United States Navy, $12.

Job Musgrave, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, $30.

Truman L. Walden, late of U. S. S. *Great Western* and *Kickapoo*, United States Navy, $30.

William Mulock, of Company D, Ninety-fifth Regiment Illinois Volunteer Infantry, $30.

Newell S. Swett, late of Second Company Massachusetts Sharpshooters, attached to Twenty-second Regiment Massachusetts Volunteer Infantry, $24.

Mr. McCUMBER. I move to strike out lines 21, 22, 23, and 24, on page 9, in the following words:

The name of Frederick C Wilkie, late captain Company G, and major Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The beneficiary named in this provision has died.

The amendment was agreed to.

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

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

GOVERNMENT DEPOSITARIES.

The next business on the Calendar was the resolution submitted by Mr. STONE, on the 23d instant, authorizing and directing the Finance Committee to make inquiry and report as to the distribution of moneys of the United States by the Secretary of the Treasury.

Mr. GALLINGER. Let the resolution go over.

The VICE-PRESIDENT. The resolution will go over without prejudice.

ARMY DENTAL SURGEONS.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 4432) to reorganize the corps of dental surgeons attached to the Medical Department of the Army.

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

The Secretary read the bill.

Mr. HEYBURN. Mr. President, it would appear that the report on this bill is not yet printed. This is rather an important measure. It creates a new department or branch of the——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2982.

REVISION OF THE PENAL LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, as follows:

CHAPTER ELEVEN.

OFFENSES WITHIN THE ADMIRALTY AND MARITIME AND THE TERRITORIAL JURISDICTION OF THE UNITED STATES.

Sec.
269. Places within or waters upon which sections of this chapter shall apply.
270. Murder.
271. Manslaughter.
272. Punishment for murder; for manslaughter.
273. Assault with intent to commit murder, rape, robbery, etc.
274. Attempt to commit murder or manslaughter.
275. Rape.
276. Having carnal knowledge of female under 16.
277. Seduction of female passenger on vessel.
278. Payment of fine to female seduced; evidence required; limitation on indictment.
279. Loss of life by misconduct of officers, etc., of vessels.
280. Maiming.
281. Robbery.
282. Arson of dwelling house.
283. Arson of other buildings, etc.
284. Larceny.
285. Receiving, etc., stolen goods.
286. Laws of States adopted for punishing wrongful acts, etc.

SEC. 269. [*The crimes and offenses defined in this chapter shall be punished as herein prescribed:*

First. *When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, on board any vessel belonging in whole or in part to the United States or any citizen thereof or to any corporation created by or under the laws of the United States or of any State, Territory, or District thereof.*

Second. *When committed* upon any vessel registered, *licensed*, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, *or upon the River St. Lawrence where the same constitutes the international boundary line.*

Third. *When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.*

Fourth. *On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.*]

Mr. HEYBURN. I think this section ought not to be passed without some explanation. First, I will move to strike out the comma in line 11, after the word "State." It is evidently an inadvertence in printing the bill.

The VICE-PRESIDENT. The Secretary will report the amendment proposed by the Senator from Idaho.

The SECRETARY. In line 11, page 142, after the words "particular State," strike out the comma.

The amendment was agreed to.

Mr. HEYBURN. While the first and last paragraphs of this section come within the rule of being new legislation, the whole section is not new legislation. Therefore, we will not pass it over under the general understanding.

The existing law in regard to this subject is somewhat confused and has given the courts a good bit of trouble. The second paragraph especially was framed to meet the conditions that have arisen in the navigation of the Great Lakes and the rivers connecting them, where vessels weave back and forth, first on one side of the line and then on the other, and the question of jurisdiction for the commission of offenses has been rendered uncertain because it was not always possible to determine on which side of the international line a vessel was at the particular time when the offense was committed.

The committee have taken into consideration all the decisions and all the litigation had in regard to this question, and as a result of its thorough consideration have presented this section.

The Secretary resumed the reading of the bill, as follows:

SEC. 270. [*Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree.*]

Mr. HEYBURN. Pursuant to the notice I gave that sections of this kind would be specially called to the attention of the Senate, I would say that this section 270 enlarges the common-law definition and is similar in terms to the statutes defining murder in a large majority of the States. I think it might be said that it is in harmony with the law in all the States.

The reading of the bill was continued, as follows:

SEC. 271. *Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:*

First. Voluntary—Upon a sudden quarrel or heat of passion.

Second. Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection.

SEC. 272. *Every person guilty of murder in the first degree shall suffer death. Every person guilty of murder in the second degree shall be imprisoned not less than ten years and may be imprisoned for life. Every person guilty of voluntary manslaughter shall be imprisoned not more than ten years. Every person guilty of involuntary manslaughter shall be imprisoned not more than three years.*

Mr. SUTHERLAND. I think it is proper that a word be said with reference to the two sections which have last been read, section 271 and section 272.

Section 271 undertakes to divide manslaughter into two degrees or kinds, namely, voluntary and involuntary manslaughter. Under the existing statute simply the crime of manslaughter as at common law is provided for. The division into degrees is in accordance with modern legislation, and in accordance with the legislation in, I think, practically all the States of the Union. Section 272 simply recognizes these various divisions of murder and manslaughter into degrees and provides appropriate punishment for each.

Mr. BACON. I notice that in the penalty the committee has proposed a change to the extent that they do away with fine as a punishment and limit it to imprisonment. If I read correctly the old law, section 1543, it made the convict not only subject to imprisonment, but also to fine. I do not know what particular reason the committee may have had in view in eliminating that feature from the law. It may be an advisable change; I am not prepared to take issue with the committee on the subject, but I should like to know upon what ground they thought it would be best to eliminate the fine. The Senator will notice that it is a conjunctive penalty, not an alternative one, in the law as it now stands.

Mr. SUTHERLAND. Yes. The idea of the committee, as I recall it, in eliminating the provision for a fine is that that offense falls within the class of offenses where, I think, practically in all the States no fine is provided for. For example, a fine is, I think, in no instance ever provided for murder in the second degree or manslaughter of any degree. So it is not in accordance with modern ideas to provide a fine for grand larceny or robbery or offenses of that character. It is simply in line with that general notion.

Mr. BACON. I simply desired to know what was the view of the committee. I quite agree that it is not in harmony with the law as it now stands, but it is in harmony with the legislation in our States.

Mr. SUTHERLAND. That was the idea of the committee.

The reading the bill was continued, as follows:

SEC. 273. *Whoever shall assault another with intent to commit murder, or rape, shall be imprisoned not more than twenty years.* Whoever shall assault another with intent to *commit* any felony, *except murder, or rape,* shall be fined not more than $3,000, *or* imprisoned not more than *ten* years, *or both. Whoever, with intent to do bodily harm, and without just cause or excuse, shall assault another with a dangerous weapon, instrument, or other thing, shall be fined not more than $1,000, or imprisoned not more than five years, or both. Whoever shall unlawfully strike, beat, or wound another, shall be fined not more than $500, or imprisoned not more than six months, or both. Whoever shall unlawfully assault another, shall be fined not more than $300, or imprisoned not more than three months, or both.*

Mr. HEYBURN. I think I should call attention to the fact that the language of that section has been broadened so as to include that class of offenses wherever committed within the jurisdiction of the United States. It will be apparent from an inspection of existing law, section 5346, that Congress undertook to enumerate the places where the offense should be punishable. The enumeration was not complete. Therefore the committee used such general language as would include all the places enumerated in existing law and any other place within the jurisdiction of the United States.

Mr. BACON. I may have, in my hurried reading, made a mistake, but I do not think there is any penalty here for the offense of rape.

Mr. HEYBURN. That is in another section.

Mr. CLAY. Section 275.

Mr. HEYBURN. The Senator will find that section 275 covers the offense.

Mr. BACON. Yes; it is not in the place where it would ordinarily be found. We have not yet reached it.

Mr. CLAY. Probably the preceding section may cover all the sections, but the committee has left out "all places solely within the jurisdiction of the United States." It would appear from reading sections 274 and 275, if there is nothing preceding to confine it to places within the jurisdiction of the United States exclusively, that for the offense of murder or for the offense of rape the Federal court would assume jurisdiction regardless of the place where the crime was committed.

Mr. HEYBURN. There is a provision here that attaches the jurisdiction of the United States court only to those offenses committed within places over which the United States has jurisdiction to consider and punish those crimes.

Mr. CLAY. Does the Senator state that there is a general section of that kind?

Mr. HEYBURN. There is.

Mr. CLAY. What is the number? I would thank the Senator to tell me.

Mr. HEYBURN. In the judiciary act there is a general jurisdictional provision which establishes the jurisdiction of the United States courts. That is the administrative law. It was not the purpose of the committee to recommend in this criminal code administrative law where it could be avoided.

Mr. CLAY. I call the Senator's attention to the language of section 270, as revised by the committee, "Murder is the unlawful killing of a human being with malice aforethought," etc., defining how murder shall be punished. If you will turn to the old section, you will find that it reads as follows:

SEC. 5339. Every person who commits murder—

First. Within any fort, arsenal, dockyard, magazine, or in any other place or district of country under the exclusive jurisdiction of the United States, etc.

Now, it might be construed to mean that the committee is attempting to give jurisdiction to the Federal courts outside of places where the United States has exclusive control.

Mr. HEYBURN. If the Senator will turn to section 269, which is the section preceding the one to which he calls attention, he will find there that the limit of jurisdiction is defined so far as it would be applicable in that case.

I would say again that the general jurisdictional limits of the United States courts are defined in the judiciary act, but section 269 of this criminal code, so far as it is necessary for the purposes of this code, defines the limits of the jurisdiction. It is stated in the report that that section was framed in order to avoid repeating in each section of the chapter the territorial limitations in connection with every separate section, so that it would not be necessary in every section to define the jurisdiction. The committee has reported section 269 to obviate the necessity of such a repetition.

Mr. CLAY. Mr. President——

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

Mr. HEYBURN. Certainly.

Mr. CLAY. I would say to the Senator from Idaho that I see, in running through the old statutes, that every one of those statutes refers to the place where the offense must be committed in order to give jurisdiction, naming the places. I am frank to confess that if by inference the jurisdiction of the Federal courts can be enlarged so as to deprive the State courts of the right to try criminal offenses in any way whatever, then I

for one should not be willing to give my consent to that. I am frank to confess that I prefer the old statutes as they stand, because they specifically state where the offense must be committed in order to confer jurisdiction.

Mr. HEYBURN. The old statute is not more specific than section 269, which we have just passed over. That section is as specific as existing law; indeed, more so. It does not enlarge the jurisdiction of the United States courts by a hair's breadth. Let me call attention to it:

SEC. 269. *The crimes and offenses defined in this chapter shall be punished as herein prescribed—*

That is the chapter under consideration—

First. *When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, on board any vessel belonging in whole or in part to the United States or any citizen thereof or to any corporation created by or under the laws of the United States or of any State, Territory, or district thereof.*

Second. *When committed* upon any vessel registered, *licensed*, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, *or upon the River St. Lawrence where the same constitutes the international boundary line.*

Third. *When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States, by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dock yard, or other needful building.*

Fourth. *On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.*

Those are the geographical designations of the jurisdiction of the United States courts for the punishment of the offenses enumerated and provided to be punished in this chapter, and the section under consideration is one of the sections of this chapter.

Senators will find that we have not attempted to enlarge the jurisdiction of the United States either technically or geographically. We have simply gathered up a large number of existing provisions in the various statutes, the enumeration of the places over which the United States courts should have jurisdiction for the punishment of these offenses—we have gathered them together in a section at the beginning of this chapter providing for the punishment of these particular offenses in order to avoid the repetition with each separate section of this geographical jurisdiction. That certainly is in the interest of economy of time and space and consideration.

Heretofore, as the various statutes were being enacted, it was not convenient to refer to other sections in order to determine the jurisdiction. So each section as it was enacted enumerated the jurisdiction. We are codifying the laws in order that they may be more convenient for reference and application, and as a necessary part of the consideration in codifying these laws we bring together the oft-repeated expressions into some one particular expression that shall be applicable to the entire section.

The Senator from Georgia will find—and I say it on the faith of the committee, who were faithfully endeavoring to accomplish this object; and I believe they did, for they spent several days in considering this particular section referring to the jurisdiction of the United States courts—I think I may say on the faith of the committee that they have not enlarged the jurisdiction territorially or technically of the United States courts. They have merely brought these sections together, and if that looks to be larger or more comprehensive than it did at first, separated or scattered through twenty or thirty different sections, I think it will be found on comparison that the enlargement is merely apparent and not real.

Mr. BACON. Mr. President, my attention was withdrawn at the time the Senate passed the section which the Senator from Idaho has just been discussing, and I want to call attention to another matter in it, which I think should be at least looked after carefully. It may be that I am wrong.

Mr. HEYBURN. The Senator is now referring, as I understand, to section 269?

Mr. BACON. Yes; to section 269, in the matter of punctuation. Of course we know that punctuation will sometimes have a very material effect upon the question of construction, and I am referring to the comma which is after the word "State," in the eleventh line of that section.

Mr. HEYBURN. That has been stricken out. I moved that amendment. That was an error of the printer. When it was first reached I moved that it be stricken out, and it has been stricken out.

Mr. BACON. Then, I should like to ask the Senator another question. I am glad, however, to know that my suggestion in that particular was fortified by the concurrent opinion on the part of the committee. I think, however, in the next line there is possibly something which needs attention. I refer to the twelfth line.

Of course we all recognize the fact that a murder committed upon a vessel belonging to the United States is a crime within the jurisdiction of the United States. If the sentence had stopped there I should have had nothing to say, but it will be observed that in referring to the place of the commission of the crime which causes the jurisdiction to attach it reads in this way:

On board any vessel belonging in whole or in part to the United States or any citizen thereof.

Mr. President, the point of that only relates to a crime committed outside of the jurisdiction of the State. Am I correct in that?

Mr. SUTHERLAND. I did not hear the inquiry of the Senator from Georgia.

Mr. BACON. The question suggested to my mind is whether that phraseology as it stood in connection with the prior part of the sentence would not seem to seek to confer jurisdiction upon the United States in a case where a murder was committed upon any vessel belonging to private citizens.

Mr. SUTHERLAND. To citizens of the United States.

Mr. BACON. Yes. That is only in case it is outside of the jurisdiction of the particular State, is it?

Mr. SUTHERLAND. There may be a case where the United States and some other country would have concurrent jurisdiction over such an offense. The United States might have the right to punish an offense committed upon a vessel because it was owned by a citizen of the United States.

Mr. BACON. I may be mistaken in my construction, but the language used is not as clear as I should like to have it. I understand the intention of the committee in the phraseology adopted is to limit the question of the jurisdiction of the United States to a crime committed upon a private vessel to a case where the vessel is not within the territorial jurisdiction of any State. Am I correct in that?

Mr. SUTHERLAND. That is correct, as I understand it.

Mr. BACON. If that is the proper construction of it, I do not think there is any criticism to be made upon it. It is rather an involved sentence, and I think it rather unfortunate that it has not been separated in some way. The putting of vessels of the United States in the same sentence, without even the division of a comma, with vessels owned privately, misled me as to the purpose of the section. But if the construction is satisfactory and it limits such jurisdiction to a case where a crime is committed upon a private vessel, that vessel being at the time not in the jurisdiction of any State, then I think it is a proper provision of law.

Mr. SUTHERLAND. If the Senator will refer to lines 10 and 11, he will see that they read "and out of the jurisdiction of any particular State."

Mr. BACON. Yes. But the misfortune is that a crime when committed upon a vessel of the United States is a crime within the jurisdiction of the United States, never mind where that vessel may be, the Senator will understand, and at the same time it is conjoined in the sentence with the case of a private vessel where the jurisdiction of the United States can only attach under certain circumstances, to wit, when the vessel is not in the territorial jurisdiction of any particular State. For that reason I should say the intent is not expressed as happily as it might be. Still, I presume upon a careful examination of it one would not be misled by the construction.

Mr. SUTHERLAND. Mr. President, I have a very high regard for the opinion of the Senator from Georgia upon any legal question, but I think he is in error about this particular matter. The language is—

Or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, on board any vessel belonging in whole or in part to the United States, etc.

So that it is qualified by the words "when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State."

Now, as I understand the law, if, for example, a vessel belonging to a citizen of the United States happened to be tied up at a wharf in the city of Boston, an offense committed upon that vessel is within the jurisdiction of the State——

Mr. BACON. A private vessel.

Mr. SUTHERLAND. And not within the jurisdiction of the United States.

Mr. BACON. Undoubtedly.

Mr. SUTHERLAND. But if it happens to be a war vessel, perhaps the United States might have jurisdiction under some other provision.

Mr. BACON. That is exactly the point to which I am calling the attention of the committee. As I understand it, if an offense be committed on a war vessel the United States has jurisdiction, or should have it, or it is intended that it should have it, whether committed within the jurisdiction of the State or not.

Mr. SUTHERLAND. Well, the United States would have jurisdiction of the offense, of course, were it a violation of military law, but I do not understand that in that case the United States would have jurisdiction of an offense which was a violation of civil law; as, for instance, in an ordinary case of murder.

Mr. BACON. Is it the design of the committee to put an offense committed on a war vessel upon the same footing as an offense committed in a public building of the United States?

Mr. SUTHERLAND. No; that would come within another principle. An offense committed in a public building of the United States over which the State had ceded its jurisdiction would come within an entirely different principle, as I understand it; but it is the intention of the committee to say that where a vessel, as in the case I have illustrated, is attached to a wharf within the limits of a State any offense committed against the civil law—and I use that term in contradistinction to the military law—is an offense within the jurisdiction of the State, and not within the jurisdiction of the United States. If it happens to be an offense against military law, of course the military authorities have jurisdiction.

Mr. BACON. In other words, if a murder is committed upon a war ship lying in the harbor of New York, the design is that jurisdiction of that offense and the trial of the perpetrator of it shall be by the civil authorities of New York and not of the United States.

Mr. SUTHERLAND. That is my understanding. If two citizens of the State of New York, for example, should happen to be on board a war vessel tied up at one of the wharves in New York, should enter into a quarrel, and one should kill the other, that would be an offense cognizable by the State authorities and not by the Government of the United States.

Mr. BACON. If, on the other hand, those same two citizens were in the post-office building in the city of New York and were to engage in an altercation and one were to kill the other, the offense would be within the jurisdiction of the Federal courts.

Mr. SUTHERLAND. Precisely.

Mr. BACON. Now, I want to ask the committee—I have not had time to examine it myself—if that is the status of the present law?

Mr. SUTHERLAND. It is, as I understand it. I understand that to be the decision.

Mr. BACON. It is rather an anomaly if such is the case, Mr. President; and, while I presume I can not be reasonably accused of desiring to take away jurisdiction from a State, but rather the reverse wherever it is practicable, I myself think the law ought to be the other way. I think the Federal courts ought to have jurisdiction over whatever transpires upon a war vessel, for the same reason that the Federal courts have jurisdiction, or have claimed to have it, in a case where there is a crime committed upon a Federal reservation. If that is the present law and this makes no change, I shall not seek to have the change made; but I confess that it is somewhat of a surprise to me that that is the status of the law at present.

Mr. SUTHERLAND. I will say to the Senator from Georgia that that is my understanding of the law. In the case of a post-office building or any other public building which has been erected under the provision in the Constitution which gives the United States Government exclusive jurisdiction over any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which it is situated——

Mr. BACON. Yes; I am quite aware of the fact that that is the constitutional provision.

Mr. SUTHERLAND. That falls within a different principle. But if a war vessel is tied up at a wharf within the limits of a State, as I understand, an offense committed upon it is within the jurisdiction of the State.

Mr. BACON. I think the Senator is mistaken simply in one expression he uses, when he says it is upon a different principle. It may be that it is controlled by a different law; but the principle, so far as I can see, would be the same in one case as in the other. In the one case it is required by the Constitution, but the same principle which has induced that constitutional provision would, it seems to me, now require a statutory provision where the Constitution did not itself point it out.

Mr. SUTHERLAND. It may be true that I used the word "principle" in too broad a sense; but I mean by that that it falls within a different rule. My colleague on the committee [Mr. HEYBURN] has the authorities and is informed on that question.

Mr. BACON. I am not, of course, asking that any change be made if that provision is in accordance with the law as it exists at present. I will not ask the committee to make any modification of it, but it seems to me to be rather a strange distinction between a crime committed in a public building on land—in that case being within the jurisdicton of the United States court—and a crime committed on a warship, probably within 50 feet or 50 yards of the same building, being within the jurisdiction of the State. I think there is a very much stronger reason why it should be within the jurisdiction of the United States in case of a war vessel than in the case of a public building.

Mr. HEYBURN. Mr. President, the committee had considerable difficulty in harmonizing and adjusting the several existing provisions of law taken in connection with the decisions that had been rendered upon this subject. This is what we might term a very large subject; and it has received the attention of the United States Supreme Court on more than one occasion. There has been a wide difference of opinion in that court with reference to this question of jurisdiction, and on one occasion one of the most eminent members of that court, dissenting from the court, gave very excellent reasons for his dissent. But the law has not been changed from what it was as recently decided by that court.

One of the decisions rendered under the act of 1825—and, in passing, I will say that this provision is made up of the acts of 1790, 1825, 1875, and 1890——

Mr. BACON. And numerous decisions under them.

Mr. HEYBURN. As I have said, the courts have not left the question in uncertainty, but the law is in such a condition as to require a very careful comparison and analysis of the decisions in order to determine what the court holds the existing law to be.

In reframing this language your committee endeavored to keep as closely as possible within the declaration of the court as to what the law is. It may have erred; but it was only after many days devoted to a discussion of this particular portion of their work that they arrived at the conclusion as expressed in the report of the sections. In the case of the United States against Arwo, reported in 19 Wallace, page 486—a case which was decided in 1873 on a certificate of division in opinion from the southern district of New York—the Supreme Court recites that—

The statute of March 3, 1825—

That being the statute under which this prosecution was being maintained—

make an assault committed on the high seas with a deadly weapon a crime against the United States, and the act is made cognizable in virtue of prior law—

Which refers to the act of April 30, 1790. That was the first enactment giving the courts jurisdiction of that class of offenses.

This statute being in force, Arwo was indicted in the *southern* district of New York for an assault of the kind just spoken of, committed on a vessel alleged to have belonged to citizens of the United States. He pleaded to the jurisdiction, alleging that immediately upon the commission of the assault he had been placed in irons on board ship for custody and to be forthcoming to answer any charge therefor, and was so kept until the vessel reached the *lower quarantine* anchorage in New York Harbor, within the *eastern* district of that State; that the vessel lay at anchor at such station for five days, during which he, being still in such custody, was delivered to the harbor police, officers of the State of New York, in order that he might be forthcoming, etc., and that they without process or warrant from any court carried him to the city of New York, where he was delivered over to the marshal of the United States for the *southern* district of New York, and that a warrant for his arrest (being the first issued in this case) was afterwards duly issued to the said marshal; so that, upon the whole, he had been apprehended and brought first into the eastern and not into the southern district, and therefore could be tried only in the former district, etc.

Upon demurrer the following questions occurred, and the court certified a division upon them:

"1. Whether the prisoner having been taken into custody by the master of an American vessel, while on her voyage, upon a charge of having during the voyage committed an offense against the United States on board such ship, upon the high seas and out of the limits of any State or district, and first brought, in such custody, into the eastern district of New York, can be tried for such offense in the southern district of New York.

"2. Whether the facts stated in the plea show that the southern district of New York is not the district in which the defendant was apprehended, within the meaning of the act of March 3, 1825.

"3. Whether the plea discloses that, within the meaning of the act of March 3, 1825, the apprehension of the defendant occurred either upon the high seas, or in the eastern district of New York, and not in the southern district of New York.

"4. Whether the act of March 3, 1825, confers jurisdiction in the alternative, and enables this court to assume jurisdiction to try an indictment by reason of the fact that the defendant has been arrested in this district, upon the charge in the indictment contained, by an officer of the United States, as stated in the plea, notwithstanding it appears that the defendant was first brought into the eastern district of New York."

I read more of the statement of facts than is really necessary for the consideration of this point so that the entire question before the court on the certificate of division in opinion might be understood. That is followed by the argument of counsel:

Mr. Justice Clifford delivered the opinion of the court.

Instead of answering separately the questions certified here, I am instructed to say that the court, upon the facts alleged in the plea, is of the opinion that the circuit court for the southern district of New York had jurisdiction in this case, and that the court directs that this statement be certified to the circuit court as the only answer required to the several questions presented in the record.

We may fairly deduce from the conclusion of the court in that case that they considered—the place of the commission of the offense being upon a vessel within the class designated by the act of 1825—that the question as to where the party first reached the land, so to speak, of the United States was immaterial, but that the act under consideration—the act of 1825—made it an offense against the United States to commit the crime upon a vessel, and that the question of the place of trial became immaterial after that—wherever he was apprehended and the United States chose to assume jurisdiction.

Mr. BACON. Was that a private vessel or a war vessel?

Mr. HEYBURN. It was a vessel owned by citizens of the United States.

Mr. BACON. Was it without the jurisdiction of a State?

Mr. HEYBURN. It was without the jurisdiction of the State at the time of the commission of the offense. That is recited in the statement of facts.

Mr. BACON. I understand.

Mr. HEYBURN. But the party was apprehended on a warrant served within the jurisdiction of the State of New York, so that, the place of the commission of the offense being without the jurisdiction of the State, it was immaterial where the party was apprehended.

Mr. BACON. I will ask the Senator's attention—if he will pardon me for the interruption——

Mr. HEYBURN. Certainly. The Senator does not interrupt me.

Mr. BACON. The Senator is possibly coming to that particular point, but the question that I was troubled about was whether an offense committed upon a war vessel within the jurisdiction of a State was or was not an offense against the United States cognizable in a Federal court.

Mr. HEYBURN. I will reach that in a moment. I think I have another decision upon this question. I will say in this connection that the citation as published in part 2 of the report is misleading in that the designation "Mas." should be "5 Mason" in stead of "5 Mass." The Senator will find it in the margin. There is also an important decision in the case of United States against Holmes, in 5 Wheaton, page 412.

There has been a great deal of consideration given to this question, but I think I can only take the time of the Senate at this juncture to say that the committee sifted down all of these decisions and that the section as reported is the result of a very careful consideration of the cases. Of course, that is not a sufficient answer to the question submitted by the Senator, but I will give that a moment's consideration.

An offense committed upon a war vessel of the United States, if it is in violation of the discipline of the Navy or the military law of the United States, comes within the jurisdiction of a court-martial. If it is an offense against the laws of the United States, applicable alike to all classes of citizens, it is a crime against the United States and it is triable in the United States courts. They have jurisdiction of the offense because it is a crime against the United States within territory under the exclusive jurisdiction of the United States, provided that the offense is committed without the jurisdiction of a State. If the offense is committed within the jurisdiction of a State the party may be turned over for trial to the civil authorities of that State within whose jurisdiction it was committed.

There is some conflict of authority as to whether or not there is a concurrent jurisdiction in such cases as that, but your committee have reported the law as it is written and left the question of interpretation of that law to the courts.

Mr. BACON. I merely want to ask the Senator a question in connection with what he has just said. It seems to me that of all the peculiar functions of the Committee on Revision, one of the most important is to settle any question that is in doubt as to statutory provisions. This is one question that ought to be specifically settled by statute. It is the statute which can confer the jurisdiction, and it is only by reason of the doubt that there is not jurisdiction. While, as I have suggested, I am not in the habit of seeking to withdraw any jurisdiction from the States which can properly belong to them, it does seem to me that the jurisdiction of the Federal authorities ought to be certain and couched in no ambiguous language in a statute conferring that jurisdiction in the case of a crime committed upon a war vessel of the United States. It is the territory of the United States; it is an exclusive territory of the United States, as much so as any public building can possibly be, situated in the body of a State. While I will not take the liberty of offering an amendment myself——

Mr. HEYBURN. Mr. President——

Mr. BACON. If the Senator will pardon me for a moment, if the Senators had found that the law was clearly stated, leaving no doubt of the fact that the jurisdiction was in the State, I would not contend that it was their duty to seek a change of the law, but where they themselves say it is in doubt, it seems to me the doubt ought to be settled. It ought to be specifically provided either that it is in the State or the United States. I myself think it ought to be in the United States.

Mr. FULTON. Mr. President——

The PRESIDING OFFICER (Mr. WARNER in the chair). Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I do not think that a crime committed on board of a war ship of the United States is therefore necessarily committed within a place that is within the exclusive jurisdiction of the United States within the meaning of the Constitution, which confers exclusive jurisdiction on the United States in certain cases specified and named. Places purchased within a State, by the consent of the State, for forts, arsenals, etc., are within the exclusive jurisdiction of the United States. A war ship, of course, like any other vessel of the United States owned by citizens of the United States, is, when on the high seas, within the admiralty and maritime jurisdiction of the United States, or when in any bay or inlet of the sea, or, indeed, when on any water, even though that water be within the exclusive jurisdiction, or perhaps I should say the territorial jurisdiction, of a foreign state, it is within the admiralty and maritime jurisdiction of the United States, because it is a vessel of the United States. But there is a case—I do not recall the title of it; perhaps the Senator from Idaho or the Senator from Utah will recall it—which went up from Massachusetts, where the crime was committed on board a vessel of the United States within the Boston Harbor, as I recall it—some waters on the Atlantic coast—I think Boston Harbor. Does the Senator from Utah recall the case?

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. It is the case of The United States *v.* Grush. I have it in my hand.

Mr. FULTON. As I remember that case, the court held that the vessel was within the jurisdiction of the State and therefore it was not a case in which the United States court had jurisdiction.

Mr. HEYBURN. The court held the waters were within the county of Suffolk.

Mr. FULTON. That is the question.

Mr. HEYBURN. It was a question of the limit of the jurisdiction of the State, and the decision was rendered by Mr. Justice Story. But I should say in fairness to the consideration of this question that Mr. Justice Story differed from the majority of the court on a later occasion when a question involving a part of the principle here involved was before it, and the majority of the court was against him.

He not only filed a very strong dissenting opinion, but afterwards drew a bill and had it presented for consideration which was in conformity with his idea of what the law should be. It was in conformity with his idea of what the law was. The court having held that that was not the law, in his desire to have the law so established he drew a bill which was introduced, and he probably showed more feeling in regard to this question than any other question that came before the court during the long, many years that he was on the bench.

The Senators will realize that the committee had quite an undertaking before it when it undertook to sift down the exact line and limit of the jurisdiction. I agree with the Senator from Georgia that this question should be settled by a statute, but I do not agree with him that it was within the province or function of the Committee on the Revision of the Laws to attempt to frame a statute for that purpose. That should be——

Mr. FULTON. I should like to ask the Senator a question.

Mr. HEYBURN. Certainly.

Mr. FULTON. Is there a decision of any court holding that a crime, distinct from a violation of the Naval Regulations, which if committed on land would be simply an offense against the laws of a State, when committed on board of a man-of-war or naval vessel within the limits of a State is punishable under

the United States statutes and cognizable by a court of the United States?

Mr. HEYBURN. Does the Senator mean whether there is a record of anyone having escaped justice because of the absence of legislation?

Mr. FULTON. No; whether there is any case holding that a United States court has jurisdiction where the offense is committed on board a naval vessel within the waters of a State.

Mr. HEYBURN. Or while she is tied up to a wharf.

Mr. FULTON. Or while she is tied up to a wharf; that is, aside from the violation of the Naval Regulations.

Mr. HEYBURN. The decisions upon that question are usually by the lower courts, because in almost every instance, in fact in every instance that recurs to my mind, the party was acquitted, and, of course, there was no law under which the question could be brought to the Supreme Court of the United States. Parties have frequently escaped punishment because of this distinction, which we may term technical or not, as we see fit.

But Senators will remember that in the Guiteau case the insufficiency of the law was demonstrated and illustrated. The shot was fired in the District of Columbia. The victim died in the State of New Jersey. There was no law under which he could be tried in the State of New Jersey for that offense, and there was no law in the District of Columbia under which he could be tried for an offense where the victim died beyond the jurisdiction; and it was necessary for the court, in order to hold the defendant, to hold that the common law being applicable to the State of Maryland, from which the District of Columbia was carved at the time of the creation of the District, was applicable; and Guiteau was tried and convicted and executed under the common law as applicable in the State of Maryland in the absence of any legislation sufficient to try him either in the District of Columbia or in the State of New Jersey, where Mr. Garfield died.

That illustrates the insufficiency of the law, and I am free to say that, in my judgment, the law is pretty nearly as insufficient in regard to the clear line of distinction as to the jurisdiction of the United States and the State courts in respect to a certain class of offenses.

Mr. FULTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I think the point the Senator is now discussing is entirely distinct from the other proposition, and unless the committee has changed the rule which we adopted when I was a member of it, there is a section in the report the committee has filed which expressly provides that the crime shall be deemed to have been committed at the place where the mortal blow was struck.

Mr. SUTHERLAND. That is retained.

Mr. HEYBURN. We retain that.

Mr. FULTON. That does away with that question.

Mr. HEYBURN. I would not want the Senator from Oregon to think or to create the impression that I consider the Guiteau case as applicable to the consideration of this question. I used it for illustration only——

Mr. FULTON. I understand.

Mr. HEYBURN. As to the very fine distinctions that are very frequently drawn and have to be overcome by the courts either on behalf of the party charged or on behalf of the administration of justice, in the interest of the public. I was using it as an illustration. I said or intended to be understood as saying in response to the question submitted by the Senator from Georgia that the line of distinction is about as fine drawn in regard to the jurisdiction in the cases to which he has referred as it is in the other case—that is, in the Guiteau case, or that class of cases.

Mr. FULTON. I do not wish to be understood as questioning the fact that the Senator from Idaho clearly understood the distinction, or as intimating that he was confused at all in his statement of the two propositions. I simply wished to emphasize the contention I was seeking to make, that the propositions are, in my judgment, not only entirely distinct, but that the line of authority is much clearer on the one than it is on the other. I do not myself think that there is any reasonable doubt about what the law is touching where a crime is cognizable when committed even on board a vessel of the United States, if it be committed within the jurisdiction of a State. I think it is clearly cognizable by the State court.

Mr. HEYBURN. By the State court?

Mr. FULTON. Yes.

Mr. HEYBURN. I think that that probably was in the mind of Congress when it enacted the law, and I think probably that view would be contended for by those who are strict constructionists as to the rights and limits of the jurisdiction of the State. But the courts have not always so held.

Mr. BACON. Let me ask the Senator a question. What is the volume from which he started to read when the Senator from Oregon interrupted him?

Mr. HEYBURN. It is 5 Mason, page 290.

Mr. BACON. Did the Senator say the decision was rendered by Mr. Justice Story?

Mr. HEYBURN. The decision was by Mr. Justice Story, in the circuit court of the United States for the first circuit; reported in volume 5 by William P. Mason.

Mr. BACON. In that case, as I understand the Senator, Mr. Justice Story, dissenting from the majority, contended that the jurisdiction——

Mr. HEYBURN. No; the case in which he dissented from the majority was that of the United States *v.* Holmes, 5 Wheaton, 412.

Mr. BACON. In that case, as I understand, the opinion of Mr. Justice Story was that where the offense was committed upon a war vessel of the United States, regardless of where the vessel might be, the jurisdiction was in the United States courts.

Mr. HEYBURN. It arose out of the question of a vessel weaving backward and forward—the question of the necessity of the definite location of the vessel.

Mr. BACON. I am not speaking of the question of location.

Mr. HEYBURN. I will send for the case, and see whether it was a war vessel.

Mr. BACON. Of course the question as to the particular situs of the vessel at the time of the commission of the crime is altogether a different question from the one which I raised as to the jurisdiction of United States courts of a crime committed upon a war vessel, regardless of the situs.

Mr. SUTHERLAND. If the Senator will permit me, I wish to call his attention to one thing he said. I understand him to say that, in his opinion, if the United States has jurisdiction over a public building, it ought also to have jurisdiction over its war vessels.

Mr. BACON. Of course I understand in the case of public buildings it is controlled by constitutional provision.

Mr. SUTHERLAND. Yes; it is.

Mr. BACON. But I say the same principle, it seems to me, which induced them to incorporate that provision in the Constitution should induce us to incorporate a similar provision in the statute as applied to war vessels.

Mr. SUTHERLAND. But the United States has jurisdiction over a public building, not because it is a public building of the United States, but because the State has ceded its jurisdiction to the Government of the United States. For example, the United States Government——

Mr. BACON. It is because the Constitution requires that to such buildings the jurisdiction of the United States shall attach.

Mr. SUTHERLAND. Suppose there was no constitutional provision at all on the subject?

Mr. BACON. That would be a different thing altogether.

Mr. SUTHERLAND. Yes.

Mr. BACON. But the proposition I make, if the Senator will pardon me, is that the same principle that induced the framers of the Constitution to provide that when in a public building of the United States a crime was committed, jurisdiction should attach to the United States courts, would, it seems to me, constrain us in framing a statute which should prescribe the jurisdiction in the case of a crime upon a war vessel, also to give the jurisdiction to the United States court. It is simply an analogy.

Mr. SUTHERLAND. If I understand the Senator, then, he means to say that if it was wise for the makers of the Constitution to provide that the United States should have exclusive jurisdiction over a public building within a State when it had been ceded by the State government, it would also be wise to provide for the same sort of jurisdiction over a war vessel. But in the one case there is a constitutional provision and in the other there is not. In the case of a public building the Government has jurisdiction, not because of the character of the building, not because of the ownership, but it rests upon the proposition that the State under the Constitution has ceded its authority and its jurisdiction to the United States. In the case of a war vessel it is simply property owned by the United States which happens temporarily to be within a State and over which the State has not ceded its jurisdiction.

I can not see that it differs in principle from a case where the Government of the United States might own a car—a mail car, for example—it might own the whole thing; it might be the property of the United States, under the control of its offi-

cers, carrying its property. If that mail car happened to be within the limits of a State and an offense was committed upon it which did not violate some provision of the law which dealt with a crime against the sovereignty of the United States, it would be an offense under the jurisdiction of the State and not of the Federal Government, because it does not come within any class mentioned in the Constitution over which the State has ceded jurisdiction. So, it seems to me, it makes no difference whether the vessel is one owned by the United States or one owned by a citizen of the United States; that when it is upon the high seas, upon the waters out of the jurisdiction of the State, the United States has jurisdiction over it; when it is within the limits of a State, then the State has exclusive jurisdiction over any offense that is committed upon it.

Mr. HEYBURN. I have before me the case of The United States *v.* Holmes, in which the decision was rendered by Mr. Justice Washington in 1820, before the act of 1825 was passed. It was rendered under the act of 1790:

The courts of the United States have jurisdiction under the act of the 30th of April, 1790, chapter 36, of murder or robbery committed on the high seas, although not committed on board a vessel belonging to citizens of the United States, as if she had no national character, but was held by pirates or persons not lawfully sailing under the flag of any foreign nation.

In the same case and under the same act, if the offense be committed on board of a foreign vessel by a citizen of the United States, or on board a vessel of the United States by a foreigner, or by a citizen or foreigner on board of a piratical vessel, the offense is equally cognizable by the courts of the United States.

It makes no difference in such a case and under the same act whether the offense was committed on board of a vessel or in the sea, as by throwing the deceased overboard and drowning him, or by shooting him when in the sea, though he was not thrown overboard. (The United States *v.* Holmes et al., United States Supreme Court Reports, vol. 18, p. 412, 5 Wheat., February term, 1820.)

That was a case which grew out of an act of piracy. It is not the case I had in mind.

Mr. BACON. As I understand the Senator, there is possibly no case where there has been an adjudication by a circuit court of the United States or the Supreme Court of the United States distinctly on the point whether the jurisdiction attaches to the United States in the case of a crime committed on a war vessel.

Mr. HEYBURN. There is no case in the Supreme Court of the United States. I will read the constitutional provision, so that it will appear in the RECORD.

Section 8, Article I, of the Constitution provides:

The Congress shall have power * * * to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

That is the limit of the constitutional power given to Congress to legislate in regard to crimes, except that contained in a subsequent paragraph, which I will read:

The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings—

And—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

That is the limit of the power of Congress to legislate in regard to criminal offenses, so far as territorial jurisdiction is concerned. Of course, it is not a limitation so far as the character of offenses is concerned, except as to territorial jurisdiction.

If the attendance of the Senate was larger than it is, I would feel that we might perhaps take up the consideration of the amendment of this law, but I suggest to the Senator from Georgia that we should not undertake at this time to change existing law, either by amending the report of the committee or the existing law.

Mr. BACON. I quite agree with the Senator that under present conditions it would not be practicable to do so.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill, and read as follows:

SEC. 275. Whoever shall commit the crime of rape shall suffer death.

SEC. 276. [Whoever shall carnally and unlawfully know any female under the age of 16 years, or shall be accessory to such carnal and unlawful knowledge before the fact, shall, for a first offense, be imprisoned not more than fifteen years, and for a subsequent offense be imprisoned not more than thirty years.]

SEC. 277. Every master, officer, seaman, or other person employed on board of any American vessel, who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be *fined* not more than $1,000, or imprisoned not more than *one year, or* both; but subsequent intermarriage of the parties may be pleaded in bar of conviction.

SEC. 278. [When a person is convicted *of a violation* of the section *last* preceding, the court may, in its discretion, direct *that* the amount of the fine, when *paid*, be paid for the use of the female seduced, or her child, if she have any; *but* no conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port *of its destination.*]

SEC. 279. [Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be *fined* not more than $10,000, or *imprisoned* not more than ten years, or both: *Provided,* That when the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be *fined not more than $10,000, or imprisoned* not more than ten years, or *both.*]

Mr. BACON. I notice in the hasty reading, which I have been able to give of the existing law, while at the same time trying to follow the reading of the Clerk, that the Committee on Revision has left out the designation, which is now found in the existing law, as to that offense. It is designated in the existing law as manslaughter. The committee, I have no doubt, were wise in their conclusion, but I should like to know the reason why they changed the phraseology to that extent.

Mr. HEYBURN. The committee has divided manslaughter into two degrees. So it seemed that in the interest of simplicity and concise expression it was better to leave the section stand so that it would cover either class and avoid the necessity of practically repeating the entire section twice in order to cover the distinction between manslaughter in the first and second degrees, which the committee has reported, and which has already been passed. That is the reason.

Mr. BACON. If a party is to be indicted under this law, what is the designation of the offense with which he is charged?

Mr. HEYBURN. The designation of the offense would be a statement of the facts as to the act he had committed, and if it came within the provisions of this statute that would be sufficient:

Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed.

You would allege in the indictment that the captain, for instance, had been guilty of misconduct, negligence, and inattention, and by reason thereof the occurrence had happened. That is the usual manner of stating the description of offenses where the offense has no name. There are a very large number of offenses in the statutes now that have no names, and the offense goes simply by its description rather than by its designation by name. It is not unusual at all.

Mr. BACON. I think the Senator will find in a body of laws where that course is pursued there is some general provision of law that wherever an offense is not otherwise designated it shall be termed a misdemeanor.

Mr. HEYBURN. We have such a general provision here.

Mr. BACON. If there is such a general provision, a party could be indicted under that and then the specification could follow.

Mr. HEYBURN. Yes. I did not understand the Senator's remarks to be directed to that phase of it.

Mr. BACON. Yes; they were.

Mr. HEYBURN. There is a general provision which applies to all parts of the code as reported, by which the grade or degree of any offense may be measured.

Mr. BACON. And the party can be so indicted?

Mr. HEYBURN. Yes.

Mr. BACON. I think that is entirely sufficient.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill, and read as follows:

SEC. 280. [Whoever, with intent to maim or disfigure, shall cut, *bite,* or slit, the nose, ear, or lip, or cut out or disable the tongue, or put out *or destroy* an eye, or cut off or disable *a* limb or *any* member of *another* person; *or whoever, with like intent, shall throw or pour upon another person, any scalding hot water, vitriol, or other corrosive acid, or caustic substance whatever,* shall be fined not more than $1,000 *or* imprisoned not more than seven years, *or both.*]

Mr. HEYBURN. I will say that we have simply enlarged that section to meet conditions now existing which did not exist within the contemplation of the original act.

The Secretary resumed the reading of the bill, and read as follows:

SEC. 281. [*Whoever, by force and violence, or by putting in fear, shall feloniously take from the person of another anything of value, shall be imprisoned not more than fifteen years.*]

SEC. 282. Whoever shall willfully and maliciously *set fire to*, burn, *or attempt to burn, or by means of a dangerous explosive destroy or attempt to destroy*, any dwelling house, or any store, barn, stable, or other building, parcel of a dwelling house, shall *be imprisoned not more than twenty years.*

SEC. 283. [Whoever shall maliciously set fire to, burn, *or attempt to burn, or by any means destroy or injure*, any arsenal, armory, magazine, ropewalk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn, or stable not parcel of a dwelling house, or any other building not mentioned in *the* section *last preceding*, or any vessel built, building, or *undergoing* repair, or any light-house, or beacon, or any *machinery*, timber, cables, rigging, or other materials *or appliances* for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be fined not more than $5,000 and imprisoned not more than *twenty* years.]

SEC. 284. Whoever shall take and carry away, with intent to steal or purloin, any personal *property* of another, shall be punished *as follows: If the property taken is of a value exceeding $50, or is taken from the person of another, by a fine of not more than $10,000 or imprisonment for not more than ten years, or both; in all other cases*, by a fine of not more than $1,000, or by imprisonment not more than one year, or both. *If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen.*

Mr. KEAN. Will the Senator explain the last section read?

Mr. HEYBURN. I will do so. This section conforms to the law of the large majority of the States in dividing larceny into two classes and grading the punishment accordingly. The amendments, I think, are self-explanatory.

Mr. KEAN. Can the Senator state to which States it applies?

Mr. HEYBURN. By taking the data that was before the committee I could refer the Senator to each State to which it applies. I would say that the committee had before it reference to the laws of the several States in regard to this class of offenses. It is obvious to those familiar with the law that this offense may be of an exceedingly grave nature or a very trivial nature, and the distinction which is made in the section is one that would appeal to the courts as between the more grave offense and the offense of lesser gravity.

I do not know that any further explanation could be made. It is a section which deals with existing law. It is based upon an existing statute which provides for the punishment of some offenses, except that it makes no distinction between a very grave offense and a more moderate form of the offense.

Mr. KEAN. I would suggest that it is a pretty important change.

Mr. HEYBURN. There are a great many important changes here—that is to say, if we call them changes. I call the Senator's attention specifically, however, since it attracts his attention, to the first half of section 284, which is as follows:

Whoever shall take and carry away, with intent to steal or purloin, any personal *property* of another, shall be punished *as follows: If the property taken is of a value exceeding $50, or is taken from the person of another, by a fine of not more than $10,000 or imprisonment for not more than ten years, or both; in all other cases*, by a fine of not more than $1,000, or by imprisonment not more than one year, or both.

It is a distinction that has been common to larceny and such offenses in all the States, I think, from the very early days in the history of this country.

The only new provision contained in the section is the following:

If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen.

In other words, it fixes a standard by which the grade of the offense may be determined, where the offense consisted in taking something that had an uncertain value. It might have a face value that would bring it within the graver class of offenses, and it might really be worth nothing.

Mr. KEAN. Is not that what it does? Does it not fix the face value as the value of the debt?

Mr. HEYBURN. No; it says the amount that "might be collected thereon:"

If the property stolen consists of any evidence of debt, etc., or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen.

If the Senator has a more equitable rule than that to suggest, the committee would be glad to have it.

Mr. KEAN. I ask if a person should steal a million shares of mining stock of the value of 25 cents each or 10 cents each, would the nominal par value of the stock be the degree of his guilt?

Mr. SUTHERLAND. If the Senator from Idaho will permit me, I think in that case it would not. That would be tested by the provision in lines 21 and 22, "the value of the property the title to which is shown thereby." The rule stated in the italicized portion of the section is one which is to be found, I think, in nearly every State in the Union, and it was framed in those various States in order to get rid of the rule of the common law on the subject.

At common law when a man was indicted for having stolen a written instrument the value which the common law attached to it was the intrinsic value of the paper, which was merely nominal, and it was a very unjust rule. That rule of the common law has been modified by statute in England, and it has been modified by, I think, the statutes of nearly every State in the Union.

The old statute, of which this is a paraphrase, was enacted in April, 1790, and there has been no change made since that time. It was the purpose of many of the changes made by the committee, and this is one of them, to modernize laws which were passed more than a hundred years ago.

The Secretary resumed the reading of the bill, as follows:

SEC. 285. Whoever shall buy, receive, or conceal any money, goods, bank notes, or other thing which may be the subject of larceny, which has been feloniously taken, stolen, *or embezzled*, from any other person, knowing the same to have been *so* taken, stolen, *or embezzled*, shall be *fined* not more than $1,000 and *imprisoned* not more than three years; *and such person may be tried either before or after the conviction of the principal offender.*

SEC. 286. [Whoever, *within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment;* and *every* such State, *Territorial, or District* law shall, *for the purposes of this section, continue in force, notwithstanding any* subsequent repeal *or amendment* thereof *by any such State, Territory, or District.*]

Mr. KEAN. I will ask the Senator from Idaho to explain the section.

Mr. HEYBURN. This is one of the most difficult sections in the revision, I am free to say, and I reserved the right, when the committee finally considered it, to criticise it and amend it. It is existing law in substance, but it attempts to engraft on Federal law the statutes of the State without reciting them, without showing what they are, and it provides that they shall remain engrafted as a part of the Federal law even though the State repeals them.

That is existing law. In my judgment it should not be law. There is very grave doubt in my mind whether, the question being presented to the highest court in the land, that class of legislation would be sustained. But as late as 1898 the provisions of the act of 1825, which went only a part of the way, were enlarged, so that to-day that is the law upon the statute books and the committee were very loath, under the general principle by which they were guided, to propose any change in a law so recently enacted that had received the consideration of the Committees on the Judiciary of the two Houses of Congress, many members of which are still Members of the respective bodies.

I could not pass this section without calling the attention of the Senate to the anomalous class of legislation which the section represents. At the time of the enactment of the section originally every section of the law of any State was engrafted upon the laws of the United States and it was limited to the laws then in existence of the States. There was a very serious controversy over the act of 1825 for many years in the courts, and it was held that it did not apply to any law that was passed subsequent to the enactment of the act of 1825.

Then, again, in 1898, when the provisions of the act were enlarged, it was held that it simply included the laws passed between 1825 and 1898 as being within the scope of this indefinite legislation, laws written in small characters high upon the pillars of the temple.

The courts hold that the provisions of the act of 1898 do not apply to any legislation by a State subsequent to that date. So in the United States courts the laws of the States that were in existence at the time of the passage of the act of 1898 are a part of the statutory laws of the United States. Congress never considers the wisdom of them, no committee of Congress ever passes upon or even reads or has called to its attention these laws that it adopts without specific reference, and it merely makes the laws of a State enforceable in a United States court without ever knowing what those laws are. In my judgment, which is evidently opposed by the wisdom of the courts and of the legislature, that is not a correct or safe system upon which to establish law in any country.

Mr. President, if we enact the provisions of this code as reported by the Commission we will do what was done in 1898. We will make the laws of the States at the hour of the enact-

ment of this code a part of the laws of the United States, enforceable in the courts of the United States, and a law that is enacted the next day by the legislature of any State will not be a part of the laws of the United States or enforceable in the courts of the United States. It will become necessary, if we adopt this provision, to reenact it every year in order that the courts of the United States may enforce the laws of the States up to date.

The difficulty arises out of the fact that we can only adopt the laws which are in existence. If we were to attempt to do more it would be in the nature of the delegation of authority to the States to legislate for and on behalf of the United States and thereby establish a rule for the courts to follow. The courts have held that Congress might adopt the laws in existence by reference in general terms, but could not adopt the laws that might be enacted by the States an hour after the passage of the act of Congress.

It is an anomalous condition. I admit the necessity for some legislation upon this subject. I think that the legislation which has been enacted to which I have just referred (and I say it without any disrespect to the legislative bodies that have gone before) has been in the interest of saving themselves trouble. There is no good reason why various acts of the various States could not be selected and referred to in express terms and incorporated in the legislation applicable to the Federal courts. It would require a complete consideration of the laws of the several States, and that they should be in specific terms incorporated into the Federal law.

I think it was only right to call the attention of the Senate to the character of this legislation, having reserved the right so to do at the time it was adopted by the committee.

Mr. BACON and Mr. SUTHERLAND addressed the Chair.

Mr. BACON. I will yield to the Senator from Utah, but I wish to make some remarks a little later.

Mr. SUTHERLAND. Mr. President, this is one of the very few matters about which the Senator from Idaho, my colleague on the committee, and myself disagree. I think not only the legislation is constitutional, but I think it is wise and proper legislation. Indeed, I do not know of any other practical way in which this question can be dealt with. To attempt to provide by special enactment for all of the various offenses which are offenses under the laws of the forty-six different States would involve a criminal code exceeding in bulk all of the Revised Statutes of the United States.

This section simply reads into the Federal law the provisions of the laws of each State and applies them to the particular places under the exclusive jurisdiction of the United States within that particular State. There may be in some of the States offenses which are peculiar to those States and which are not recognized in other States. We are dealing with forty-six different States. We can not undertake to search out the peculiar conditions in each of the States and provide by a vast and comprehensive system of law to cover every one of those offenses, and yet the offenses ought not to go unpunished because they happen to be committed in a post-office building in the exclusive jurisdiction of the United States. For example, a man in the city of Chicago, upon one of the streets of Chicago, in one of the hotels of Chicago, commits an offense which is punishable under the law of the State of Illinois. If we do not have this particular provision upon the Federal statute books, and he happens at that time to have been in the post-office building, he goes absolutely unpunished.

I do not see any other practical way by which we can deal with this question, because certainly it would not be a good condition of affairs if an offense considered by the State to be worthy of punishment when committed in a hotel building should not be punished when committed in a public building of the United States.

It is true that this law applies only to the laws which are in force at the time it is passed, because we would not have the power to make it apply, even if it were wise, to laws subsequently passed. To undertake to do so would be an unlawful delegation to the legislatures of the various States of the legislative authority which belongs to Congress.

I do not know of any authority which has ever questioned the validity of the legislation. There have been numerous prosecutions under the provision. I have here a comparatively recent case reported in 122 Federal Reporter, the case of The United States *v.* Tucker, which was brought under this provision of the law, and no question was made either by counsel or by the court as to the validity or the wisdom of the legislation which was enforced in that case.

Mr. BACON. What was the character of the offense?

Mr. SUTHERLAND. I do not just recall the character of it.

Mr. BACON. It is not material.

Mr. SUTHERLAND. No. The syllabus does not disclose the character of the offense. Congress began to pass this legislation as early as March 3, 1825. It was repeated April 5, 1886, and again repeated July 7, 1898. It does not appear from 1825 down to the present day that anybody has questioned either the validity or the wisdom of the law, and I do not think that at this late date Congress, and particularly this committee, ought to undertake to change it.

Mr. BACON. Mr. President, I confess that it is a question not free from difficulty in my mind. The act of 1898 I suppose I ought to be familiar with, as I think I was on the Judiciary Committee at that time, but I do not recall it. Much that the Senator from Utah [Mr. SUTHERLAND] has said, I myself had it in my mind, less perfectly, to say. There are very grave reasons why there should be some such legislation. At the same time I see very great difficulties in making the legislation effective and many difficulties in entirely justifying it, some of which have already been very forcibly suggested by the Senator from Idaho.

By way of illustration, to show the necessity for it, taking the case of a prohibition State, where the sale of liquors is prohibited in any part of the State: If there is to be no such legislation as this, in every public building or in every park which surrounds a public building there could very easily be established any number of illicit concerns, and even if there were no buildings there could be illicit transactions in the sale of whisky, and it would be resorted to for that purpose, because it would be without the jurisdiction of the State, and at the same time there would be no means by which it could be punished by the United States.

Mr. SUTHERLAND. If the Senator will permit me right there, I think his illustration bears out precisely what I have said—that there are in States offenses peculiar to the particular States, and if Congress were to undertake to pass a law of general application, it would be appropriate in some States and wholly inappropriate in others.

Mr. BACON. At the same time I confess there comes up a difficulty as to the compliance of Congress in that particular with the obligation to make the laws of uniform operation. Of course we recognize that all laws should be uniform, and especially all criminal laws. The question naturally arises as to whether that obligation can be evaded by the adoption of statutes which shall be different in different States rather than directly legislate ourselves for different States. It is a very troublesome question.

Another difficulty which arises is this: As I understand the learned Senator—I have not myself had the opportunity to examine the decisions in this regard—a statute of this kind can only be made effective as to legislation of States which has preceded the adoption of this statute. Am I correct in that?

Mr. SUTHERLAND. That is my understanding of the situation.

Mr. BACON. Very well. Now, the Senators will easily perceive the one great end to be accomplished by this legislation. Even if it is not open to the objection of the want of uniformity, necessarily it is very incomplete in its operation by reason of the fact that there are constant changes being made in the legislation of the different States, which are just as important, under the view presented by the Senator from Utah, to be enforced as legislation, which precedes the adoption of this particular statute.

Mr. HEYBURN. Mr. President, if I may be pardoned for interrupting the Senator from Georgia——

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

Mr. BACON. I do.

Mr. HEYBURN. One objection which has impressed itself on my mind is that after a State, in the light of the wisdom which it gathers from time to time, shall repeal a law because it is obnoxious to the sense of its people, the United States, within that same jurisdiction, goes on enforcing that law.

Mr. BACON. Has that also been determined by the courts?

Mr. HEYBURN. That is the practice, and that is the provision of this section, which was one of the strong objections that I have always urged. In the law passed in 1825 we adopted the State legislation up to that time. Now, as late as 1877, the year before the passage of the last act, the United States courts were enforcing State statutes that had been obsolete since or repealed twenty, thirty, forty, or fifty years. It strikes me that that is very inconsistent with the correct administration of justice.

Mr. BACON. Mr. President, this is a very difficult question and I think we had better let this section lie over for the purpose of seeing if we can not arrange it in some way. On this

matter of prohibition something must be done, if it is within the jurisdiction and power of legislation to accomplish it. I think there ought to be a specific provision prohibiting the sale of liquors, distilled, fermented, or otherwise, in any jurisdiction of the United States included within a State where there has been a prohibition of the sale of such liquors by the State, and a specific penalty provided by the United States, and not trust to the possibility of the statute itself being sufficient when referring to penalties prescribed in the statute.

Mr. HEYBURN. Mr. President, I have very much sympathy with the Senator's purpose, as expressed by him, to protect States against a violation of their local laws through the medium of the General Government itself; but I should think that such legislation should be introduced and go to the proper committee in the ordinary process of legislation rather than attempt to incorporate it upon this criminal code.

I should like, if the Senator will pardon me for a further interruption——

Mr. BACON. Certainly.

Mr. HEYBURN. To suggest that this section under consideration, while it pertains to the administration of the criminal laws, is merely in the nature of an administrative provision, and I think we should do no harm if we should refer this section to the standing Committee on the Judiciary of the Senate and allow them to consider it and report such separate action as they might deem wise; or, if they report in time, before the final disposition of this code, then the result of their wisdom might be incorporated into this criminal code. It is, however, not very material whether they reach a conclusion in time to incorporate it in the criminal code or not, because it is really an administrative provision.

Mr. BACON. Mr. President, I think it is very important that, if any change shall be made, it shall be made in the enactment of this revised penal code. We know how difficult it is to get legislation through Congress, unless it is some matter in which there is a general interest, or unless it is something connected with the operation of the Government. A very slight obstruction can defeat any legislation. I am perfectly willing, if the Senators so desire, that there shall be a reference of this section to the Judiciary Committee, with instructions to report either that section as it stands or such amendments as they may see fit to suggest or recommend. Something ought to be done about it.

Mr. HEYBURN (in his seat). Pass it over.

Mr. BACON. It is an important matter and it should be determined whether this statute is sufficient legislation, or whether additional legislation is required in order to make valid the legislation of States as to subjects-matter not covered by the general legislation of the United States.

Mr. GALLINGER. Mr. President——

Mr. BACON. If the Senator prefers——

Mr. GALLINGER. I will not interrupt the Senator if he desires to go on.

Mr. BACON. I yield to the Senator from New Hampshire with pleasure.

Mr. GALLINGER. I was simply going to inquire of the Senator if I am correct in the assumption that this very subject is now before the Committee on the Judiciary in another form?

Mr. BACON. No; I think not. The matter which is now before the Judiciary Committee is one which relates entirely to interstate commerce—the transportation of liquors into one State from another State. That, the Senator from New Hampshire will recognize, is an entirely different subject from this; which is a proposition to protect a State against the violation of the laws of that State within the reserved jurisdiction of the United States in public buildings and grounds and things of that kind. It is absolutely a different principle.

Mr. GALLINGER. It is.

Mr. BACON. And a different provision would be required.

Mr. GALLINGER. If the Senator from Georgia will permit me, I quite agree with him that if it is possible to legislate on this subject, we ought to have legislation.

Mr. BACON. Well, it is possible, and it must be possible in the nature of things.

Mr. GALLINGER. Mr. President, it is a crying evil as the matter stands to-day, that in prohibition territory the people are not protected; that to-day liquor is sent into such territory and the intent or the will of the people is really overridden in that way. I hope the Senator will exert his great influence to secure, either in this penal code or in some other way, legislation that will be effective.

Mr. BACON. Mr. President, I quite agree with the learned Senator from New Hampshire [Mr. GALLINGER], but I do not think that the suggestion of the Senator from Idaho [Mr. HEYBURN], which I overheard—it being sotto voce—that it be passed over would be satisfactory at this time. I do not think it is sufficient to pass it over unless we first determine whether we are going to act on it or whether we are going to ask the Judiciary Committee to examine it before we act. If the latter course is to be adopted, it is important that the subject should be referred at once, in order that the report of the committee may come in and that the Senate may have the benefit of it before we finally enact this penal code.

Mr. HEYBURN. Mr. President, I intended to move that it be referred to the committee, but I did not want to take the chances of having the question of a quorum raised should it come to a vote.

Mr. BACON. Oh, no; there is no danger of that.

Mr. HEYBURN. Of course there is a very slight attendance now. If there be no yea-and-nay vote called for, then I will move now that the section be referred to the standing Committee on the Judiciary of the Senate, with the request that the committee report as early as possible either this section or some section covering this question.

Mr. BACON. Either the section as it stands or with amendments.

Mr. HEYBURN. But if there is going to be any question or a roll call, I will not make that motion.

Mr. KEAN. What do I understand to be the motion of the Senator from Idaho, Mr. President?

The VICE-PRESIDENT. The Senator from Idaho moves that section 286 be referred to the Committee on the Judiciary.

Mr. KEAN. I ask the Secretary to kindly report that section.

The VICE-PRESIDENT. The Secretary will read the section at the request of the Senator from New Jersey.

The Secretary read as follows:

SEC. 286. [Whoever, *within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment;* and *every* such State, *Territorial, or District* law shall, *for the purposes of this section, continue in force, notwithstanding any* subsequent repeal *or amendment* thereof *by any such State, Territory, or District.*]

Mr. KEAN. Does the Senator from Idaho propose to commit that part of the bill to the Committee on the Judiciary?

Mr. HEYBURN. Yes. I will inquire of the Senator from New Jersey if he has been present during the statement of the reasons upon which this motion was made? I have not observed his presence in the Chamber, and I do not know whether or not he has been present.

Mr. KEAN. I do not know that I am very clear as to the reasons why the section should be referred.

Mr. HEYBURN. It has been discussed at some length. The reasons have been given which involve the question of the right of Congress to adopt by reference the laws of a State and also the inconvenience of the United States courts being required to enforce the laws of a State oftentimes long after the State has repealed them.

This section provides for the enforcement by the United States courts of the laws of the State in existence at the date of the passage of the act, giving them no right to recognize the subsequent repeal of the act, making it necessary to reenact this section. Should we adopt it, as I have suggested, it would result in the United States courts enforcing laws that are not written in the United States statutes.

It is rather a large question, and it has been under discussion for nearly an hour. In order that the question might be considered by the Judiciary Committee, a standing committee of the Senate, I moved to refer that section to that committee. That would in no way interfere with the progress of the consideration of this code, because the section is really in the nature of an administrative provision. In any event, it is suggested that the standing Committee on the Judiciary will be able to report either this section or some substitute for it before it will become necessary for the Senate to finally act upon it.

Mr. KEAN. A substitute for this section?

Mr. HEYBURN. They can either report this section or a substitute for it, or such amendment to it as it may be deemed wise by them to do.

Mr. SUTHERLAND. Mr. President, before that motion is put I merely want to make a suggestion.

The clause of the law which provides that notwithstanding the subsequent repeal or amendment of the State law it shall continue in force under this section has been criticised. I do not see that Congress could do anything else than to make that provision, because, if we permit a State to repeal a law which

we have put into operation by this section, then we are permitting the State to legislate, for to repeal a law is to legislate, and we have no authority to do that. While the section may be criticised, Senators have not pointed out any way in which the difficulty can be obviated.

Besides, a repeal may take place without getting rid of the substance of the law. Every time the statutes of a State are revised the old statutes are repealed, although the essential principles of them may be continued in force. Certainly we do not want to provide for any result of that kind, which, by a repeal in the nature of substituting new law of the same character, the old law will be absolutely swept out of existence. So there are two reasons why we are obliged to retain that section. First, because to take it out of the statute would result in conferring upon the States the right to legislate, for when we say that a State may repeal one of the laws which we have adopted it is to authorize it to make law for us in the future. So that, as it seems to me, there is no other way in which this subject can be approached from the practical standpoint.

Mr. BACON. I would ask the Senator, if he will pardon me——

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

Mr. SUTHERLAND. Certainly.

Mr. BACON. I would like to ask the Senator whether, in his opinion, it would be within the competency of Congress to enact a statute that in every State where there is a prohibition against the sale of liquor it shall be unlawful on any of the United States reservations, such as court-houses, post-offices, and so forth, within that State for anyone to sell liquor, and to fix a penalty by the United States for the violation thereof? Does the Senator think we could enact a statute directed to that effect? If we could, I am in favor of the enactment of it, rather than to take the risk of the present section.

Mr. SUTHERLAND. Perhaps I do not quite catch the point of the Senator's inquiry.

Mr. BACON. I will repeat it.

Mr. SUTHERLAND. Does the Senator ask me whether it would be within the power of the State to pass such a law?

Mr. BACON. Oh, no.

Mr. SUTHERLAND. I did not think that was the question.

Mr. BACON. No; I do not think anyone would ask that question.

Mr. SUTHERLAND. I myself did not understand it that way, but others did. I think that it is within the power of Congress to pass a law providing that where it is an offense under a State law to sell liquor within the limits of the State it shall be an offense to sell liquor upon any property within the exclusive jurisdiction of the United States in that State.

Mr. BACON. Does the Senator think that would be competent?

Mr. SUTHERLAND. I do not see any reason why it would not be. Of course, the Senator is asking a pretty large question,

Mr. BACON. The reason I ask it is, if it should be deemed competent, I would desire the committee to report a proper amendment. If the committee does not desire to do so, I would myself offer an amendment to that effect, because it is an absolutely unbearable proposition that in a State where the sale of liquor has been excluded, upon every Government reservation in the State, in every post-office, court-house, or public building of any kind, there should be the privilege and the opportunity to violate the State law and set up the sale of liquors within those reservations. It is incumbent upon Congress, if there is any possibility of the enactment of a law which will effectually prevent that State of affairs, to enact a law of that kind.

Mr. SUTHERLAND. Mr. President, I entirely agree with the Senator, and I think that that very thing is accomplished by the section now under consideration.

Mr. BACON. I would suggest that, unless there may be a law now to that effect, there ought to be some general provision about the sale of liquors within reservations of the United States regardless of whether or not the reservation is within a prohibition State.

Mr. SUTHERLAND. Let me read just a line or two of the section to the Senator.

SEC. 286. [Whoever, *within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act—*

Those are the places within the exclusive jurisdiction of the United States, like post-office buildings, and so on—

Shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment.

Mr. BACON. There is no doubt——

Mr. SUTHERLAND. Does not that cover in precise terms what the Senator desires with reference to this specific offense?

Mr. BACON. It undoubtedly covers it, Mr. President; but the Senator certainly does not lose sight of the fact that, according to the decisions of the courts to which he himself has alluded, if the law, for instance, against the sale of liquors in a State was not in existence at the time of the passage of this statute, but should afterwards be enacted, then this statute would be ineffective to accomplish the purpose.

Mr. SUTHERLAND. That is quite true, Mr. President, and I do not know any way in which that particular trouble can be obviated.

Mr. BACON. It can be obviated if such a statute as I suggest can be enacted.

Mr. SUTHERLAND. Mr. President, I do not think we can go any further in providing for a specific offense than we have gone in the section covering the general subject of all offenses. We have provided here that the laws in force at the time of the passage of this law are adopted as the laws of the United States. If we were to pass a specific law with reference to this particular offense, we could only say that where the law of a State now provides that it shall be illegal to sell liquor within the limits of the State, then any person who sells liquor contrary to the terms of that law shall be deemed guilty of an offense against the law of the United States. I do not see that we could go any further with a specific law with reference to that offense than we have gone in this general section; and I think it covers the precise subject to which the Senator has alluded.

There is just one other suggestion that I was going to make with reference to this matter. The Code Commission, I think, reported 174 new offenses. The committee have adopted only about ten or twelve of them. If the Commission were to undertake to cover the whole field of criminal jurisprudence, those 174 cases would be multiplied many times. They would be undertaking a tremendous task, and they would get a body of law which, in many instances, would be entirely appropriate to some sections of the country, but would be entirely inappropriate to other sections of the country. I think it is very appropriate that, except with reference to the graver offenses which we have defined, where an offense is made punishable by the law of a State the same law and the same punishment should apply when the act defined by the law is committed within a place under the exclusive jurisdiction of the United States, but within the State. The citizen of the State then has his own local laws to look to. He is familiar with all those and familiar with the conditions, and is not driven to go to the laws of the United States as well as the laws of his State with reference to all these minor offenses.

The VICE-PRESIDENT. Will the Senator from Idaho kindly restate his motion?

Mr. HEYBURN. The motion was that section 286 as reported by the committee be referred to the Committee on the Judiciary of the Senate for their consideration and report.

Mr. BACON. Mr. President, I am not sure that that is an advisable course to pursue. We have at last got to thrash it out in the Senate. Attention has been called to it, and possibly between now and the time when we will take this up for future consideration there may be some better matured ideas upon the subject, at least on the part of some of us. It might be well to withhold that motion at least until we next meet.

Mr. HEYBURN. Let us pass over the section, then.

Mr. BACON. Very well.

The VICE-PRESIDENT. The Senator from Idaho withdraws his motion, and asks that the section be passed over. In the absence of objection, it is so ordered.

Mr. KEAN. I suggest to the Senator from Idaho, Mr. President, that it is now after 4 o'clock.

Mr. HEYBURN. Mr. President, I should like very much to have the consideration of the bill continued for half an hour. We are now approaching the end of the bill, and I think probably in half an hour we will have disposed of everything except the sections objected to. It will be necessary for me to be absent from the Senate to-morrow and the next day—an unavoidable absence—and, if it is within the rules of the Senate, it is my intention before we adjourn to-day to ask that the unfinished business be laid aside until 2 o'clock on Friday. I am not quite sure that that is within the rules. If it is, I shall ask it. I would like very much, if it will not inconvenience the Senator from New Jersey, to proceed with the consideration of the sections unobjected to of this bill for half an hour.

Mr. KEAN. The Senator need not consider that it will inconvenience the Senator from New Jersey, for it will not inconvenience him at all to go on with the bill; but numerous other

Senators have asked me if I would not kindly ask the Senator from Idaho to cease now and let the Senate adjourn. It is not on account of the Senator from New Jersey, who can stay here just as long as can the Senator from Idaho.

Mr. HEYBURN. If Senators who are present are tired of the consideration of the bill, that would be one thing. If it is those who are not present, it is another thing.

Mr. President, the presentation of this matter is not a labor of love, and those of us who have given our time to it and are willing to continue to do so, it seems to me might be indulged in the process of self-immolation here going on.

Mr. CLAY. Mr. President, I suggest to the Senator that we have been going too rapidly with this bill, anyway. We have been on it four or five days, and we will probably enact into legislation criminal laws that Congress ought to consume about three months in considering.

The VICE-PRESIDENT. Without objection, the Secretary will resume the reading.

Mr. KEAN. Mr. President, I think that we had better desist now.

Mr. HEYBURN. Mr. President, I ask that the reading continue.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. KEAN. I ask the Senator from Idaho if he will not lay aside his bill now?

Mr. HEYBURN. I can not consent to do so.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, as follows:

CHAPTER TWELVE.

PIRACY AND OTHER OFFENSES UPON THE SEAS.

SEC. 287. Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.

Mr. KEAN. Mr. President, I think this is the beginning of a new chapter. It is a good place to stop for the evening, and so I move that the Senate adjourn.

Mr. HEYBURN. Mr. President——

Mr. KEAN. I withhold the motion for a moment.

Mr. HEYBURN. To make a motion of that kind without laying aside the unfinished business is manifestly not fair.

Mr. KEAN. I do not wish to make it without laying aside the unfinished business.

The VICE-PRESIDENT. The Chair would state that the motion to adjourn is not debatable.

Mr. LODGE. Mr. President, I rise to a parliamentary question.

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

Mr. LODGE. A motion to adjourn does not displace the unfinished business.

The VICE-PRESIDENT. In the opinion of the Chair it does not. It holds its place as the unfinished business.

Mr. HEYBURN. Can a motion to adjourn be made while a Senator holds the floor? I had the floor.

The VICE-PRESIDENT. The Chair understood that the Secretary was reading, and that no Senator had the floor.

Mr. HEYBURN. I think I had the floor, but, of course, the Chair determines whether I have the floor or not.

The VICE-PRESIDENT. The Chair will state that the bill before the Senate, which is the unfinished business, would not be displaced by a motion to adjourn.

Mr. HEYBURN. That is not sufficient, Mr. President.

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

Mr. KEAN. I withhold the motion.

The VICE-PRESIDENT. The Senator from New Jersey withholds his motion.

Mr. HEYBURN. Mr. President, if I am to have charge of the unfinished business, there is some consideration that will have to be given to the convenience of the committee that is before the Senate with its business. I can not consent to be displaced by a motion that is not debatable in the midst of the consideration of this business, or else I can not consent to have charge of this business—one or the other.

As I have said, this is not a desirable task nor a labor of love, and Senators will be called upon to have some consideration for the position the committee occupies in presenting this matter. I desire to say that I shall necessarily be absent from the Senate to-morrow and until some time Friday, and I desire, if it is within the rules of the Senate, that when the unfinished business is laid aside it shall be until 2 o'clock on Friday, to be then the unfinished business.

The VICE-PRESIDENT. The Chair would suggest to the Senator from Idaho that the bill might remain the unfinished business, the understanding being that it shall not be considered before the time mentioned by the Senator.

Mr. HEYBURN. But I think it was held on one occasion that such an understanding would not continue it the unfinished business if other business was taken up. There will be two legislative days between now and Friday, and some measure might be taken up in the regular order or on motion. An order of business taken up on motion would displace the unfinished business.

Mr. BACON. I suggest that the ordinary proceeding is the easy course to pursue—to lay aside the unfinished business temporarily. Then at 2 o'clock on the next day it will come up, and on the request of the Senator from Idaho or some other Senator it can again be temporarily laid aside. It will come up each day at 2 o'clock, and will in that way be disposed of, whereas if the Senator makes the motion he now suggests, and it is agreed to, that the unfinished business be laid aside until a time certain, the Senate may not be in session at that time certain.

Mr. HEYBURN. I realize that difficulty.

Mr. BACON. It seems to me the better course is the ordinary proceeding. When that is done the bill will come up at 2 o'clock on each successive day, and on each successive day the request can be repeated.

Mr. LODGE. Mr. President——

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

Mr. HEYBURN. Certainly.

Mr. LODGE. Mr. President, I desire merely to say that it seems to me the method suggested by the Senator from Georgia is the proper one; but if I apprehended correctly what the Senator from Idaho has been saying, it is that he is obliged to be away for two days, and it would be a convenience to him if the Senate could go on with the bill on Friday, and, if an understanding could be had, that we should not adjourn over from Thursday, but would sit on Friday, so as to permit him then to continue the consideration of the bill. It seems to me that that is a courtesy which the Senate is always very willing to accord to any Senator who is compelled to be absent for two days or more.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator From New Jersey?

Mr. HEYBURN. Yes.

Mr. KEAN. I do not think the Senator from Massachusetts ought to ask us to agree at the present time not to adjourn over.

Mr. LODGE. I shall make no such request, but I do not think our adjourning over on Thursday is of the least importance. I do not think it would hurt the Senate if we sat on Friday.

Mr. FRYE. And Saturday, too.

Mr. LODGE. And Saturday, too, if we have business.

Mr. HEYBURN. I suggest to the Senator from Massachusetts that my purpose in laying aside the unfinished business until Friday was in order that it might forestall a motion to adjourn over from Thursday to Monday. I feel that this measure is of such importance that we might make some sacrifice to consider it, and I had it in mind that if the unfinished business was temporarily laid aside until Friday we would find the Senate in session on that day.

Mr. BACON. I hope if the Senator takes that course he will try to see to it that Senators attend the session and that not simply a few of us come here Friday, while four-fifths or nine-tenths of the Senate attends to other business.

Mr. HEYBURN. The first thing we know we will have some appropriation bills before us and we will have a dozen and one things that will keep pushing this important measure on ahead of it, and it is very important that this bill should be disposed of. For that reason I am disposed to resort to any proper parliamentary means in order that it may be disposed of and to keep the Senate in session at all proper times for that purpose.

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

Mr. HEYBBURN. It is, as stated, that the unfinished business be temporarily laid aside and that its consideration be resumed at 2 o'clock on Friday next.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent——

Mr. BACON. No; Mr. President.

The VICE-PRESIDENT. The Chair will state the request. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside, to be resumed at 2 o'clock on Friday next.

Mr. BACON. I may have misunderstood the Senator from

Idaho, but I did not understand him to ask for unanimous consent. I understood him to make a motion.

Mr. HEYBURN. No; I asked unanimous consent.

Mr. BACON. I shall object.

The VICE-PRESIDENT. Objection is made.

Mr. BACON. I shall not object to a motion, and I should vote for such motion, but I shall object to a request for unanimous consent.

Mr. HEYBURN. There are not enough here to determine anything on a motion.

Mr. TELLER. Mr. President, I suggest the lack of a quorum.

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

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 29, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1908.

INDIAN AGENT.

Thomas W. Lane, of Gannvalley, S. Dak., to be agent for the Indians of the Crow Creek Agency, in South Dakota, vice Harry D. Chamberlain, term expired.

RECEIVER OF PUBLIC MONEYS.

Daniel J. Foley, of California, to be receiver of public moneys at Eureka, Cal., his term having expired December 17, 1907. (Reappointment.)

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 28, 1908.

Isaac M. Meekins to be postmaster at Elizabeth City, in the State of North Carolina.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1908.

INDIAN AGENT.

John R. Howard, of Sauk Center, Minn., to be agent for the Indians of the White Earth Agency, in Minnesota.

PROMOTIONS IN THE NAVY.

Capt. William Swift to be a rear-admiral in the Navy from the 3d day of January, 1908.

Capt. Leavitt C. Logan to be a rear-admiral in the Navy from the 28th day of January, 1908.

Surg. Ralph T. Orvis, who was promoted to surgeon to fill a vacancy occurring March 1, 1905, to take rank as a surgeon from March 3, 1904, to correct the date from which he takes rank, in accordance with the opinion of the Attorney-General dated April 24, 1906.

P. A. Paymaster Arthur M. Pippin to be a paymaster in the Navy from the 22d day of October, 1907.

POSTMASTERS.

DELAWARE.

Charles Clifton Hickman to be postmaster at Lewes, Sussex County, Del.

GEORGIA.

William O. Tift to be postmaster at Tifton, Tift County, Ga.

NEVADA.

Ernest B. Loring to be postmaster at Fairview, Churchill County, Nev.

NEW JERSEY.

Abram J. Drake to be postmaster at Netcong, Morris County, N. J.

NEW MEXICO.

Miguel A. Romero to be postmaster at Estancia, Torrance County, N. Mex.

NEW YORK.

Henry R. Bryan to be postmaster at Hudson, Columbia County, N. Y.

Samuel H. Parsons to be postmaster at East Hampton, Suffolk County, N. Y.

Peter H. Vosburgh to be postmaster at Matteawan, in the county of Dutchess and State of New York.

NORTH CAROLINA.

Eugene Brownlee to be postmaster at Tryon, Polk County, N. C.

James McN. Johnson to be postmaster at Aberdeen, Moore County, N. C.

J. R. Joyce to be postmaster at Reidsville, in the county of Rockingham and State of North Carolina.

L. D. Mendenhall to be postmaster at Randleman, Randolph County, N. C.

Charles F. Smathers to be postmaster at Canton, Haywood County, N. C.

Elisha C. Terry to be postmaster at Hamlet, Richmond County, N. C.

OKLAHOMA.

Dudley B. Buell to be postmaster at Krebs, Pittsburg County, Okla.

SOUTH CAROLINA.

R. C. Gettys to be postmaster at Blacksburg, in the county of Cherokee and State of South Carolina.

Wilmot L. Harris to be postmaster at Charleston, in the county of Charleston and State of South Carolina.

George H. Huggins to be postmaster at Columbia, in the county of Richland and State of South Carolina.

Aaron M. Morris to be postmaster at Pickens, Pickens County, S. C.

Samuel T. Poinier to be postmaster at Spartanburg, Spartanburg County, S. C.

Alonzo D. Webster to be postmaster at Orangeburg, Orangeburg County, S. C.

SOUTH DAKOTA.

James E. Wells to be postmaster at Mitchell, in the county of Davison and State of South Dakota.

TENNESSEE.

John J. Duff to be postmaster at Lenoir City, Loudon County, Tenn.

Lorenzo H. Lasater to be postmaster at Athens, in the county of McMinn and State of Tennessee.

VERMONT.

Mary W. Chase to be postmaster at Derbyline, Orleans County, Vt.

Thomas Mack to be postmaster at Vergennes, Addison County, Vt.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 28, 1908.*

The House met at 12 m.

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

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3640. An act to amend sections 9 and 14, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment;"

S. 536. An act to establish a fish-cultural station in the State of Delaware;

S. 597. An act amending the act of August 3, 1892, clause 361, entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories" (27 Stat. L., p. 347);

S. 762. An act to establish a fish-cultural station in the State of New Jersey;

S. 819. An act authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians;

S. 1729. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 1824. An act to establish a fish-cultural station in the State of Alabama;

S. 2024. An act to amend "An act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington," approved March 2, 1891;

S. 2328. An act to establish a fish-cultural station in the State of North Carolina;

S. 2424. An act providing for a United States exhibit at the International Mining Exposition, Madison Square Garden, New York City; and

S. 3350. An act for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida.

SECOND HOMESTEAD ENTRIES.

Mr. MONDELL. Mr. Speaker, I desire to submit a conference report, and move its adoption.

The SPEAKER. The Chair understands the gentleman presents this for printing under the rule?

Mr. MONDELL. I desire to call it up.

The SPEAKER. Is it presented now for the first time? Under the rule it would have to be printed and lie over unless it is taken up by unanimous consent.

Mr. MONDELL. Very well.

The SPEAKER. It will be printed in the RECORD.

EXTENSION OF REMARKS.

Mr. FOWLER. Mr. Speaker, I would like to ask unanimous consent to extend my remarks of yesterday in the RECORD and to print as part of my remarks an address which I delivered at Chicago upon this subject.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks of yesterday in the RECORD and print as part of his remarks an address which he made in Chicago upon a similar subject. Is there objection? [After a pause.] The Chair hears none.

COMMITTEE ASSIGNMENT.

The SPEAKER. The Chair announces the following committee assignment.

The Clerk read as follows:

Expenditures in the Navy Department, Mr. LOWDEN.

URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14766—the urgent deficiency appropriation bill; and pending that motion I ask unanimous consent that general debate on the bill be closed in two hours.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that general debate upon the bill be closed in two hours.

Mr. LIVINGSTON. Mr. Speaker, I want to suggest to my colleague on the committee that on this side of the House we have a demand for an hour and twenty minutes of time.

Mr. TAWNEY. I have a request for only twenty-five minutes, and I think I can accommodate my colleague on the committee by yielding him enough of my hour to accommodate the gentlemen who requested time on his side.

Mr. LIVINGSTON. With that understanding, I shall not object, Mr. Speaker.

Mr. HULL of Iowa. Mr. Speaker, I would like to ask the gentleman from Minnesota [Mr. TAWNEY] if his twenty-five minutes includes about fifteen minutes for myself?

Mr. TAWNEY. I have included fifteen minutes for the gentleman from Iowa [Mr. HULL] and ten minutes for the gentleman from Illinois [Mr. MCGAVIN].

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. TAWNEY] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14766, the urgent deficiency appropriation bill, with Mr. LAWRENCE in the chair.

Mr. LIVINGSTON. Mr. Chairman, I yield thirty minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, problems of a difficult character confront this Congress. They can not be waived aside by an indifferent Republican majority. Whatever prominence may be given to other questions, none is of more vital interest to the people than an honest statement of the country's finances.

In presenting the pending urgent deficiency bill to the House the chairman of the Committee on Appropriations has drawn the most comprehensive indictment yet presented against the present extravagant Administration. His fearless review of the financial condition of the country will challenge the attention of all patriotic men. It should awaken the country to a realization of what it means to have a government of men and not of law.

The Republican party has been in absolute control of the Government during the past eleven years. As a result of its policies and of its conduct of the public service the country finds itself in a situation unparalleled in its history. In a period of unrivalled prosperity it is afflicted with a panic. In a time of profound peace, with no threatened interruption of friendly relations with other nations, the expenditures for the military establishments for the most part exceed, and but for few years fall below, the entire cost of the Government in any year from the close of the civil war till the beginning of the war with Spain in 1898.

Some other time before the Congress adjourns I shall undertake to fasten the responsibility for the recent financial crisis and for the increasing industrial depression upon this Republican Administration—where the responsibility belongs. To-day I shall submit additional proof to sustain the charge of the chairman of the Committee on Appropriations [Mr. TAWNEY] that this Administration is grossly extravagant, and to demonstrate that preparations have been made to squander the public treasure with a lavishness hitherto unknown.

The gentleman from Minnesota stated on Thursday that the Congress is confronted with an enormous deficit. No one will question his declaration that there is no fear that the country can or will meet its obligations. With matchless resources, and with stupendous energy vitalizing every undertaking of our people, the most remarkable of history, there can be no fear that the day will ever dawn whose morning light will disclose them either unable or indisposed to discharge the country's just obligations. Unscrupulous administrators betraying the public trust are able, however, to increase the people's burdens by wantonly extravagant expenditures.

The estimates of money required to conduct the Government during the coming fiscal year, as submitted to Congress, aggregate $996,949,288.96. The estimated revenues for the same period are $878,123,011.20.

This estimate of revenue was made by the Secretary of the Treasury prior to the recent panic. It was based upon the assumption that there would be a perceptible increase of revenue over the receipts for 1907. If the Secretary of the Treasury had reason to express regret that the law compelled him to estimate in advance the revenues, because such estimates, as he said, "are for the most part problematical," it would be difficult to measure his remorse had the estimate been made after, rather than before, the panic had commenced.

Basing his estimate upon surface conditions existing when his report was prepared, the Secretary of the Treasury estimates that, excluding $73,000,000 required for the sinking fund and the national bank note redemption fund, there will be a deficit in the ensuing fiscal year of at least $35,826,277.66; while if provision is made for the sinking fund, as required by law, and for the redemption of national bank notes the deficit will be $118,826,277.66.

It may be urged that there should be eliminated from the calculation $33,000,000 required for the Isthmian Canal, and the $25,000,000 required for the national bank note redemption fund. As an offset to such allowances, however, it must be remembered that no allowance is made for supplemental estimates, which for the present year aggregate $31,500,000, nor for deficiencies, which in the pending bill, excluding canal items, amount to $12,000,000, nor are any new authorizations considered.

Less than three months have elapsed since the Secretary made his estimate. Meanwhile the prospect has not brightened. Instead of a deficit of $118,000,000 the chairman of the Committee on Appropriations [Mr. TAWNEY] after weeks of careful investigation warns the House that there is every likelihood that the deficit will reach the astounding sum of $150,000,000.

These fears are not groundless. They are predicated upon conditions that are real, not imaginary. To-day there is every indication that at the end of the present fiscal year there will be a deficit of $100,000,000. I am aware that the Secretary of the Treasury has estimated a surplus when this fiscal year ends on June 30 of $42,000,000. I have not overlooked either the valedictory of the chairman of the Committee on Appropriations on March 4 last to the Fifty-ninth Congress, invoking the commendation of the American people because the appropriations for the present fiscal year had been kept $20,000,000 within the estimated revenues. Yet it is very easy of demonstration that both the Secretary of the Treasury and the gentleman from Minnesota [Mr. TAWNEY] were entirely too optimistic in their estimates of revenue for the present fiscal year.

It is unnecessary to argue that the Administration is never pessimistic in estimating revenues to be derived from the prevailing laws. Nothing is more rare than to have an estimate of an official exceeded by the revenue. This is evidenced by the speech of the gentleman from Minnesota [Mr. TAWNEY] on March 4, 1907. Then he estimated the revenues for the present fiscal year at $850,000,000. In his report to this Congress, made much later, the Secretary of the Treasury places them at

$844,025,581.10, or $6,000,000 less than the figures upon which the gentleman from Minnesota [Mr. TAWNEY] was able to assert that the appropriations for the present fiscal year were $20,000,000 within the revenues.

The chairman of the Committee on Appropriations [Mr. TAWNEY], when unaffected by political considerations, as on Thursday, displays wonderful prescience in predicting the financial condition of the country. On February 21, 1907, he warned the House that in the present fiscal year there would be a deficit of $100,000,000. Three weeks later, on the day Congress adjourned, he made the statement to which I have already alluded. Let me read the concluding paragraph.

He then said:

In conclusion I respectfully repeat that in view of the splendid showing which we are enabled to present to the country at the close of this session, notwithstanding the dark and gloomy prospects of three weeks ago—in view of the reduction made by the committees of this House in the estimates submitted to Congress by the Departments and of the reduction of the amounts finally appropriated in the thirteen appropriation bills below the amounts carried by them when they came back to the House from the Senate, I respectfully submit that the House of Representatives of the Fifty-ninth Congress is entitled to the commendation and the congratulation of the American people for having thus guarded their interests in the matter of the authorization of the expenditure of public money from the Federal Treasury.

This statement was greeted with prolonged and enthusiastic applause, as appears truthfully in the RECORD. It illustrates the danger of swapping horses in crossing a stream. Had the gentleman from Minnesota [Mr. TAWNEY] adhered to the "dark and gloomy" predictions indulged in by him three weeks earlier, he would now be able to point out forcibly the accuracy of his forecasts. Instead, Mr. Chairman, of the appropriations for the present fiscal year being $20,000,000 less than the estimated revenues, the fact is that in less than seven months there is now a deficit of $13,000,000, and the prospects are not such as to encourage a belief that it will grow less. Instead of the appropriations for this year being $20,000,000 within the revenues they will more likely be $100,000,000 in excess of the revenues. The American people can take such comfort from the situation as they can find. No doubt they will heap praise and commendation upon the Republican party, to use the language of the gentleman from Minnesota [Mr. TAWNEY], for having so well guarded the people's interests in the matter of the authorization of the expenditure of public money from the Federal Treasury.

For the present fiscal year the grand total of regular and permanent annual appropriations aggregated $943,190,643.28.

To bring the appropriations for the present fiscal year within the revenues, as estimated in March last, the gentleman from Minnesota [Mr. TAWNEY] eliminated $20,000,000, required to redeem national bank notes; $57,000,000, the estimated amount for the sinking-fund requirements for the present fiscal year; $12,439,685.86 deficiencies, and $1,000,000 for miscellaneous items. These various sums, aggregating $90,439,685.36, were deducted from the total appropriations of $919,948,679.63, leaving $829,508,994.27 as the probable necessary expenditures for the present fiscal year.

His estimate of revenues, upon which he based his calculations that the appropriations would be $20,000,000 less than the revenues, was $850,000,000. The Secretary of the Treasury, in his recent annual report, as I have already stated, estimates the revenue for the present fiscal year at $844,025,581. This is $6,000,000 less than the estimate made last March.

The present urgent deficiency bill carries $24,174,450, so that it is apparent that even now there will be a deficit this year of $10,000,000. If the $12,000,000 carried in this bill for the Isthmian Canal be deducted, it does not aid, since the $57,000,000 sinking-fund requirement for the present fiscal year stands as a charge against credits which do not exist. Moreover, the assumption is indulged that there will be no falling off in the revenues for the present fiscal year, while the gentleman from Minnesota [Mr. TAWNEY] demonstrated that there would unquestionably be a considerable shrinkage in revenue.

These figures in themselves demonstrate that the chairman of the Committee on Appropriations uttered no idle warning when he predicted an enormous deficit for the coming fiscal year. A simple statement of some figures that are frequently placed in confusing array will confirm his prediction.

The total receipts for the fiscal year 1906 amounted to $762,383,904.62; for the year 1907, $846,725,339.62; for the year 1908, $844,025,581.10 is the estimate of the Treasury Department; for the year 1909 the estimate is $878,123,011.30.

The estimates for 1908 and 1909 were made before the panic. Since then there has been a growing deficit.

The daily statement of the United States Treasury on January 13, 1908, showed an available cash balance of $265,243,929.23. The receipts for that day were as follows: Customs, $710,003.60; internal revenue, $1,008,444.38; miscellaneous, $164,943.87; total, $1,883,391.85. The expenditures for the same day, excluding postal deficiency, were $2,020,000. The excess of expenditures over receipts, $136,608.15. For the same day last year, January 13, 1907, the receipts were $1,726,180.72; expenditures, $2,240,000; excess of expenditures over receipts, $513,819.28. Apparently a condition much more favorable this year. Yet for the thirteen days of January, 1908, the total receipts were $19,757,457.11; total expenditures, $21,750,000; excess of expenditures over receipts, $1,992,542.89; while for the same thirteen days in 1907 the receipts were $21,193,706.15, the expenditures $18,140,000, and the surplus—or excess of receipts over expenditures—$3,053,706.15.

From the beginning of the present fiscal year to January 13, 1908, the total receipts were $337,170,086.29, the expenditures $348,465,933.22, the excess of expenditures over receipts, or deficit $11,295,846.93; while for the same period in the last fiscal year the receipts were $349,654,824.09, the expenditures $321,550,209.17, the excess of receipts over expenditures, or the surplus, $28,104,614.92. Last year on January 13 there was a surplus of revenues over expenditures of $28,104,614.92, this year a deficit, or excess of expenditures over revenues, of $11,295,846.93. No advantage has been taken by selecting the statement of January 13. That of the 15th shows for the day this year an excess of expenditures over receipts of $135,597.04, last year $321,375.15. For the fifteen days this month (1908) deficit of $2,594,634.02; for the same period in 1907, surplus of $3,436,011.91. From the beginning of the present fiscal year to January 15, 1908, deficit of $11,897,938.06; for the same period in the fiscal year 1907, a surplus of $28,486,920.68.

The statement for any day would demonstrate equally conclusively that while the surplus was gradually increasing in the last fiscal year (1907), this year it is a deficit that increases with the same precision that last year marked the advancing surplus.

I have here the statement issued by the Treasury yesterday (January 27, 1908), the latest published. It discloses that for the day (January 27, 1908) the receipts were $1,831,453.72; same day in 1907, $1,783,155.88; expenditures, January 27, 1908, $2,660,000; January 27, 1907, $1,590,000; deficit, January 27, 1908, for the day, $828,546.28; for the same day in 1907 a surplus of $193,155.88.

For the twenty-seven days of January, 1908, receipts, $41,278,619.14; expenditures, $48,360,000; excess of expenditures over receipts, $7,081,380.86; for the same period in 1907 the receipts were $45,768,993.48; the expenditures, $41,020,000; the surplus, $4,748,993.48.

From the beginning of the present fiscal year to January 27, 1908, the receipts were $358,691,248.32; the expenditures, $375,075,933.22; the excess of expenditures over receipts, $16,384,684.90; for the same period in the fiscal year 1907 the receipts were $374,230,111.42; the expenditures, $344,430,209.17; the surplus, $29,799,902.25. Last year the surplus steadily increased during January; this year the deficit progressively grows larger.

These statements confirm the prediction of the chairman of the Committee on Appropriations made February 21, 1907, that there would be a deficit this present fiscal year of about $100,000,000. I am indebted to the gentleman from Nebraska [Mr. HITCHCOCK] for a calculation made upon the receipts for the three months of the present fiscal year prior to the panic and those of the following three months. From these figures he estimates that by June 30, 1908, the falling off in revenues from last year will be $5,000,000.

In his estimate for the present fiscal year the Secretary of the Treasury includes an increase of $17,000,000 in postal revenues over those of 1907 and an increase of $19,000,000 for next year over those of the present fiscal year, or an increase of $36,000,000 for 1909 over 1907. The gentleman from Minnesota [Mr. TAWNEY] pointed out that his investigations disclosed that in the past the increases in the postal revenues for the two fiscal years immediately following panics are insignificant. Such increases as are included by the Secretary of the Treasury in his estimates for this and for the next fiscal year are unreliable and purely imaginary, so that, in addition to the deficit of $35,826,277.66 apparent to the Secretary of the Treasury, there must be added the $36,000,000 increase in postal receipts assumed by him, which makes his apparent deficit for the next fiscal year more than $70,000,000.

It must be remembered that these figures do not include the $57,000,000 required for the redemption of the public debt through the operation of the sinking fund.

At this time I desire to recall some interesting facts which may not be particularly gratifying to this Administration.

In the annual report of Secretary Shaw for the fiscal year ending June 30, 1905, is found this statement:

Excluding the extraordinary expenditure in 1904 on account of the Panama Canal, the last fiscal year [1905] was the first in the past six years in which the expenditures exceeded the revenues.

It is quite impractical to adjust annually the Government revenues to its expenditures, *because the increasing growth of the country demands larger disbursements.*

We are fortunate in that our available cash balance October 2, 1905, of $136,823,692.85, largely the accumulation of former years, is deemed adequate to meet the demands upon the Treasury for some time to come, until the present increasing revenues equal the outgo.

His report for 1906 shows a surplus of $25,669,322.61, and, further, that instead of applying $56,000,000 to sinking-fund requirements, he used only $1,651,611.33. In submitting the estimates of appropriations required for the fiscal year 1908, he, for the first time, so far as I have been able to ascertain, declined to submit an estimate of the probable revenues for the same year.

The act creating the Treasury Department, passed in 1789, provides:

That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; *to prepare and report estimates of the public revenue* and the public expenditure. * * *

It was believed, Mr. Chairman, that under this statute it was the duty of the Secretary of the Treasury to submit to the Congress an estimate of the revenues, so that some information might be at hand to enable Congress to determine whether the revenues would be sufficient to maintain the Government, and if not to enable it to provide adequate revenues for the support of the Government.

To eliminate all doubt on the question the following provision was inserted in the legislative appropriation act approved February 26, 1907:

The Secretary of the Treasury shall each year prepare and submit in his annual report to Congress estimates of the public revenue and the public expenditures for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures of the Government for the preceding completed fiscal year.

It is of this law the Secretary of the Treasury complains this year; it is obedience to this law which alone makes possible intelligent action by Congress in providing money for the conduct of the Government.

It is not strange, Mr. Chairman, that Secretary Shaw declined to furnish the information to Congress that had been given under the act of 1789 until his refusal in 1906. The country had been led to believe that the Government's finances were in excellent condition. All agitation for a revision of the existing tariff law had been frowned down. It was not denied that the operations of the Dingley law resulted in great injustice, but it was confidently asserted that it would be unwise to modify a law under which the country enjoyed marvelous prosperity and had revenues more than ample for the maintenance of the Government.

Economically administered the public affairs could have been efficiently conducted upon the revenues. But there was not economy in the administration. On the contrary, every Department of the Government has been distinguished for its lavish and extravagant expenditures.

From 1903 to 1907, inclusive, Congress has appropriated $280,000,000 for sinking-fund requirements, to provide for the reduction of the public debt. There has been used for such purposes only $89,965,197. As a result, the interest-bearing public debt of the country is $190,034,803, more than it would be if the money appropriated for its reduction had been used.

Had this sum been utilized for sinking-fund purposes, instead of being retained in the Treasury, the available cash balance, instead of being $264,974,990.20, would only be $74,940,187. Can there be any doubt that the result would have been either an issue of bonds to maintain the public credit, for which Republicans condemned so severely a Democratic Administration, or else an irresistible demand for such a revision of the tariff as would provide ample revenues for the country's needs?

What a peculiar showing is made when the figures are examined. In 1903, $54,000,000 was appropriated for sinking-fund requirements, $29,511,323 was used; in 1904, $56,000,000 appropriated, $24,000,000 used; 1905, $56,000,000 appropriated, $3,808,411 used; 1906, $56,000,000 appropriated, $1,651,611 used; 1907, $57,000,000 appropriated, $30,590,888 used.

I am aware that the custom existing during the past twenty-five years seems to justify the Treasury Department in exercising a discretion as to the amount of the appropriation to be used for the sinking-fund requirements. The law gives no such discretion. At the close of the fiscal year June 30, 1907, the total interest-bearing debt of the Government was about $894,834,280. Of the bonds represented by this sum $751,608,712.88 were deposited in the United States Treasury to secure national bank note circulation and deposits of public moneys in national banks. One hundred and forty-three million two hundred and twenty-five thousand five hundred and sixty-seven dollars and twelve cents of outstanding interest-bearing bonds were not used. What would have happened had $190,034,803 of the public debt been paid as required and such bonds been not available for the purposes for which they were needed in the recent financial stringency? Unless changes in our financial system are contemplated, some legislation along the lines of the so-called Aldrich bill seems imperative. The action of the Treasury Department under this Administration demonstrates conclusively that the revenues have been inadequate to meet the demands that have been made for money by the Administration.

No one has any confidence in the estimate of the Secretary of the Treasury that the revenues for the coming fiscal year (1909) will reach the unprecedented sum of $878,123,011.30. I have already pointed out some reasons to expect a falling off in the revenues from present-day conditions. It is notorious, too, that in years of Presidential campaigns there is a perceptible stagnation in business. Heretofore Republicans have attributed such business depression to the demand by the Democratic party for a revision of the tariff. In this campaign this argument will be unavailing. Not only has the Democratic party, but the President and his pet candidate for the nomination, Secretary Taft, have both declared for a revision of the tariff immediately after the election.

What will the Republican party do? With a deficit of $100,000,000 threatening, how will Republicans advocate tariff revision? In the past they have insisted that lower tariffs mean less revenues. Can they now shift and adopt the Democratic view that a reasonable change in the schedules will bring increased revenues? Or, Mr. Chairman, will the party now in power dare repudiate their President and Secretary Taft in their position on the tariff and flock to the standard of the most consistent standpatter of them all, the Speaker of this House?

If there is to be no tariff revision, then how is the needed revenue to be raised? Not only for this year, but for the coming year, there is promise of a deficit of $100,000,000. No new legislation is included in this estimate. No provision for public buildings, no money to improve rivers and harbors, no new aids to navigation, no increase of pay in the Army, the Navy, or in the civil establishment. Nothing is included for which authority does not exist to-day.

What new forms of taxation, then, will be devised to meet the increasing expenditures? What new burdens are in contemplation for the public from the Republican party?

Mr. Chairman, no new lance enters the lists when I charge, as I do now, that this Administration is insincere, extravagant, and hypocritical. Four years ago I asserted in this House "that there is a growing belief, even among its friends, that the present Administration is dominated by an unsafe man." Nothing has occurred to justify a change of opinion. This has been a lawless Administration. The example of the President has caused a riot of extravagance. Twice Congress has attempted to prevent the unauthorized expenditure of money by the Departments. Two so-called antideficiency acts have been enacted, and still the will of Congress is defied. Those familiar with the struggles of English-speaking peoples for their liberties realize the importance of retaining control of the public purse in the representatives of the people.

All efforts to restrain this Administration have apparently been in vain. Its actions have been such as to draw from the chairman of the Committee on Appropriations [Mr. TAWNEY], one of the most fearless, patriotic, and upright men in this House, the unprecedented declaration that the Administration, this Republican Administration, has requested the representatives of the people to appropriate $101,000,000 more than is required to conduct the Government in an efficient manner. How will the Administration plead to this indictment? What reply will be made to this charge? What answer will be made to such an arraignment? It does not come from the opponents of the Administration; it originates with a friend and supporter of the Administration.

Viewed in the light of history, Mr. Chairman, there is little hope that the Republican party will keep appropriations this year within the revenues. The Democratic minority will protest here in vain against extravagance and lavish expenditure. These protests may be heeded elsewhere. The country will be acquainted with the facts; and no opportunity will be permitted to pass to spread broadcast the information that this Administration—the Administration of Theodore Roose-

velt—has prepared to spend, and asks, $101,000,000 more than is required to conduct efficiently the affairs of the Government. [Applause on the Democratic side.]

Mr. JOHNSON of South Carolina. Mr. Chairman, it is impossible to say how often this side of the House has been reminded of Democratic panics. If one had the power to number the sands of the sea or the stars, he might be able to number the times that our Republican friends have reminded us of the issuing of interest-bearing bonds in time of peace. Sometimes we have been reminded of it most forcibly and almost brutally; sometimes the reminder has come from the masters of belles-lettres in eloquent diction, and sometimes in tones of oratory that thrilled the country. I remember now the applause that punctuated the admirable and eloquent speech of the gentleman from Indiana [Mr. LANDIS] during the Fifty-ninth Congress, when he took as his subject an advertisement in a Western town, "All kinds of work for all kinds of people." [Applause on the Democratic side.] And in a manner which I can not imitate he wound up paragraph after paragraph of that eloquent oration with the words, "All kinds of work for all kinds of people." It was in vain, gentlemen, that we called your attention to the fact that the Democratic tariff bill, the Wilson-Gorman bill, did not cause the panic. It is true as an historical fact that the panic occurred in 1893, and the Wilson-Gorman bill became a law in August, 1894. It was in vain that we called your attention to the fact that this period of depression was world-wide. We invited your attention to the fact that the great banking house of the Barings had gone down and shaken England from center to circumference. We reminded you of the depression in Germany, Canada, and in South America. We pointed to a long period of falling prices and crop failures. But, with the ad hoc propter hoc logic for which you are famous, that when two things are contemporary one is cause and the other effect, you continued to attribute to the Wilson-Gorman bill and the Democratic Administration the hard times of 1893. [Applause on the Democratic side.]

The following statements are from the Commoner:

November 11, 1890, the reports showed financial distress in New York. The New York Clearing House Association voted its certificates to banks in need of assistance.

The Boston Clearing House Association did the same thing November 17. Barker Bros. & Co., big bankers in Philadelphia, suspended at that time, with liabilities placed at $5,000,000.

November 19, 1890, there was a run on the Citizens' Savings Bank, of New York, and a receiver was appointed for the North River Bank.

November 22, 1890, the United Rolling Stock Company, of Chicago, assigned, with liabilities at $6,851,000.

November 28, 1890, B. K. Jamieson & Co., the Philadelphia bankers, failed, with liabilities at $2,000,000.

December 6, 1890, the Oliver Iron and Steel Mills, of Pittsburg, shut down, discharging 2,000 employees. On the same date the cotton firm of Myer & Co., of New Orleans, failed, with liabilities at $2,000,000.

January 3, 1891, the Scottdale Rolling Mills and Pike Works, and the Charlotte Furnace and Coke Works, in Pennsylvania, closed, throwing 10,000 employees out of work.

January 18, 1891, the American National Bank, at Kansas City, suspended, with liabilities at $2,225,000.

May 8, 1891, the Spring Garden National Bank, at Philadelphia, closed its doors, and the Pennsylvania Safe Deposit and Trust Company made an assignment.

The Homestead strikes and other strikes during 1892, and prior to election day, are well remembered by the people.

The record discloses that the first indications of the so-called "panic" of 1893 were given November 11, 1890, a little more than thirty days after the McKinley tariff bill became a law. From that date the panic raged, and while its effects were felt for several years it reached its worst stage in 1893 and during the early days of 1894, during all of which time the Republican tariff law was in effect.

The late Thomas B. Reed, after his retirement from the Speakership, delivered a speech in New York in which he said: "Another thing which led this whole country into the error of 1892 was the history of the last thirty years. During all that time we have been prosperous." The New York World called this "cold, colossal, and impudent falsification of history," and said that it must have astonished those among his hearers whose memories were more than one year long. Then this New York paper gave Mr. Reed these interesting reminders:

"The panic of 1873, under Republican rule and twelve years of high tariff taxation, was the most disastrous and the period of business depression for five years thereafter was the most severe of any in history. It was officially estimated that 3,000,000 workingmen were out of employment. Bankruptcy was widespread. A tidal wave of ruin and distress swept over the country.

"From 1881 to 1886, under two Republican tariffs, there were labor strikes involving 22,304 establishments and 1,323,203 workmen. Of these strikes 9,439 were for an increase of wages and 4,344 against reductions of wages.

"Mr. Reed's party tinkered the tariff of 1883. In that year there were 9,184 business failures, involving $172,874,000. In 1884 there were 10,986 failures, involving $226,343,000. In the next year, still under the Republican tariff and currency laws, there was a general business depression. More than 1,000,000 men were out of employment.

"In 1890 the McKinley bill was passed, and there were 10,673 failures in that year and 12,394 in the next, with liabilities in each year amounting to nearly $200,000,000. The tariff was raised to nearly 50 per cent, but wages either stood still or declined, while the prices of necessaries advanced. The protected manufacturers kept all their 'bonus' as usual.

Tramps and trusts, the twin products of a monopolists' tariff, were practically unknown in this country until we had endured uninterrupted Republican rule for a dozen of years.

The worst labor troubles, the bloodiest riots, the most destructive strikes, the most brutal lockouts ever known in any country, have occurred here under the high tariffs, bought, made, and paid for by the contributors of the Republican campaign funds.

In spite of all these facts, you continued to insist that the Democratic party was responsible for the panics. With equal boldness and recklessness you claimed all the credit for the marvelous prosperity of the last few years. You iterated and reiterated that there was "all kinds of work for all kinds of people," due to the Republican Administration and Republican policies. It was in vain we pointed out the gradual improvement in business conditions that began in 1894. In the very midst of our great prosperity you claimed all credit. We tried to tell you that Canada, Mexico, Germany, England, South America, and all the countries of the earth were enjoying unexampled prosperity, and as these countries had neither the Republican Administration nor the Dingley law, there must be some other cause operating. Nations with the gold standard and nations with the silver standard were prosperous; nations with free trade and nations with protection moved onward and upward.

But what have we now? In the midst of plenty we are in want. With years of good crops, when Providence has smiled upon the people and the earth has given her increase, with all the factories running on full time, with a scarcity of labor in every department of the country—in the midst of all that there came a panic, not a Democratic panic, because you are in power in all branches of the Government. At the other end of the Avenue you are emphatically in power. [Laughter and applause on the Democratic side.] In both ends of the Capitol you are in power, and you have been in power since 1897, and if the panic is due to bad laws, you are responsible for them. If the panic is due to lack of law, you are likewise responsible. You must answer to the farmers who in a twinkling of an eye found themselves unable to sell their grain, their cotton, their products. You must tell the hundreds of thousands of workingmen who are willing and anxious to work why they are thrown out of employment. You blamed the Democratic party for the soup houses of 1893 and 1894. Shoulder the responsibility for the soup houses of 1907 and 1908—take your own chalice to your own lips.

But how did you handle the panic? That is a critical question. When Grover Cleveland was President of the United States and the revenues were running low, he issued $262,000,000 of bonds to protect the Treasury, and, oh, how often have you declaimed upon the iniquity of increasing the interest-bearing debt in time of peace! Yet what did you do? In the time of panic, with an abundance of money in the Treasury, with millions of dollars of the people's money lying in the banks of the country without interest, you increased the interest-bearing debt. [Applause on the Democratic side.] And you increased the interest-bearing debt, I undertake to say, in violation of the law. I want to call your attention to it. Just here let me remark, few papers that have come under my observation have criticised the action of the Secretary of the Treasury. No man on that side of the aisle in my hearing has criticised it. Is it because the people have not examined the law, or is it because there is abroad in the land a disregard of the law? Is law something to be observed and obeyed when it is convenient, and something to be swept aside when certain people think it best not to obey it? Now, your Secretary of the Treasury advertised for $100,000,000 of 3 per cent certificates. He did not issue that many, but he called for bids for the sale of $100,000,444 of 3 per cent certificates. Under what authority of law? I want to call your attention to the law under which these certificates were sold:

That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of $50 or some multiple of that sum; and each certificate so issued shall be payable with the interest accrued thereon, at such time, not exceeding one year, from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the amount of such certificates outstanding shall at no time exceed $100,000,000; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtednes authorized by this act.

What was in the mind of Congress in the passage of that law? What does it mean in letter and in spirit? It means, gentlemen, and it can have no other meaning, that if the money in the Treasury is not sufficient to meet the appropriation Congress has provided for, the Secretary can temporarily borrow enough money to meet public expenditures. It means that work authorized by Congress shall be promptly paid for. It is

intended to protect the credit of the Government. That is what the law means. That is the only honest interpretation of it, and yet the Secretary of the Treasury, with more than $200,000,000 deposited in banks without interest, goes into the market and borrows money, as if the Treasury was in straits. It was not the Treasury that was in trouble. There was no difficulty in the Treasury of the United States. The trouble was elsewhere, and the Secretary of the Treasury violated the letter and the spirit of the law when he issued those certificates. And what did he do it for? What did he do with the money? He proceeded forthwith to deposit it in banks, without interest.

When banks purchased these certificates he collected only 10 per cent and left 90 per cent on deposit. Thus the Government is paying 3 per cent on $100, when it got only $10, which is 30 per cent the Government is paying the banks, although it is lending the banks more than two hundred millions without any interest at all. Suppose a town had large sums deposited in banks without interest and plenty of money in its treasury to meet all its obligations; then suppose the town authorities should go into the market and borrow thousands of dollars, paying interest therefor, and should promptly proceed to deposit the money borrowed on interest in banks without interest; then imagine, if you can, what the voters of the town would do to that administration. What man here would justify such a proceeding in his own town? But the Secretary of the Treasury did not stop with these certificates of indebtedness. He called for bids for $50,000,000 of Panama bonds. Now let me call your attention to the law:

SEC. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by the act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of $130,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after ten years from the date of their issue, and payable thirty days from such date, and bearing interest payable quarterly in gold coin at the rate of 2 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, *giving to all citizens of the United States an equal opportunity to subscribe therefor*, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.
Approved, June 28, 1902.

Notice the provision that when these bonds are sold the proceeds can be used for but one purpose; yet, with no pretense that the money available from the sale of the bonds has been exhausted, with no pretense that the money arising from the sale of this issue of bonds is immediately needed——

Mr. TAWNEY. Mr. Chairman, will the gentleman permit an interruption right there?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. TAWNEY. Are you not aware of the fact that the Treasury of the United States received only $35,000,000 from the issue and sale of the bonds for that purpose, and the canal expenditures prior to the time of the issue of the last $50,000,000 up to this time now aggregate over $83,000,000?

Mr. JOHNSON of South Carolina. Yes; but it was taken out of the Treasury and it was authorized by law, but the point I am making now, and the point that no gentleman understands better than the chairman of the Committee on Appropriations [Mr. TAWNEY], is that at the time the Secretary of the Treasury issued these bonds he did not issue them for the purpose of getting money to pay for the construction of the Panama Canal.

Mr. TAWNEY. I will say to the gentleman from South Carolina that it was his duty to do so for the reason that the expenditures that had already been made exceeded by almost $50,000,000 the amount of the proceeds from the sale of the previous bonds.

Mr. FITZGERALD. Under the law the Secretary is authorized to pay the canal expenditures out of the general fund of the Treasury, or out of the proceeds of bonds if the funds of the Treasury are insufficient over the current expenses of the Government.

Mr. TAWNEY. I beg to differ with the gentleman. The discretion vested by that act in the Secretary is as to the time when the bonds shall be issued, but it is mandatory upon him ultimately to issue the bonds and dispose of them, and from the proceeds of the sale pay the expenditures directly or reimburse the Treasury for the expenditures previously made.

Mr. FITZGERALD. I will say that is my understanding of the law.

Mr. JOHNSON of South Carolina. What did he do with the money? [Applause on the Democratic side.] Did he cover it into the Treasury? Did he pay for the construction——

Mr. TAWNEY. He reimbursed the Treasury for expenditures previously made.

Mr. JOHNSON of South Carolina. He has not reported it as covered into the Treasury. As a matter of fact, it has not been paid. The banks that bought the bonds gave their checks and immediately those checks were handed back to the banks and the Government was given the credit. [Applause on the Democratic side.] That is what was done with it. I want to call your attention to another thing. This law says that all the citizens of the United States shall have an equal opportunity to bid for these bonds. I will read the exact language:

Provided, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States equal opportunity to bid therefor.

Did he do it? No. "Upon what meat doth this Cæsar feed that he has become so great?" [Applause on the Democratic side.] There is nothing in the law that would authorize him to reject a higher bid and accept a lower one. Yet he did it. What lawyer in this Congress, sitting as chancellor, would pass the accounts of a guardian who had sold the securities of his ward at 102¼ when bids of 104 or 104½ had been made? In the relation of guardian and ward, the guardian who rejected higher bids and accepted lower bids for his ward's securities would be held personally responsible for the difference.

Public office is a public trust. Public officers should administer public trusts with the scrupulous exactness required by the courts of equity of private trustees, not ordinary good faith, but the highest faith—uberrima fides. I saw by the newspapers that some citizen brought suit in the District of Columbia, and the answer of the Secretary of the Treasury amongst other things was that the plaintiff in that action was financially irresponsible. I want to say that that was an afterthought. It was not the reason that he rejected the bid. He did not inquire whether he was responsible or not. Here is a letter written by the Treasury Department:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY.
DIVISION OF LOANS AND CURRENCY,
Washington, December 20, 1907.

Mr. GEORGE J. KLOBERG,
620 West Fourth Street, Wilmington, Del.

SIR: In reply to your inquiry of the 17th instant you are informed that individual bidders whose bids were greater than $10,000 were not allotted any Panama bonds.

Respectfully, yours, J. H. EDWARDS,
Assistant Secretary.

Here is another letter. It also shows that no bid in excess of $10,000, except bids of national banks, were even considered, but it goes further and explains the reasons actuating the Secretary. Congress, remembering a former sale of bonds, in its wisdom provided that the Secretary in disposing of Panama bonds should give "all citizens of the United States an equal opportunity to bid therefor." The Secretary thought he knew more than Congress:

TREASURY DEPARTMENT,
Washington, January 4, 1908.

DEAR SIR: Your letter of December 23, regarding an allotment of the recent issue of Panama bonds, is received. In reply, you are advised that under the reservations made by the Department the allotments were made first to individuals and institutions who were the highest bidders for amounts not exceeding $10,000. The remainder of the $25,000,000 issued was allotted to the highest national bank bidders. This course was followed for the reason that it was not deemed wise during the existing currency stringency to withdraw any considerable amounts from savings banks and other institutions, which would have inevitably been done had the bonds been allotted to individual bidders in large sums. By making allotments to national banks two objects were accomplished, aside from the one above mentioned, and both of these, it is thought, will commend themselves to the public generally. We were in a position to leave on deposit with such banks 90 per cent of the purchase price and yet have it available for the expenses of the Government, as needed, without withdrawing it in a lump sum from the channels of trade. The banks receiving these bonds were also enabled thereby to substitute other bonds as security for these deposits and immediately take out additional circulation on the Panama bonds—a result very desirable at this time.

Very truly, yours,
J. H. EDWARDS.

You are in power. If you are willing for the men that you have in the Departments to override the spirit and the letter of the law the responsibility must rest with you, with the final verdict to be rendered by the people. [Applause on the Democratic side.]

Mr. TAWNEY. Mr. Chairman, I yield fifteen minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Chairman, as at present constituted, I think the Committee on Appropriations in the House are to be congratulated on the fact that when it comes to criticising other committees for appropriations the Appropriation Com-

mittee can do that on this side of the House, and when it comes to criticising the President of the United States and the Executive Departments the same committee can do so on the other side of the House. The gentleman from New York [Mr. FITZGERALD] seems to be wonderfully distressed about the revenues of this country, with the promise of revision of the tariff to come at the assembling of the next Congress, after the Presidential election. He says that the President's pet candidate has declared himself in favor of a revision. I think the gentleman might have said that, if the present tendency of the country shall go on, the pet candidate of the President will be the pet candidate of the Republicans at Chicago, and I want to promise him if that candidate or any other candidate before that convention is elected, and the tariff is revised by the Republican party, it will be revised to meet the conditions of the country, whether it be up or down, and will not interfere with the revenues of the country or with the great industries of the country. [Applause on the Republican side.]

We are not promising to revise the tariff up or down, but we are promising positively that when the tariff is revised, if done by Republicans, it will be on the lines of protection and not on the lines of free trade. [Applause on the Republican side.]

The gentleman from South Carolina called attention to what is called an historical fact. That was that the panic came in 1893 and that the Wilson-Gorman bill was enacted in 1894. That is true. But he forgets another historical fact—that the election of 1892 put the Democratic party in power in the executive and legislative departments of the Government absolutely, and the people knew if that party was honest it would revise the tariff upon lines of free trade. Every prudent business man in the United States withdrew his expansion of business and got ready for the time that was about to come on the country, and the gentleman knows very well that the panic he refers to of to-day is simply a summer shower as compared with the terrific cyclone which swept over this country and destroyed the property of the United States in 1893 and 1894. [Applause on the Republican side.]

But, Mr. Chairman, I wanted to devote some time to this bill, although it is probable the committee will hardly forgive a man for talking about the measure before the House. The Committee on Appropriations, as represented by its chairman, in the opening speech of the distinguished chairman, refers to the fact that they had no control over the appropriations, or they might keep appropriations within the revenues of the country. In other words, that committee wants to again control all appropriations. He referred to some committees vaguely, and the gentleman from Georgia, with that marvelous honesty that always wants to fight in the open, said: "Will my colleague simply mention those two or three committees, and let us have it all out." So the chairman then mentioned the Military and Naval committees. I want to say that the Military Committee is vindicated in its action of last year in trying to save appropriations in the Army bill by the very bill reported by the Committee on Appropriations for deficiencies. Take, for instance, one item for the "regular supplies." We cut them down in their estimates of last year over a million and a half, hoping it would induce such economy that it would enable the Government to get through with that amount. They came before the Committee on Appropriations with $1,365,000 as a deficiency—a legitimate deficiency, if the Government needs it. I am not criticising the committee for giving it. I am only criticising their statement as to other committees of the House which are doing all in their power to reduce the expenses of the Government; and the very report they make here shows that we went too far in our efforts to save money. I will say, further, that the Committee on Military Affairs has had this theory at all times—that the closer you prune these appropriations the more you will induce the Department to try to live within their means, and that it is better to have a little deficiency on many items than to have a surplus on items, because if you gave a Department of the Government all that it asks it will have no inducement to practice rigid economy.

"Incidental expenses." That is only a very small amount—$200,000.

"Barracks and quarters." Last year the Committee on Military Affairs of the House cut $3,000,000 from that appropriation. The Senate added $1,700,000. That was finally agreed to in conference. That is not legitimate deficiency.

There is no excuse for the Government spending one dollar beyond what Congress appropriates for that. If they recognize a deficiency on barracks and quarters, Congress might in its wisdom say that after spending the sum of $60,000,000 since the Spanish war providing ample accommodation for our troops in the United States, to care for every soldier that is here, we would only allow in the Army appropriation bill enough money for repairs and incidental expenses. On the theory of the Committee on Appropriations, if they would go ahead and contract for a building, pursuing a policy of concentration that Congress might not be in favor of at all, start a new line of appropriations and concentration that in my judgment is not justifiable, all they would have to do would be to go before the Committee on Appropriations and say that they wanted so much money to complete contracts that they had entered into, such contracts as under the law they had not authority to enter into. I say that is not a legitimate deficiency.

Mr. TAWNEY. What deficiency does the gentleman refer to?

Mr. HULL of Iowa. Barracks and quarters.

Mr. TAWNEY. Is the gentleman aware of the fact that it is a deficiency for the fiscal year 1906?

Mr. HULL of Iowa. And 1907. You have two of them.

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. And what I want to emphasize now, Mr. Chairman, is that in all these appropriations that are not otherwise provided for by law, there should not be any deficiencies permitted. Where it is a question of the support of the Army, if we do not appropriate enough, it is a legitimate deficiency.

Mr. TAWNEY. Now, will the gentleman permit another question?

Mr. HULL of Iowa. Certainly.

Mr. TAWNEY. Are you aware that the appropriation was sufficient to meet the obligations incurred at Fort Whipple and at Fort Buford, but that because of the accounts not coming in in time, they could not be paid out of the appropriation, and the appropriation lapsed?

Mr. HULL of Iowa. This money is available for two years after the expiration of the fiscal year.

Mr. TAWNEY. The Auditor holds differently.

Mr. HULL of Iowa. I want to say further, Mr. Chairman, that they have no right to make a contract that goes one dollar beyond the appropriations made by Congress.

Mr. TAWNEY. They did not, as they inform us.

Mr. KEIFER. I want to call the attention of the gentleman to the fact that the principal part of the deficiency for barracks and quarters was in consequence of the Cuban intervention.

Mr. HULL of Iowa. This does not say so at all.

Mr. TAWNEY. Not at all.

Mr. KEIFER. General Aleshire says, under the items "Barracks and quarters:"

This is on account of the Cuban intervention and for the erection of a storehouse at Newport News.

Mr. TAWNEY. That was a mistake.

Mr. HULL of Iowa. Newport News is not in Cuba.

Mr. KEIFER. But the two together made a deficiency.

Mr. HULL of Iowa. On the transportation of the Army and supplies we cut off something like $1,000,000, and they have only put in $1,318,077. That is a legitimate deficiency, if we did not give enough money to carry on that work. But, Mr. Chairman, it is also an answer to the criticism of extravagance on the part of the committee. It shows that in place of extravagant it was decidedly too economical.

Mr. KEIFER. That was on account of the Cuban intervention.

Mr. HULL of Iowa. I think it has hardly cost the Government that much extra.

Mr. KEIFER. Oh, yes.

Mr. HULL of Iowa. You start out with what is for Cuba, under the Chief Signal Officer, and say it is on account of Cuban intervention. There can be no estimates furnished for extra expense of the Army on account of intervention in Cuba. There are no estimates submitted for the extra cost of the Army in Cuba. There is only a general provision, that the extra expense of the Army in Cuba shall be paid by the Cuban Government, and when so repaid shall be covered into the Treasury. So that what comes up for Cuba comes out of the regular appropriation, and would very likely be a legitimate appropriation for that purpose.

Mr. KEIFER. Will the gentleman allow me to read one sentence?

Mr. HULL of Iowa. Yes.

Mr. KEIFER. This is an inquiry by the chairman, addressed to General Aleshire, the Quartermaster-General:

The CHAIRMAN. The next item is for the transportation of the Army and its supplies, fiscal year 1908. You estimate a deficiency there of $1,318,077.18.

General ALESHIRE. That is all on account of the occupation of Cuba.

Mr. HULL of Iowa. Now, I can not yield any further. I have only fifteen minutes.

Mr. KEIFER. I have read all that I wanted to.

Mr. HULL of Iowa. When I have concluded my remarks I shall be glad to answer any questions.

There are two items for the transportation of the Army and supplies, both of them deficiencies. Now, I am not criticising the Committee on Appropriations for bringing in these items. If it were necessary for the Government to have them to carry on the work provided by law, they did just right in bringing them in; but I am protesting against the bringing in of these items, and in the same breath criticising other committees for being extravagant, when these items are made necessary because of the very economy of the other committees.

Clothing, camp and garrison equipage is another legitimate item. But let me take the Military Academy for a minute:

For one professor of military hygiene (lieutenant-colonel), in addition to pay as major, $500.

Some one or two years ago the authorities at West Point made application to the Committee on Military Affairs for the detail of an officer to act as professor of military hygiene. They had a letter from the Surgeon-General, saying that the Medical Corps could detail a lieutenant-colonel to the Military Academy, who would discharge the duties of professor without any additional cost, and asked us to simply authorize that, and we did authorize the detail of a lieutenant-colonel.

I do not know whether they detailed a lieutenant-colonel or not, but the next year they came and said they had detailed a major and wanted us to pay $500 extra. We called attention to the fact that this was not a professorship created by law; it was for the Medical Department to carry on instruction in this branch of the public service. There are three doctors there all the time, and they are paid the full pay, with quarters and allowances, and they have ample time for the little instruction that is necessary to be given in these lines, and we refused to give them the extra compensation.

We had in mind the marvelous care, the strict scrutiny, the wonderful ability to detect a new item that always has confronted us from the Committee on Appropriations, and we said we will not subject ourselves to the criticism of the Committee on Appropriations; that that committee would undoubtedly raise the point or order, and we will simply make it a detail, with no extra expense to the Government, to give this instruction. But when we refused them the Committee on Appropriations was confronted with the same argument brought before us, and we find it in the deficiency bill that they give this amount to this man.

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

Mr. HULL of Iowa. It does not seem to me, Mr. Chairman, that I have had fifteen minutes. I do not want to borrow any other man's time, but I will take occasion under the five-minute rule to continue these remarks.

The CHAIRMAN. The Chair may have misunderstood, but he understood that the gentleman had fifteen minutes.

Mr. HULL of Iowa. That is right, Mr. Chairman.

The CHAIRMAN. Then the time of the gentleman has expired.

Mr. HARDY. Will the gentleman from Iowa answer a question?

Mr. HULL of Iowa. I can not, for my time has expired. I will answer the gentleman if I get time under the five-minute rule.

Mr. HENRY of Texas. Mr. Chairman, for the purpose of calling attention of the country to a few matters now pending before Congress, I take the floor this morning. The gentleman from Iowa [Mr. HULL] said the Republican party in due time would revise the tariff, but would do it along protective lines. If we mistake not the rumblings from Iowa and other States, the people of this Republic will revise it sooner than that, and it will be along the lines of old-fashioned Democracy, following the flag of the Democratic nominee, William J. Bryan. [Applause on the Democratic side.]

This plea for postponement of the tariff issue is in the nature of an application for continuance in a criminal case—hoping that if the continuance be granted the evil day of punishment may not come. They think that a postponement now may indefinitely prevent tariff reform.

However, these are not the questions I have arisen to present this morning. It is now manifest that the Republican party has no intention of enacting any legislation at this session, except the usual appropriation bills. There will be an effort to pass some sort of currency legislation, but from the deadlock exhibited on this floor between members of the Committee on Banking and Currency, it is apparent that no two of these gentlemen agree upon common ground.

Mr. Chairman, there are certain people whom we choose to call the laboring classes in this country, who have been clamoring at the doors of Congress for years for legislation along certain lines. They have appealed to the Speaker of the House, to the Committee on Rules, the only powers that can open the doors of relief to them; they have besought the Committee on the Judiciary and other committees. So far no relief has been given them, no encouragement has met their just demands. The first question I propose to discuss this morning is that of limiting the power of Federal judges in the issuance of temporary restraining orders and injunctions. For years the laboring people have appealed to Congress, and particularly to the Judiciary Committee, and no committee secrets are disclosed in making the statement. Their demands have been just and reasonable. I discuss them, not because this is class legislation, but because it is just legislation that should be enacted in the interest of the whole people. Session after session bills have been introduced and referred to that committee and other committees, but they have been silently pigeonholed and never reported back to the House.

Is this legislation just? Is it something that is reasonable? Mr. Chairman, it is legislation that should be passed, and I only take the floor this morning because these bills have been introduced from time to time and no attention has been paid to them by this body. The honor was mine to introduce some of the measures, and let me call attention to the provisions contained in one of these bills. One of them reads as follows:

That no writ of injunction or temporary restraining order shall be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same: *Provided*, That nothing herein contained shall be held to authorize the issuance of any injunction or restraining order not now authorized by law.

Mr. Chairman, substantially that language was the law of the country for seventy-nine years. In the act of 1791 it was provided that notice should be given by Federal judges before the issuance of temporary restraining orders and injunctions. In 1872 Congress passed an act which eliminated the provision requiring notice in injunction proceedings, and since that time Federal judges have held their star-chamber sessions and have issued their temporary restraining orders and injunctions without any sort of notice to the adverse party or his attorney. This manifest defect should be remedied by an act of Congress. Are you ready and are you willing to pass legislation, not only for the benefit of the laboring people who have demanded it, who have been tyrannized over by injunction suits, who felt the sting of unjust government by injunction, but are you ready to give it to the American people? This bill has been introduced by me at several sessions of Congress. There have been other bills introduced. The gentleman from Kansas [Mr. CAMPBELL] has introduced one along the same line and still the Speaker and the authorities of this House turn a deaf ear to such legislation. Secretary Taft, seeing the impending storm, has sought cover and now tries to face about and win back those he unjustly oppressed while he was Federal judge. He says in a letter to the Ohio labor organizations:

Second. You ask me what I think of a provision that no restraining order or injunction shall issue except after notice to the defendant and a hearing is had. This was the rule under the Federal statutes for many years, but it was subsequently repealed. In the classes of cases to which you refer I do not see any objection to the reenactment of that Federal statute. Indeed, I have taken occasion to say in public speeches that the power to issue injunctions ex parte has given rise to certain abuses and injustices to the laborers engaged in a peaceful strike. Men leave employment on a strike, counsel for the employer applies to a judge, and presents an affidavit averring fear of threatened violence and making such a case of the ex-parte statement that the judge feels called upon to issue a temporary restraining order. The temporary restraining order is served upon all the strikers; they are not lawyers; their fears are aroused by the process with which they are not acquainted, and, although their purpose may have been entirely lawful, their common determination to carry through the strike is weakened by an order which they have never had an opportunity to question, and which is calculated to discourage their proceeding in their original purpose. To avoid this injustice, I believe, as I have already said, that the Federal statute might well be made what it was originally, requiring notice and a hearing before an injunction issues.

Third. In answer to your third question, it would seem that it is unnecessary to impose any limitation as to the time for a final hearing if before an injunction can issue at all notice and hearing must be given. The third question is relevant and proper only should the power of issuing ex-parte injunctions be retained in the court. In such cases I should think it eminently proper that the statute should require the court issuing an ex-parte injunction to give the person against whom the injunction was issued an opportunity to have a hearing thereof within a very short space of time, not to exceed, I should say, three or four days.

Gentlemen, will you heed the voice of the people? If not, the time will come when they will be accorded this relief. I don't know whether it will be at the hands of a Republican Administration or at the hands of a Democratic Administration, but as certain as we live such legislation will be enacted.

Mr. GAINES of Tennessee. Why was the law changed?

Mr. HENRY of Texas. The gentleman from Tennessee asks me why the old law was changed. I have investigated that

and find that when the statutes were recodified it was left out, as it has been since stated, inadvertently, and that it was not done intentionally. Yet during all this time the omission has remained upon the statutes, although session after session bills have been introduced and Representatives have come before the Judiciary Committee and have asked for relief.

Mr. Chairman, this is manifestly a just proposition. Let me give you the precise language of the act of March 2, 1793, and show that I have only provided for reenacting the law as it once existed. The Clerk will read the section I have marked.

The Clerk read as follows:

SEC. 5. *And be it further enacted*, That writs of ne exeat and of injunction may be granted by any judge of the Supreme Court in cases where they might be granted by the Supreme or a circuit court; (a) but no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same, that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a State; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same.

Mr. HENRY of Texas. In order to parallel the old law with the present law, let the Clerk read section 719 of the Revised Statutes, which shows the provisions requiring notice to have been eliminated.

The Clerk read as follows:

SEC. 719. (Injunctions.) Writs of injunction may be granted by any justice of the Supreme Court in cases where they might be granted by the Supreme Court; and by any judge of a circuit court in cases where they might be granted by such court. But no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted, elsewhere than within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it can not be heard by the circuit judge of the circuit or the district judge of the district. And an injunction shall not be issued by a district judge, as one of the judges of a circuit court, in any case where a party has had a reasonable time to apply to the circuit court for the writ; nor shall any injunction so issued by a district judge continue longer than to the circuit court next ensuing, unless so ordered by the circuit court.

Mr. HENRY of Texas. Mr. Chairman, there is no demand for radical legislation, nor are the people who have come before the Judiciary Committee asking for that kind. They would be satisfied with a reenactment of the statute that was law for seventy-nine years, which requires notice by a Federal judge before an injunction issues.

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

Mr. HENRY of Texas. Yes.

Mr. DRISCOLL. I heard the bill read. I want to ask the gentleman if he would in all cases insist that a notice be first served before an injunction or a restraining order be granted?

Mr. HENRY of Texas. I certainly would, because it was the law for seventy-nine years and worked well.

Mr. DRISCOLL. I will submit this proposition which came to me and of which I know, as I was the attorney in it. Suppose a man got title to a piece of land with a mortgage and the building is being removed off the land, which is practically all the value there is in it. Say that the building is being moved on rollers, etc., would you say the man who held the mortgage, practically owning the land, should be required to go to a judge and have him issue notice and serve notice on the party before he could restrain him from moving off that building? Would that be right or fair?

Mr. HENRY of Texas. Every State in this Union has laws against stealing horses, cattle, or any other property, and so they have against such an offense as that and covering all kinds of trespasses against property and persons.

Mr. DRISCOLL. There are many other ways in which said damage can be done as well as in that, and I am simply referring to that——

Mr. HENRY of Texas. I think that for all these difficulties, Mr. Chairman, there is a statute in every State in the Union to cover such offenses, to cover breaches of the peace and riots and all such cases as the gentleman may imagine.

Mr. DRISCOLL. For instance, in the case like that there can be no redress against the people moving that building. The man who really owns it has to protect himself; he must get an injunction to stop the removal before the damage is done.

Mr. HENRY of Texas. If the sheriff could not overtake a house with a writ of sequestration, he ought to be impeached.

Mr. DRISCOLL. The question is one of ownership.

Mr. HENRY of Texas. He steals without anybody knowing it, and when the house is found it can be recaptured.

Mr. HUGHES of New Jersey. As I understand this bill, it provides notice. In a case of that man I imagine a half-an-hour notice to the man would be sufficient.

Mr. DRISCOLL. It may take some time to get notice and serve it and have a hearing and get an injunction.

Mr. HENRY of Texas. I am glad these gentleman put these questions, because it brings before the House just the point I desire them to investigate this morning. The bill only provides for previous reasonable notice. Letters from a number of Federal judges have come to me approving this bill, stating that it is reasonable and manifestly just and ought to be passed; that star-chamber proceedings ought to be stopped, and blanket injunctions without notice ought to cease; that traps for trying, convicting, and imprisoning men should no longer be set. [Applause on the Democratic side.]

I have no attack to make upon the judiciary of this country, either the Federal or State judiciary. But legislation of this kind ought to be given the American people. Before anyone is enjoined in his property rights or his personal rights he ought at least to have notice from Federal tyrants. He ought to have the poor privilege of appearing, filing answer, and being heard. Equity rule 55 provides for and requires notice in all such cases, but for years Federal tyrants have ignored it, flagrantly violated it, and spat upon it. They utterly disregard this plain provision of our equity rule. Let us pass a simple mandatory statute requiring previous reasonable notice before these blanket injunctions, or any other kind, can be issued by a Federal judge. Let us as representatives of the people rob them of the power of imprisoning good and innocent men with their midnight orders and injunctions without hearing the other side, which often has a complete defense. But your Speaker and his Committee on Rules will stand with their eyes shut and as firmly as the walls of this Capitol spurn this just demand for relief. I freely make that prediction. [Applause on the Democratic side.]

Mr. GAINES of Tennessee. Are not cases reported where parties have been punished for contempt of court who had no real notice of the injunction and who disobeyed it unwittingly?

Mr. HENRY of Texas. Yes; there have been such cases, where they have been hauled up before a Federal judge without any notice that they were even charged with an offense, and Federal judges have denied them the poor privilege of trial by jury and placed them in prison and outraged them in many ways. Such judicial outrages ought to cease in this country, regardless of whether the man is a laboring man or any other citizen of the Republic. [Applause on the Democratic side.]

Mr. LENAHAN. Is it not a fact the case cited by the gentleman from New York is an exceptional one—so exceptional that it should be given no consideration in the consideration of this question which you are arguing now?

Mr. HENRY of Texas. I quite agree with the gentleman and think the trouble in that case is so small that it should not weigh one instant against the immense amount of benefit that would arise from the enactment of a just statute like this. Of course the injury could be prevented by other civil remedies. There is a remedy for all trespasses against property and personal rights.

I have introduced another bill, one that passed the United States Senate a few years ago by unanimous vote, with the exception of Senator Hoar of Massachusetts. He did not vote against the measure, but refrained from voting for it because he had not investigated it. I refer to the bill which passed that body providing for a trial by jury in cases of indirect contempt, that is, in cases of contempt committed out of the presence of the court. It passed the Senate and came to this body, and session after session, year after year, it has been reintroduced, and those entitled to the relief have been demanding its enactment; and yet it has never found its way out of the Judiciary Committee, and, in my humble judgment, will never do so until the American people command the Speaker of this House and that committee to take favorable action. [Applause on the Democratic side.] Substantially the same bill has been introduced by me at several sessions of Congress. It is now pending before the Judiciary Committee, of which I have the honor to be a member. It divides contempts into two classes, direct contempts and indirect contempts. Where the contempt is committed in the presence of the judge there should be no trial by jury, but the judge himself should have the power to punish summarily such offenses. But where it is committed out of the presence of a court, where the offender does not know whether or not he has committed a contempt, he ought to have the privilege of calling for a jury. Aye, more. We ought to transfer the case from the jurisdiction of the Federal judge that issued the injunction, and let some other judge, without prejudice, try the offense.

Are you ready to enact such legislation as that? Is the Republican Speaker ready to give ear to the demands of the people who have called for this legislation year after year? You will give hearings this session, but no relief. Year after year they have come in a body and have demanded it of the Speaker, and he has frowned upon them. They will come again and make the same demands. I serve notice now that as long

as I am in Congress this matter will be pressed until you act. These people would be satisfied with reasonable legislation if we would enact it. True, some of them want to go further. This House should not enact any law that is unreasonable, that is too radical, but we could certainly afford to reenact this old statute, and we agree that an offender in cases where an injunction has been issued without notice shall be entitled to the constitutional right of trial by jury. Jefferson said, and truly, that the Federal judges are "the sappers and miners, gradually undermining the foundation of this Government;" and he never stated a truer proposition.

Mr. Chairman, we have seen year after year one right after another taken from the American people, from the respective States of this Union by the Federal judiciary. When a power is conferred upon them they clamor for more. I know that in some quarters it is not fashionable to talk about States rights. I know that it is not fashionable to denounce tyrannical Federal judges. And I do not criticise the just ones. The Constitution does not commend itself to some gentlemen. But we observe that only a few days ago the Supreme Court again decided a measure which passed through this House was unconstitutional. This reminded us that we still have a Constitution to govern us in our actions, and may go only so far in our legislative actions.

There is another bill introduced by me touching this subject—that no Federal judge shall issue an injunction or restraining order against a State officer or enjoin a State statute. That is to say, that whenever a State like Virginia, or North Carolina, or Alabama, or Missouri, or Pennsylvania, or any other State has enacted a solemn statute, there shall be some presumption in favor of the justice and validity of the statute, and Federal judges shall cease to enjoin them, at least "before final judgment on the merits of the case."

Now, gentlemen, we can afford to go that far. I would even go further, if I had my way. I would provide that where a corporation or an individual attacks the validity of a State statute they should raise that defense in the courts of the State, and if they have a Federal question involved in their litigation the case should go by writ of error from the court of last resort of the State to the Supreme Court of the United States. Let us not deprive any citizen or any corporation in this broad land of the privilege of going into the Federal courts and adjudicating their rights. Let us not take from them any right that is guaranteed by the Constitution and the statutes. Throw wide the doors of the Federal courts and the State courts as well to every citizen and corporation who has a right to assert. But, Mr. Chairman, when a Federal judge can enjoin a solemn act of a State acting within its inherent sovereignty the time has come when we should have legislation preventing such exercise of Federal power. Not many months ago when a railroad corporation in Missouri applied to Judge Smith McPherson to enjoin the 2-cent passenger-fare law of the State of Missouri, he said:

> Gentlemen, the solemn enactments of the State of Missouri are entitled to some consideration, and I will not enjoin the enforcement of this State law, restraining the officers of the sovereign State of Missouri. I will allow it to be in operation for some time and see if it confiscates your property, as you say.

[Loud applause.]

Such is the true doctrine that should actuate a Federal judge. But it finds lodgment in the breasts of very few.

Mr. HACKNEY. I wish to make the suggestion that such order was made against the railroad companies a year ago, and they have made no application to have the injunction issue.

Mr. HENRY of Texas. I am glad the gentleman has made that statement, and desire to say that I understand the railroads have found remunerative business in carrying passengers at the rate of 2 cents per mile, although they swore in their ex-parte affidavit that their property was being confiscated. [Applause.] Mr. Chairman, give the other side a hearing, give them an opportunity, and whenever a State in this Union passes a law, the presumption should be that it is acting within the scope of its constitutional authority and in accordance with the Constitution of the United States. [Applause.] For the just Federal judge who respects his oath and the Constitution, who recognizes the rights of the States that have not been surrendered to any other power, who believes that the people of the States have retained some powers, I have a wholesome respect. But I fail to see the goodness and patriotism of those who would spit upon State statutes, as has been done in Virginia, North Carolina, and Alabama and other States. [Applause.]

Let me call your attention to another fact. In many instances where corporations have taken their cases to the Supreme Court of the United States, that court has held the State statutes constitutional and they should not have been enjoined.

Mr. SHACKLEFORD. If the gentleman will allow me, is not the judge to whom the gentleman refers as denying the issue of some of these oppressive and improvident injunctions the very judge that issued an injunction suspending the laws of the State of Missouri in reference to freight rates?

Mr. HENRY of Texas. Well, he issued some, but since that he has reformed to some extent, because his last order is subsequent to the one alluded to by the gentleman.

Gentlemen, I wish there were time to go into these subjects further, but I am limited this morning. I only took the floor for the purpose of calling the attention of the American people to these things, and to say that those interested in such statutes are appealing for legislation at this session of Congress. They may appeal and appeal again to the majority of the committee of which I am a member, where I and other Democrats as well are ready to report such legislation at any time, but they will find no sympathy there. Such legislation will come. We will all live to see the time when it will be law. There will be jury trial in contempt cases. The American people will have it, and, though justice may be tardy, it is certain. The power of Federal judges will be curbed. The period is rapidly approaching when those whom you choose to call the laboring people will come into their rights. They are asking for nothing more than that which should be accorded to every honest and patriotic American citizen. Let me warn the Republican side of this House that while these people have patiently waited while demanding relief from you, they have done so for the last time. They will do so no longer. The party which I represent is ready to heed their just demands. We are ready to join hands with you and be just. Help us to command the Speaker in his high place, surrounded by his arbitrary Committee on Rules, and these just measures will be speedily presented to the American people as solemn statutory enactments. [Loud applause.]

Mr. TAWNEY. I yield ten minutes to the gentleman from Illinois [Mr. McGAVIN].

Mr. McGAVIN. Mr. Chairman, in order to relieve the minds of gentlemen present of any intention on my part to transgress the rules of this House and to speak upon the subject under discussion, I want to say that my remarks have nothing whatever to do with the general deficiency bill in so far as it pertains to the Government; but inasmuch as the House is in Committee of the Whole House on the state of the Union, it may not be amiss to inquire as to what the state of the Union is, and what it is coming to in view of these international unions which are of such frequent occurrence of late between American heiresses and alleged nobility.

In thinking of these numerous weddings I have wondered what the early pioneers who battled with the Indians, challenged the forest, and braved the winter's winds and snows to establish a government where manhood might be recognized for its true value instead of for the accident of birth, would say if from their graves they could look back and see so many of the women of this country sacrificing their souls and honor upon the altar of snobbery and vice. [Applause.]

I am not going to make reference to the manner in which the fortunes of these heiresses have been founded, except that in most cases they were made by men who started out with meager means; suffice it to say, in the language of Shakespeare, that—

> 'Tis a common proof
> That lowliness is young ambition's ladder,
> Whereto the climber-upward turns his face;
> But when he once attains the upmost round,
> He then unto the ladder turns his back,
> Looks in the clouds, scorning the base degrees
> By which he did ascend.

[Applause.]

I have no reference to any particular girl [laughter], nor have I prejudice against all of these titled men, for some of them are worthy to grace any home; some of them have added to the honor of their names and to the glory of their country. I have reference only to those who have a monocle on their eyes and an idiotic look upon their faces—those who have neither the disposition to do good nor the ability to do harm. [Laughter.]

A bill has been introduced in the House by one of my colleagues [Mr. SABATH] from Chicago, to levy a tax upon all dowries and settlements made by heiresses and their parents upon their titled husbands. I am not here to advocate the passage of that bill, or to oppose it; but my curiosity was aroused to know to what committee it might have been referred, there being several committees with very appropriate names. The Committee on Foreign Affairs might do, or the Committee on Interstate and Foreign Commerce might also be appropriate, but on further

thought and examination I found it had been very properly referred to the Ways and Means Committee, inasmuch as it sought to levy a tax, and then I was more curious to know whether the present tariff schedule included dukes, earls, lords, and counts, and finding that these things were nowhere mentioned, I thought that it might be proper for the customs officer to classify them like frogs' legs, as poultry, for it is the general opinion among Americans that they are a species of geese. [Laughter.]

Mr. Chairman, we upon this side of the House, have in recent years referred triumphantly to the fact, that, as between this and other nations, the balance of trade was in our favor, but nowhere in the summary can be found a reference to such trade as these where soiled and frayed nobility is exchanged for a few million American dollars wrung from the lambs of Wall street, with a woman thrown in to boot. [Laughter.]

Every day seems to be bargain day in the great city of New York, whether it be for a yard of ribbon or a pound of flesh; whether it be upon the retail counter of Broadway or the auction block of Fifth avenue. [Applause.]

There was a time when wealthy Americans traveling in Europe were contented with buying costly fabrics, and paintings by "old masters," of whom they knew nothing, but now they want something even more costly but less valuable; so, when the wealthy girls traveling with their parents abroad see some remnant of royalty they enthusiastically exclaim: "Oh, mamma, buy me that!" [Laughter.] An interpreter is secured, the bargain is made and the money produced, and the girl is gone, to soon return a sadder but a wiser one. [Applause.]

I recently saw a play in Chicago, in which the leading man, who acted the rôle of an Indiana lawyer who happened to be abroad looking after some wards and who was subjected to the sneers of the leisure class there, was asked by a gentleman nobleman from another country as to whether they had any leisure class in America, and he very appropriately replied, "No; if anybody gets anything for nothing over in our country they have got to show at least energy enough to steal it." [Laughter.]

While I have engaged in some criticisms of those particular ones who have made a mockery of the most sacred relations of life—I want to say one word in tribute to those true American women who spurned the wiles of earls, lords, and counts for the love of his majesty, an American gentleman. [Loud applause.]

Mr. TAWNEY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has thirteen minutes.

Mr. LIVINGSTON. I yield five minutes to the gentleman from Arkansas [Mr. WALLACE].

Mr. WALLACE. Mr. Chairman, the Washington Post January 16th, relative to its House poll of strength for a Democratic nominee for President, says:

> In the Alabama delegation 5 voted for Bryan, 2 for Johnson, and 1 for Culberson. This proportion between Bryan and Johnson is the same for Arkansas.

I am a member of the Arkansas delegation. But, unlike the ostrich, not content to rest my head under this covert of words. I am for Mr. Bryan, and so stated to the representative of the Post. I understand, sir, as no man is without fault, so no candidate may be without weakness. It is charged that Mr. Bryan talks too much. That, I confess, is a too common fault in men who can talk, and a most grievous one in the eyes of those who can not. [Laughter.] The remedy for this perhaps is to print. "I printed," said Byron, "older children do the same." And into the columns of the Commoner Mr. Bryan crowds pungent paragraph, earnest thought, and heartful love of country and humankind, until its readers feel that upon the ear of the editor-statesman has fallen perhaps the same voice that said to Isaiah: "Take thee a great roll and write in it with a man's pen." [Applause.]

Mr. Bryan is twitted with some political vagaries, and I join no issue there. The whole atmosphere of politics is surcharged with vagaries and some vagrants—a seething maelstrom and contagion of froth and bubbles!

Some say that he has made mistakes. What human has not! What better speaks forth his humanity? Some say he is radical. What reformer is not? Some say he is dogmatic, independent. Who would have him expedient, subservient? If there be one, his hope shall end in disappointment! There is no earthly prince who at noonday can proclaim "It is night," and have Williams Jennings Bryan forthwith declare that he sees the moon and stars! [Applause.]

They say he can not carry this or that State. He may not carry a particular State here and there. But he will do better. He will carry conviction to the people of the States, that he bears within himself the elements that make the world proclaim him a man—worthy the honor and suffrage of all the States. [Applause.]

Bryan's vote in 1896 and 1900 as shown by the World Almanac of 1904.

State.	1896.	1900.
Alabama	130,307	97,131
Arkansas	110,103	81,142
California	143,373	124,985
Colorado	161,153	122,753
Connecticut	56,740	73,997
Delaware	13,424	18,858
Florida	32,736	28,007
Georgia	94,262	90,448
Idaho	23,192	29,414
Illinois	464,632	503,061
Indiana	305,573	309,584
Iowa	223,741	209,466
Kansas	171,810	162,601
Kentucky	217,890	235,103
Louisiana	77,175	53,671
Maine	34,688	36,822
Maryland	104,735	122,271
Massachusetts	105,711	156,997
Michigan	236,714	211,685
Minnesota	139,735	112,901
Mississippi	63,253	51,706
Missouri	363,687	351,922
Montana	42,537	37,136
Nebraska	115,880	114,013
Nevada	----------	6,347
New Jersey	133,675	164,808
New Hampshire	21,650	35,489
New York	551,389	678,383
North Carolina	174,488	157,752
North Dakota	20,683	20,519
Ohio	477,494	474,882
Oregon	----------	33,385
Pennsylvania	433,228	424,232
Rhode Island	14,459	19,812
South Carolina	58,798	47,236
South Dakota	41,225	39,514
Tennessee	166,268	144,751
Texas	370,434	267,337
Vermont	10,637	12,849
Virginia	154,709	146,080
Washington	51,646	44,823
West Virginia	92,927	98,807
Wisconsin	165,523	160,764
Wyoming	10,655	10,164
Total	6,502,925	6,358,133

In 1904 Judge Parker, the eminent judge and Democratic nominee, polled 5,077,000 votes. It is interesting to note, in view of the effort of Republicans and some Democrats to show a wane in the popularity of Mr. Bryan, that in 1900 he polled a greater vote than in 1896 in the very States where his critics say he has no popularity. He polled more votes in 1900 than in 1896 in the following States: Connecticut, by more than 17,000; Delaware, by more than 5,000; Idaho, by about 6,000; Illinois, by about 39,000; Indiana, by about 4,000; Kentucky, by about 18,000; Maine, by about 2,000; Maryland, by about 18,000; Massachusetts, by about 51,000; New Jersey, by about 30,000; New Hampshire, by about 14,000; New York, by about 127,000.

Bryan held his own in his own State, receiving about 1,800 less in 1900 than in 1896; he held his own in North Dakota, Ohio, and his greatest falling off was in the Southern States.

They say he is a twice-defeated candidate and no longer draws. But have we not heard of the "jewel in the toad's head of defeat?" As for me, give me defeat with a man rather than victory with a counterfeit on humanity's baser metal! "He has not lost all who has another throw," and he is not a defeated archer who has another arrow in his quiver! [Applause.]

To our brother Democrats who may cast an eye to the limelight for new and dazzling stars to supplant Mr. Bryan, I commend a prudent observance of the proverb: "Hasty climbers have sudden falls." The flower of the morning-glory is born with the rising and dies with the setting sun!

But—

> "The gathering orange stain
> Upon the edge of yonder western peak
> Reflects the sunsets of a thousand years!"

[Applause.]

And the gentlemen opposite, who have gratuitously intruded their bumpers of discord into the Democratic love feast on this side, I admonish to bear the ills they have and trip it lightly over the span of thin ice whereon they tread! [Laughter and applause.]

To employ a scriptural term, Mr. Bryan is a man who "is become as one of us." A man who has borne himself beyond the promise of his years—doing in the figure of a lamb the

feats of a lion! A man who in the American Congress made two speeches that built for him a monument that cast its shadow across the continent. A man who spoke his party platform into being, and himself foremost in his party's choice—first in his party's gift!

A man who twice bore the commission of his party for the Presidency and polled more votes than any other Democrat, living or dead. Indeed, in the minds of thousands there is an abiding conviction that, like Tilden in 1876, he was elected in 1896; but, forsooth, Tilden was deposed under the mockery of law (8 to 7), and Bryan unhorsed by pernicious alternatives to the electorate and purchase of electors, in defiance of law! [Applause.]

A man who entered the arena of the national Democratic convention of 1904, himself not a candidate, but the champion of a platform of principles, and lost; but emerged from the ordeal, in the judgment of that convention, a Titan more powerful than before—stronger and bigger, perhaps, than any other man in it—the matchless triumph of ardent conviction and compelling force! [Applause.]

Stern as Jackson, astute as Clay, and like Clay he would rather be right than President!

With the opportunity afforded in such a station he might verify the assertion of the ancient Plato:

> That every state will be relieved of its calamities when by the favor of fortune great power unites with wisdom and justice in one man.

That he would be great in the greatest office of the Government more than half the country has registered its conviction at the polls. But that he is great without it the whole country knows! Hence it is not conclusive that political preferment of any character could exalt him to heights where, as orator and thinker, he has exalted himself! A man, however, in whose hands the people would look on public office as a public trust; in whom labor finds a friend, liberty a champion, civic order an apostle, the country a patriot, and God a servant in His vineyard—one of the noblest types of clean, honest, self-controlling man under the stars! [Applause.]

> God gave us men. The time demands
> Strong minds, great hearts, true faith, and willing hands;
> Men whom the lust of office does not kill;
> Men whom the spoils of office can not buy;
> Men who possess opinions and a will—
> Men who have honor—men who will not lie;
> Men who can stand before a demagogue
> And damn his treacherous flatteries without winking;
> Tall men, sun crowned, who live above the fog
> In public duty and in private thinking!

Ending as I began, I declare my firm belief in the wisdom of the Democratic convention to nominate the great commoner by acclamation. If elected the country will have a President and no more than a President. If not elected—in the light of the current half century of our political history—it will, with two honorable exceptions from the East, have been demonstrated that no Democrat from other section than the South has or can be elected, and for the future—if both the man and the place must be considered—we shall turn again to the mother of States and of men not only for candidates, but for Presidents. History repeats itself! [Loud applause on the Democratic side.]

Mr. LIVINGSTON. Mr. Chairman, I now yield to the gentleman from New Jersey [Mr. HUGHES.]

Mr. HUGHES of New Jersey. Mr. Chairman, inasmuch as there seems to be a great diversity of opinion on, and considerable misinformation current about the legislation and political complexion of the country when the various panics occurred, it has struck me that a recital of the facts might not be amiss.

They are as follows:

[The Commoner.]

THE REPUBLICAN PANIC FALLACY EXPLODED.

The great panic which gave "Black Friday" to history occurred during the month of September, 1869, when the Republican party was in power.

The great panic marked by the failure of Jay Cooke & Co. occurred in September, 1873. Then the Republican party was in power and eleven months prior to the beginning of that panic that party had been reelected to power.

The panic of 1893 began long prior to that year and, indeed, long prior to the Presidential election of 1892; and it is a fact, although Republican orators and Republican organs try to forget it, that the so-called "panic of 1893" began and played its greatest havoc under that famous tariff law known as the "McKinley bill."

It may be well for Commoner readers to keep readily at hand some of the facts and figures relating to this question.

The Republican party was restored to power March 4, 1889.

The McKinley tariff bill became a law October 6, 1890, and remained in effect until August 27, 1894.

The Wilson tariff law, enacted by a Democratic Congress, went into effect August 27, 1894.

If anyone will take the trouble to examine the Republican campaign text-book for 1904, pages 125, 126, and 127, he will find considerable space devoted to a statement of business disasters from July 18, 1893, until November 13, 1894. The Republican managers expected their readers to remember that the Cleveland Administration was inaugurated March 4, 1893, and that all these disasters occurred under Democratic administration; but they expected their readers to forget that the Republican tariff law was in force up to August 27, 1894, or covering more than twelve months of the sixteen months' period of business disasters, as described by the Republican text-book.

In their references to the panic of 1893 Republican orators and organs habitually overlook the date when the McKinley law ceased and the Wilson law went into effect. But when in their tariff discussions they are required to face the fact that that panic played its greatest havoc during the life of the Republican tariff law, they answer that it was the anticipation of tariff legislation growing out of Democratic victory in 1892 which brought on these business disasters. For this reason in their list of business disasters they place July 18, 1893, as marking the beginning of that great panic.

Let it be remembered that the McKinley tariff bill became a law October 6, 1890, and that the first indications of the so-called "panic of 1893–94" were given November 11, 1890, a little more than thirty days after the McKinley tariff bill became a law. From that date the panic raged.

The Harrison Administration was inaugurated March 4, 1889, and when the first indications of this panic were given President Harrison had not exhausted the half of the term for which he was elected. It is admitted by everyone familiar with the facts that President Harrison's Administration had plates prepared for the bonds and Mr. Harrison's Secretary of the Treasury made a visit to New York for the purpose of negotiating the bond deal. He was wired by Mr. Harrison to return to Washington. Mr. Harrison said that he had concluded not to have any bond issues under his Administration, and in order to avoid the stigma the Harrison Administration warded off the bond issue and unloaded it on the incoming Cleveland Administration.

It may not be out of place to point out that when the Democratic Administration surrendered the reins of government March 4, 1889, there was in the Federal Treasury the largest surplus in history. When the Republican party went out of power March 4, 1893, there was a large deficit, and the incoming Administration was finally persuaded to make the bond issues which its Republican predecessor had at one time thought to be necessary, but had skillfully avoided.

The claim that the business disasters of the period referred to were due to the popular fear of tariff legislation to be enacted by Democrats is, as has been said, met by the fact that this panic began two years prior to the Presidential election day of 1892. The following will serve as reminders on this point:

November 11, 1890, the reports showed financial distress in New York. The New York Clearing-House Association voted its certificates to banks in need of assistance.

The Boston Clearing-House Association did the same thing November 17. Barker Bros. & Co., big bankers in Philadelphia, suspended at that time, with liabilities placed at $5,000,000.

November 19, 1890, there was a run on the Citizens' Savings Bank of New York, and a receiver was appointed for the North River Bank.

November 22, 1890, the United Rolling Stock Company, of Chicago, assigned, with liabilities at $6,851,000.

November 28, 1890, B. K. Jamieson & Co., the Philadelphia bankers, failed, with liabilities at $2,000,000.

December 6, 1890, the Oliver Iron and Steel Mills, of Pittsburg, shut down, discharging 2,000 employees. On the same date the cotton firm of Myer & Co., of New Orleans, failed, with liabilities at $2,000,000.

January 3, 1891, the Scottdale Rolling Mills and Pike Works and the Charlotte Furnace and Coke Works, in Pennsylvania, closed, throwing 10,000 employees out of work.

January 18, 1891, the American National Bank, at Kansas City, suspended, with liabilities at $2,250,000.

May 8, 1891, the Spring Garden National Bank, at Philadelphia, closed its doors, and the Pennsylvania Safe Deposit and Trust Company made an assignment.

The Homestead strike and other strikes during 1892, and prior to election day, are well remembered by the people.

The record discloses that the first indications of the so-called panic of 1893 were given November 11, 1890, a little more than thirty days after the McKinley tariff bill became a law. From that date the panic raged, and, while its effects were felt for several years, it reached its worst stage in 1893 and during the early days of 1894, during all of which time the Republican tariff law was in effect.

The late Thomas B. Reed, after his retirement from the Speakership, delivered a speech in New York in which he said: "Another thing which led this whole country into the error of 1892 was the history of the last thirty years. During all that time we have been prosperous." The New York World called this "cold, colossal, and impudent falsification of history," and said that it must have astonished those among his hearers whose memories were more than one year long. Then this New York paper gave Mr. Reed these interesting reminders:

"The panic of 1873, under Republican rule and twelve years of high tariff taxation, was the most disastrous and the period of business depression for five years thereafter was the most severe of any in history. It was officially estimated that 3,000,000 workingmen were out of employment. Bankruptcy was widespread. A tidal wave of ruin and distress swept over the country.

"From 1881 to 1886, under two Republican tariffs, there were labor strikes involving 22,304 establishments and 1,323,203 workmen. Of these strikes 9,439 were for an increase of wages and 4,344 against reductions of wages.

"Mr. Reed's party tinkered the tariff in 1883. In that year there were 9,184 business failures, involving $172,874,000. In 1884 there were 10,968 failures, involving $226,343,000. In the next year, still under the Republican tariff and currency laws, there was a general business depression. More than 1,000,000 men were out of employment.

"In 1890 the McKinley bill was passed, and there were 10,673 failures in that year and 12,394 the next, with liabilities in each year amounting to nearly $200,000,000. The tariff was raised to nearly 50 per cent, but wages either stood still or declined, while the prices of necessaries advanced. The protected manufacturers kept all their 'bonus' as usual.

"Tramps and trusts, the twin products of a monopolists' tariff, were practically unknown in this country until we had endured uninterrupted Republican rule for a dozen years.

"The worst labor troubles, the bloodiest riots, the most destructive strikes, the most brutal lockouts ever known in any country have occurred here under the high tariffs, bought, made, and paid for by the contributors of the Republican campaign funds."

It might be well for Commoner readers to clip this statement from the Commoner and have it in convenient form to show to their Republican neighbors who may have been deceived by the Grosvenor claims.

Mr. TAWNEY. Mr. Chairman, in debate the other day the gentleman from Nebraska [Mr. HITCHCOCK] interrupted me and asked me if I could submit a statement showing the difference between the revenues collected for the several months of this fiscal year, as compared with the corresponding months of last fiscal year. I have that statement here, and it as follows:

Comparative statement of receipts from customs by months for fiscal years 1907 and 1908.

	1907.	1908.
July	$26,176,744.74	$28,836,448.57
August	29,012,059.26	29,716,410.66
September	27,280,010.83	25,604,198.07
October	27,775,890.95	28,158,649.75
November	25,921,327.39	21,909,007.39
December	28,640,631.02	21,744,672.69
To January 25	23,517,725.27	18,284,367.17
Customs receipts	188,324,389.46	174,253,754.30
Loss		14,070,635.16

Comparative statement of receipts from internal revenue by months for fiscal years 1907 and 1908.

	1907.	1908.
July	$22,102,238.65	$22,840,304.52
August	21,853,180.22	22,231,443.05
September	21,491,481.14	22,294,318.36
October	24,730,121.25	25,005,856.09
November	24,830,342.30	19,213,611.37
December	23,583,889.11	20,815,224.44
To January 25	16,119,107.59	15,933,061.02
Internal revenue receipts	154,740,340.26	148,333,820.85
Loss		6,406,519.41

I desire to call attention to this: The foregoing statement shows that the difference in the amount collected—the customs receipts—for the month of this fiscal year, as compared with the month of the last fiscal year, is $14,070,635.16, while the difference between the amount of internal revenue collected for the corresponding months of this year and last year is $6,406,519.41. That is the amount less than was collected last year. Notwithstanding this decrease, I observe from the statement that the two first months of this fiscal year the customs receipts were larger than for the corresponding months of the last fiscal year, and the amount less collected during the next two succeeding months was very little less—that is, it was very little less than was collected during the corresponding months of the previous year—while the internal-revenue receipts show that for the first four months of this fiscal year the revenues in each of these months exceeded the amount collected during the corresponding months of the last fiscal year. Let us take the amount of internal revenue collected up until the 25th day of January, 1908, and compare it with the internal revenue collected for the same number of days in the month of January, 1907, and the gratifying fact appears that our internal revenue is rapidly equaling what it was last year, and let us hope this favorable condition will continue from now on.

Mr. FITZGERALD. Does the gentleman say that we are now getting back to the amount collected last year?

Mr. TAWNEY. I say this statement shows that the customs receipts and internal revenues are increasing very rapidly over the receipts for the months of December, November, and October of the current fiscal year, and the first two months of this current fiscal year the revenues by customs are in excess of the revenues for the corresponding two months of last year—that is, July and August—while the first four months of the current year the revenues are in excess each month of the revenues collected during the corresponding months of last year, and that the internal revenue collected thus far in the month of January, or up to January 25, is $1,186,000 less than the amount collected for the corresponding days in the month of January of the last fiscal year.

Mr. Chairman, I call for the reading of the bill under the five-minute rule.

The CHAIRMAN. The time for general debate having expired, the Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Division of bookkeeping and warrants: For one bookkeeper, at the rate of $2,000; one clerk of class 4; one clerk of class 3; two clerks of class 2; in all, $3,416.69, or so much thereof as may be necessary.

Mr. JOHNSON of South Carolina. Mr. Chairman, I wish to make a point of order, or to reserve it, and I desire the attention of the chairman of the Committee on Appropriations.

Mr. TAWNEY. Does the gentleman make the point of order?

Mr. JOHNSON of South Carolina. I reserve the point of order.

Mr. TAWNEY. I will say, Mr. Chairman, that this provides for one bookkeeper, one clerk of class 4, one clerk of class 3, and two clerks of class 2 in the division of warrants. By Executive order the Secretary of the Treasury has put in force a new system of accounting, first recommended by the Keep Commission—a new system of accounting which, in the judgment of the Secretary and the Chief Executive, is deemed an improved system—and in consequence of this change the clerks in the division of warrants and bookkeeping have been increased in the neighborhood of 33 per cent. If that work is to be done, and it is absolutely necessary that it should be, it can only be done by the additional force which is here asked for and which the committee recommends.

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, it appears that a Commission which at one time was appointed by the President in his discretion and authorized by Congress, known as the "Keep Commission"——

Mr. TAWNEY. Permit me to correct the gentleman. It was never authorized by Congress.

Mr. JOHNSON of South Carolina. I thought it was subsequently authorized, but at any rate the Keep Commission recommend amongst other things that in the Treasury Department they should adopt the double-entry system of bookkeeping. On the 1st of July of the present fiscal year the Secretary of the Treasury put in operation the recommendation of the Keep Commission and started a system of double-entry bookkeeping in his Department. I believe that in adopting the double-entry system of bookkeeping he was within the law and acting wisely, but what passes my comprehension is that the Secretary of the Treasury should adopt a double-entry system of bookkeeping and at the same time retain the old system of single entry. Why it is necessary to have two methods of bookkeeping I do not understand.

Mr. VREELAND. Will the gentleman permit a suggestion?

Mr. JOHNSON of South Carolina. Certainly.

Mr. VREELAND. The statement of the Secretary of the Treasury was that they are obliged to carry forward both systems of bookeeping until the clerical force becomes accustomed to the new system and through that time the increased expense would run from 6 to 33 per cent, but at the expiration of that time, when the old system will be discarded and the new system taken entirely, there will be no increase of expense and very much increase in the benefit to the service.

Mr. JOHNSON of South Carolina. I understand the gentleman from New York. I read what the Secretary of the Treasury said about it and I am going to withdraw the point of order, but I still insist I do not believe that it was necessary for the Secretary of the Treasury to maintain two sets of books and two sets of bookkeepers. No business concern in this country does it. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, for the present I renew the point of order. I would like an explanation of what benefit it is to have the difference in the bookkeeping and what is the additional cost. The Government has proceeded fairly well along those lines for a good many years. Now, why, in attempting a policy of economy, does it always cost a great deal more than the previous extravagant policy did?

Mr. TAWNEY. I do not know that I can answer the gentleman's question. We all recollect with what a flourish of trumpets the Keep Commission came into existence, the extent to which red tape in the Departments was to be entirely eliminated in the administration of the affairs of the Government, and what great economies would result in consequence of the investigation and the adoption of the system of accounting which the Keep Commission proceeded to recommend. Now, I am not prepared, Mr. Chairman, to say that there will be a permanent increase in the cost of the administration of the Departments as the result of this new system of accounting, nor am I prepared to say that when the system is fully adopted and obtains in its entirety that there will be any less expense, but the system has been adopted within the power of the executive head of the Treasury Department, and he claims to the committee that when fully adopted there will be some economies and that he can not get along in this particular division, and one or two others, with any less clerks than we have allowed here. A great many more additional clerks were asked for than have been allowed; increases in salary also asked for by the Secretary of the Treasury, but when he came before the committee to be heard upon the proposition, he voluntarily withdrew his recommendation of increases of salaries and also of increases in the matter of clerks; but in this particular di-

vision and in the next division, covered by the next item of this bill, he insisted so very strongly, in view of the congested condition in these divisions, that the committee felt warranted in continuing or giving the number of clerks required for the remainder of this fiscal year, at which time they will then have adopted substantially and completely this new system of bookkeeping and the system of auxiliary accounts which accompanies that system of bookkeeping and assembling signed checks, so that the Auditor can look on the face of it and see at all times the exact condition of the account.

It is claimed that greater safety, greater security to the Government, will result in consequence of this, as well as economy in administration.

Mr. MANN. If the gentleman will permit me, does not he believe that if it were desired to introduce a new form of bookkeeping in any of the Departments of the Government at greater expense, that the Department, probably having the authority to do so in one way, should wait until it laid the matter before the committee and received the additional help and additional appropriation in the first place? In other words, is it to be left with some officer in the Executive Department to constantly coerce Congress in doing that which Congress has no chance to consider on its merits at all, and always at an increased expense to the Government? This matter could have been laid before the gentleman's committee for the next legislative appropriation bill and received consideration in the proper manner, and then the committee could have disposed of the matter upon its merits. Now, the gentleman is not even informed of the merits of the proposition by the Department, but is told, as the House is told, that we have adopted a new method requiring more money, and they demand the money.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. VREELAND having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Fuel, lights, and water for public buildings: To pay the account of the Manhattan Electrical Supply Company for electrical supplies furnished to the United States temporary post-office, Chicago, Ill., fiscal year 1905, $238.67.

Mr. MANN. Mr. Chairman, I make the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I will concede that the point of order is well taken on this paragraph, as would be the point of order on the succeeding one, and after the next paragraph is read I propose to offer an amendment to cover both.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To pay the account of the Brush Electric Illuminating Company for electric current furnished to three electric lamps in the United States Barge Office, New York, N. Y., from October 8 to November 9, 1904, $46.56.

Mr. MANN. Mr. Chairman, I make the point of order on that paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. TAWNEY. Mr. Chairman, at this point I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, after line 16, insert:

"Fuel, light, and water for public buildings: To supply a deficiency in the appropriation for fuel, light, and water in public buildings on account of the fiscal year 1905, $285.23."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

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

The Clerk read as follows:

Collecting the revenue from customs: To defray the expense of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year ending June 30, 1908, $800,000.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Appropriations if any steps have been taken, or if any steps are contemplated to be taken, with reference to a reform in the method of collecting the customs revenues in accordance with the suggestions submitted by the Secretary of the Treasury—I am not sure by the present Secretary of the Treasury, but by his predecessor, and by other Secretaries.

Mr. TAWNEY. I will say, Mr. Chairman, I suppose the gentleman from Texas [Mr. SLAYDEN] refers to the recommendation of the Secretary of the Treasury preceding the present occupant of that office.

Mr. SLAYDEN. I think the gentleman is right.

Mr. TAWNEY. He recommended a very radical change in the law in respect to customs districts and the abolition of a great many of the revenue customs districts, and also the repeal of the permanent appropriation of $5,500,000 for the collection of the revenue. I think the gentleman from Texas [Mr. SLAYDEN] must have a very clear and distinct recollection of the result of the effort that was made in the last Congress by the Committee on Ways and Means to carry out the first recommendation of the Secretary of the Treasury, and the failure on the part of the friends of the measure to secure its passage. The Committee on Appropriations has repeatedly carried a provision in the urgent deficiency apropriation bill for the repeal of that permanent appropriation, to the end that the Secretary of the Treasury will have to submit to Congress a detailed estimate for all employees and for all the service in connection with the collection of the customs revenues, and it has uniformly gone out on a point of order on the ground that it is a change of existing law. I hope, speaking for myself, and as chairman of the Committee on Appropriations, that at this session of Congress we will be able to report a bill from the committee repealing, or proposing to repeal, the permanent appropriation of $5,500,000, together with several other appropriations, the repeal of which has repeatedly been recommended by the administrative officers of the Government. That is the only promise I can make to the gentleman. I hope we will succeed.

Mr. SLAYDEN. I think he ought not to weary of welldoing or in his efforts toward welldoing. The Government, manifesting itself through the action of Congress, I regret to say, has steadily refused to enact a reform of a businesslike character, which has been recommended repeatedly, I am told, and which commends itself to the judgment of the chairman of the Committee on Appropriations and, I believe, must commend itself to the judgment of every Member of this House who will study the question and consider it without any reference to the particular alignment of the present districts.

We are engaged in the collection of revenues upon a preposterous and antiquated plan, where it costs in some instances $2,000 and more to collect one. It is not good business; it is not common sense; and I sincerely hope that the reform that the gentleman proposes to inaugurate will be successful.

Mr. TAWNEY. I would state to the gentleman from Texas I have introduced a bill for the repeal of the permanent appropriation for the collection of customs, together with the repeal of a number of permanent appropriations. The bill is now before the Committee on Appropriations, and in order that the committee may consider the proposition intelligently, I offered and secured the passage of a resolution a few days ago calling on the Secretary of the Treasury for information as to what permanent appropriations there are, and whether or not he would recommend the passage of the bill.

Mr. SLAYDEN. You can count on one vote.

Mr. JOHNSON of South Carolina. I would like to ask the gentleman a question in reference to the matter the gentleman from Texas and the gentleman from Minnesota were discussing. I have been trying to find out honestly where this money goes. I think if the gentleman can devise some system by which lump-sum appropriations shall be abolished, he will go a long way toward correcting a great many abuses in the administration of the Government.

The Clerk read as follows:

Prevention of epidemics: To supply a deficiency in the appropriation to enable the President of the United States in case of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague, or black death, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, including pay and allowances of all officers and employees of the Public Health and Marine-Hospital Service assigned to duty in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force, $200,000.

Mr. JOHNSON of South Carolina. I move to strike out the last word. I notice that that lump sum placed at the disposition of the President for the purpose of preventing epidemics—and I know of no other way, perhaps, in which the appropriation can be made except in a lump sum—has been largely used by the Government in San Francisco. It seems that the National Government has practically taken over the matter in the city of San Francisco and allowed the State and the municipality, practically, to escape any burden. I would like to know—I suppose the Committee on Appropriations approve of that by giving the deficiency asked for.

Mr. TAWNEY. I would say to the gentleman from South

Carolina, that in allowing the deficiency the gentleman is not entirely justified in saying that the committee approved of the plan in which this epidemic fund has been expended in San Francisco. If the gentleman will read the hearings——

Mr. JOHNSON of South Carolina. I have done so.

Mr. TAWNEY (continuing). He will see that members of the committee took occasion not to censure but at least to criticise the administrative officer for entering into a contract of this kind whereby the fund has been depleted without even asking the State of California to provide any part of the necessary expense.

Now, the city of San Franciso is not able, although it is absolutely necessary that this work should be done——

Mr. MADDEN. Is it not a fact that the State of California authorized San Francisco to issue a lot of bonds in connection with this matter, and that the contribution of California was made in that way?

Mr. TAWNEY. Yes; the State of California contributed to the extent of permitting the city of San Francisco to raise the money to pay for this expense.

Mr. KAHN. Mr. Chairman, the situation in the city of San Francisco respecting this matter is this: Some years ago there was an alleged outbreak of bubonic plague, and then there came a conflict of authority between the State quarantine officers and the Federal quarantine officers. A committee of prominent citizens came to the city of Washington and consulted with the Federal authorities at that time, and finally it was agreed that the spreading of this plague might work such great hardship throughout our country that the Federal Government should take it in hand, and, with the support of the State and city officers, stamp it out. Within the past year another outbreak of this plague was announced. The city of San Francisco expended every dollar of the money that it had in its fund for sanitary purposes in assisting in cleaning up the city and checking the spread of the dreaded disease. The State of California has a session of the State legislature only once every two years; and while it is true that a special session of the legislature was called in December last, to consider matters of urgent necessity, there was nothing in the governor's call for an extra session respecting the fund for this specific purpose, because probably the attention of the governor of the State had not been called to the matter. Every dollar that the city of San Francisco can raise by bonds or by taxation will be required for many years to come to build schoolhouses, thirty-four of which were burned down in the conflagration of April, 1906. Practically our entire sewer system will have to be rebuilt; we will have to build a new city hall; we will have to build a new hospital and a new jail; we will have to build fire-engine houses; we will have to build a new hall of justice; we will have to repair practically all of our streets in the burnt district.

Every dollar of money that we can raise by taxation will be used for these purposes.

Now, so far as the plague is concerned, that has ceased to be a matter in which the city of San Francisco alone is interested. It is a matter in which all the people of the United States are interested. We face the Orient. The vessels coming from China and Japan bring the vermin, the rats that carry this plague. It is of vital interest that the Government of the United States should take this matter in hand, in order that the infection should not be spread beyond the confines of California. For my part I think that the Federal Government is amply justified in taking the burden of this work upon its shoulders. The city of San Francisco will do its share so far as it can do it, but I do not think that this Congress should question the acts of the Federal authorities, who have undertaken, in the interest not alone of San Francisco but of all the great cities of the American Union, to stamp out this dread disease.

Mr. VREELAND. The committee felt obliged to put in this appropriation for the defense of the people of the United States, if for no other reason. What we would like light upon, if the gentleman can furnish it, is why the State of California has not furnished assistance in this most necessary enterprise. We admit that the city of San Fransisco has done well.

Mr. KAHN. As I stated a moment ago, the legislature of California meets but once in two years. The last regular session was at the beginning of 1907. This plague came long subsequent to the adjournment of the legislature. The members of that legislature could not foresee the outbreak of this disease, and hence made no appropriation for meeting such a condition.

Mr. VREELAND. They have just had a special session of the legislature.

Mr. KAHN. True; but the attention of the governor of the State probably was not called to the fact. I am satisfied that if his attention had been called to it he would have included it in his message calling the legislature together, and the State would have done its share. But even on that question I want to say this: The city of San Francisco pays one-third of the taxes of the State, and in the final analysis practically the entire burden of the State's work would fall back again on the city of San Fransicso.

Mr. LIVINGSTON. I should like to ask the gentleman if the governor did not know of this plague at the time when he called the special session of the legislature last December?

Mr. KAHN. I do not know what the governor knew. I can not speak for him, but I am satisfied that if his attention had been called to this matter he would undoubtedly have added it to his call. There were a number of matters that were exceedingly urgent and pressing. The extra session was called together on very short notice. The demand came from almost every quarter of the State, and immediate action upon two or three questions of great importance was necessary.

Mr. LIVINGSTON. The governor knew that the bubonic plague existed there at that time, did he not?

Mr. KAHN. I dare say he did.

Mr. LIVINGSTON. I only want to emphasize this fact, that he should have taken notice of it and that the State of California ought to do it now.

Mr. KAHN. The State of California can make no appropriation until the next session of the legisalture, which will be in 1909.

Mr. LIVINGSTON. Can not the governor call them together to-morrow?

Mr. KAHN. I submit that it is an expensive proposition to call the legislature together, especially in a State of such large extent as California, where some of the members have to travel six or seven hundred miles to get to the capital. But there is no question that the State of California will do its share, and will make an appropriation when the legislature meets in regular session.

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

Mr. KAHN. Certainly.

Mr. MANN. As I understand it, this appropriation was for the purpose of suppressing the outbreak of the bubonic plague, which plague is spread solely through the aid of rats and fleas?

Mr. KAHN. True.

Mr. MANN. The rats may come from any ship that touches at the seaport of San Francisco?

Mr. KAHN. Yes.

Mr. MANN. And while San Francisco may be the place where the bubonic plague has broken out, it would be as sensible to say that a little town through which a railroad ran should pay the entire cost of preventing an epidemic as it is to make San Francisco pay the whole cost, simply because the rats and fleas come through San Francisco into the country.

Mr. KAHN. Very true. That is the stand that the Federal officers have taken. It is not San Francisco that is involved, but it is a question that affects the welfare of every community in the entire United States.

Mr. GAINES of Tennessee. I do not rise, Mr. Chairman, to protest against an appropriation to exterminate the enemy in common. The Philippine Islands that are under our flag always have been and always will be full of this plague, with which we are being daily inoculated, more or less, and especially on the western shores of the United States. The two gentlemen who have just addressed the committee in effect admit that we are more liable to this plague now than heretofore, and that practically it has become so awful, such an evil, such a horrible menace, that the Government of the United States must now take charge of it and protect all of the United States.

Mr. TAWNEY. Will the gentleman allow me?

Mr. GAINES of Tennessee. Certainly.

Mr. TAWNEY. I do not want to embarrass the gentleman's argument, but I want to say that the plague does not come from the Philippine Islands; it comes from China.

Mr. GAINES of Tennessee. It was in the Philippine Islands when I was there. I did not bring it back, thank God; I was afraid of the Dingley tariff. [Laughter.] I want to say that I paid duty on every dutiable thing I brought in, too. But I want to remind this distinguished body that when I returned from the Philippine Islands, I said that that country would soon inoculate with contagion the western shores of this country, and would later be a menace to the peace and welfare and happiness of the entire United States by reason of the awful diseases this plague brings on, that have depopulated portions of that country from time to time. I then warned the American Congress and the American people against permanently holding to

the Philippine Islands for that reason, and because, sooner or later, I knew that the expense upon the American Treasury would be increased exactly as we have it here to-day.

It is strange, Mr. Chairman, that the distinguished governor of the State of California, who was a leading Member of this House a few years ago, should have been so engrossed in something else as to have forgotten that the plague had previously visited the city of San Francisco and had previously scourged that beautiful city and glorious people and was liable to return.

We are paying to-day, as the gentleman from Georgia [Mr. LIVINGSTON] has just told me, $30,000 a month in San Francisco to exterminate this disease and prevent it from coming from the yellow countries. The gentleman from Minnesota, who has just undertaken to enlighten me as to this disease, is not as familiar, perhaps, with the history of the yellow countries as I am. I went there and investigated and came back here and gave my fellow-countrymen the full benefit of my investigation and information, and this is one of the many things against which I undertook to warn the people.

I regret exceedingly that the beautiful city of San Francisco should be scourged with anything. I regret that not only her shores are exposed to the yellow countries and to the diseases brought here by mice, rats, and rags, but also to those diseases brought back by our own people from the Philippine Islands.

Mr. DRISCOLL. Will the gentleman permit me to ask him a question?

Mr. GAINES of Tennessee. Yes.

Mr. DRISCOLL. Does the gentleman think that the national quarantine law would justify the United States Government in fighting this plague?

Mr. GAINES of Tennessee. I do not think the American people would put up with Congress being dilatory in the least. I am for my country first, whether it is against an armed enemy or a diseased rat, or any kind of a plague. I would be ashamed of myself, Mr. Chairman, if for a moment I should say anything against allowing all the money that California or the city of San Francisco or the United States wants to fight such a plague when it is at the gateway of my country or infests the people of the United States. I am for the appropriation if it is a million dollars or five hundred thousand dollars a day and necessary, but California should do her duty and not impose on the General Government.

But, Mr. Chairman, I am calling the attention of the Members of the House to the fact that one of my prophecies is admitted here in this great body, that sooner or later the American people and the American health would be scourged by disease brought here because of our communication from time to time with the Philippine Islands and other brown countries where the plague and other horrible contagions come from. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DENBY having taken the chair as Speaker pro tempore, a message from the Senate by Mr. CROCKETT, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14779. An act to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district;

H. R. 9210. An act to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala.; and

H. R. 12439. An act authorizing the construction of a bridge across White River, Arkansas.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Reimbursement of Philippine Islands tariff fund: To enable the Secretary of the Treasury to deposit to the credit of the Philippine Islands tariff fund the sum collected by the collector of customs at San Francisco, Cal., July 12, 1906, as tonnage tax from the British steamship *Sutherland*, entered at the port of San Francisco from Manila, via Iloilo, Philippine Islands, and erroneously covered into the General Treasury of the United States $136.62.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I will say that the paragraph, on the face of it, is self-explanatory. There was a tonnage tax collected, and by the collector erroneously turned into the Treasury of the United States instead of turning it into the Philippine Island tariff fund, which is a special fund in the Treasury of the United States, a fund in which all of the tariff dues collected and tonnage taxes collected are deposited by the collectors to the credit of this special fund. Now, the collector erroneously turned in one hundred and sixty-odd dollars to the general fund of the Treasury instead of turning it into the special fund and crediting it to the Philippine tariff fund. This is simply to correct a little bookkeeping.

Mr. MANN. Do they require an act of Congress to correct a mistake in bookkeeping?

Mr. TAWNEY. Yes. When money is once put into the Treasury of the United States to the credit of the general fund, whether erroneously or otherwise, it can not be put out of that fund except by direct authority of Congress.

Mr. MANN. Yes; that is very true, but there is a direct authority of Congress to pay this money over to the Philippine government. Can the gentleman inform us anything of the amount of the tonnage taxes that we are paying into the Philippine treasury? That is a new thing to me, I will confess. I knew that we were paying over the customs dues and everything of that kind, but I did not know that we were contributing to the Philippine government a tonnage tax collected on this side of the ocean, which is supposed to be used for other purposes.

Mr. TAWNEY. I would say to the gentleman that in a recent decision by the Comptroller of the Treasury the Comptroller calls particular attention to the different classes of funds in the Treasury of the United States, calling some of them general funds, some special, and some of them trust funds; and one of the questions involved in that decision was whether a certain tonnage tax collected under the act—I have forgotten the date—which authorizes the payment or rebate to the Philippine Islands of all customs dues as well as tonnage taxes was covered in by that law, and the Comptroller of the Treasury held that it was. The law covers not only customs dues but also tonnage taxes.

Mr. MANN. Does the gentleman think that it was the intention and was so provided in that law of Congress that Congress intended to turn over to the Philippine government not merely the customs dues collected here on goods coming from there, but also the tonnage taxes?

Mr. TAWNEY. Yes.

Mr. MANN. It is a new thing to me. I shall object as far as I can, and I shall insist on the point of order.

The CHAIRMAN. The Chair assumes from the statement of the chairman of the committee that this can not be done without legislation, so that that would change existing law. The Chair therefore sustains the point of order.

The Clerk read as follows:

Charters, constitutions, and organic laws: The Secretary of the Treasury is hereby directed to withhold payment of the sum of $10,000 appropriated by the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, for the purchase of the manuscript of a new edition of "Charters, Constitutions, and Organic Laws," pending the approval of the Joint Committee on the Library, which is hereby authorized to pass upon the question of the completeness and accuracy of the work and to determine whether the manuscript submitted is the identical, specific manuscript which Congress agreed to buy and for whose purchase it appropriated $10,000.

Mr. PERKINS. Mr. Chairman, I raise the point of order against the paragraph las read, beginning at line 17, on page 8, and continuing to line 5, on page 9, on the ground that it changes existing law.

Mr. DAWSON. Would the gentleman be willing to reserve the point of order until some explanation can be made of the merits of this question.

Mr. PERKINS. I am willing to reserve the point of order in order that the gentleman may make an explanation that he sees fit. But I feel bound to say in fairness to the Chair that I shall finally insist upon the point of order.

Mr. DAWSON. Mr. Chairman, I am not sure that my distinguished friend from New York was here the other day when this proposition was under discussion, but I am sure that if he appreciated the facts surrounding this particular item he would not desire to raise the point of order upon this provision, which is one purely of a protective character to the Government. If the gentleman from New York understood the merits of this proposition I am sure that he would not want to be a party to foisting something upon the Government which ought not to be foisted upon it.

In brief, the facts in the case are these: At the last session of Congress an appropriation of money was made for the purchase of the manuscript and printing a new edition of the charters, constitutions, and organic laws of the United States.

The last previous edition had been published some thirty years ago, and aside from being out of print was now entirely incomplete. So Congress, recognizing the necessity for a new edition of this work, provided for the appropriation of money. When the manuscript was presented to the Public Printer in conformity with this legislation, serious charges were made against the character of the manuscript—so serious that when the warrants in payment thereof came to the Secretary of the Treasury he declined to pay the money, and at the same time transmitted an official letter to Congress saying that he would withhold the payment of this sum of money until Congress had designated some suitable committee to pass upon the worth and the completeness of the manuscript.

Mr. GAINES of Tennessee. Who was the author of this?

Mr. DAWSON. A gentleman by the name of Thorpe, formerly a resident of the State of Pennsylvania, and now, I think, a resident of the State of New Jersey.

Mr. STAFFORD. I may say he is a professor of the University of Pennsylvania, a noted author and historical writer—Prof. Francis N. Thorpe, who has written several works on constitutional history.

Mr. DAWSON. So, in conformity with the recommendation of the Secretary of the Treasury, this item appears in this bill. It is there purely as a matter of protection to the Government.

Mr. GAINES of Tennessee. To what extent is this new law? It seems to have been previously authorized.

Mr. DAWSON. Congress, at the last session, provided for the purchase of the manuscript and publication of the document. When the manuscript was submitted it was found that it was not the one which Congress intended to purchase. Instead of being a complete edition it is an incomplete and inaccurate edition. So the proposition resolves itself into a question whether or not we desire that this money shall be paid for a manuscript that was not the one which Congress intended to purchase and for a manuscript which, instead of being new, 75 per cent of it is simply pages cut from Ben: Perley Poore's work, published thirty years ago. That is the whole situation in a nutshell, and I am sure my distinguished friend from New York does not desire to become a party to such a performance.

Mr. GAINES of Tennessee. And this provision is to prevent some sort of fraud, as you might term it, being perpetrated on the Government, and if this provision goes out we will have to accept it and pay for it; is that the idea?

Mr. DAWSON. That is perhaps——

Mr. GAINES of Tennessee. I do not mean to say it is a fraud, but without this provision we might be compelled to take an article we did not want. It is a kind of police provision, it seems to me.

Mr. BATES. Mr. Chairman, can the gentleman inform me whether or not this matter is now pending in the courts?

Mr. DAWSON. I can, and it gives me great pleasure to do so. It is pending in the courts in this manner: When the Secretary of the Treasury declined to pay this money, Professor Thorpe began mandamus proceedings to compel him to pay it.

Mr. GAINES of Tennessee. If this provision is left in here it will arm the Secretary of the Treasury to protect the Government against a thing which the Secretary thinks is wrong; is that the idea?

Mr. BATES. If the gentleman from Tennessee will allow me——

Mr. GAINES of Tennessee. Certainly.

Mr. BATES. The matter of the propriety and legality of making this payment is now pending in the Federal courts before a Federal judge.

Mr. DAWSON. Mr. Chairman, I want to say in answer to the gentleman from Tennessee that if this provision remains in the bill, then we will be assured that the manuscript which is finally accepted is a complete one and is the manuscript that Congress intended to purchase when it made the appropriation. If the item goes out, then for the time being the Government is without that protection.

Mr. GAINES of Tennessee. The Government is left to the courts.

Mr. DAWSON. If the item goes out and we decline to act upon the recommendation of the Secretary of the Treasury and he, with knowledge of the facts, declines to pay the money——

Mr. GAINES of Tennessee. Well, that goes back to what I tried to say a minute ago; it looks like this provision is to arm the Secretary of the Treasury to prevent this thing being imposed on the Government, or on Congress, or on the people because it is not the thing that the Government contracted for.

Mr. DAWSON. That is exactly right.

Mr. GAINES of Tennessee. And if it goes out, it will be turned over to the mandamus proceeding.

Mr. DAWSON. I want to explain to my friend from Pennsylvania and to the committee the situation from the standpoint of the court proceedings. As I said, Professor Thorpe brought a mandamus proceeding in the courts to compel the Secretary of the Treasury to pay the money. The district attorney filed his return thereto, and the case was argued on last Friday before Justice Wright, I believe, and he reserved his decision. Not more than thirty minutes ago I was advised upon inquiry that Justice Wright had filed his decision in the matter. That decision was favorable to the contention of the Government and of the Secretary of the Treasury. That decision makes it clear to me that the attorneys for Professor Thorpe seek to sue the Government on a contract under the guise of a mandamus proceeding.

Mr. GAINES of Tennessee. Then the Government has practically won the case, from what the gentleman says. What is the use of having this at all? The gentleman says it is favorable to the Government.

Mr. DAWSON. Even if the Government does win the case, as I believe it will, then this provision is absolutely essential in order that we may have some committee to pass upon the completeness of this manuscript.

Mr. GAINES of Tennessee. I see.

Mr. DAWSON. And so in the light of the facts surrounding this particular item, I trust, and I believe, that the point of order will not be made.

Mr. PERKINS. I am sorry to disappoint my friend from Iowa [Mr. DAWSON]. Of the merits of this proposition I know very little, I will say frankly. An appropriation of $10,000 was made to pay for certain collections or compilations of charters. It appears now that a distinguished professor from Iowa thinks he was the man intended, or, at least, he is the man who desires to get the $10,000. A distinguished professor from Pennsylvania has the same idea, and thus far, I judge, has somewhat the advantage of the position. As to that, Mr. Chairman, I have nothing to say. In behalf of some Members of the House who are not here I agreed to present to the Chair the sole question the Chair has to deal with, not the rights or wrongs between these two distinguished professors, but whether this provision is subject to a point of order, and I submit, Mr. Chairman, with very great confidence that it is subject to a point of order. The law to-day is this——

The CHAIRMAN. Does the gentleman from New York [Mr. PERKINS] insist upon his point of order?

Mr. PERKINS. I do.

The CHAIRMAN. The Chair is, then, ready to rule. It is clear to the Chair——

Mr. TAWNEY. Mr. Chairman, I would like to submit just one observation on the point of order before the ruling is made.

The CHAIRMAN. Then the Chair will ask the gentleman from New York [Mr. PERKINS] to resume his argument.

Mr. PERKINS. I am pleased to see that the Chair after reading the paragraph evidently thought it was subject to a point of order, because, it seems to me, Mr. Chairman, that would be apparent to anyone familiar with the principles of our parliamentary law. There is to-day a law upon the statute books which says that the sum of $10,000 shall be paid by the Treasury for an edition of charters, constitutions, and organic laws.

Mr. LIVINGSTON. May I suggest to the gentleman that he leaves out one important word there. It does not read "an edition," but it reads "a new edition."

Mr. PERKINS. Very well, a new edition. There is an appropriation for the payment of $10,000 for a new edition of charters and constitutions. If any question shall arise between the Government and the person presenting them, as to whether they correspond, it may be for the court to say upon mandamus or other proceeding when the new edition is presented. So far as Congress is concerned, Mr. Chairman, we are bound by our own rules of procedure.

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

Mr. PERKINS. Certainly.

Mr. MANN. The gentleman is on the distinguished Committee on Printing?

Mr. PERKINS. I have that honor; yes.

Mr. MANN. And is hence a sort of a guardian of the conscience of the House on printing.

Mr. PERKINS. The gentleman is entirely right.

Mr. MANN. And the gentleman must know something of the merits of this proposition.

Mr. PERKINS. There the gentleman is wrong.

Mr. MANN. I have never known any proposition to come before the House on which the gentleman could not contribute light on its merits.

Mr. PERKINS. I know about the parliamentary merits of this proposition very well.

Mr. MANN. How does such a proposition come into the laws? I have, and I presume the gentleman has, a very excellent copy of the Charters, Constitutions, and Organic Laws in two or three volumes. It has been of great value to me. Was it intended to pay $10,000 to write new charters and new constitutions for the States of the Union?

When the gentleman has answered these inquiries, will he in the same connection answer another? Can it be possible that in a contest between Iowa and Pennsylvania a very distinguished gentleman connected with a certain body of the Government and high in authority on questions of appropriation has been taken into a game of confidence, thinking the $10,000 would go to his State, and thereupon Pennsylvania comes in and grabs the money?

Mr. PERKINS. I must refer the gentleman to the chairman of the Committee on Appropriations to answer that question.

Mr. MANN. The gentleman is a member of the committee holding entire power over the matter of printing, and being on the committee he ought to know, and I am quite sure he does know.

Mr. PERKINS. The matter that is referred to in this bill did not come before the committee, and I must refer the question to members of the other committee.

Mr. MANN. I understand that it is the universal rule, wherever there is anything of new legislation put on the bill, that it is not allowed in conference until the appropriate committee has consented to it.

Mr. FOSTER of Vermont. I wish to suggest in this connection that I understand this legislation got into the bill last year owing to the fact that the distinguished chairman of the Committee on Appropriations called it up on that one day of the session when the gentleman from Illinois was not present devoting his usual care to the proceedings. [Laughter.]

Mr. MANN. Mr. Chairman, the gentleman is mistaken. That day does not exist. [Renewed laughter.]

Mr. PERKINS. Now, if this airy persiflage is ended I will proceed to discuss the merits of the point of order. I have no suggestion to make as to whether this appropriation ought to have been passed. It was passed, and it is the law. The question which we have to pass upon is whether this provision changes the law that has been enacted, whether wisely or foolishly, whether with the consent of the gentleman from Illinois or in his absence. That it makes a change seems manifest. I have only to read the provision. There being an absolute appropriation for the payment of $10,000, this provision says that the Secretary of the Treasury is directed—not merely authorized—but directed to withhold the payment of that sum of $10,000. There is the substance, except with the qualification afterwards. Does it not absolutely repeal the law, which now stands to-day? It is the law that $10,000 shall be paid. In this appropriation bill it is sought to be enacted that the $10,000 shall not be paid. How can it be said for one moment that it is not a change of the law which to-day stands upon the statute books? To-day the person authorized in the provision has the right to receive $10,000 for his work. To-morrow, if this amendment is adopted and this bill pass in the shape it is, he has not the right to receive 10,000 cents.

It is a serious matter for my distinguished friend from Minnesota to contend that this does not amount to a change of law, that a man can be paid at one time and can not be paid at another. Thus, I say, a change of existing law has been enacted by a clause of an appropriation bill.

Further, if the chairman please, the Joint Committee on the Library up to this moment has no more power on this question than has the chairman or any member of this committee. If this law is passed, there is vested an authority by which they shall ascertain the completeness and accuracy of the work and determine whether the manuscript submitted is the manuscript for which Congress was to pay. Now, as to a change of existing law. What has the Committee on the Library to say about this to-day? No more than any one of the pages of this House. But to-morrow it will have the right to reject the manuscript and say that no one who makes a claim against the Government shall be paid because the Committee on the Library decides that it is not, in the words of this amendment, a complete, accurate work, such as was intended by the statute.

Now, as the Chairman is familiar with parliamentary law, I shall not occupy his time by any long discussion. But let me read a few analogous cases—and it was possible in selecting a dozen to have selected a hundred. For instance, where it is formerly enacted that a certain payment might be made, and it was sought to change the word "may" to the word "shall," it was held by the Chair to be a change of existing law. There the provision was that the payment shall be made. A provision that it shall not be made is certainly a provision changing existing law. I have another authority that an amendment taking away from a Department officer a power conferred by law was held to be a change of existing law. Here we have a department or committee that is provided with authority to investigate, and that has been held to be a change of law.

A limitation on the discretion exercised by a bureau has been held to be a change of law. Here is a limitation upon the power held by the Secretary of the Treasury to make this payment, which is prevented unless a favorable decision is made by a new body.

The enactment of positive law where none exists is a change of law. To-day there is no provision of law by which the Committee on the Library or anybody else can pass upon this manuscript. To-morrow that authority will be committed to it. This has been held to be a change of law.

Now, my friend from Minnesota will undoubtedly say that a limitation upon a payment may be made. Let me suggest to the chairman two perfectly satisfactory answers to that position. In the first place the limitation must be made at the time of the appropriation. You can not pass a provision for an absolute payment and then subsequently put into that law, put upon that power of payment, provisions that were not adopted by Congress at the time it made the appropriation. That is not a limitation, but it becomes a change ingrafted upon the existing law.

Furthermore, in this case there is no such limitation. A provision that $10,000 be paid, provided that none of it shall be paid except to persons situated in a certain way, might be a limitation on an appropriation. Here, on the other hand, a committee of Congress is taken, and upon that committee is vested a new authority, by which it can prevent the payment of a sum of money heretofore authorized by act of Congress.

Now, just a word or two as to cases such as that. The limitation must be upon the appropriation, as held in a very recent case, and not an affirmative limitation upon official functions. This is exactly that. This is an affirmative limitation, an affirmative statement of official functions, to wit, the official functions of the Committee on the Library, by which they can not only limit this payment, but prevent the payment altogether.

And still more analogous—and this is the last word with which I shall weary the Chairman—I read from the Digest a heading exactly in these words, to which I ask the Chairman's attention:

> An amendment proposing to make the payment of the salaries of certain officials or employees dependent upon a contingency was held to be a change of law and not a limitation.

Here is a provision proposing to make the payment, not of a salary but of a sum of money earned for certain services, dependent upon a certain contingency, to wit, the contingency that the members of the Committee on the Library shall see fit to approve of what has been done. I will not further weary the Chairman nor take the time of the committee.

Mr. LIVINGSTON. Mr. Chairman, I undertake to say that this paragraph is not subject to a point of order. Under a provision incorporated in the sundry civil bill this man was authorized to do a certain thing, to present Congress with a new edition of Charters, Constitutions, and Organic Laws. He offered that work to the Public Printer and to the Secretary of the Treasury, first to print and second for payment. They discovered, as they believed, that he had not complied with the purpose for which the $10,000 was appropriated. The matter comes to the House and to the Appropriation Committee, and this paragraph is inserted, not to change the law, but it is merely a delay in the completion of the contract, in order that Congress, which authorized the appropriation in the sundry civil bill, may have an opportunity to see if he has performed this contract as he should have done and as we expected him to do. There is no change of law. It is a mere matter of delay that the committee ask this House to adopt to protect the House and the country in this matter. That is all there is in it.

Mr. JOHNSON of South Carolina. Did anybody pass on this manuscript before Congress authorized its purchase?

Mr. TAWNEY. No.

Mr. LIVINGSTON. We could not pass on it before we authorized it, because it did not exist.

Mr. JOHNSON of South Carolina. Did the act which authorized the expenditure of the $10,000 contemplate that Congress was going to edit the work?

Mr. LIVINGSTON. It certainly contemplated that the Congress of the United States could accept or reject the work, certainly.

Mr. JOHNSON of South Carolina. Mr. Chairman, the act authorized the Secretary of the Treasury to enter into a contract with this author. That ended the functions of Congress.

Mr. TAWNEY. Mr. Chairman, this point of order raises an interesting question, and so far as I know, a new question. If the appropriation were now proposed, and it were proposed to amend it by offering the new matter contained in this provision, the amendment would be held in order as a limitation upon the appropriation.

I think there is no one who would dispute the proposition that as a limitation this would be in order if the appropriation was about to be made. The appropriation has been made, but as the appropriation has not been expended, is it now within the power of the House to impose the limitation that would have been in order in the first instance, even though subsequent to the adoption of the appropriation? We have here in the Manual and Digest of Rules, on page 343, this provision:

In making an appropriation for a purpose the House may, under the rule, provide that a portion of the same shall be withheld under certain conditions.

This appropriation is yet under the control of the Government. It has not been expended, and if the new matter now proposed would have been in order at the time the original appropriation was made, as a limitation, and the appropriation still being in the control of the Government, Congress would have absolute power to impose the limitation at this time.

Mr. DALZELL. Mr. Chairman, I am almost ashamed to say anything on the subject under discussion, because it seems so plain that nothing can be said about it. The last suggestion made by my friend lacks force for the reason that this is not a limitation and does not pretend to be a limitation on the appropriation. The limitation is on the Secretary of the Treasury. It is a direction to him as to how he shall act under certan circumstances. It seems to me too plain to talk about that this is a change of exising law in two particulars. First, because it directs the Secretary of the Treasury not to do that which the law says he shall do, and in the second place it confers a power on the Committee on the Library that under the law does not now exist.

The CHAIRMAN. The section under consideration directs the Secretary of the Treasury to withhold the payment of an appropriation formerly made by Congress and confers certain power and authority on the Joint Committee on the Library which it does not now have by law. It seems to the Chair, therefore, that it is an enactment of law where none now exists, and is therefore a change of existing law. As the gentleman from New York insists on his point of order, the Chair feels that he must sustain it. The point of order is sustained.

The Clerk read as follows:

INTERNAL REVENUE.

For salaries and expenses of forty revenue agents provided for by law and fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, $150,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. With reference to the paragraph on the Life-Saving Service——

Mr. LIVINGSTON. That paragraph has been passed.

Mr. PERKINS. I am aware of that. I am merely asking about it for information, and not to make a motion affecting the paragraph. I wish to ask the gentleman by whom is the amount of payment to the Life-Saving Service officers fixed?

Mr. TAWNEY. It is fixed by statute. The act of Congress approved March 2, 1907, making appropriation for the support of the Army for the fiscal year ending June 30, 1908, provides:

That hereafter the heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States, under such regulations as the Secretary of War may prescribe, and the request of the above authority is made in order that the necessary funds may be available to pay the allowance for heat and light to which the officers of the Revenue-Cutter Service who are detailed for duty in the Life-Saving Service are entitled under section 3 of the act of April 12, 1902, providing that officers of the Revenue-Cutter Service "shall hereafter receive the same pay and allowances, except forage, as are now or may hereafter be provided by law for officers of corresponding rank in the Army. * * *"

Mr. PERKINS. The question I wanted to ask is in reference to the Life-Saving Service officers: Is their pay fixed uniformly by the Appropriation Committee or by some Department in proportion to the work they are supposed to do?

Mr. TAWNEY. No; it is fixed by statute.

Mr. MANN. The pay of the revenue-cutter officers is fixed by law.

Mr. PERKINS. It is uniform?

Mr. TAWNEY. Yes.

Mr. MANN. It is the pay for the corresponding rank in the Army.

Mr. PERKINS. Sometimes changes are made in the time in which the office or station is required to be kept open. How is that regulated?

Mr. MANN. The revenue-cutter officers, of course, are not life-saving officers, but the revenue-cutter officers are detailed from the Revenue-Cutter Service to the Life-Saving Service as inspectors. In various life-saving districts a revenue-cutter officer is detailed for an inspector, that being the method by which the revenue-cutter officer obtains shore duty.

But they are paid as revenue-cutter officers, and they receive their pay from the appropriations for the Revenue-Cutter Service, that pay being fixed by statute according to rank. This proposition is to pay them an allowance out of the Life-Saving Service. The Light-House Service, so far as the inspections are concerned, are detailed from the Navy. Inspectors in the Light-House Service are naval officers.

Mr. PERKINS. Who are the light-house keepers? They are not naval officers.

Mr. MANN. No; nor are the life-saving officers revenue-cutter officers. The Light-House Service has a regular corps of servants, but the inspectors are naval officers and the engineers are Army officers.

Mr. PERKINS. Who fixes the pay of the light-house keepers?

Mr. MANN. The light-house keepers' pay is fixed partly by statute and partly by the Light-House Board under an appropriation which is made. The Light-House Board has earnestly recommended that they be authorized to slightly increase the pay of the light-house keepers, which now ranges from possibly $55 down. I am not sure but a few of them get as high as $60.

Mr. PERKINS. A month?

Mr. MANN. A month.

Mr. PERKINS. I withdraw the point of order.

Mr. MANN. It is a complicated system.

Mr. PERKINS. I should judge so.

Mr. MANN. Originally the Light-House Service grew out, possibly, of the naval service. The Life-Saving Service grew out of the Revenue-Cutter Service, and for that reason these details are made of these officers as inspectors, partly because of their familiarity with it, and undoubtedly partly because it gives an opportunity for shore duties to officers who otherwise would have no shore duty.

Mr. DALZELL. What are the Life-Saving Service paid? Are they paid all the year round, or only part of the year?

Mr. MANN. The Life-Saving Service on the Atlantic coast, on the seacoast, are paid ten months in the year $65 a month, and on the Lakes they are paid for eight months in the year at the same salary.

The Clerk read as follows:

To pay accounts for legislative expenses, Territory of Oklahoma, as set forth on page 16 of House Document No. 458 of the present session of Congress, $545.75.

Mr. DAVENPORT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. VREELAND. I reserve the point of order on that amendment.

The CHAIRMAN. Let the Clerk read.

The Clerk read as follows:

That the sum of $225,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the defraying of the expenses of the elections held as provided for in the enabling act of Oklahoma, the holding of the constitutional convention held in pursuance and by virtue thereof, and for the payment of the salaries, mileage, and expenses of members and other officers of the constitutional convention, payment of temporary county officers in the newly organized counties during the interim between the passage of the enabling act and the issuing of the statehood proclamation for necessary printing of ballots incident to the said elections. The respective salaries, mileage, and other expenses to be the same as provided by the laws of the Territory of Oklahoma prior to statehood.

The disbursements made hereunder shall be through the Secretary of the Interior, upon sworn vouchers of actual service rendered and actual expense incurred, the same to be approved and countersigned by the governor, State treasurer, and not less than three of the members of the supreme court of the State of Oklahoma.

Mr. VREELAND. I reserve the point of order on that, Mr. Chairman.

Mr. HULL of Iowa. But the gentleman has to make it when it is read.

Mr. VREELAND. I reserved it before and after.

The CHAIRMAN. The point of order is reserved by the gentleman from New York.

Mr. DAVENPORT. Mr. Chairman, I desire to say in support of that amendment that when the enabling act was passed permitting the Territories of Oklahoma and Indian to be brought into the Union as one State, in section 5 of that enabling act there was a provision that the sum of $100,000, or so much thereof as may be necessary, was appropriated for the purpose of defraying the expenses of the election and constitutional convention. When the constitutional districts were laid out in the two Territories now comprising the State and the election

for constitutional delegates was held and the constitutional delegates assembled to write that constitution, that appropriation was inadequate, it was not sufficient to meet the demands of the expenses that were necessary, and incident to the writing of the constitution and holding the subsequent election for the vote upon the constitution, as well as the State officers. We in Oklahoma feel that through the generosity of the Congress of the United States in kindly permitting us to be admitted into the Union that that generosity should be extended one step further, and the actual expense of drafting our constitution and holding our first elections should be borne by the Government of the United States. It is true that while we are the infant and the forty-sixth State, we are not the forty-sixth State in the Union in population. We occupy a different position, being about the twenty-third State in the Union in population, but our counties are new, many of them recently laid on one side of an imaginary line, which, when that enabling act was passed, was the territory known as the Five Civilized Tribes, that had no organized Territorial form of government.

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

Mr. DAVENPORT. Yes, sir.

Mr. MADDEN. Does the gentleman know what this money was expended for, and can he give the House any information about the items of expense that made up this $220,000 which he seeks to have appropriated?

Mr. DAVENPORT. In answer to that, Mr. Chairman, I will say that I can not in detail itemize the number of clerks, the number of delegates, and the number of days that they served while they were writing the constitution or the number of election judges who were appointed on the election board of our State, but in round numbers, Mr. Chairman——

Mr. MADDEN. Will the gentleman allow me to ask another question?

Mr. DAVENPORT. Allow me to finish this. In round numbers, as nearly as we can give it, it amounted to $214,335.25.

Mr. MADDEN. Does the gentleman believe now that the Government ought to make an appropriation for the amount that he seeks to have appropriated without having any evidence whatever that the money was expended for the purposes for which he says it was expended?

Mr. DAVENPORT. I believe this, Mr. Chairman, that the money should be appropriated in the very language that was in the enabling act, and then it is provided in my amendment that it shall be disbursed by the Secretary of the Interior and the vouchers approved by the governor, the treasurer of the State, and not less than three judges of the supreme court of the State of Oklahoma.

Mr. TAWNEY. Will the gentleman permit?

Mr. DAVENPORT. Yes, sir.

Mr. TAWNEY. The Congress of the United States has already appropriated $100,000 to defray the expenses incident to the admission of Oklahoma. The largest amount Congress has ever appropriated for the benefit of any Territory coming into the Union as a State prior to this time was $30,000. In other words, Oklahoma has received $70,000 in excess of what any other Territory in the Union has received.

Mr. DAVENPORT. Mr. Chairman, not being in a position to correctly advise the gentleman, who is so much my senior in point of service, as to the amount that has been appropriated for the other States in the Union, I will say to him in reply there never was in the history of this Union a State which entered into the Union with one-twentieth part of the population which we have to-day, 1,414,000 people.

Mr. TAWNEY. Is not that a reason the State is better prepared and can better afford to pay the expenses of admission than other States that have come in with far less population and far less wealth than Oklahoma?

Mr. DAVENPORT. I want to say to the gentleman, no; because two-thirds of that population are Indians upon Indian lands which this Government will not yet permit us to tax and from which, therefore, there is no way to derive revenue by taxation. [Applause.]

Mr. MADDEN. Will the gentleman tell the House how much money the State of Oklahoma has in its treasury out of which they could pay this sum?

Mr. DAVENPORT. I can not, Mr. Chairman.

Mr. MADDEN. Is it not a fact the State of Oklahoma has four or five million dollars in its treasury?

Mr. DAVENPORT. I will answer the gentleman by saying no, and if he can contradict the statement I will ask him to do so. But, my fellow citizens and my fellow legislators, listen to me for a minute. For a long time we clamored to get into the Union and to become one of the sister States of this Union. Congress evidently in its wisdom intended to appropriate a sufficient amount of funds to permit us to come in free from the burden of the expense of statehood inauguration and organization. I believe, irrespective of what any gentleman may hold to the contrary, that we should have that expense paid by the Government of the United States. There never was a State in this Union which went in with as many difficulties and as many complications to settle as the State of Oklahoma. On one side of a general line we had an organized Territory; on the other side we had, to use a common expression, a disorganized Territory, a Territory without any organized government, controlled only and solely by our Interior Department of the United States and the Federal courts that had been kindly furnished us in that section of the country; so I say to you it is my opinion when our delegates went to write that constitution they undertook the most difficult task of State forming that has ever been undertaken by any State since the thirteen colonies.

And I believe, Mr. Chairman, that it is justice to my people and to my State that this expense should be met by the Government of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask that the gentleman from Oklahoma [Mr. DAVENPORT] be granted five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVENPORT. In conclusion, I desire to say, gentlemen, I care not what may have been said concerning the work performed in that new State, we have to-day a constitution written for that State that to me is as good as any in the United States, if not better. As an evidence of that fact, I want to say to the gentlemen on the majority side of this House, and every Representative from Oklahoma will bear me out in it, that irrespective of political affiliations the people of the State of Oklahoma gave more than a hundred thousand majority for the adoption of that constitution. And as an evidence of the kind and character of the constitution that we have, Mr. Chairman, I ask permission to have it incorporated in the RECORD as a part of my remarks. [Applause.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Constitution of the State of Oklahoma.

PREAMBLE.

Invoking the guidance of Almighty God, in order to secure and perpetuate the blessing of liberty; to secure just and rightful government; to promote our mutual welfare and happiness, we, the people of the State of Oklahoma, do ordain and establish this Constitution.

ARTICLE I.

FEDERAL RELATIONS.

SECTION 1. The State of Oklahoma is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

SEC. 2. Perfect toleration of religious sentiment shall be secured, and no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship; and no religious test shall be required for the exercise of civil or political rights. Polygamous or plural marriages are forever prohibited.

SEC. 3. The people inhabiting the State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian, tribe, or nation; and that until the title to any such public land shall have been extinguished by the United States, the same shall be and remain subject to the jurisdiction, disposal, and control of the United States. Land belonging to citizens of the United States residing without the limits of the State shall never be taxed at a higher rate than the land belonging to residents thereof. No taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use.

SEC. 4. The debts and liabilities of the Territory of Oklahoma are hereby assumed and shall be paid by the State.

SEC. 5. Provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That nothing herein shall preclude the teaching of other languages in said public schools: *And provided further*, That this shall not be construed to prevent the establishment and maintenance of separate schools for white and colored children.

SEC. 6. The State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

SEC. 7. The manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of the State, heretofore known as the Indian Territory and the Osage Indian Reservation, and within any other parts of the State which existed as Indian reservations on the first day of January, Nineteen Hundred and Six, is prohibited for a period of twenty-one years from the date of the admission of the State into the Union, and thereafter until the people of the State shall otherwise provide by amendment of this Constitution and proper State legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to provisions of this section, or who shall, within the above described portions of the State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from other parts of the State into the portions hereinbefore described, shall be punished, on conviction thereof, by fine not less than fifty dollars and by imprisonment not less than thirty

days for each offense: *Provided*, That the Legislature may provide by law for one agency under the supervision of the State in each incorporated town of not less than two thousand population in the portions of the State hereinbefore described; and if there be no incorporated town of two thousand population in any county in said portions of the State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than one thousand dollars, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of the State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of the State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for the treatment of disease which, after his own personal diagnosis, he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than two hundred dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency, who shall be convicted of making any sale or other disposition of liquor contrary to these provisions, shall be punished by imprisonment for not less than one year and one day. Upon the admission of the State into the Union these provisions shall be immediately enforcible in the courts of the State.

ARTICLE II.

BILL OF RIGHTS.

SECTION 1. All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and they have the right to alter or reform the same whenever the public good may require it: *Provided*, Such change be not repugnant to the Constitution of the United States.

SEC. 2. All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry.

SEC. 3. The people have the right peaceably to assembly for their own good, and to apply to those invested with the powers of government for redress of grievances by petition, address, or remonstrance.

SEC. 4. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage by those entitled to such right.

SEC. 5. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.

SEC. 6. The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay, or prejudice.

SEC. 7. No person shall be deprived of life, liberty, or property, without due process of law.

SEC. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof of guilt is evident, or the presumption therefor is great.

SEC. 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 10. The privilege of the writ of habeas corpus shall never be suspended by the authorities of this State.

SEC. 11. Every person elected or appointed to any office or employment of trust or profit under the laws of the State, or under any ordinance of any municipality thereof, shall give personal attention to the duties of the office to which he is elected or appointed.

SEC. 12. No member of Congress from this State, or person holding any office of trust or profit under the laws of any other State, or of the United States, shall hold any office of trust or profit under the laws of this State.

SEC. 13. Imprisonment for debt is prohibited, except for the non-payment of fines and penalties imposed for the violation of law.

SEC. 14. The military shall be held in strict subordination to the civil authorities. No soldier shall be quartered in any house, in time of peace, without the consent of the owner, nor in time of war, except in a manner to be prescribed by law.

SEC. 15. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed. No conviction shall work a corruption of blood or forfeiture of estate: *Provided*, That this provision shall not prohibit the imposition of pecuniary penalties.

SEC. 16. Treason against the State shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 17. No person shall be prosecuted criminally in courts of record for felony or misdemeanor otherwise than by presentment or indictment or by information. No person shall be prosecuted for a felony by information without having had a preliminary examination before an examining magistrate, or having waived such preliminary examination. Prosecutions may be instituted in courts not of record upon a duly verified complaint.

SEC. 18. A grand jury shall be composed of twelve men, any nine of whom concurring may find an indictment or true bill. A grand jury shall be convened upon the order of a judge of a court having the power to try and determine felonies, upon his own motion; or such grand jury shall be ordered by such judge upon the filing of a petition therefor signed by one hundred resident taxpayers of the county; when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime, and such other powers as the Legislature may prescribe: *Provided*, That the Legislature may make the calling of a grand jury compulsory.

SEC. 19. The right of trial by jury shall be and remain inviolate, and a jury for the trial of civil and criminal cases in courts of record, other than county courts, shall consist of twelve men; but, in county courts and courts not of record, a jury shall consist of six men. This section shall not be so construed as to prevent limitations being fixed by law upon the right of appeal from judgments of courts not of record in civil cases concerning causes of action involving less than twenty dollars. In civil cases, and in criminal cases less than felonies, three-fourths of the whole number of jurors concurring shall have power to render a verdict. In all other cases the entire number of jurors must concur to render a verdict. In case a verdict is rendered by less than the whole number of jurors, the verdict shall be in writing and signed by each juror concurring therein.

SEC. 20. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed: *Provided*, That the venue may be changed to some other county of the State, on the application of the accused, in such manner as may be prescribed by law. He shall be informed of the nature and cause of the accusation against him and have a copy thereof, and be confronted with the witnesses against him, and have compulsory process for obtaining witnesses on his behalf. He shall have the right to be heard by himself and counsel; and in capital cases, at least two days before the case is called for trial, he shall be furnished with a list of the witnesses that will be called in chief, to prove the allegations of the indictment or information, together with their post-office addresses.

SEC. 21. No person shall be compelled to give evidence which will tend to incriminate him, except as in this Constitution specifically provided; nor shall any person, after having been once acquitted by a jury, be again put in jeopardy of life or liberty for that of which he has been acquitted. Nor shall any person be twice put in jeopardy of life or liberty for the same offense.

SEC. 22. Every person may freely speak, write, or publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libel, the truth of the matter alleged to be libelous may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous be true, and was written or published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 23. No private property shall be taken or damaged for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity, or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law.

SEC. 24. Private property shall not be taken or damaged for public use without just compensation. Such compensation, irrespective of any benefit from any improvements proposed, shall be ascertained by a board of commissioners of not less than three free-holders, in such manner as may be prescribed by law. The commissioners shall not be appointed by any judge or court without reasonable notice having been served upon all parties in interest. The commissioners shall be selected from the regular jury list of names prepared and made as the Legislature shall provide. Any party aggrieved shall have the right of appeal, without bond, and trial by jury in a court of record. Until the compensation shall be paid to the owner, or into court for the owner, the property shall not be disturbed, or the proprietary rights of the owner divested. When possession is taken of property condemned for any public use, the owner shall be entitled to the immediate receipt of the compensation awarded, without prejudice to the right of either party to prosecute further proceedings for the judicial determination of the sufficiency or insufficiency of such compensation. The fee of land taken by common carriers for right of way, without the consent of the owner, shall remain in such owner subject only to the use for which it is taken. In all cases of condemnation of private property for public or private use, the determination of the character of the use shall be a judicial question.

SEC. 25. The Legislature shall pass laws defining contempts and regulating the proceedings and punishment in matters of contempt: *Provided*, That any person accused of violating or disobeying, when not in the presence or hearing of the court, or judge sitting as such, any order of injunction, or restraint, made or entered by any court or judge of the State shall, before penalty or punishment is imposed, be entitled to a trial by jury as to the guilt or innocence of the accused. In no case shall a penalty or punishment be imposed for contempt, until an opportunity to be heard is given.

SEC. 26. The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the Legislature from regulating the carrying of weapons.

SEC. 27. Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with an offense against the laws of the State, shall not be excused from giving testimony or producing evidence, when legally called upon so to do, on the ground that it may tend to incriminate him under the laws of the State; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence.

SEC. 28. The records, books, and files of all corporations shall be, at all times, liable and subject to the full visitorial and inquisitorial powers of the State, notwithstanding the immunities and privileges in this Bill of Rights secured to the persons, inhabitants, and citizens thereof.

SEC. 29. No person shall be transported out of the State for any offense committed within the State, nor shall any person be transported out of the State for any purpose, without his consent, except by due process of law; but nothing in this provision shall prevent the operation of extradition laws, or the transporting of persons sentenced for crime, to other States for the purpose of incarceration.

SEC. 30. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches or seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, describing as particularly as may be the place to be searched and the person or thing to be seized.

SEC. 31. The right of the State to engage in any occupation or business for public purposes shall not be denied nor prohibited, except that the State shall not engage in agriculture for any other than educational and scientific purposes and for the support of its penal, charitable, and educational institutions.

SEC. 32. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 33. The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

ARTICLE III.

SUFFRAGE.

SECTION 1. The qualified electors of the State shall be male citizens of the United States, male citizens of the State, and male persons of Indian descent native of the United States, who are over the age of twenty-one years, who have resided in the State one year, in the County six months, and in the election precinct thirty days, next preceding the election at which any such elector offers to vote: *Provided*, That no person adjudged guilty of a felony after the adoption of this Constitution, subject to such exceptions as the Legislature may prescribe, unless his citizenship shall have been restored in the manner provided by law; nor any person, while kept in a poorhouse or other asylum at the public expense, except Federal and Confederate ex-soldiers; nor any person in a public prison, nor any idiot or lunatic, shall be entitled to vote at any election under the laws of this State.

SEC. 2. For the purpose of voting, no member of the regular army or navy of the United States shall gain a residence in this State by reason of being stationed in this State, nor shall any such person lose a residence in the State while absent from the State in the military or naval service of the United States.

SEC. 3. Until otherwise provided by law, all female citizens of this State, possessing like qualifications of male electors, shall be qualified to vote at school district elections or meetings.

PRIMARY ELECTIONS.

SEC. 4. The Legislature shall enact laws creating an election board (not more than a majority of whose members shall be selected from the same political party), and shall provide the time and manner of holding and conducting all elections; and, at any time the Federal Constitution may permit the election of United States Senators by direct vote of the people, the Legislature shall provide for their election as for the election of Governor and other elective officers.

SEC. 5. The Legislature shall enact laws providing for a mandatory primary system, which shall provide for the nomination of all candidates in all elections for State, District, County, and municipal officers, for all political parties, including United States Senators: *Provided, however*, This provision shall not exclude the right of the people to place on the ballot by petition any non-partisan candidate.

SEC. 6. In all elections by the people the vote shall be by ballot and the Legislature shall provide the kind of ticket or ballot to be used and make all such other regulations as may be necessary to detect and punish fraud, and preserve the purity of the ballot; and may, when necessary, provide by law for the registration of electors throughout the State or in any incorporated city or town thereof, and, when it is so provided, no person shall vote at any election unless he shall have registered according to law.

SEC. 7. The reservation of the powers of the initiative and refer-
military, shall ever interfere to prevent the free exercise of the right of suffrage, and electors shall, in all cases, except for treason, felony, and breach of the peace, be privileged from arrest during their attendance on elections and while going to and from the same.

ARTICLE IV.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of Oklahoma shall be divided into three separate departments: The Legislative, Executive, and Judicial; and except as provided in this Constitution, the Legislative, Executive, and Judicial departments of government shall be separate and distinct, and neither shall exercise the powers properly belonging to either of the others.

ARTICLE V.

LEGISLATIVE DEPARTMENT—INITIATIVE AND REFERENDUM.

SECTON 1. The Legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives; but the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any act of the Legislature.

SEC. 2. The first power reserved by the people is the initiative, and eight per centum of the legal voters shall have the right to propose any legislative measure, and fifteen per centum of the legal voters shall have the right to propose amendments to the Constitution by petition, and every such petition shall include the full text of the measure so proposed. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety), either by petition signed by five per centum of the legal voters or by the Legislature as other bills are enacted. The ratio and per centum of legal voters hereinbefore stated shall be based upon the total number of votes cast at the last general election for the State office receiving the highest number of votes at such election.

SEC. 3. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislature which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures voted on by the people. All elections on measures referred to the people of the State shall be had at the next election held throughout the State, except when the Legislature or the Governor shall order a special election for the express purpose of making such reference. Any measure referred to the people by the initiative shall take effect and be in force when it shall have been approved by a majority of the votes cast in such election. Any measure referred to the people by the referendum shall take effect and be in force when it shall have been approved by a majority of the votes cast thereon and not otherwise.

The style of all bills shall be: "Be It Enacted By the People of the State of Oklahoma."

Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State and addressed to the Governor of the State, who shall submit the same to the people. The Legislature shall make suitable provisions for carrying into effect the provisions of this article.

SEC. 4. The referendum may be demanded by the people against one or more items, sections, or parts of any act of the Legislature in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections, or parts of an act shall not delay the remainder of such act from becoming operative.

SEC. 5. The powers of the initiative and referendum reserved to the people by this Constitution for the State at large, are hereby further reserved to the legal voters of every county and district therein, as to all local legislation, or action, in the administration of county and district government in and for their respective counties and districts.

The manner of exercising said powers shall be prescribed by general laws, except that Boards of County Commissioners may provide for the time of exercising the initiative and referendum powers as to local legislation in their respective counties and districts.

The requisite number of petitioners for the invocation of the initiative and referendum in counties and districts shall bear twice, or double, the ratio to the whole number of legal voters in such county or district, as herein provided therefor in the State at large.

SEC. 6. Any measure rejected by the people, through the powers of the initiative and referendum, can not be again proposed by the initiative within three years thereafter by less than twenty-five per centum of the legal voters.

SEC. 7. The reservation of the powers of the initiative and referendum in this article shall not deprive the Legislature of the right to repeal any law, propose or pass any measure, which may be consistent with the Constitution of the State and the Constitution of the United States.

SEC. 8. Laws shall be provided to prevent corruption in making, procuring, and submitting initiative and referendum petitions.

THE LEGISLATURE.

SENATE.

SEC. 9. The Senate, except as hereinafter provided, shall consist of not more than forty-four members, whose term of office shall be four years: *Provided*, That one senator elected at the first election from each even numbered district shall hold office until the fifteenth day succeeding the regular state election in nineteen hundred and eight, and one elected from each odd numbered district at said first election shall hold office until the fifteenth day succeeding the day of the regular state election in nineteen hundred and ten: *And provided further*, That in districts electing two senators, the two elected at the first election shall cast lots in such manner as the Legislature may prescribe to determine which shall hold the long and which the short term.

SEC. 9. (*a*) At the time each senatorial appointment is made after the year nineteen hundred and ten the State shall be divided into forty-four districts, to be called senatorial districts, each of which shall elect one senator; and the Senate shall always be composed of forty-four senators, except that in event any county shall be entitled to three or more senators at the time of any appointment such additional senator or senators shall be given such county in addition to the forty-four senators and the whole number to that extent. Said districts shall be numbered from One to Forty-four inclusive, and each of said districts shall contain as near as may be an equal number of inhabitants, such population to be ascertained by the next preceding Federal census, or in such manner as the Legislature may direct, and shall be in as compact form as practicable and shall remain unaltered until the next decennial period, and shall at all times consist of contiguous territory.

SEC. 9. (*b*) No county shall ever be divided in the formation of a Senatorial District except to make two or more senatorial districts wholly in such county. No town, and no ward in a city, when constituting only one voting precinct, shall be divided in the formation of a senatorial district, nor shall any senatorial district contain a greater excess in population over an adjoining district in the same county than the population of a town, or ward in a city, constituting only one voting precinct therein, adjoining such district. Towns, and wards in cities, constituting only one voting precinct, which may, from their location, be included in either of two senatorial districts, shall be so placed as to make such districts most nearly equal in number of inhabitants.

HOUSE OF REPRESENTATIVES.

SEC. 10. The House of Representatives, until otherwise provided by law, shall consist of not more than one hundred and nine members who shall hold office for two years: *Provided*, That the representatives elected at the first election shall hold office until the fifteenth day succeeding the day of the regular state election in nineteen hundred and eight: *And provided*, That the day on which state elections shall be held shall be fixed by the Legislature.

(*a*) The first Legislature shall meet at the seat of government upon proclamation of the Governor on the day named in said proclamation, which shall not be more than thirty days nor less than fifteen days after the admission of the State into the Union.

(*b*) The apportionment of this State for members of the Legislature shall be made at the first session of the Legislature after each decennial Federal census.

(*c*) The whole population of the State as ascertained by the Federal census, or in such manner as the Legislature may direct, shall be divided by the number one hundred and the quotient shall be the ratio of representation in the House of Representatives for the next ten years succeeding such apportionment.

(*d*) Every county having a population equal to one-half of said ratio shall be entitled to one representative; every county containing said ratio and three-fourths over shall be entitled to two representatives, and so on, requiring after the first two an entire ratio for each additional representative: *Provided*, That no county shall ever take part in the election of more than seven representatives.

(*e*) When any county shall have a fraction above the ratio so large that being multiplied by five the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratio among the several sessions of the decennial period. If there are two ratios, representatives shall be allotted to the fourth and third sessions, respectively; if three, the third, second and first sessions, respectively; if four, to the fourth, third, second, and first sessions, respectively.

(*f*) Any county forming with another county or counties a representative district during one decennial period if it has acquired sufficient population, at a fixed decennial period, shall be entitled to an additional representative, if there shall be left in the district from which it shall have been separated a population sufficient for a representative. No such change shall be made except at the regular decennial period for the apportionment of representatives.

(*g*) If in fixing any decennial ratio, a county previously a separate representative district shall have less than the number required by the ratio for a representative, such county shall be attached to a county adjoining it and become a part of such representative district.

(*h*) No county shall ever be divided in the formation of representative districts except to make two or more representative districts in such county. No town, or ward in a city, where it constitutes only one voting precinct, shall be divided in the formation of representative districts, nor shall any representative district contain a greater excess in population over an adjoining district in the same county than the population of a town or ward in a city, constituting only one voting precinct adjoining such district. Counties, towns, or wards in cities, constituting only one voting precinct, which, from location, may be included in either of two districts, shall be so placed as to make said district most nearly equal in number of inhabitants.

(*i*) Ascertaining the ratio of representation according to the Federal census, or such other enumeration as the Legislature may provide, and attaching any county, previously having a separate representative but found to have less than the number required by the ratio, to an adjoining county; and determining the number of representatives each county or district shall be entitled to, and for what sessions of the Legislature within the next decennial period; and apportioning the Senators, shall be done by the Legislature and be presented to the Governor for his approval in the same manner as other bills which may be passed by the Legislature.

(*j*) An apportionment by the Legislature shall be subject to review by the Supreme Court at the suit of any citizen, under such rules and regulations as the Legislature may prescribe. And such court shall give all cases involving apportionment precedence over all other cases and proceedings; and if said court be not in session, it shall convene promptly for the disposal of the same.

LEGISLATIVE APPORTIONMENT.

SEC. 11. Until the apportionment is made by the Legislature after the next Federal decennial census, the State, except as otherwise provided, shall be divided into thirty-three senatorial districts, each of which shall be composed of the counties as named, shall be numbered and elect senators as follows, namely:

First, Beaver, Cimmaron, Harper, and Texas, one senator; Second, Beckham, Dewey, Ellis, and Roger Mills, two senators; Third, Woods and Woodward, one senator; Fourth, Greer, one senator; Fifth, Jackson and Tillman, one senator; Sixth, Custer, Kiowa, and Washita, two senators; Seventh, Alfalfa and Major, one senator; Eighth, Garfield, one senator; Ninth, Osage, Grant, and Kay, two senators; Tenth, Noble and Pawnee, one senator; Eleventh, Creek and Payne, one senator; Twelfth, Logan, one senator; Thirteenth, Lincoln and Pottawatomie, two senators; Fourteenth, Canadian and Oklahoma, two senators; Fifteenth, Caddo and Grady, two senators; Sixteenth, Blaine and Kingfisher, one senator; Seventeenth, Comanche, Jefferson, and Stephens, two senators; Eighteenth, Carter, Love, and Murray, two senators; Nineteenth, Cleveland, Garvin, and McClain, two senators; Twentieth, Atoka, Bryan, and Coal, two senators; Twenty-first, Latimer and Le Flore, one senator; Twenty-second, Hughes and Okfuskee, one senator; Twenty-third, Pontotoc and Seminole, one senator; Twenty-fourth, Choctaw, McCurtain, and Pushmataha, one senator; Twenty-fifth, Pittsburg, one senator; Twenty-sixth, Marshall and Johnston, one senator; Twenty-seventh, Haskell, McIntosh, and Muskogee, two senators; Twenty-eighth, Adair and Sequoyah, one senator; Twenty-ninth, Mayes and Craig, one senator; Thirtieth, Ottawa, Delaware, and Cherokee, one senator; Thirty-first, Tulsa and Washington, one senator; Thirty-second, Okmulgee and Wagoner, one senator; Thirty-third, Nowata and Rogers, one senator.

SEC. 12. The following counties shall each elect one member to the House of Representatives: Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Canadian, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Craig, Creek, Custer, Delaware, Dewey, Ellis, Grant, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kingfisher, Latimer, Le Flore, Love, Major, Marshall, Mayes, Murray, McClain, McCurtain, McIntosh, Noble, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pontotoc, Pushmataha, Rogers, Roger Mills, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

SEC. 13. The following counties shall elect two members of the House of Representatives: Bryan, Caddo, Carter, Garvin, Grady, Kay, Kiowa, Muskogee, and Pittsburg.

(*a*) Garfield, one to be elected from each of the following districts: District One, the city of Enid, Enid Township, and the townships of North Enid, Banner, and Garland. District Two, all that part of Garfield county not contained in District One.

(*b*) Greer, one to be elected from each of the following districts: District One, all that part of Greer county lying east of the line between ranges twenty-three and twenty-four. District Two, all that part of Greer county not contained in District One.

(*c*) Lincoln, one to be elected from each of the following districts: District One, the townships of Pawnee, Ponca, North Fox, South Fox, North Keokuk, South Keokuk, North Creek, South Creek, North Seminole, South Seminole, North Choctaw, and South Choctaw, with all towns and cities contained therein. District Two, all that part of Lincoln county not contained in District One.

SEC. 14. The following counties shall elect three members each: Pottawatomie and Logan.

Pottawatomie shall elect three members at large. Logan, with three members pro rated as follows: District one shall be composed of the townships of Marshall, Bismarck, Orlando, Oak View, Rose Hill, Mulhull, Crescent, Woodland, Lawrie, Cedar, Iron Mound, Spring Creek, Antelope, and North Cimarron, and all towns and villages therein. District Two shall consist of all that part of the city of Guthrie described as follows: That part of the first ward lying north of Harrison Avenue, the second ward, the third ward, the fourth ward, and all of the fifth ward except that part lying south of Cleveland Avenue and east of Fourteenth Street. District Three shall consist of all that part of Logan county not included in Districts One and Two.

SEC. 15. Oklahoma County shall have representatives to be elected as follows, to wit: One from the county at large. The other three to be prorated as follows: District One, Oklahoma City, and the townships of Oklahoma and Greely, with all towns and cities contained therein, two members. District Two, all that part of Oklahoma County not contained in District One, one member.

SEC. 16. (*a*) The following pairs of counties shall compose additional legislative districts and each district shall elect one member to the House of Representatives: Johnston and Coal; Bryan and Atoka; Pontotoc and Seminole; Muskogee and Haskell; Pittsburg and Hughes; Comanche and Stephens; Washita and Custer; Pottawatomie and Lincoln; Sequoyah and Le Flore; Alfalfa and Grant; Craig and Rogers; Garfield and Kingfisher; Payne and Pawnee; Creek and Tulsa.

(*b*) The following trio of counties shall constitute one Legislative District with one member: Caddo, Canadian, and Cleveland.

QUALIFICATIONS AND RIGHTS OF MEMBERS.

SEC. 17. Members of the Senate shall be at least twenty-five years of age, and members of the House of Representatives twenty-one years of age at the time of their election. They shall be qualified electors in their respective counties or districts and shall reside in their respective counties or districts during their term of office.

SEC. 18. No person shall serve as a member of the Legislature who is, at the time of such service, an officer of the United States or State government, or is receiving compensation as such; nor shall any person be eligible to election to the Legislature, who has been adjudged guilty of a felony.

SEC. 19. A member of the Legislature expelled for corruption shall not thereafter be eligible to membership in either House. Punishment for contempt or disorderly conduct, or for any other cause, shall not bar an indictment for the same offense.

SEC. 20. The Governor shall issue writs of election to fill such vacancies as may occur in the Legislature.

SEC. 21. Members of the Legislature shall receive six dollars per diem for their services during the session of the Legislature, and ten cents per mile for every mile of necessary travel in going to and returning from the place of meeting of the Legislature, on the most usual route, and shall receive no other compensation: *Provided*, That members of the Legislature, except during the first session thereof held under this Constitution, shall receive only two dollars per diem for their services after sixty days of such session have elapsed.

SEC. 22. Senators and Representatives shall, except for treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, and, for any speech or debate in either House, shall not be questioned in any other place.

SEC. 23. No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any office or commission in the State, which shall have been created, or the emoluments of which shall have been increased, during his term of office, nor shall any member receive any appointment from the Governor, the Governor and Senate, or from the Legislature, during the term for which he shall have been elected, nor shall any member, during the term for which he shall have been elected, or within two years thereafter, be interested, directly or indirectly, in any contract with the State, or any county or other subdivision thereof, authorized by law passed during the term for which he shall have been elected.

SEC. 24. A member of the Legislature, who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

SESSIONS OF LEGISLATURE.

SEC. 25. The first session of the Legislature, held by virtue of this Constitution, shall not exceed one hundred and sixty days.

SEC. 26. The members of the Legislature shall meet at the seat of government on the first Tuesday after the Monday in January at twelve o'clock, noon, in the year next succeeding their election, or upon such other day as may be provided by law.

SEC. 27. The Legislature shall hold regular biennial sessions as herein provided, but this shall not prevent the calling of a special session of the Legislature by the Governor.

ORGANIZATION AND RULES.

SEC. 28. The Senate shall, at the beginning of each regular session and at such other times as may be necessary, elect one of its members President pro tempore, who shall preside over its deliberations in the absence or place of the Lieutenant Governor; and the Senate shall provide for all its standing committees and, by a majority vote, elect the members thereof.

SEC. 29. The House of Representatives shall, at the beginning of each regular session and at such other times as may be necessary, elect one of its members Speaker.

SEC. 30. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalty as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same. The yeas and nays of the members of either House on any question, at the desire of one-fifteenth of those present shall be entered upon its journal.

Neither House, during the session of the Legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 31. In all elections made by the Legislature, except for officers and employees thereof, the members thereof shall vote yea or nay, and each vote shall be entered upon the journal.

SEC. 32. No special or local law shall be considered by the Legislature until notice of the intended introduction of such bill or bills shall first have been published for four consecutive weeks in some weekly newspaper published or of general circulation in the city or county affected by such law, stating in substance the contents thereof, and verified proof of such publication filed with the Secretary of State.

SEC. 33. All bills for raising revenue shall originate in the House of Representatives. The Senate may propose amendments to revenue bills. No revenue bill shall be passed during the five last days of the session.

SEC. 34. Every bill shall be read on three different days in each House, and no bill shall become a law unless, on its final passage, it be read at length, and no law shall be passed unless upon a vote of a majority of all the members elected to each House in favor of such law; and the question, upon final passage, shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal.

SEC. 35. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, immediately after the same shall have been publicly read at length, and the fact of reading and signing shall be entered upon the journal, but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which vote, by yeas and nays, shall also be entered upon the journal.

POWERS AND DUTIES.

SEC. 36. The authority of the Legislature shall extend to all rightful subjects of legislation, and any specific grant of authority in this Constitution, upon any subject whatsoever, shall not work a restriction,

limitation, or exclusion of such authority upon the same or any other subject or subjects whatsoever.

SEC. 37. The Legislature shall have the power to establish a state printing plant, and to provide for the election or appointment of a State Printer.

SEC. 38. The Legislature shall provide for the establishment of a State Geological and Economic Survey.

SEC. 39. The Legislature shall create a Board of Health, Board of Dentistry, Board of Pharmacy, and Pure Food Commission, and prescribe the duties of each. All physicians, dentists, and pharmacists now legally registered and practicing in Oklahoma and Indian Territory shall be eligible to registration in the State of Oklahoma without examination or cost.

SEC. 40. The Legislature shall provide for organizing, disciplining, arming, maintaining, and equipping the Militia of the State.

SEC. 41. The Legislature may enact laws authorizing cities to pension meritorious and disabled firemen.

SEC. 42. In any legislative investigation, either House of the Legislature, or any committee thereof, duly authorized by the House creating the same, shall have power to punish as for contempt, disobedience of process, or contumacious or disorderly conduct, and this provision shall also apply to joint sessions of the Legislature, and also to joint committees thereof, when authorized by joint resolution of both Houses.

SEC. 43. The Legislature shall, in the year nineteen hundred and nine and each ten years thereafter, make provision by law for revising, digesting, and promulgating the statutes of the State.

SEC. 44. The Legislature shall define what is an unlawful combination, monopoly, trust, act, or agreement, in restraint of trade, and enact laws to punish persons engaged in any unlawful combination, monopoly, trust, act, or agreement, in restraint of trade, or composing any such monopoly, trust, or combination.

SEC. 45. The Legislature shall pass such laws as are necessary for carrying into effect the provisions of this Constitution.

LIMITATIONS.

SEC. 46. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law authorizing:

The creation, extension, or impairing of liens;

Regulating the affairs of counties, cities, towns, wards, or school districts;

Changing the names of persons or places;

Authorizing the laying out, opening, altering, or maintaining of roads, highways, streets, or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets, or alleys;

Relating to cemeteries, graveyards, or public grounds not owned by the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns, or villages, or changing their charters;

For the opening and conducting of elections, or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in judicial proceedings or inquiry before the courts, justices of the peace, sheriffs, commissioners, arbitrators, or other tribunals, or providing or changing the methods for the collection of debts, or the enforcement of judgments or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, or constables;

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estate of minors, or persons under disability;

Remitting fines, penalties and forfeitures, and refunding moneys legally paid into the treasury;

Exempting property from taxation;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from due performance of his official duties, or his securities from liability;

Giving effect to informal or invalid wills or deeds;

Summoning or impaneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

Providing for change of venue in civil and criminal cases.

SEC. 47. The Legislature shall not retire any officer on pay or part pay, or make any grant to such retiring officer.

SEC. 48. The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a Bureau of Immigration in this State.

SEC. 49. The Legislature shall not increase the number or emolument of its employees, or the employees of either House, except by general law, which shall not take effect during the term at which such increase was made.

SEC. 50. The Legislature shall pass no law exempting any property within this State from taxation, except as otherwise provided in this Constitution.

SEC. 51. The Legislature shall pass no law granting to any association, corporation, or individual any exclusive rights, privileges, or immunities within this State.

SEC. 52. The Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State. After suit has been commenced on any cause of action, the Legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit.

SEC. 53. The Legislature shall have no power to release or extinguish or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liabilities, or obligations of any corporation, or individual, to this State, or any county or other municipal corporation thereof.

MISCELLANEOUS PROVISIONS.

SEC. 54. The repeal of a statute shall not revive a statute previously repealed by such statute, nor shall such repeal affect any accrued right, or penalty incurred, or proceedings begun by virtue of such repealed statute.

SEC. 55. No money shall ever be paid out of the treasury of this State, nor any of its funds, nor any of the funds under its management, except in pursuance of an appropriation by law, nor unless such payments be made within two and one-half years after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

SEC. 56. The general appropriation bill shall embrace nothing but appropriations for the expenses of the executive, legislative, and judicial departments of the State, and for interest on the public debt. The salary of no officer or employee of the State, or any subdivision thereof, shall be increased in such bill, nor shall any appropriation be made therein for any such officer or employee, unless his employment and the amount of his salary, shall have been already provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 57. Every act of the Legislature shall embrace but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred shall be re-enacted and published at length: *Provided*, That if any subject be embraced in any act contrary to the provisions of this section, such act shall be void only as to so much of the law as may not be expressed in the title thereof.

SEC. 58. No act shall take effect until ninety days after the adjournment of the session at which it was passed, except enactments for carrying into effect provisions relating to the initiative and referendum, or a general appropriation bill, unless, in case of emergency, to be expressed in the act, the Legislature, by a vote of two-thirds of all members elected to each House, so directs. An emergency measure shall include only such measures as are immediately necessary for the preservation of the public peace, health, or safety, and shall not include the granting of franchises or license to a corporation or individual, to extend longer than one year, nor provisions for the purchase or sale of real estate, nor the renting or encumbrance of real property for a longer term than one year. Emergency measures may be vetoed by the Governor, but such measures so vetoed may be passed by a three-fourths vote of each House, to be duly entered on the journal.

SEC. 59. Laws of a general nature shall have a uniform operation throughout the State, and where a general law can be made applicable, no special law shall be enacted.

SEC. 60. The Legislature shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers of the Executive Department, and all commissioners and superintendents, and boards of control of State institutions, and all other officers entrusted with the collection, receipt, custody, or disbursement of the revenue or moneys of the State whatsoever.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive authority of the State shall be vested in a Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney-General, State Treasurer, Superintendent of Public Instruction, State Examiner and Inspector, Chief Mine Inspector, Commissioner of Labor, Commissioner of Charities and Corrections, Commissioner of Insurance, and officers provided by law and this Constitution, each of whom shall keep his office and public records, books, and papers at the seat of government, and shall perform such duties as may be designated in this Constitution or prescribed by law.

SEC. 2. The Supreme Executive power shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of Oklahoma."

SEC. 3. No person shall be eligible to the office of Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney General, State Treasurer, Superintendent of Public Instruction, or State Examiner and Inspector, except a male citizen of the United States, of the age of not less than thirty years, and who shall have been three years next preceding his election, a qualified elector of this State: *Provided*, That residence in this State shall include the territory now embraced in this State.

SEC. 4. The term of office of the Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney General, State Treasurer, State Examiner and Inspector, and Superintendent of Public Instruction shall be four years from the second Monday of January next after their election. The Governor, Secretary of State, State Auditor, and State Treasurer shall not be eligible immediately to succeed themselves. The term of the State officers chosen at the first election under this constitution shall begin on the day on which the State is admitted into the Union, and expire on the second Monday of January, in the year nineteen hundred eleven.

SEC. 5. The returns of every election for all elective State officers shall be sealed up and transmitted by the returning officer to the Secretary of State, directed to the Speaker of the House of Representatives, who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each branch of the Legislature, who shall for that purpose assemble in the hall of the House of Representatives. The persons respectively having the highest number of votes for either of the said offices shall be declared duly elected; but in case two or more shall have an equal and the highest number of votes for either of said offices, the Legislature shall, forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for said office.

GOVERNOR.

SEC. 6. The Governor shall be Commander-in-Chief of the militia of the State, except when in service of the United States, and may call out the same to execute the laws, protect the public health, suppress insurection, and repel invasion.

SEC. 7. The Governor shall have power to convoke the Legislature, or the Senate only, on extraordinary occasions. At extraordinary sessions, no subject shall be acted upon, except such as the Governor may recommend for consideration.

SEC. 8. The Governor shall cause the laws of the State to be faithfully executed, and shall conduct in person or in such manner as may be prescribed by law, all intercourse and business of the State with other States and with the United States, and he shall be a conservator of the peace throughout the State.

SEC. 9. At every session of the Legislature, and immediately upon its organization, the Governor shall communicate by message, delivered to a joint session of the two Houses, upon the condition of the State; and shall recommend such matters to the Legislature as he shall judge expedient. He shall also transmit a copy, to each

house, of the full report of each State officer and State commission. He shall communicate, from time to time, such matters as he may elect or the Legislature may require.

SEC. 10. The Governor shall have power to grant, after conviction, reprieves, commutations, paroles, and pardons for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law. He shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, parole, or pardon granted, stating the name of the convict, the crime of which he was convicted, the date and place of conviction and the date of commutation, pardon, parole, or reprieve.

SEC. 11. Every bill which shall have passed the Senate and House of Representatives, and every resolution requiring the assent of both branches of the Legislature, shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; if not, he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large in the Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill or joint resolution, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor. In all such cases, the vote in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the Journal of each house respectively. If any bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within fifteen days after such adjournment.

SEC. 12. Every bill passed by the Legislature, making appropriations of money embracing distinct items, shall, before it becomes a law, be presented to the Governor; if he disapproves the bill, or any item, or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the house in which the bill shall have originated, but all items not disapproved shall have the force and effect of law according to the original provisions of the bill. Any item or items so disapproved shall be void, unless repassed by a two-thirds vote, according to the rules and limitations prescribed in the preceding section in reference to other bills: *Provided*, That this section shall not relieve emergency bills of the requirement of the three-fourths vote.

SEC. 13. The Governor shall commission all officers not otherwise commissioned by law. All commissions shall run in the name and by the authority of the "State of Oklahoma," be signed by the Governor, sealed with the Great Seal of the State of Oklahoma, and attested by the Secretary of State. When any office shall become vacant, he shall, unless otherwise provided by law, appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected or appointed, and qualified according to law.

SEC. 14. In case of a disagreement between the two houses of the Legislature, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him, by the presiding officer of the house first moving the adjournment, adjourn them to such time as he shall deem proper, not beyond the day of the next stated meeting of the Legislature. He may convoke the Legislature at or adjourn it to another place, when, in his opinion, the public safety or welfare, or the safety or health of the members require it: *Provided, however*, That such change or adjournment shall be concurred in by a two-thirds vote of all the members elected to each branch of the Legislature.

LIEUTENANT-GOVERNOR.

SEC. 15. The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein, and also in joint vote of both houses. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die or be absent from the State, or become incapable of performing the duties of the office, the president, pro tempore, of the Senate, shall act as Governor until the vacancy be filled or the disability shall cease; and if the president, pro tempore, of the Senate, for any of the above enumerated causes, shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the House of Representatives shall act as Governor until the vacancy be filled or the disability shall cease. Further provisions for succession to the office of Governor shall be prescribed by law.

SEC. 16. In case of impeachment of the Governor, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant-Governor for the residue of the term or until the disability shall be removed.

SECRETARY OF STATE.

SEC. 17. The Secretary of State shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and shall lay copies of the same, together with copies of all papers relative thereto, before either house of the Legislature, when required to do so. He shall also perform such other duties as shall be prescribed by law.

SEC. 18. The Secretary of State shall be the custodian of the Seal of the State, and authenticate therewith all official acts of the Governor, except his approval of laws. The said seal shall be called "The Great Seal of the State of Oklahoma."

STATE EXAMINER AND INSPECTOR.

SEC. 19. The State Examiner and Inspector must have had at least three years' experience as an expert accountant; his duties shall be, without notice to such treasurer, to examine the State and all County Treasurers' books, accounts, and cash on hand or in bank at least twice each year, and publish his report as to every such Treasurer once each year. For the purpose of such examination he shall take complete possession of such Treasurer's office. He shall also prescribe a uniform system of bookkeeping for the use of all Treasurers. Other duties and powers may be added by law.

COMMISSIONER OF LABOR.

SEC. 20. A Department of Labor is hereby created to be under the control of a Commissioner of Labor who shall be elected by the people, whose term of office shall be four years, and whose duties shall be prescribed by law.

SEC. 21. The Legislature shall create a Board of Arbitration and Conciliation in the Department of Labor and the Commissioner of Labor shall be ex-officio chairman.

THE INSURANCE COMMISSIONER.

SEC. 22. There is hereby established an Insurance Department, which shall be charged with the execution of all laws now in force, or which shall hereafter be passed, in relation to insurance and insurance companies doing business in the State.

SEC. 23. There shall be elected by the qualified electors of the State, at the first general election, a chief officer of said department, who shall be styled "The Insurance Commissioner," whose term of office shall be four years: *Provided*, That the first term of the Insurance Commissioner, so elected, shall expire at the time of the expiration of the term of office of the first Governor elected. Said Insurance Commissioner shall be at least twenty-five years of age and well versed in insurance matters.

SEC. 24. The Insurance Commissioner shall give bond, perform such duties, and possess such further qualifications as may be prescribed by law.

CHIEF MINE INSPECTOR.

SEC. 25. The office of Chief Inspector of Mines, Oil, and Gas is hereby created, and the incumbent of said office shall be known as the Chief Mine Inspector. The term of said office shall be four years, and no person shall be elected to said office unless he shall have had eight years' actual experience as a practical miner, and such other qualifications as may be prescribed by the Legislature. The Chief Mine Inspector shall perform the duties, take the oath, and execute the bond prescribed by the Legislature.

SEC. 26. The Legislature shall create mining districts and provide for the appointment or election of Assistant Inspectors therein, who shall be under the general control of the Chief Mine Inspector, and the Legislature shall define their qualifications and duties and fix their compensation.

COMMISSIONER OF CHARITIES AND CORRECTIONS.

SEC. 27. A Commissioner of Charities and Corrections shall be elected in the same manner, at the same time, and for the same term as shall the Governor. Said officer may be of either sex, and shall be twenty-five years of age or over; in all other respects said officer shall have the qualifications which shall be required of the Governor.

SEC. 28. The Commissioner of Charities and Corrections shall have the power, and it is hereby made his or her duty, to investigate the entire system of public charities and corrections, to examine into the condition and management of all prisons, jails, almshouses, reformatories, reform and industrial schools, hospitals, infirmaries, dispensaries, orphanages, and all public and private retreats and asylums, which derive their support wholly or in part from the State, or from any county or municipality within the State; and the officers of the various institutions named herein shall promptly, upon demand, furnish the said Commissioner with such information, relating to their respective institutions, as shall be demanded by said Commissioner, in writing. The said Commissioner shall have the power to summon any person to appear and produce such books and papers as shall be designated in the summons, and to give testimony under oath concerning the matter and institution under investigation. The said Commissioner shall have the power to administer oaths to such persons as may be summoned, and to enforce all such powers as are given to notaries public when they are taking depositions. A full report of said investigation, including the testimony, shall be promptly made to the Governor, and shall be transmitted by him to the next Legislature with any suggestions which he may desire to make.

SEC. 29. On the first day of October of each year, and at any time on request of the Governor, the said Commissioner shall make a full and complete report of the operations and administration of said office, with such suggestions as said Commissioner may deem suitable and pertinent.

SEC. 30. The Legislature shall have the power to alter, amend, or add to the duties of, or grant additional authority to, such Commissioner.

BOARD OF AGRICULTURE.

SEC. 31. A Board of Agriculture is hereby created to be composed of eleven members, all of whom shall be farmers and shall be selected in manner prescribed by law.

Said Board shall be maintained as a part of the State government, and shall have jurisdiction over all matters affecting animal industry and animal quarantine regulations, and shall be the Board of Regents of all State Agricultural and Mechanical Colleges, and shall discharge such other duties and receive such compensation as may be provided by law.

COMMISSIONERS OF THE LAND OFFICE.

SEC. 32. The Governor, Secretary of State, State Auditor, Superintendent of Public Instruction, and the President of the Board of Agriculture, shall constitute the Commissioners of the Land Office, who shall have charge of the sale, rental, disposal, and managing of the school lands and other public lands of the State, and of the funds and proceeds derived therefrom, under rules and regulations prescribed by the Legislature.

SEC. 33. An account shall be kept by the officers and commissioners of the State of all moneys and choses in action disbursed or otherwise disposed of severally by them, from all sources, and for every service performed; and a report thereof shall be made semi-annually and as often as may be required by law, to the Governor under oath. The Governor may, at any time, require information in writing, under oath, from all officers and commissioners of the State, and all officers of State institutions, penal, eleemosynary, educational, and industrial on any subject relating to their respective offices and institutions; which information, when so required, shall be furnished by such officers and managers, and any officer or manager who, at any time, shall make a false report, shall be punished as by law provided.

SEC. 34. Each of the officers in this article named shall, at stated times, during his continuance in office, receive for his services a compensation, which shall not be increased or diminished during the term for which he shall have been elected, nor shall he receive to his use, any fees, costs, or perquisites of office or other compensation.

SEAL OF THE STATE.

SEC. 35. In the center shall be a five pointed star, with one ray directed upward. The center of the star shall contain the central device of the seal of the Territory of Oklahoma, including the words, "Labor Omnia Vincit." The upper left hand ray shall contain the symbol of the ancient seal of the Cherokee Nation, namely: A seven pointed star partially surrounded by a wreath of oak leaves. The ray di-

rected upward shall contain the symbol of the ancient seal of the Chickasaw Nation, namely: An Indian warrior standing upright with bow and shield. The lower left hand ray shall contain the symbol of the ancient seal of the Creek Nation, namely: A sheaf of wheat and a plow. The upper right hand ray shall contain the symbol of the ancient seal of the Choctaw Nation, namely: A tomahawk, bow, and three crossed arrows. The lower right hand ray shall contain the symbol of the ancient seal of the Seminole Nation, namely: A village with houses and a factory beside a lake upon which an Indian is paddling a canoe. Surrounding the central star and grouped between its rays shall be forty-five small stars, divided into five clusters of nine stars each, representing the forty-five States of the Union, to which the forty-sixth is now added. In a circular band surrounding the whole device shall be inscribed, "GREAT SEAL OF THE STATE OF OKLAHOMA 1907."

ARTICLE VII.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in the Senate, sitting as a court of impeachment, a Supreme Court, District Courts, County Courts, Courts of Justices of the Peace, Municipal Courts, and such other courts, commissions or boards, inferior to the Supreme Court, as may be established by law.

SEC. 2. The appellate jurisdiction of the Supreme Court shall be coextensive with the State, and shall extend to all civil cases at law and in equity, and to all criminal cases until a Criminal Court of Appeals with exclusive appellate jurisdiction in criminal cases shall be established by law. The original jurisdiction of the Supreme Court shall extend to a general superintending control over all inferior courts and all commissions and boards created by law. The Supreme Court shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, and such other remedial writs as may be provided by law, and to hear and determine the same; and the Supreme Court may exercise such other and further jurisdiction as may be conferred upon it by law. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and make such writs returnable before himself, or before the Supreme Court, or before any District Court, or Judge thereof, in the State.

SEC. 3. The Supreme Court shall consist of five Justices until the number shall be changed by law. The State shall be divided into five Supreme Court Judicial Districts until the Legislature shall change the number of members of the Court, at which time the Legislature shall redistrict the State to conform to the number of Justices of the Supreme Court. From each of said districts, candidates for Justice of the Supreme Court shall be nominated by political parties, or by petitioners of the respective districts, in the manner provided by law, and such candidates shall be voted for by the qualified voters of the State at large, and no elector at such election shall vote for more than one candidate from each district. The candidate from each district receiving the highest number of votes cast in the State at said election shall be declared the Justice-elect in said district. A majority of the members of the Supreme Court shall constitute a quorum, and the concurrence of the majority of said court shall be necessary to decide any question. No person shall be eligible to the office of Justice of the Supreme Court unless he shall be at the time of his election a citizen of the United States and shall have been a resident of the territory embraced within the State for a period of two years, and of the territory comprising the district from which he is elected for a period of one year; and unless he shall have attained the age of thirty years and shall have been a lawyer licensed by some court of record, or shall have been a judge of some court of record, or such judge and lawyer together at least five years.

The term of office of the Justices of the Supreme Court shall be six years, except as herein provided. Each member of such court shall be a conservator of the peace throughout the State; and in case of a vacancy in the membership of said court, the Governor shall, by appointment from the district, fill such vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State.

SEC. 4. The term of office of the Justices of the Supreme Court shall commence on the second Monday of January following their election: *Provided, however,* That the term of office of the justices elected at the first election under this Constitution shall commence upon the admission of the State into the Union, and shall continue as hereinafter provided. Those appointed or elected to fill vacancies shall enter upon the discharge of their duties as soon as they qualify.

SEC. 5. The sessions of the Supreme Court shall be held at the seat of Government, and the sessions and duration thereof shall be fixed by rule of said court, until fixed by the Legislature; but the first term of the Supreme Court shall be held within ninety days after the admission of the State. The Supreme Court shall render a written opinion in each case within six months after said case shall have been submitted for decision.

SEC. 6. At the first session of the Supreme Court the justices thereof shall elect one of their number Chief Justice, who shall serve as Chief Justice until the expiration of his term of office; thereafter the Chief Justice shall be elected in the manner provided by law. Of the justices elected at the first election, the term of two of them shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and nine; and the term of two of the others shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and eleven; and the term of the other justice shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and thirteen. The Supreme Court shall, by order duly entered in its minutes, provide the means of determining by lot the expiration of the terms of each of the justices as hereinbefore provided, and shall determine in accordance therewith, and enter in the minutes of the court its order showing the expiration of the term of each of such justices. After the first election, Justices of the Supreme Court shall be elected at the general biennial election next preceding the beginning of their respective terms.

SEC. 7. There shall be elected by the qualified electors of the State at each election for Governor, a clerk of the Supreme Court, who shall be at least twenty-five years of age and a qualified elector of the State, and whose term shall be the same as that of the Governor, and he shall give bond for faithful performance of his duty as may be prescribed by law.

SEC. 8. The appellate and the original jurisdiction of the Supreme Court shall be invoked in the manner now prescribed by the laws of the Territory of Oklahoma until the Legislature shall otherwise provide.

SEC. 9. Until otherwise provided by law, the State shall be divided into twenty-one judicial districts, and the qualified electors in each of the said districts shall elect a judge of the District Court as provided herein, except in the Thirteenth Judicial District two judges shall be elected. Such judge shall be a citizen of the United States, and shall have been a resident of the territory embraced within the State for two years, and of the territory comprising his district at least one year, prior to his election; and he shall have been a lawyer licensed by some court of record, or shall have been a judge of some court of record, or both such lawyer and judge, for four years next preceding his election, and shall reside in his district during his term of office. The term of office of the District Judge shall be four years, and at the time of his election he shall have reached the age of twenty-five years. Regular terms of the District Court shall be held in each organized county of this State at least twice in each year. The time of convening the District Court in each county in this State, until the Legislature shall otherwise provide, and the duration of the term, shall be fixed by the Supreme Court of the State. The term of the District Judges elected at the first election shall expire on the last day next preceding the second Monday in January, nineteen hundred and eleven, and the judges of the District Court thereafter shall be elected at the general election next preceding the commencement of their terms of office.

In case of the illness of the judge elected in any district, or if for any other cause he shall be unable to preside in the district in which he was elected, the Chief Justice may designate any District Judge in the State to hold any term of court in said district in lieu of the judge elected to hold the courts of said district. Whenever the public business shall require it, the Chief Justice may appoint any District Judge of the State to hold court in any district, and two or more District Judges may sit in any district separately at the same time. In the event any judge shall be disqualified for any reason from trying any case in his district, the parties to such case my agree upon a judge pro tempore to try the same, and if such parties cannot agree, at the request of either party a judge pro tempore may be elected by the members of the bar of the district, present at such term. If no election for judge pro tempore shall be had, the Chief Justice of the State shall designate some other District Judge to try such case.

SEC. 10. The District Courts shall have original jurisdiction in all cases, civil and criminal, except where exclusive jurisdiction is by this Constitution, or by law, conferred on some other court, and such appellate jurisdiction as may be provided in this Constitution, or by law. The District Courts, or any judge thereof, shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, prohibition, and other writs, remedial or otherwise, necessary or proper to carry into effect their orders, judgments, or decrees. The District Courts shall also have the power of naturalization in accordance with the laws of the United States.

SEC. 11. There is hereby established in each county in this State a County Court, which shall be a court of record; and, at the election to ratify this Constitution, there shall be elected in each county a County Judge, who shall hold his office until the close of the day next preceding the second Monday in January, nineteen hundred and eleven; and thereafter the term of office of the County Judge shall be two years, and he shall be elected at each biennial general election. The county judge shall be a qualified voter and a resident of the county at the time of his election, and a lawyer licensed to practice in any court of record of the State. The county judge shall be judge of the county court.

SEC. 12. The County Court, coextensive with the county, shall have original jurisdiction in all probate matters, and until otherwise provided by law, shall have concurrent jurisdiction with the District Court in civil cases in any amount not exceeding one thousand dollars, exclusive of interest: *Provided,* That the County Court shall not have jurisdiction in any action for malicious prosecution, or in any action for divorce or alimony, or in any action against officers for misconduct in office, or in actions for slander or libel, or in actions for the specific performance of contracts for the sale of real estate, or in any matter wherein the title or boundaries of land may be in dispute or called in question; nor to order or decree the partition or sale of real estate, not arising under its probate jurisdiction.

It shall have such appellate jurisdiction of the judgments of justices of the peace in civil and criminal cases as may be provided by law, or in this Constitution. The County Court shall have jurisdiction concurrent with justices of the peace in misdemeanor cases, and exclusive jurisdiction in all misdemeanor cases of which justices of the peace have not jurisdiction. In the absence of the Judge of the District Court from the county, or in case of his disqualification for any reason, the County Court, or Judge thereof, shall have power to issue writs of injunction in matters about to be brought or pending in the District Court; and to issue writs of injunction, mandamus, and all writs necessary to enforce the jurisdiction of the County Courts; and issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the County Court or any other court or tribunal inferior to said court.

When the County Judge is disqualified in any case pending in the County Court, a judge pro tempore may be selected in the manner provided for the selection of judges pro tempore in the District Court.

SEC. 13. The County Court shall have the general jurisdiction of a Probate Court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the sale, settlement, partition, and distribution of the estates thereof. The County Court shall be held at the county seat, but the Legislature may provide for holding sessions of the County Court at not more than two additional places in the county: *Provided,* That alternate sessions of County Court in Le Flore County shall be held at Talihina.

SEC. 14. Until otherwise provided by law, the County Court shall have jurisdiction of all cases on appeals from judgments of the justices of the peace in civil and criminal cases; and in all cases, civil and criminal, appealed from justices of the peace to such County Court, there shall be a trial de novo on questions of both law and fact.

SEC. 15. Appeals and proceedings in error shall be taken from the judgments of County Courts direct to the Supreme Court, in all cases appealed from justices of the peace, and in all criminal cases of which the County Court is vested with jurisdiction, and in all civil cases originally brought in the County Court, in the same manner and by like proceedings as appeals are taken to the Supreme Court from the judgments of the District Court.

SEC. 16. Until otherwise provided by law, in all cases arising under the probate jurisdiction of the County Court, appeals may be taken

from the judgments of the County Court to the District Court of the county in the same manner as is now provided by the laws of the Territory of Oklahoma for appeals from Probate Court to the District Court, and in all cases appealed from the County Court to the District Court, the cause shall be tried de novo in the District Court upon questions of both law and fact.

SEC. 17. County Courts shall also have and exercise the jurisdiction of examining and committing magistrates in all criminal cases.

SEC. 18. The office of Justice of the Peace is hereby created, and, until otherwise provided by law, Courts of Justices of the Peace shall have, coextensive with the county, jurisdiction as examining and committing magistrates in all felony cases, and shall have jurisdiction, concurrent with the County Court, in civil cases where the amount involved does not exceed two hundred dollars, exclusive of interest and costs, and concurrent jurisdiction with the County Court in all misdemeanor cases in which the punishment does not exceed a fine of two hundred dollars or imprisonment in the county jail for not exceeding thirty days, or both such fine and imprisonment; but Justices of the Peace shall in no event have jurisdiction in actions for libel and slander. Until otherwise provided by law, appeals shall be allowed from judgments of the Court of Justices of the Peace in all civil and criminal cases to the County Court to the manner now provided by the laws of the Territory of Oklahoma governing appeals from the Courts of Justices of the Peace to the District Court. In cities of more than two thousand and five hundred inhabitants, two Justices of the Peace shall be elected.

SEC. 19. All judges of Courts of this State, and justices of the peace, shall, by virtue of their office, be conservators of the peace throughout the State.

The style of all writs and processes shall be "The State of Oklahoma." All prosecutions shall be carried on in the name and by the authority of the State of Oklahoma. All indictments, informations, and complaints shall conclude, "Against the peace and dignity of the State."

SEC. 20. In all issues of fact joined in any court, all parties may waive the right to have the same determined by jury; in which case the finding of the judge, upon the facts, shall have the force and effect of a verdict by jury.

SEC. 21. In all jury trials, the jury shall return a general verdict, and no law in force, nor any law hereafter enacted, shall require the court to direct the jury to make findings on particular questions of fact; but the court may, in its discretion, direct such special findings.

JUDICIAL APPORTIONMENT.

SEC. 22. The State is hereby divided into five Supreme Court judicial districts, numbered respectively, One to Five, inclusive, and is subdivided into twenty-one District Court judicial districts, numbered respectively, One to Twenty-one, inclusive; and all such judicial districts shall be and remain until changed as provided in this Constitution.

SEC. 23. Of the Supreme Court judicial districts, number One shall embrace the First, Second, Third, and Fourth District Court judicial districts; number Two shall embrace the Fifth, Sixth, Seventh, and Eighth District Court judicial districts; number Three shall embrace the Ninth, Tenth, Eleventh, Twelfth, and Twenty-first District Court judicial districts; number Four shall embrace the Thirteenth, Fourteenth, Fifteenth, and Sixteenth District Court judicial districts, and number Five shall embrace the Seventeenth, Eighteenth, Nineteenth, and Twentieth District Court judicial districts.

SEC. 24. Of the District Court judicial districts, number One shall comprise the counties of Adair, Cherokee, Delaware, and Sequoyah; number Two, the counties of Craig, Mayes, Nowata, Ottawa Rogers, and Washington; number Three, the counties of Muskogee and Wagoner; number Four, the counties of McIntosh and Pittsburg; number Five, the counties of Haskell, Latimer, Le Flore, and Pushmataha; number Six, the counties of Bryan, Choctaw, Marshall, and McCurtain; number Seven, the counties of Atoka, Coal, Johnston, Pontotoc, and Seminole; number Eight, the counties of Carter and Love; number Nine, the counties of Hughes, Creek, Okfuskee, and Okmulgee; number Ten, the counties of Lincoln and Pottawatomie; number Eleven, the counties of Kingfisher and Logan; number Twelve, the counties of Grant, Kay, and Noble; number Thirteen, the counties of Canadian and Oklahoma, with two judges; number Fourteen, the counties of Cleveland, Garvin, McClain, and Murray; number Fifteen, the counties of Caddo, Grady, Jefferson, and Stephens; number Sixteen, the counties of Comanche, Jackson, and Tillman; number Seventeen, the counties of Blaine, Custer, Kiowa, and Washita; number Eighteen, the counties of Beckham, Dewey, Ellis, Greer, and Roger Mills; number Nineteen, the counties of Beaver, Cimarron, Harper, Texas, Woods, and Woodward; number Twenty, the counties of Alfalfa, Garfield, and Major; number Twenty-one, the counties of Osage, Payne, Pawnee, and Tulsa.

SEC. 25. The terms of the District Court shall be held at the county seat of the respective counties.

ARTICLE VIII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The Governor and other elective State officers, including the Justices of the Supreme Court, shall be liable and subject to impeachment for willful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

SEC. 2. All elective officers, not liable to impeachment, shall be subject to removal from office in such manner and for such causes as may be provided by law.

SEC. 3. When sitting as a Court of Impeachment, the Senate shall be presided over by the Chief Justice, or if he is absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, except in cases where all the members of said court are absent or disqualified, or in cases of impeachment of any Justice of the Supreme Court, then the Senate shall elect one of its own members as a presiding officer for such purpose. The House of Representatives shall present all impeachments.

SEC. 4. When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 5. Judgment of impeachment shall not extend beyond removal from office, but this shall not prevent punishment of any such officer on charges growing out of the same matter by the courts of the State.

SEC. 6. The Legislature shall pass such laws as are necessary for carrying into effect the provisions of this article.

ARTICLE IX.

CORPORATIONS—DEFINITION.

SECTION 1. As used in this article, the term "corporation" or "company" shall include all associations and joint stock companies having any power or privileges, not possessed by individuals, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall mean the charter of incorporation, by or under which any corporation is formed. The term "license" shall mean the authority under which all foreign corporations are permitted to transact business in this State.

RAILROAD AND PUBLIC SERVICE CORPORATIONS.

SEC. 2. Every railroad, oil pipe, car, express, telephone or telegraph corporation or association organized or authorized to do a transportation or transmission business under the laws of this State for such purpose, shall, each respectively, have the right to construct and operate its line betwen any points in this State, and as such to connect at the State line with like lines; and every such company shall have the right with its road or line, to intersect, connect with, or cross any railroad or such line.

SEC. 3. Every railroad, car, or express company, shall each respectively receive and transport without delay or discrimination each other's cars, loaded or empty, tonnage, and passengers, under such rules and regulations as may be prescribed by law or any commission created by this Constitution or by act of the Legislature, for that purpose.

SEC. 4. All oil pipe companies shall be subject to the reasonable control and regulation of the Corporation Commission, and shall receive and transport each other's tonnage or oils, or commodities, under such rules and regulations as shall be prescribed by law, or such commission.

SEC. 5. All telephone and telegraph lines, operated for hire, shall each respectively, receive and transmit each other's messages without delay or discrimination, and make physical connections with each other's lines, under such rules and regulations as shall be prescribed by law, or by any commission created by this Constitution, or any act of the Legislature, for that purpose.

SEC. 6. Railroads heretofore constructed, or which may hereafter be constructed in this State, are hereby declared public highways. Every railroad or other public service corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State, for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporation, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of stock, the amounts owned by them, respectively; the amount of stock paid, and by whom; the transfer of said stock, with the date of transfer; the amount of its assets and liabilities, and the names and places of residence of its officers, and such other matters required by law or by order of the Corporation Commission. The directors of every railroad company, or other public service corporation, shall hold at least one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent of every railroad company and other public service corporation organized or doing business in this State under the laws of this State or the authority thereof, shall report annually under oath, and make such other reports as may be required by law or order of the Corporation Commission, to said Commission their acts and doings, which report shall include such matters relating to railroads and other public service corporations as may be prescribed by law. The Legislature shall pass all necessary laws enforcing, by suitable penalties, all the provisions in this section.

SEC. 7. The rolling stock and all other movable property belonging to any railroad, transportation, transmission, or other public corporation in this State, shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

SEC. 8. No public service corporation, or the lessees, purchasers, or managers thereof, shall consolidate the stock, property, or franchises, of such corporation with, or lease or purchase the works or franchises of, or in any way control, any other public service corporation owning or having under its control a parallel or competing line; except by enactment of the Legislature upon the recommendation of the Corporation Commission: *Provided, however,* That the Legislature shall never enact any law permitting any public service corporation, the lessees, purchasers, or managers thereof when such public service corporation is organized under the laws of any other State, or of the United States, to consolidate the stock, property, or franchises, of such corporation with, or lease, or purchase, the works of, franchises of, or in any way control, any other public service corporation, organized under the laws of any other State, or of the United States, owning or having under its control in this State a parallel or competing line; nor shall any officer of such corporation act as an officer of any other corporation owning or controlling a parallel or competing line.

SEC. 9. Neither shall any railroad company, transportation company, or transmission company organized under the laws in this State, consolidate by private or judicial sale, or otherwise, with any railroad company, transportation company, or transmission company organized under the laws of any other State, or of the United States.

SEC. 10. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, or village, or upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SEC. 11. No railroad, transportation, transmission, or other public service corporation in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution, applicable to railroads, transportation companies, transmission companies, and other public-service corporations: *Provided,* That nothing herein shall be construed as validating any charter which may be invalid, or having any of the conditions contained in any charter.

SEC. 12. No railroad company shall transport, within this State, any article or commodity manufactured, mined, or produced by it, or under its authority, or which it may own, in whole or in part, or in which it may have any interest direct or indirect, except such articles or commodities as may be necessary and intended for the use in the conduct of its business as a common carrier.

SEC. 13. No railroad or transportation company, or transmission company shall, directly or indirectly, issue or give any free frank or free ticket, free pass or other free transportation, for any use, within this

State, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries for railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents, employed in such transportations; to inmates of the National Homes, or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such Homes; to members of volunteer fire departments and their equipage while traveling as such; to necessary caretakers of live stock, poultry, and fruit; to employees of sleeping cars, of express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the railroad company or transportation company is interested, persons injured in wrecks, and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their families; nor to prohibit any common carriers from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; nor to prevent them from transporting, free of charge, to their places of employment persons entering their service, and the interchange of passes to that end; and any railroad, transportation, or transmission company or any person, other than the persons excepted in this provision, who grants or uses any such free frank, free ticket, free pass, or free transportation within this State, shall be deemed guilty of a crime, and the Legislature shall provide proper penalties for the violation of any provision of this section by the railroad or transportation or transmission company, or by any individual: *Provided*, That nothing herein shall prevent the Legislature from extending these provisions so as to exclude such free transportations or franks from other persons.

SEC. 14. No railroad hereafter constructed in this State shall pass within a distance of four miles of any county seat without passing through the same and establishing and maintaining a depot therein, unless prevented by natural obstacles such as streams, hills, or mountains: *Provided*, Such town, or its citizens, shall grant the right-of-way through its limits and sufficient ground for ordinary depot purposes.

CORPORATION COMMISSION.

SEC. 15. A Corporation Commission is hereby created, to be composed of three persons, who shall be elected by the people at a general election for State officers, and their terms of office shall be six years: *Provided*, Corporation Commissioners first elected under this Constitution shall hold office as follows: One shall serve until the second Monday in January, nineteen hundred and nine; one until the second Monday in January, nineteen hundred and eleven; and one until the second Monday in January, nineteen hundred and thirteen; their terms to be decided by lot immediately after they shall have qualified. In case of a vacancy in said office, the Governor of the State shall fill such vacancy by appointment until the next general election, when a successor shall be elected to fill out any unexpired term.

SEC. 16. The qualifications of such commissioners shall be as follows: to be resident citizens of this State for over two years next preceding the election, and qualified voters under the Constitution and laws, and not less than thirty years of age; nor shall such commissioners, or either of them, be, directly or indirectly, interested in any railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, operated for hire, in this State, or out of it, or any stock, bond, mortgage, security, or earnings of any such railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, compress or elevator companies; and if such Commissioner shall voluntarily become so interested, his office shall become vacant; and if any Corporation Commissioner shall become so interested otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interest; and failing to do this, his office shall become vacant. Nor shall any such commissioner hold any other office under the Government of the United States, or of this State or any other State government, and shall not, while such Commissioner, engage in any occupation or business inconsistent with his duties as such commissioner.

SEC. 17. Before entering upon the duties of his office, each of said commissioners shall take and subscribe to the oath of office as prescribed in this Constitution and shall, in addition thereto, swear that he is not, directly or indirectly, interested in any railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, nor in the bonds, stocks, mortgages, securities, contract or earnings of any railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line; and that he will, to the best of his ability, faithfully and justly execute and enforce the provisions of this Constitution, and all the laws of this State concerning railroads, street railways, traction lines, canals, steamboats, pipe lines, car lines, sleeping car lines, car associations, express lines, telephone and telegraph lines, compress and elevator companies, and all other corporations over which said Commission has jurisdiction, which oath shall be filed with the Secretary of State.

SEC. 18. The Commission shall have the power and authority and be charged with the duty of supervising, regulating, and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses and preventing unjust discrimination and extortion by such companies; and to that end the Commission shall, from time to time, prescribe and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service, facilities, and conveniences as may be reasonable and just, which said rates, charges, classifications, rules, regulations, and requirements, the Commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the Commission, within the scope of its authority, shall be unlawful and void. The Commission shall also have the right, at all times, to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements, under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules, and regulations as may be necessary to prevent unjust or unreasonable discrimination and extortion by any transportation or transmission company in favor of, or against any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation, or transmission, or otherwise, in connection with the public duties of such company. Before the Commission shall prescribe or fix any rate, charge or classification of traffic, and before it shall make any order, rule, regulation, or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation, or requirement, shall first be given, by the Commission, at least ten days' notice of the time and place when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before said Commission shall make or prescribe any general order, rule, regulation, or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation, or requirement shall first be published in substance, not less than once a week, for four consecutive weeks, in one or more of the newspapers of general circulation published in the county in which the capitol of this State may be located, together with the notice of the time and place, when and where the Commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation, or requirement; and every such general order, rule, regulation, or requirement, made by the Commission, shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, so long as it remains in force, be published in each subsequent annual report of the Commission. The authority of the Commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges, and classifications of traffic, for transportation and transmission companies, shall, subject to regulation by law, be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the Legislature to legislate thereon by general laws: *Provided, however*, That nothing in this section shall impair the rights which have heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town, or county to prescribe rules, regulations, or rates of charges to be observed by any public-service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town, or county, so far as such services may be wholly within the limits of the city, town, or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the Commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons or employees.

SEC. 18*a*. The Corporation Commission shall organize by electing one of its members chairman and appointing a secretary, whose salary shall be fixed by the Legislature. A majority of said commission shall constitute a quorum, and the concurrence of the majority of said Commission shall be necessary to decide any question.

SEC. 18*b*. As used in this article the term "Company" shall include associations and joint stock companies having any power or privileges not possessed by individuals, and include all corporations except municipal corporations and public institutions owned or controlled by the State.

SEC. 19. In all matters pertaining to the public visitation, regulation, or control of corporations, and within the jurisdiction of the Commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses, and the p roduction of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the Commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and by enforcing its own appropriate process, against the delinquent or offending party or company (after it shall have been first duly cited, proceeded against by due process of law before the Commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well as against the validity, justness, or unreasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law. The Commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation, or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisement of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the Commission, within reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the Commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the Commission may deem proper, or such sum, in excess of five hundred dollars, as may be prescribed or authorized by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the Commission shall be a separate offense: *Provided*, That should the operation of such order or requirement be suspended, pending any appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalities.

SEC. 20. From any action of the Commission prescribing rates, charges, or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences, or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as hereinafter provided for, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to cost, as may be prescribed by law) may be taken by the corporation whose rates, charges, or classifications of traffic, schedule, facilities, conveniences, or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the State. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court from the District Courts, except that such an appeal shall be of right, and the Supreme Court may provide by rule for

proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges, or classifications of traffic, schedules, facilities, conveniences, or service are affected, the State shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The Legislature may also, by general laws, provide for appeals from any other action of the Commission, by the State, or by any person interested, irrespective of the amount involved. All appeals from the Commission shall be to the Supreme Court only, and in all appeals to which the State is a party, it shall be represented by the Attorney-General or his appointed representative. No court of this State (except the Supreme Court, by way of appeals as herein authorized) shall have jurisdiction to review, reverse, correct, or annul any action of the Commission within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the Commission in the performance of its official duties: *Provided, however*, That the writs of mandamus and prohibition shall lie from the Supreme Court to the Commission in all cases where such writs, respectively, would lie to any inferior court or officer.

SEC. 21. Upon the granting of an appeal, a writ of supersedeas may be awarded by the Supreme Court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the Supreme Court, no action of the Commission prescribing or affecting the rates, charges, or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceeding resulting from such appeal, until a suspending bond shall first have been executed and filed with, and approved by the Commission (or approved, on review, by the Supreme Court), payable to the State, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the Court on appeal. The Commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make to the Commission, from time to time, such reports, verified by oath, as may, in the judgment of the Commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the Commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company, pending the appeal, be not sustained on such appeal; and the Commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase the said suspending bond, whenever, in the opinion of the Commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner and through such methods of distribution as may be prescribed by the Commission, or by law. All such appeals, affecting rates, charges, or classifications of traffic, shall have precedence upon the docket of the Supreme Court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the habeas corpus and State cases already on the docket of the court.

SEC. 22. In no case of appeal from the Commission, shall any new or additional evidence be introduced in the Supreme Court; but the chairman of the Commission, under the seal of the Commission, shall certify to the Supreme Court all the facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the Commission as may be selected, specified, and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered as the Commission may deem proper to certify. The Commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the Supreme Court, upon disposing of the appeal. The Supreme Court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the Commission appealed from, as well as any other matter arising under such appeal: *Provided, however*, That the action of the Commission appealed from shall be regarded as prima facie just, reasonable, and correct; but the court may, when it deems necessary, in the interest of justice, remand to the Commission any case pending on appeal, and require the same to be further investigated by the Commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the Commission by any party in interest), before the appeal is finally decided.

SEC. 23. Whenever the court, upon appeal, shall reverse an order of the Commission affecting the rates, charges, or the classifications of traffic of any transportation or transmission company, it shall, at the same time, substitute therefor such orders as, in its opinion, the Commission should have made at the time of entering the order appealed from; otherwise the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the Commission at the time the original order appealed from was entered. The right of the Commission to prescribe and enforce rates, charges, classifications, rules and regulations affecting any or all actions of the Commission theretofore entered by it and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal; but no order of the Commission, prescribing or altering such rates, charges, classifications, rules, or regulations, shall be retroactive.

SEC. 24. The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit, or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the Commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the Commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceedings shall the reasonableness, justness, or validity of any rate, charge, classification of traffic, rule, regulation, or requirement, theretofore prescribed by the Commission, within the scope of its authority, and then in force, be questioned: *Provided, however*, That no case based upon or involving any order of the Commission shall be heard or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme Court as authorized by this Constitution or by any law passed in pursuance thereof.

SEC. 25. The Commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or the creation, supervision, regulation, or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

SEC. 26. It shall be the duty of each and every railway company, subject to the provisions herein, to provide and maintain adequate, comfortable, and clean depots, and depot buildings, at its several stations, for the accommodation of passengers, and said depot buildings shall be kept well lighted and warmed for the comfort and accommodation of the traveling public; and all such roads shall keep and maintain adequate and suitable freight depots and buildings for the receiving, handling, storing, and delivering of all freight handled by such roads.

SEC. 27. In case any railroad company shall hereafter seek to cross at grade with its track or tracks, the track or tracks of another railroad, the railroad seeking to cross at grade, within a reasonable time, shall be compelled to interlock or protect such crossings by safety devices, to be designated by the Commission, and all costs of appliance, together with the expenses of putting them in, shall be borne equally by each company: *Provided*, That this act shall not apply to crossings of sidetracks.

SEC. 28. The commissioners, or either of them, or such persons as they may employ therefor, shall have the right, at such times as they may deem necessary, to inspect the books and papers of any railroad company or other public service corporation, and to examine, under oath, any officer, agent, or employee of such corporations in relation to the business and affairs of the same. If any railroad company or other public service corporation shall refuse to permit the commissioners, or either of them, or any person authorized thereto, to examine its books and papers, such railroad company or other public service corporation shall, until otherwise provided by law, for each offense, pay to the State of Oklahoma not less than one hundred and twenty-five dollars, nor more than five hundred dollars, for each day it shall so fail or refuse, and the officer or other person so refusing shall be punished as the law shall prescribe.

SEC. 29. The Commission shall ascertain, and enter of record, the same to be a public record, as early as practicable, the amount of money expended in construction and equipment per mile of every railroad and other public service corporation in Oklahoma, the amount of money expended to procure the right of way, and the amount of money it would require to reconstruct the roadbed, track, depots, and transportation facilities, and to replace all the physical properties belonging to the railroad or other public service corporation. It shall also ascertain the outstanding bonds, debentures, and indebtedness, and the amount, respectively, thereof, when issued, and rate of interest, when due, for what purposes issued, how used, to whom issued, to whom sold, and the price in cash, property, or labor, if any, received therefor, what became of the proceeds, by whom the indebtedness is held, the amount purporting to be due thereon, the floating indebtedness of the company, to whom due, and his address, the credits due on it, the property on hand belonging to the railroad company or other public service corporation, and the judicial or other sales of said road, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor. The Commission shall also ascertain the amounts paid for salaries to the officers of the railroad, or other public service corporation, and the wages paid its employees. For the purpose in this section named, the Commission may employ experts to assist them when needed, and from time to time, as the information required by this section is obtained, it shall communicate the same to the Attorney-General by report, and file a duplicate thereof with the State Examiner and inspector for public use, and said information shall be printed, from time to time, in the annual report of the Commission.

SEC. 30. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages over a shorter than a longer distance, along the same line and in the same direction—the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the Commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation rates, or to special rates for services rendered to this State, or to the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the Commission.

SEC. 31. No railroad, oil pipe line, telephone, telegraph, express or car corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business in this State, shall be entitled to the benefit of the right of eminent domain in this State until it shall have become a body corporate pursuant to or in accordance with the laws of this State.

SEC. 32. The said Commission shall have power, and it is hereby made its duty, to investigate all through freight or passenger rates on railroads in this State, and when the same are, in the opinion of the Commission, excessive or levied or laid in violation of the interstate commerce law, or the rules and regulations of the Interstate Commerce Commission, the proper officials of the railroads are to be notified of the facts and requested to reduce them or make the proper corrections, as the case may be. When the rates are not changed, or the proper corrections are not made according to the request of the Commission, it shall be the duty of the latter to notify the Interstate Commerce Commission and to make proper application to it for relief, and the Attorney-General or such other persons as may be designated by law shall represent the Commission in all such matters.

SEC. 33. Any person, firm, or corporation owning or operating any coal, lead, iron, or zinc mine, or any saw mill, grain elevator, or other industry, whenever the Commission shall reasonably determine that the amount of business is sufficient to justify the same, near or within a reasonable distance of any track, may, at the expense of such person, firms, or corporation build and keep in repair a switch leading from such railroad to such mine, saw mill, elevator or other industry; such

railroad company shall be required to furnish the switch stand and frog and other necessary material for making connection with such side-track or spur under such reasonable terms, conditions and regulations as the said Commission may prescribe, and shall make connection therewith. The party owning such line, saw mill, elevator or other industry shall pay the actual cost thereof. If any railroad company, after proper demand therefor is made, shall refuse to furnish said material for making said connection and put the same in place, or after the building of such switch, shall fail or refuse to operate the same, such railroad company failing and refusing for a reasonable time, shall forfeit and pay to the party or corporation aggrieved, the sum of five hundred dollars for each and every offense, to be recovered by civil action in any court of competent jurisdiction; and every day of such refusal on the part of the railroad company to operate such switch as aforesaid, after such demand is made, shall be deemed a separate offense.

SEC. 34. As used in this article, the term "transportation company" shall include any company, corporation, trustee, receiver, or any other person owning, leasing, or operating for hire, a railroad, street railway, canal, steamboat line, and also any freight-car company, car association, express company, sleeping-car company, car corporation, or company, trustee, or person in any way engaged in such business as a common carrier over a route acquired in whole or in part under the right of eminent domain, or under any grant from the Government of the United States; the term "rate" shall be construed to mean rate of charge for any service rendered, or to be rendered; the terms "rate," "charge," and "regulation," shall include joint rates, joint charges, and joint regulations, respectively; the term "transmission company" shall include any company, receiver or other person, owning, leasing, or operating for hire any telegraph or telephone line; the term "freight" shall be construed to mean any property transported or received for transportation, by any transportation company. The term "public-service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any right of way, street, alley, or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person" as used in this article, shall include individuals, partnerships and corporations, in the singular as well as plural number; the term "bond" shall mean all certificates or written evidences of indebtedness issued by any corporation and secured by mortgage or trust deed. The term "frank" shall mean any writing or token issued by or under authority of a transmission company, entitling the holder to any service from such company free of charge.

The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

SEC. 35. After the second Monday in January, nineteen hundred and nine, the Legislature may, by law, from time to time, alter, amend, revise, or repeal sections from eighteen to thirty-four, inclusive, of this article, or any of them, or any amendments thereof: *Provided*, That no amendment made under authority of this section shall contravene the provisions of any part of this Constitution other than the said sections last above referred to or any such amendments thereof.

FELLOW SERVANTS.

SEC. 36. The common law doctrine of the fellow-servant, so far as it affects the liability of the master for injuries to his servant, resulting from the acts or omissions of any other servant or servants of the common master, is abrogated as to every employee of every railroad company and every street railway company or interurban railway company, and of every person, firm, or corporation engaged in mining in this State; and every such employee shall have the same right to recover for every injury suffered by him for the acts or omissions of any other employee or employees of the common master that a servant would have if such acts or omissions were those of the master himself in the performance of a nonassignable duty; and when death, whether instantaneous or not, results to such employee from any injury for which he could have recovered under the above provisions, had not death occurred, then his legal or personal representative, surviving consort or relatives, or any trustee, curator, committee or guardian of such consort or relatives, shall have the same rights and remedies with respect thereto, as if death had been caused by the negligence of the master. And every railroad company and every street railway company or interurban railway company, and every person, firm, or corporation engaged in underground mining in this State shall be liable under this section, for the acts of his or its receivers.

Nothing contained in this section shall restrict the power of the Legislature to extend to the employees of any person, firm, or corporation, the rights and remedies herein provided for.

PASSENGER FARE.

SEC. 37. No person, company, or corporation, receiver, or other agency, operating a railroad, other than street railroad or electric railroad, in whole or in part, within this State, shall demand or receive for first-class transportation for each passenger, between points within this State on the portion of its road operated within this State, more than two cents per mile, until otherwise provided by law: *Provided, however*, The Corporation Commission shall have the power to exempt any railroad from the operation of this section upon satisfactory proof that it cannot earn a just compensation for the services rendered by it to the public, if not permitted to charge more than two cents per mile for the transportation of passengers within the State.

PRIVATE CORPORATIONS.

SEC. 38. No private corporation shall be created nor foreign corporation licensed to conduct business in the State, except by general law.

SEC. 39. No corporation shall issue stock except for money, labor done, or property actually received to the amount of the par value thereof, and all fictitious increase of stock or indebtedness shall be void, and the Legislature shall prescribe the necessary regulations to prevent the issue of fictitious stock or indebtedness. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after thirty days' notice given in pursuance of law.

SEC. 40. No corporation organized or doing business in this State shall be permitted to influence elections or official duty by contributions of money or anything of value.

SEC. 41. No corporation chartered or licensed to do business in this State shall own, hold, or control, in any manner whatever, the stock of any competitive corporation or corporations engaged in the same kind of business, in or out of the State, except such stock as may be pledged in good faith to secure bona fide indebtedness acquired upon foreclosure, execution sale, or otherwise for the satisfaction of debt. In all cases where any corporation acquires stock in any other corporation, as herein provided, it shall be required to dispose of the same within twelve months from the date of acquisition; and during the period of its ownership of such stock it shall have no right to participate in the control of such corporation, except when permitted by order of the Corporation Commission. No trust company, or bank or banking company shall own, hold, or control, in any manner whatever, the stock of any other trust company, or bank or banking company, except such stock as may be pledged in good faith to secure bona fide indebtedness, acquired upon foreclosure, execution sale, or otherwise for the satisfaction of debt; and such stock shall be disposed of in the time and manner hereinbefore provided.

SEC. 42. Every license issued or charter granted to a mining or public service corporation, foreign or domestic, shall contain a stipulation that such corporation will submit any difference it may have with employees in reference to labor, to arbitration, as shall be provided by law.

SEC. 43. No corporation, foreign or domestic, shall be permitted to do business in this State without first filing in the office of the Corporation Commission a list of its stockholders, officers, and directors, with the residence and post-office address of, and the amount of stock held by each. And every foreign corporation shall, before being licensed to do business in the State, designate an agent residing in the State; and service of summons or legal notice may be had on such designated agent and such other agents as now are or may hereafter be provided for by law. Suit may be maintained against a foreign corporation in the county where an agent of such corporations may be found, or in the county of the residence of plaintiff, or in the county where the cause of action may arise.

SEC. 44. No foreign corporation shall be authorized to carry on in this State any business which a domestic corporation is prohibited from doing, or be relieved from compliance with any of the requirements made of a similar domestic corporation by the Constitution or laws of the State. Nothing in this article, however, shall restrict or limit the power of the Legislature to impose conditions under which foreign corporations may be licensed to do business in this State.

SEC. 45. Until otherwise provided by law, no person, firm, association, or corporation engaged in the production, manufacture, distribution, or sale of any commodity of general use, shall, for the purpose of creating a monopoly or destroying competition in trade, discriminate between different persons, associations, or corporations, or different sections, communities, or cities of the State, by selling such commodity at a lower rate in one section, community, or city than in another, after making due allowance for the difference, if any, in the grade, quantity, or quality, and in the actual cost of transportation from the point of production or manufacture.

SEC. 46. All existing charters or grants of special or exclusive privileges under which a bona fide organization shall not have taken place and business commenced in good faith at the time this Constitution becomes effective, shall thereafter have no validity.

SEC. 47. The Legislature shall have power to alter, amend, annul, revoke, or repeal any charter of incorporation or franchise now existing and subject to be altered, amended, annulled, revoked, or repealed at the time of the adoption of this Constitution, or any that may be hereafter created, whenever in its opinion it may be injurious to the citizens of this State, in such manner, however, that no injustice shall be done to the incorporators.

SEC. 48. The Legislature shall provide such penalties and regulations as may be necessary for the proper enforcement of the provisions of this article.

ARTICLE X.

REVENUE AND TAXATION.

SECTION 1. The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

SEC. 2. The Legislature shall provide by law for an annual tax sufficient, with other resources, to defray the estimated ordinary expenses of the State for each fiscal year.

SEC. 3. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year, which, with other resources, shall be sufficient to pay the deficiency, as well as the estimated ordinary expenses of the State for the ensuing year.

SEC. 4. For the purpose of paying the State debt, if any, the Legislature shall provide for levying a tax, annually, sufficient to pay the annual interest and principal of such debt, within twenty-five years from the final passage of the law creating the debt.

SEC. 5. The power of taxation shall never be surrendered, suspended, or contracted away. Taxes shall be uniform upon the same class of subjects.

SEC. 6. All property used for free public libraries, free museums, public cemeteries, property used exclusively for schools, colleges, and all property used exclusively for religious and charitable purposes, and all property of the United States, and of this State, and of counties and of municipalities of this State; household goods of the heads of families, tools, implements, and live stock employed in the support of the family, not exceeding one hundred dollars in value, and all growing crops, shall be exempt from taxation: *Provided*, That all property not herein specified now exempt from taxation under the laws of the Territory of Oklahoma, shall be exempt from taxation until otherwise provided by law: *And provided further*, That there shall be exempt from taxation to all ex-Union and ex-Confederate soldiers, bona fide residents of this State, and to all widows of ex-Union and ex-Confederate soldiers, who are heads of families and bona fide residents of this State, personal property not exceeding two hundred dollars in value.

All property owned by the Murrow Indian Orphan Home, located in Coal County, and all property owned by the Whittaker Orphan Home, located in Mayes County, so long as the same shall be used exclusively as free homes or schools for orphan children, and for poor and indigent persons, and all fraternal orphan homes, and other orphan homes, together with all their charitable funds, shall be exempt from taxation, and such property as may be exempt by reason of treaty stipulations, existing between the Indians and the United States Government, or by Federal laws, during the force and effect of such treaties or Federal laws. The Legislature may authorize any incorporated city or town, by a majority vote of its electors voting thereon, to exempt manufacturing establishments and public utilities from municipal taxation, for a period not exceeding five years, as an inducement to their location.

SEC. 7. The Legislature may authorize county and municipal corporations to levy and collect assessments for local improvements upon prop-

erty benefited thereby, homesteads included, without regard to a cash valuation.

SEC. 8. All property which may be taxed advalorem shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer, or other person authorized to assess values, or subjects, for taxation, who shall commit any willful error in the performance of his duty, shall be deemed guilty of malfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law.

SEC. 9. Except as herein otherwise provided, the total taxes, on an advalorem basis, for all purposes, State, county, township, city or town, and school district taxes, shall not exceed in any one year thirty-one and one-half mills on the dollar, to be divided as follows:

State levy, not more than three and one-half mills; county levy, not more than eight mills: *Provided*, That any county may levy not exceeding two mills additional for county high school and aid to the common schools of the county, not over one mill of which shall be for such high school, and the aid to said common schools shall be apportioned as provided by law; township levy, not more than five mills; city or town levy, not more than ten mills; school district levy, not more than five mills on the dollar for school district purposes, for support of common school: *Provided*, That the aforesaid annual rate for school purposes may be increased by any school district by an amount not to exceed ten mills on the dollar valuation, on condition that a majority of the voters thereof voting at an election, vote for said increase.

SEC. 10. For the purpose of erecting public buildings in counties, cities, or school districts, the rates of taxation herein limited, may be increased, when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and a majority of the qualified voters of such county, city, or school district, voting at such election, shall vote therefor: *Provided*, That such increase shall not exceed five mills on the dollar of the assessed value of the taxable property in such county, city, or school district.

SEC. 11. The receiving, directly or indirectly, by any officer of the State, or of any county, city, or town, or member or officer of the Legislature, of any interest, profit, or perquisites, arising from the use or loan of public funds in his hands or moneys to be raised through his agency for State, city, town, district, or county purposes shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

SEC. 12. The Legislature shall have power to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy, and succession taxes; also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and succession taxes; also stamp, registration, production or other specific taxes.

SEC. 13. The State may select its subjects of taxation, and levy and collect its revenues independent of the counties, cities, or other municipal subdivisions.

SEC. 14. Taxes shall be levied and collected by general laws, and for public purposes only, except that taxes may be levied when necessary to carry into effect section thirty-one of the Bill of Rights. Except as required by the enabling act, the State shall not assume the debt of any county, municipal corporation, or political subdivision of the State, unless such debt shall have contracted to defend itself in time of war, to repel invasion, or to suppress insurrection.

SEC. 15. The credit of the State shall not be given, pledged, or loaned to any individual, company, corporation, or association, municipality, or politicl subdivision of the State; nor shall the State become an owner or stockholder in, nor make donation by gift, subscription to stock, by tax or otherwise, to any company, association, or corporation.

SEC. 16. All laws authorizing the borrowing of money by and on behalf of the State, county, or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

SEC. 17. The Legislature shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for, or levy any tax for, or to loan its credit to any corporation, association, or individual.

SEC. 18. The Legislature may authorize the levy and collection of a poll tax on all electors of this State, under sixty years of age, not exceeding two dollars per capita, per annum, and may provide a penalty for the non-payment thereof.

SEC. 19. Every act enacted by the Legislature, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

SEC. 20. The Legislature shall not impose taxes for the purpose of any county, city, town, or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect such taxes.

SEC. 21. There shall be a State Board of Equalization consisting of the Governor, State Auditor, State Treasurer, Secretary of State, Attorney-General, State Inspector and Examiner, and President of the Board of Agriculture. The duty of said Board shall be to adjust and equalize the valuation of real and personal property of the several counties in the State, and it shall perform such other duties as may be prescribed by law, and they shall assess all railroad and public service corporation property.

SEC. 22. Nothing in this Constitution shall be held, or construed, to prevent the classification of property for purposes of taxation; and the valuation of different classes by different means or methods.

PUBLIC INDEBTEDNESS.

SEC. 23. The State may, to meet casual deficits or failure in revenues, or for expenses not provided for, contract debts; but such debts, direct and contingent, singly or in the aggregate, shall not, at any time, exceed four hundred thousand dollars, and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debts so contracted, and to no other purpose whatever.

SEC. 24. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection or to defend the State in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

SEC. 25. Except the debts specified in sections twenty-three and twenty-four of this article, no debts shall hereafter be contracted by or on behalf of this State, unless such debt shall be authorized by law for some work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due and also to pay and discharge the principal of such debt within twenty-five years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either House of the Legislature, the question shall be taken by yeas and nays, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

SEC. 26. No county, city, town, township, school district, or other political corporation, or subdivision of the State, shall be allowed to become indebted, in any manner, for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of three-fifths of the voters thereof, voting at an election, to be held for that purpose, nor in cases requiring such assent, shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate exceeding five per centum of the valuation of the taxable property therein, to be ascertained from the last assessment for State and county purposes previous to the incurring of such indebtedness: *Provided*, That any county, city, town, township, school district, or other political corporation, or subdivision of the State, incurring any indebtedness, requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same.

SEC. 27. Any incorporated city or town in this State may, by a majority of the qualified property taxpaying voters of such city or town, voting at an election to be held for that purpose, be allowed to become indebted in a larger amount than that specified in section twenty-six, for the purpose of purchasing or constructing public utilities, or for repairing the same, to be owned exclusively by such city: *Provided*, That any such city or town incurring any such indebtedness requiring the assent of the voters as aforesaid, shall have the power to provide for, and, before or at the time of incurring such indebtedness, shall provide for the collection of an annual tax in addition to the other taxes provided for by this Constitution, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same.

SEC. 28. Counties, townships, school districts, cities, and towns shall levy sufficient additional revenue to create a sinking fund to be used, first, for the payment of interest coupons as they fall due; second, for the payment of bonds as they fall due; third, for the payments of such parts of judgments as such municipality may, by law, be required to pay.

SEC. 29. No bond or evidence of indebtedness of this State shall be valid unless the same shall have indorsed thereon a certificate, signed by the Auditor and Attorney-General of the State, showing that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or any other political subdivision of any county, shall be valid unless the same have indorsed thereon a certificate signed by the County Clerk, or other officer authorized by law to sign such certificate, and the County Attorney of the county, stating that said bond, or evidence of debt, is issued pursuant to law, and that said issue is within the debt limit.

SEC. 30. The Legislature shall require all money collected by taxation, or by fees, fines, and public charges of every kind, to be accounted for by a system of accounting that shall be uniform for each class of accounts, State and local, which shall be prescribed and audited by authority of the State.

ARTICLE XI.

STATE AND SCHOOL LANDS.

SECTION 1. The State hereby accepts all grants of land and donations of money made by the United States under the provisions of the Enabling Act, and any other Acts of Congress, for the uses and purposes and upon the conditions, and under the limitations for which the same are granted or donated; and the faith of the State is hereby pledged to preserve such lands and moneys and all moneys derived from the sale of any of said lands as a sacred trust, and to keep the same for the uses and purposes for which they were granted or donated.

SEC. 2. All proceeds of the sale of public lands that have heretofore been or may be hereafter given by the United States for the use and benefit of the common schools of this State, all such per centum as may be granted by the United States on the sales of public lands, the sum of five million dollars appropriated to the State for the use and benefit of the common schools in lieu of sections sixteen and thirty-six, and other lands of the Indian Territory, the proceeds of all property that shall fall to the State by escheat, the proceeds of all gifts or donations to the State for common schools not otherwise appropriated by the terms of the gifts, and such other appropriations, gifts, or donations as shall be made by the Legislature for the benefit of the common schools, shall constitute the permanent school fund, the income from which shall be used for the maintenance of the common schools in the State. The principal shall be deemed a trust fund held by the State, and shall forever remain inviolate. It may be increased, but shall never be diminished. The State shall reimburse said permanent school fund for all losses thereof which may in any manner occur, and no portion of said fund shall be diverted for any other use or purpose.

SEC. 3. The interest and income of the permanent school fund, the net income from the leasing of public lands which have been or may be granted by the United States to the State for the use and benefit of the common schools, together with any revenues derived from taxes authorized to be levied for such purposes, and any other sums which may be added thereto by law, shall be used and applied each year for the benefit of the common schools of the State, and shall be, for this purpose, apportioned among and between all the several common school districts of the State in proportion to the school population of the several districts, and no part of the fund shall ever be diverted from this purpose, or used for any other purpose than the support and maintenance of common schools for the equal benefit of all the people of the State.

SEC. 4. All public lands set apart to the State by Congress for charitable, penal, educational, and public building purposes, and all lands taken in lieu thereof, may be sold by the State, under such rules and regulations as the Legislature may prescribe, in conformity with the regulations of the Enabling Act.

SEC. 5. Section thirteen in every portion of the State, which has been granted to the State, shall be preserved for the use and benefit of the University of Oklahoma and the University Preparatory School, one-third; of the normal schools now established, or hereafter to be established, one-third; and of the Agricultural and Mechanical College and Colored Agricultural and Normal University, one-third. The

said lands or the proceeds thereof as above apportioned to be divided between the institutions as the Legislature may prescribe: *Provided*, That the said lands so reserved, or the proceeds of the sale thereof, or of any indemnity lands granted in lieu of section thirteen shall be safely kept or invested and preserved by the State as a trust, which shall never be diminished, but may be added to, and the income thereof, interest, rentals, or otherwise, only shall be used exclusively for the benefit of said educational institutions. Such educational institutions shall remain under the exclusive control of the State and no part of the proceeds arising from the sale or disposal of any lands granted for educational purposes, or the income or rentals thereof, shall be used for the support of any religious or sectarian school, college, or university, and no portion of the funds arising from the sale of sections thirteen or any indemnity lands selected in lieu thereof, either principal or interest, shall ever be diverted, either temporarily or permanently, from the purpose for which said lands were granted to the State.

SEC. 6. The permanent common school and other educational funds shall be invested in first mortgages upon good and improved farm lands within the State (and in no case shall more than fifty per centum of the reasonable valuation of the lands without improvements be loaned on any tract), Oklahoma State bonds, county bonds of the counties of Oklahoma, school district bonds of the school districts of Oklahoma, United States bonds; preference to be given to the securities in the order named.

The Legislature shall provide the manner of selecting the securities aforesaid, prescribe the rules, regulations, restrictions, and conditions upon which the funds aforesaid shall be loaned or invested, and do all things necessary for the safety of the funds and permanency of the investment.

ARTICLE XII.

HOMESTEAD AND EXEMPTIONS.

SECTION 1. The homestead of any family in this State, not within any city, town, or village, shall consist of not more than one hundred and sixty acres of land, which may be in one or more parcels, to be selected by the owner. The homestead within any city, town, or village, owned and occupied as a residence only, shall consist of not exceeding one acre of land, to be selected by the owner: *Provided*, That the same shall not exceed in value the sum of five thousand dollars, and in no event shall the homestead be reduced to less than one-quarter of an acre, without regard to value; *And provided further*, That in case said homestead is used for both residence and business purposes, the homestead interests therein shall not exceed in value the sum of five thousand dollars: *Provided*, That nothing in the laws of the United States, or any treaties with the Indian Tribes in the State, shall deprive any Indian or other allottee of the benefit of the homestead and exemption laws of the State: *And provided further*, That any temporary renting of the homestead shall not change the character of the same when no other homestead has been acquired.

SEC. 2. The homestead of the family shall be, and is hereby protected from forced sale, for the payment of debts, except for the purchase money therefor or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon; nor shall the owner, if married, sell the homestead without the consent of his or her spouse, given in such manner as may be prescribed by law: *Provided*, Nothing in this article shall prohibit any person from mortgaging his homestead, the spouse, if any, joining therein; nor prevent the sale thereof on foreclosure to satisfy any mortgage.

SEC. 3. After the adoption of this constitution, paragraph three of section four, and section five, of Chapter thirty-four, Statutes of Oklahoma, of 1893, shall be inoperative: *Provided*, That no property shall be exempt for any part of the purchase price while the same or any part thereof, remains in the possession of the original vendee, or in possession of any purchaser from such vendee, with notice: *And provided further*, Nothing in this Constitution shall prevent or prohibit any person from mortgaging or encumbering his personal exemptions.

The Legislature may change or amend the terms of this article.

ARTICLE XIII.

EDUCATION.

SECTION 1. The Legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated.

SEC. 2. The Legislature shall provide for the establishment and support of institutions for the care and education of the deaf, dumb, and blind of the State.

SEC. 3. Separate schools for white and colored children with like accommodation shall be provided by the Legislature and impartially maintained. The term "colored children," as used in this section, shall be construed to mean children of African descent. The term "white children" shall include all other children.

SEC. 4. The Legislature shall provide for the compulsory attendance at some public or other school, unless other means of education are provided, of all the children in the State who are sound in mind and body, between the ages of eight and sixteen years, for at least three months in each year.

SEC. 5. The supervision of instruction in the public schools shall be vested in a Board of Education, whose powers and duties shall be prescribed by law. The Superintendent of Public Instruction shall be President of the Board. Until otherwise provided by law, the Governor, Secretary of State, and Attorney-General shall be ex officio members, and with the Superintendent, compose said Board of Education.

SEC. 6. The Legislature shall provide for a uniform system of text books for the common schools of the State.

SEC. 7. The Legislature shall provide for the teaching of the elements of agriculture, horticulture, stock feeding, and domestic science in the common schools of the State.

ARTICLE XIV.

BANKS AND BANKING.

SECTION 1. General laws shall be enacted by the legislature providing for the creation of a Banking Department, to be under the control of a Bank Commissioner, who shall be appointed by the Governor for a term of four years, by and with the consent of the Senate, with sufficient power and authority to regulate and control all State banks, loan, trust, and guaranty companies, under laws which shall provide for the protection of depositors and individual stockholders.

SEC. 2. The legal rate of interest shall not exceed six per centum per annum in the absence of any contract as to the rate of interest, and, by contract, parties may agree upon any rate not to exceed ten per centum per annum, and, until reduced by the Legislature, said rates of six and ten per centum shall be, respectively, the legal and the maximum contract rates of interest.

SEC. 3. The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case a greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover from the person, firm, or corporation taking or receiving the same, in an action in the nature of an action of debt, twice the amount of the interest so paid: *Provided*, such action shall be brought within two years after the maturity of such usurious contract: *Provided, however*, That this section may be subject to such changes as the Legislature may prescribe.

ARTICLE XV.

OATH OF OFFICE.

SECTION 1. Senators and Representatives and all Judicial, State, and County Officers shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

"I, ——, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid, or contributed, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law, and I further swear (or affirm) that I will not receive, use, or travel upon any free pass or on free transportation during my term of office."

SEC. 2. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of State, and in case of other judicial and county officers, in the office of the clerk of the county in which the same is taken; any person refusing to take said oath, or affirmation, shall forfeit his office, and any person who shall have been convicted of having sworn or affirmed falsely, or having violated said oath, or affirmation, shall be guilty of perjury, and shall be disqualified from holding any office of trust or profit within the State. The oath to members of the Senate and House of Representatives shall be administered in the hall of the house to which the members shall have been elected, by one of the judges of the Supreme Court, or in case no such judge is present, then by any person authorized to administer oaths.

ARTICLE XVI.

PUBLIC ROADS, HIGHWAYS, AND INTERNAL IMPROVEMENTS.

SECTION 1. The Legislature is directed to establish a Department of Highways, and shall have power to create improvement districts and provide for building and maintaining public roads, and may provide for the utilization of convict and punitive labor thereon.

SEC. 2. The State of Oklahoma hereby accepts all reservations and lands for public highways made under any grant, agreement, treaty, or act of Congress: *Provided*, This section shall not be construed to prejudice the vested rights of any tribe, allottee, or other person to any such land.

LEVEES, DRAINS, AND DITCHES.

SEC. 3. The Legislature shall have power and shall provide for a system of levees, drains, and ditches and of irrigation in this State when deemed expedient, and provide for a system of taxation on the lands affected or benefited by such levees, drains, and ditches and irrigation, or on crops produced on such land; to discharge such bonded indebtedness or expenses necessarily incurred in the establishment of such improvements; and to provide for compulsory issuance of bonds by the owners or lessees of the lands benefited or affected by such levees, drains, and ditches or irrigation.

ARTICLE XVII.

COUNTIES—COUNTY AND TOWNSHIP GOVERNMENT.

SECTION 1. Each county in this State, now or hereafter organized, shall be a body politic and corporate.

SEC. 2. There are hereby created, subject to change by the Legislature, in and for each organized county of this State, the offices of Judge of the County Court, County Attorney, Clerk of the District Court, County Clerk, Sheriff, County Treasurer, Register of Deeds, County Surveyor, Superintendent of Public Instruction, three County Commissioners, and such municipal township officers as are now provided for under the laws of the Territory of Oklahoma, except as in this Constitution otherwise provided.

SEC. 3. The several counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of the county.

CREATING OR ALTERING COUNTIES.

SEC. 4. The Legislature shall provide by general laws for the creation of new counties or altering or changing lines and the equitable division of assets and of liabilities, and the original location of county seats in such new counties: *Provided*, That every such question shall be submitted to the vote of the qualified electors residing in the territory to be formed into such new county or transferred to another county, and shall be approved by sixty per centum of the votes cast in said election: *Provided*, That no new county shall be formed of less than four hundred square miles taxable area, nor with a population less than fifteen thousand people, nor with taxable wealth less than two and one-half million dollars, as shown by the current tax rolls. Nor shall any territory be taken from an existing county for any purpose bringing the newly created line of such existing county nearer than ten miles to the county seat thereof. Nor shall the taxable area, population or taxable wealth of said existing county be reduced below that required for a new county. Nor shall any territory, in any case, be transferred from one county to an existing county, if, by such transfer of territory, the county from which the territory be taken will then be smaller in area than the county to which the addition is made: *Provided*, That when territory is to be transferred from an existing county to either a new or an existing county, there must be sixty per

centum of the vote cast in such particular territory in favor of the transfer, and, in case the transfer be to an existing county, the acceptance of such territory must first be approved by a majority vote of the electors of said county, at an election to be called and held therefor, as may be provided by law. The limitation as to area, valuation, and population shall not be increased by the Legislature.

SEC. 5. When, at any time hereafter, the aggregate value of all taxable property in any one county be a sum total less than two and one-half million dollars, upon petition of one-fourth or more of the qualified electors of such county, as shown by the last general election, signed, verified, and filed with the county commissioners thereof, not less than sixty days before the date of any general election, such county commissioners shall submit, upon the ballot at such next ensuing general election, to the qualified electors of the county, the question: "Shall the county be unorganized county?" "Yes" or "No." If a majority of the votes cast on this question at such election shall be in the affirmative, such county shall thereafter be unorganized and be attached to and be a part of the adjoining county having the lowest valuation of taxable property; and shall so remain as a district in such county until such time as the qualified electors of such unorganized county shall, by similar petition and vote, declare in favor of separate organized county existence: *Provided, however,* That at all times during such unorganized existence, such county shall have four terms of county court at the county seat therein each year, and the judge of the county court shall appoint a clerk of the county of said district, from among the qualified electors thereof, who shall keep and maintain his office at such county seat: *Provided, further,* That while so unorganized, such county shall, in all respects, be part and parcel of the county with which it is united.

REMOVAL OF COUNTY SEATS.

SEC. 6. The towns herein named as county seats shall be and remain the county seats of their respective counties until changed by vote of the qualified electors of such county, in the following manner:

(*a*) Upon a petition or petitions in writing, signed by twenty-five per centum of the qualified electors of the county, such per centum to be determined by the total vote cast in such county for the head of the State ticket in the next preceding general election, said petition or petitions being verified by an affidavit showing that the petitioners are qualified electors of said county, and such petition or petitions having been filed with the Governor at any time after four months after the admission of the State into the Union, the Governor shall within thirty days issue his proclamation calling an election to be held in such county not less than sixty nor more than seventy days from the date of his proclamation.

Such election shall be held under the provisions of the election laws of the State, and upon such public notice of such election as the Governor in his proclamation may direct; and the Governor shall cause to be placed upon the tickets to be voted at such election only the names of such towns as may, more than twenty days prior to such election, file with the Governor verified petitions therefor, as above mentioned, signed by not less than three hundred qualified electors of said county.

(The word "town," as herein used, shall be construed to mean town, city, or place.)

(*b*) Upon the holding of any such election the board of canvassers shall certify and return said vote to the Governor, who shall thereupon at once declare the result and cause the will of the electors to be carried into effect: *Provided,* That in all elections for the removal of any of the county seats named in this Constitution the following rules shall govern, until the county seat is once located by a vote of the people, but not later than the first day of April, nineteen hundred and nine: *Provided, further,* In case the necessary and proper petition for the holding of an election for the removal of a county seat shall be filed with the Governor, for over six months prior to the first day of April, nineteen hundred and nine (1909), in accordance with the foregoing provisions, and if such election or elections are delayed or postponed on account of any injunction or legal proceedings then the time limit provided in the subdivision of this section shall be extended the length of time that such election or elections are delayed or postponed by such injunction or legal proceedings.

If a majority of all the votes cast in the county at such county seat election shall be in favor of any town, such town shall thereafter be the county seat: *Provided, however,* That where the county seat named in this Constitution is within six miles of the geographical center of the county (said geographical center to be determined by certificate from the Secretary of State, and said distance to be determined by measurement from said geographical center to the nearest corporate limits of such county seat, as they existed on the twenty-first day of January, nineteen hundred and seven), it shall require sixty per centum of the total vote cast at such election by the competing town to effect the removal of such county seat, unless such competing town be more than one mile nearer the geographical center of said county, in which event a majority vote shall suffice; but if more than two towns are voted for and no town receive the requisite proportion of all the votes cast, then all names of towns voted for on said ballot, except the two receiving the greatest number of votes, shall be dropped; and the Governor shall, in like time and manner, cause to be called and held a second election, at which only two towns which received the greatest number of votes cast at the first election shall be voted for; and the town receiving the requisite proportion of the votes cast at the second election shall be the county seat: *Provided,* That, after the first day of April, nineteen hundred and nine, all county seats shall be subject to removal under the above named provisions; but, the town to which removal is sought must receive two-thirds of all votes cast in such county at the election held therefor, and such elections shall not occur at intervals of less than ten years: *Provided, further,* That until after the first day of April, nineteen hundred and nine, no public money shall be expended for court house or jail construction unless a vote of the people of such county shall have been taken on the re-location of the county seat.

SEC. 7. Any person or corporation offering money or other thing of value, either directly or indirectly, for the purpose of influencing any voter for or against any competing town in such election, shall be deemed guilty of bribery.

ARTICLE XVIII.

MUNICIPAL CORPORATIONS.

SECTION 1. Municipal corporations shall not be created by special laws, but the Legislature, by general laws shall provide for the incorporation and organization of cities and towns and the classification of same in proportion to population, subject to the provisions of this article.

SEC. 2. Every municipal corporation now existing within this State shall continue with all of its present rights and powers until otherwise provided by law, and shall always have the additional rights and powers conferred by this Constitution.

CHARTERS.

SEC 3. (*a*) Any city containing a population of more than two thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of freeholders, composed of two from each ward, who shall be qualified electors of said city, to be elected by the qualified electors of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board or a majority of them, and returned, one copy of said charter for such city, which shall be signed in duplicate by the members Register of Deeds of the county in which said city shall be situated. Such proposed charter shall then be published in one or more newspapers published and of general circulation within said city, for at least twenty-one days, if in a daily paper, or in three consecutive issues, if in a weekly paper, and the first publication shall be made within twenty days after the completion of the charter; and within thirty days, and not earlier than twenty days after such publication, it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Governor for his approval, and the Governor shall approve the same if it shall not be in conflict with the Constitution and laws of this State. Upon such approval it shall become the organic law of such city and supersede any existing charter and all amendments thereof and all ordinances inconsistent with it. A copy of such charter, certified by the chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them shall, after the approval of such charter by the Governor, be made in duplicate and deposited, one in the office of the Secretary of State, and the other, after being recorded in the office of said Register of Deeds, shall be deposited in the archives of the city; and thereafter all courts shall take judicial notice of said charter. The charter so ratified may be amended by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof (or by petition as hereinafter provided) at a general or special election, and ratified by a majority of the qualified electors voting thereon, and approved by the Governor as herein provided for the approval of the charter.

SEC. 3. (*b*) An election of such board of freeholders may be called at any time by the legislative authority of any such city, and such election shall be called by the chief executive officer of any such city within ten days after there shall have been filed with him a petition demanding the same, signed by a number of qualified electors residing within such city, equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election; and such election shall be held not later than thirty days after the call therefor. At such election a vote shall be taken upon the question of whether or not further proceedings toward adopting a charter shall be had in pursuance to the call, and unless a majority of the qualified electors voting thereon shall vote to proceed further, no further proceeding shall be had, and all proceedings up to that time shall be of no effect.

INITIATIVE AND REFERENDUM.

SEC. 4. (*a*) The powers of the initiative and referendum, reserved by this Constitution to the people of the State and the respective counties and districts therein, are hereby reserved to the people of every municipal corporation now existing or which shall hereafter be created within this State, with reference to all legislative authority which it may exercise, and amendments to charters for its own government in accordance with the provisions of this Constitution.

SEC. 4. (*b*) Every petition for either the initiative or referendum in the government of a municipal corporation shall be signed by a number of qualified electors residing within the territorial limits of such municipal corporation, equal to twenty-five per centum of the total number of votes cast at the next preceding election, and every such petition shall be filed with the chief executive officer of such municipal corporation.

SEC. 4. (*c*) When such petition demands the enactment of an ordinance or other legal act other than the grant, extension, or renewal of a franchise, the chief executive office shall present the same to the legislative body of such corporation at its next meeting, and unless the said petition shall be granted more than thirty days before the next election at which any city officers are to be elected, the chief executive officer shall submit the said ordinance or act so petitioned for, to the qualified electors at said election; and if a majority of said electors voting thereon shall vote for the same, it shall thereupon become in full force and effect.

SEC. 4. (*d*) When such petition demands a referendum vote upon any ordinance or any other legal act other than the grant, extension, or renewal of a franchise, the chief executive officer shall submit said ordinance or act to the qualified electors of said corporation at the next succeeding general municipal election, and if, at said election, majority of the electors voting thereon shall not vote for the same, it shall thereupon stand repealed.

SEC. 4. (*e*) When such petition demands an amendment to a charter, the chief executive officer shall submit such amendment to the qualified electors of said municipal corporation at the next election of any officers of said corporation, and if, at said election, a majority of said electors voting thereon shall vote for such amendment, the same shall thereupon become an amendment to and a part of said charter, when approved by the Governor and filed in the same manner and form as an original charter is required by the provisions of this article to be approved and filed.

FRANCHISES.

SEC. 5. (*a*) No municipal corporation shall ever grant, extend, or renew a franchise, without the approval of a majority of the qualified electors residing within its corporate limits, who shall vote thereon at a general or special election; and the legislative body of any such corporation may submit any such matter for approval or disapproval to such electors at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice; and no franchise shall be granted, extended, or renewed for a longer term than twenty-five years.

SEC. 5. (*b*) Whenever a petition signed by a number of qualified electors of any municipal corporation equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election, demanding that a franchise be granted, extended, or renewed, shall be filed with the chief executive officer of said corporation,

the chief executive officer shall, within ten days thereafter, call a special election, at which he shall submit the question of whether or not such franchise shall be granted, extended, or renewed, and if, at said election, a majority of the said electors voting thereon shall vote for the grant, extension, or renewal of such franchise, the same shall be granted by the proper authorities at the next succeeding regular meeting of the legislative body of the city.

SEC. 6. Every municipal corporation within the State shall have the right to engage in any business or enterprise which may be engaged in by a person, firm, or corporation by virtue of a franchise from said corporation.

SEC. 7. No grant, extension, or renewal of any franchise or other use of the streets, alleys, or other public grounds or ways of any municipality, shall divest the State, or any of its subordinate subdivisions, of their control and regulation of such use and enjoyment.

Nor shall the power to regulate the charges for public services be surrendered; and no exclusive franchise shall ever be granted.

ARTICLE XIX.

INSURANCE.

SECTION 1. No foreign insurance company shall be granted a license or permitted to do business in this State until it shall have complied with the laws of the State, including the deposit of such collateral or indemnity for the protection of its patrons within this State as may be prescribed by law, and shall agree to pay all such taxes and fees as may at any time be imposed by law or act of the Legislature, on foreign insurance companies, and a refusal to pay such taxes or fees shall work a forfeiture of such license.

SEC. 2. Until otherwise provided by law, all foreign insurance companies, including surety and bond companies, doing business in the State, except fraternal insurance companies, shall pay to the Insurance Commissioner for the use of the State, an entrance fee as follows:

Each foreign Life Insurance Company, per annum, two hundred dollars; each Foreign Fire Insurance Company, per annum, one hundred dollars; each Foreign Accident and Health Insurance Company, jointly, per annum, one hundred dollars; each Surety and Bond Company, per annum, one hundred and fifty dollars; each Plate Glass Insurance Company (not accident) per annum, twenty-five dollars; each foreign live stock insurance company, per annum, twenty-five dollars.

Until otherwise provided by law, domestic companies excepted, each insurance company, including surety and bond companies, doing business in this State, shall pay an annual tax of two per centum on all premiums collected in the State, after all cancellations are deducted, and a tax of three dollars on each local agent.

SEC. 3. The revenue and tax provisions of this Constitution shall not include, but the State shall provide for, the following classes of insurance organizations not conducted for profit, and insuring only their own members:

First, farm companies insuring farm property and products thereon; second, Trades Insurance Companies insuring the property and interest of one line of business; third, Fraternal Life, Health, and Accident Insurance in Fraternal and Civic Orders, and in all of which the interests of the members of each respectively shall be uniform and mutual.

SEC. 4. All fees collected by the Insurance Commission shall be paid to the State Treasurer monthly.

ARTICLE XX.

MANUFACTURE AND COMMERCE.

SECTION 1. Nothing herein shall prevent the manufacture or sale of denatured alcohol under such regulations as may be prescribed by law.

SEC. 2. Until changed by the Legislature, the flash test provided for under the laws of Oklahoma Territory for all kerosene oil for illuminating purposes shall be 115 degrees Fahrenheit; and the specific gravity test for all such oil shall be 40 degrees Baumé.

ARTICLE XXI.

PUBLIC INSTITUTIONS.

SECTION 1. Educational, reformatory, and penal institutions, and those for the benefit of the insane, blind, deaf, and mute, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

ARTICLE XXII.

ALIEN AND CORPORATE OWNERSHIP OF LANDS.

SECTION 1. No alien or person who is not a citizen of the United States, shall acquire title to or own land in this State, and the Legislature shall enact laws whereby all persons not citizens of the United States, and their heirs, who may hereafter acquire real estate in this State by devise, descent, or otherwise, shall dispose of the same within five years upon condition of escheat or forfeiture to the State: *Provided*, This shall not apply to Indians born within the United States, nor to aliens or persons not citizens of the United States who may become bona fide residents of this State: *And provided further*, That this section shall not apply to lands now owned by aliens in this State.

SEC. 2. No corporation shall be created or licensed in this State for the purpose of buying, acquiring, trading, or dealing in real estate other than real estate located in incorporated cities and towns and as additions thereto; nor shall any corporation doing business in this State buy, acquire, trade, or deal in real estate for any purpose except such as may be located in such towns and cities and as additions to such towns and cities, and further except such as shall be necessary and proper for carrying on the business for which it was chartered or licensed, nor shall any corporation be created or licensed to do business in this State for the purpose of acting as agent in buying and selling land: *Provided, however*, That corporations shall not be precluded from taking mortgages on real estate to secure loans or debts or from acquiring title thereto upon foreclosure of such mortgages or in the collection of debts, conditioned that such corporation or corporations shall not hold such real estate for a longer period than seven years after acquiring such title: *And provided further*, That this section shall not apply to trust companies taking only the naked title to real estate in this State as a trustee, to be held solely as security for indebtedness pursuant to such trust: *And provided further*, That no public service corporation shall hold any land, or the title thereof, in any way whatever in this State, except as the same shall be necessary for the transaction and operation of its business as such public service corporation.

ARTICLE XXIII.

MISCELLANEOUS—LABOR.

SECTION 1. Eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any county or municipality.

CONVICT LABOR.

SEC. 2. The contracting of convict labor is hereby prohibited.

CHILD LABOR.

SEC. 3. The employment of children, under the age of fifteen years, in any occupation, injurious to health or morals or especially hazardous to life or limb, is hereby prohibited.

SEC. 4. Boys under the age of sixteen years, and women and girls, shall not be employed, underground, in the operation of mines; and, except in cases of emergency, eight hours shall constitute a day's work underground in all mines of the State.

SEC. 5. The Legislature shall pass laws to protect the health and safety of employees in factories, in mines, and on railroads.

CONTRIBUTORY NEGLIGENCE.

SEC. 6. The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact, and shall, at all times, be left to the jury.

PERSONAL INJURIES.

SEC. 7. The right of action to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation.

WAIVER OF RIGHTS.

SEC. 8. Any provision of a contract, express or implied, made by any person, by which any of the benefits of this Constitution, is sought to be waived, shall be null and void.

SEC. 9. Any provision of any contract or agreement, express or implied, stipulating for notice or demand other than such as may be provided by law, as a condition precedent to establish any claim, demand, or liability, shall be null and void.

CHANGE IN SALARY OR EMOLUMENTS.

SEC. 10. Except wherein otherwise provided in this Constitution, in no case shall the salary or emoluments of any public official be changed after his election or appointment, or during his term of office, unless by operation of law enacted prior to such election or appointment; nor shall the term of any public official be extended beyond the period for which he was elected or appointed: *Provided*, That all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

DEFINITION OF RACES.

SEC. 11. Wherever in this Constitution and laws of this State, the word or words, "colored" or "colored race," "negro" or "negro race," are used, the same shall be construed to mean or apply to all persons of African descent. The term "white race" shall include all other persons.

ARTICLE XXIV.

CONSTITUTIONAL AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the Secretary of State to the people for their approval or rejection, at the next regular general election, except when the Legislature, by two-thirds vote of each house, shall order a special election for that purpose. If a majority of all the electors voting at such election shall vote in favor of any amendment thereto, it shall thereby become a part of this Constitution.

If two or more amendments are proposed they shall be submitted in such manner that electors may vote for or against them separately.

SEC. 2. No convention shall be called by the Legislature to propose alterations, revisions, or amendments to this Constitution, or to propose a new Constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular or special election, and any amendments, alterations, revisions, or new Constitution, proposed by such convention, shall be submitted to the electors of the State at a general or special election and be approved by a majority of the electors voting thereon, before the same shall become effective: *Provided*, That the question of such proposed convention shall be submitted to the people at least once in every twenty years.

SEC. 3. This article shall not impair the right of the people to amend this Constitution by a vote upon an initiative petition therefor.

SCHEDULE.

In order that no inconvenience may arise by reason of a change from the forms of government now existing in the Indian Territory and in the Territory of Oklahoma, it is hereby declared as follows:

SECTION 1. No existing rights, actions, suits, proceedings, contracts, or claims shall be affected by the change in the forms of government, but all shall continue as if no change in the forms of government had taken place. And all processes which may have been issued previous to the admission of the State into the Union under the authority of the Territory of Oklahoma or under the authority of the laws in force in the Indian Territory shall be as valid as if issued in the name of the State.

SEC. 2. All laws in force in the Territory of Oklahoma at the time of the admission of the State into the Union, which are not repugnant to this Constitution, and which are not locally inapplicable, shall be extended to and remain in force in the State of Oklahoma until they expire by their own limitation or are altered or repealed by law.

SEC. 3. All debts, fines, penalties, and forfeitures which have accrued or may hereafter accrue to the Territory of Oklahoma shall inure to the State of Oklahoma, and may be sued for and recovered by the State.

SEC. 4. This constitution shall take effect and be in full force immediately upon the admission of the State into the Union.

SEC. 5. Until otherwise provided by law, notaries public appointed under the laws of the Territory of Oklahoma, or under the authority of the laws heretofore in force in the Indian Territory, may continue to exercise and perform the duties of the office of notary public until the expiration of their commissions: *Provided*, That any notary public appointed in the Indian Territory for any district, or in the Territory of Oklahoma for any county, shall, after this Constitution takes effect, exercise the powers, privileges, and rights of a notary public only of the county formed in whole or in part out of the district or county for which such person is a notary public, and in which such person resides at the time the State is admitted into the Union; but before any such notary public, except notaries public for those counties in the Territory of Oklahoma, the boundaries of which have not been changed by the Constitution, shall exercise the powers, privileges, and rights of a notary public of such county, he shall have filed in the

office of the county clerk of the county in which he resides his commission as notary public and an affidavit stating that he is a resident of such county, whereupon he shall become a notary public for such county.

SEC. 6. The appointments of female persons as notaries public, heretofore made by the Governor of Oklahoma, and by the United States courts for the Indian Territory, and by the judges of said courts, are hereby confirmed and made valid, and all official acts of such notaries public heretofore performed are hereby validated, in so far as the acts of such notaries public may be affected by any ineligibility of such persons to appointment as notaries public. Female persons possessing the other qualifications prescribed by law shall be eligible to the office of notary public and of County Superintendent of Public Instruction.

SEC. 7. All property, real and personal, credits, claims, and choses in action, belonging to the Territory of Oklahoma at the time the State is admitted into the Union, shall be vested in and become the property of the State of Oklahoma.

SEC. 8. All judgments and records of deeds, mortgages, liens, and other instruments, filed or recorded, affecting the title to real and personal property in the Indian Territory and Osage Indian Reservation, are hereby made as effectual to impart notice and for all other purposes under the laws of the Territory of Oklahoma extended in force in the State, as they were under the laws heretofore in force in the Indian Territory and Osage Indian Reservation.

SEC. 9. All judgments and records of deeds, mortgages, liens, and other instruments, filed or recorded, affecting title to real and personal property in new counties that have been created out of the territory of any county or counties of the Territory of Oklahoma, and of any recording district or districts of the Indian Territory, are hereby made as effectual to impart notice and for all other purposes under the laws of the Territory of Oklahoma, extended in force in the State, as the same would have been if no changes had been made by the provisions of this Constitution in the boundaries of the counties as they existed in the Territory of Oklahoma, or of the boundaries of the recording districts as they existed in the Indian Territory.

SEC. 10. Until otherwise provided by law, incorporated cities and towns, heretofore incorporated under the laws in force in the Territory of Oklahoma or in the Indian Territory, shall continue their corporate existence under the laws extended in force in the State, and all officers of such municipal corporations at the time of the admission of the State into the Union shall perform the duties of their respective offices under the laws extended in force in the State, until their successors are elected and qualified in the manner that is or may be provided by law: *Provided*, That all valid ordinances now in force in such incorporated cities and towns shall continue in force until altered, amended, or repealed.

SEC. 11. All taxes assessed or due to incorporated cities and towns in the Indian Territory, and all taxes levied by such incorporated cities and towns for the year nineteen hundred and seven shall, until otherwise provided by law, be levied and collected in the same manner as now provided by law in force in the Indian Territory and under the laws and ordinances now in force in such municipal corporations.

SEC. 12. In all incorporated cities and towns in the Indian Territory, all local improvements or public buildings in process of being made or constructed under the laws in force in the Indian Territory, or for which proceedings having been commenced under such laws at the time of the admission of the State into the Union, shall be completed under said laws, and said laws are hereby extended in force as to such improvements or public buildings until such local improvements or public buildings are completed and paid for, as by such laws provided.

SEC. 13. The Act of Congress entitled "An Act for the Protection of the Lives of Miners in the Territories," approved March 3, 1891, and the Act of Congress entitled "An Act to Amend an Act Entitled 'An Act for the Protection of the Lives of Miners in the Territories,'" approved July 1, 1902, are hereby extended to and over the State of Oklahoma until otherwise provided by law: *Provided*, That the words, Governor of the State are hereby substituted for the words, "Governor of such organized territory," and for the words "Secretary of Interior," wherever the same appear in said Acts, and the words, Chief Mine Inspector, for the words, "Mine Inspector," wherever the same appear in said Acts. The Chief Mine Inspector shall also perform the duties required by laws of the Territory of Oklahoma of the Territorial Oil Inspector until otherwise provided by law.

SEC. 14. Until otherwise provided by law, all dental surgeons licensed to practice in the Territory of Oklahoma and all dental surgeons who were residents of the Indian Territory on the sixteenth day of June, nineteen hundred and six, and also all graduates of some reputable school or college of dental surgery, shall be eligible and be licensed to practice in the State without examination.

SEC. 15. Until otherwise provided by law, the officers of the State shall receive annually as compensation for their services, the following sums:

The Governor, four thousand five hundred dollars; Lieutenant Governor, one thousand dollars; Secretary of State, two thousand five hundred dollars; Attorney-General, four thousand dollars; State Treasurer, three thousand dollars; State Auditor, two thousand five hundred dollars; State Examiner and Inspector, three thousand dollars; Chief Mine Inspector, three thousand dollars; Labor Commissioner, two thousand dollars; Commissioner of Charities and Corrections, one thousand five hundred dollars; Corporation Commissioners, four thousand dollars each; Superintendent of Public Instruction, two thousand five hundred dollars; the Insurance Commissioner, two thousand five hundred dollars.

SEC. 16. The salary of the Justices of the Supreme Court of the State shall be four thousand dollars per annum, each, and that of the judges of the District Court, three thousand dollars per annum, each, until changed by the Legislature.

SEC. 17. The members of the Board of Agriculture, Bank Commissioner, Clerk of the Supreme Court, and all other State officers, except as herein provided, or such as may be created, and all clerks and assistants, shall receive such compensation for their services as may be provided by law.

SEC. 18. Until otherwise provided by law, the terms, duties, powers, qualifications, and salary and compensation of all county and township officers, not otherwise provided by this Constitution, shall be as now provided by the laws of the Territory of Oklahoma for like named officers, and the duties and compensation of the probate judge under such laws shall devolve upon and belong to the judge of the county court: *Provided*, That the term of office of those elected at the time of the adoption of this Constitution, or first appointed under the provisions of the laws extended in force in the State, shall expire on the second Monday of January in the year nineteen hundred and eleven: *And provided further*, That county attorneys and judges of the county court of the several counties of the State, having a population of more than twenty thousand shall be paid a salary of two thousand dollars per annum; and of counties having a population of more than thirty thousand, a salary of twenty-five hundred dollars per annum; and of counties having a population of more than forty thousand, a salary of three thousand dollars per annum; such salaries to be paid in the same manner as is provided by law in force in the Territory of Oklahoma for the payment of salaries to county attorneys.

SEC. 19. Until otherwise provided by law, the boards of regents of the University of Oklahoma, of the Agricultural and Mechanical College, of the Normal schools now established, of the University Preparatory School, and of the Colored Agricultural and Normal and University, shall continue to hold their offices and exercise the functions thereof until their successors are elected or appointed and qualified.

SEC. 20. The Legislature shall provide by general, special, or local law for the equitable division of the property, assets, and liabilities of any county existing in the Territory of Oklahoma between such county and any new county or counties created in whole or in part out of the territory of such county.

SEC. 21. All property, real and personal, and credits, claims, and choses in action, belonging to the county of Day at the time of the admission of the State into the Union, shall be vested in and become the property of the County of Ellis: *Provided*, The Legislature shall provide, by general, special, or local law, for the equitable division of the assets of Day County, thus transferred to Ellis County, and of the liabilities of Day County, between the Counties of Roger Mills and Ellis.

SEC. 22. The Clerk of the Supreme Court shall procure a seal and cause such inscription to be placed thereon as may be prescribed by the Supreme Court. Each clerk of the District Court shall procure a seal, and, under the direction of the Judge of the District Court, cause to be inscribed thereon the style of his office and the name of his county. Each County Clerk, County Treasurer, Register of Deeds, County Surveyor, and County Superintendent of Public Instruction, shall procure a seal, and, under the direction of the County Judge, cause to be inscribed thereon the style of his office and the name of his county. Said seal shall be sufficient and used for all lawful purposes until otherwise provided by law: *Provided*, That, until any of such officers shall have procured a seal, the signature of any such officer shall be sufficient for all purposes without a seal.

SEC. 23. When this Constitution shall go into effect, the books, records, papers, and proceedings of the probate court in each county, and all causes and matters of administration, and guardianship, and other matters pending therein, shall be transferred to the county court of such county, except of Day County, which shall be transferred to the county court of Ellis County, and the county courts of the respective counties shall proceed to final decree or judgment, order, or other termination in the said several matters and causes as the said probate court might have done if this Constitution had not been adopted. The District Court of any county, the successor of the United States Court for the Indian Territory, in each of the counties formed in whole or in part in the Indian Territory, shall transfer to the county court of such county all matters, proceedings, records, books, papers, and documents appertaining to all causes or proceedings relating to estates: *Provided*, That the Legislature may provide for the transfer of any of said matters and causes to another county than herein prescribed.

SEC. 24. Until otherwise provided by law, the seal of the probate courts in the counties of the Territory of Oklahoma shall be the seal of the county courts, and in that part of the State heretofore comprising the Indian Territory and Osage Indian Reservation, and in the new counties created in the Territory of Oklahoma, until the county court shall have procured a proper seal, the signature of the county judge shall be sufficient for all purposes without a seal.

SEC. 25. Any county, city, incorporated town, township, board of education, school district, or other municipality, either in the Territory of Oklahoma or the Indian Territory, that shall owe, at the time of the admission of the State into the Union, any indebtedness, evidenced by warrants, script, or other evidence of indebtedness, is authorized, through the proper officers thereof, to make provision for the payment of, and to pay, such indebtedness, either by tax levy or by issuing bonds in lieu thereof, in accordance with and under the provision of the laws extended in force in the State: *Provided*, That the limitation upon the amount of indebtedness that may be created by any county, city, incorporated town, township, board of education, school district, or other municipality, and upon the amount of taxes that may be levied by any county, city, incorporated town, township, board of education, school district, or other municipality, under the provisions of this Constitution, or of law, shall not apply to the indebtedness, the levying of taxes, and the issuing of bonds provided for herein.

SEC. 26. All cases, civil and criminal, pending, upon the admission of the State into the Union, in the Supreme Court of the Territory of Oklahoma, on appeal or writ of error from the district or probate courts of any county or subdivision within the limits of the State, and the papers, records, proceedings, and seal of said court shall be transferred to the Supreme Court of the State, except as is otherwise provided in the Enabling Act of Congress. And all cases, civil and criminal, pending, on the admission of the State into the Union, in the United States Court of Appeals for the Indian Territory, and the papers, records, and proceedings of said court, shall be transferred to the Supreme Court of the State, except as is otherwise provided by the Enabling Act of Congress and the amendments thereto.

SEC. 27. All cases, civil and criminal, pending, at the time of the admission of the State into the Union, in the District Courts of the Territory of Oklahoma, in any county within the district, and the records, papers, and proceedings of said District Court, and the seal and other property appertaining thereto, shall be transferred into the District Court of the State for such county, except as is provided in the Enabling Act of Congress, and all cases, civil and criminal, pending, at the time of the admission of the State into the Union, in the United States Court for the Indian Territory, within the limits of any county created in whole or in part within the limits of what was heretofore the Indian Territory, and all records, papers, and proceedings of said United States Courts for the Indian Territory, and the seal and other property appertaining thereto, shall be transferred to the District Court of the State for such county, except as is provided in the Enabling Act of Congress and the amendments thereto: *Provided*, That the Legislature may provide for the transfer of any such cases from one county to another county.

SEC. 28. The terms and provisions of an Act of Congress, entitled "An Act to Amend Sections Sixteen, Seventeen and Twenty, of an Act Entitled 'An Act to Enable the People of Oklahoma and Indian Territory to form a Constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a Constitution

and State government and be admitted into the Union on an equal footing with the original States,'" are hereby accepted, and the jurisdiction of the cases enumerated therein is hereby assumed by the Courts of the State.

SEC. 29. Any person who shall be a qualified elector of any county of a judicial district at the time of the election held to ratify this Constitution, and who shall, in all other respects, be eligible under the provisions of the Constitution, to be elected judge of the District Court of such district, shall be eligible to be elected judge of the District Court of such district at the first election held for the election of State officers.

SEC. 30. Any person who shall have been a resident of the territory within the limits of the State for a period of one year next preceding the date on which the election for the ratification of the Constitution is held, and who shall otherwise be eligible, under the provisions of this Constitution, to be elected to any State office, shall be eligible to be elected to any such State office at the first election held for the election of State officers.

SEC. 31. The assessment of property in the Osage Indian Reservation for the year nineteen hundred and seven, by the authorities of Pawnee County, shall be the assessment of Osage County for the year nineteen hundred and seven, and the proper authorities of Pawnee County shall levy a tax on the property of the Osage Indian Reservation for the year nineteen hundred and seven, as now provided by law, and immediately upon the admission of the State into the Union, the county treasurer of Pawnee County shall turn over to the county treasurer of Osage County the tax books and records of taxes in the Osage Indian Reservation, so made for the year nineteen hundred and seven, and the treasurer of Osage County shall proceed and have the authority to receive all such taxes in the Osage Indian Reservation for the year nineteen hundred and seven, and such taxes shall be collected and enforced in the manner provided by law. And there shall also be collected, in addition to the tax so levied by the authorities of Pawnee County, a county school tax of ten mills on the dollar of the assessed valuation, and the same shall be and become the property of said Osage County: *Provided*, That, out of the funds so collected, the county treasurer of Osage County shall pay to the county treasurer of Pawnee County the cost and expenses of making such assessment and the levying of such taxes.

SEC. 32. The Legislature shall provide by general, special, or local law for the equitable division of the property, assets, and liabilities of any school district existing in the Territory of Oklahoma between such school district and any new school district created in whole or in part of the territory of any such school district, as may be affected by a change in the county boundaries under this Constitution.

SEC. 33 All attorneys at law licensed to practice in any court of record of the Territory of Oklahoma, or in any of the United States Courts for the Indian Territory, or any court of record of the Five Civilized Tribes, shall be eligible to practice in any court of the State without examination.

SEC. 34. Until otherwise provided by law, any newspaper, published at the time of the admission of the State into the Union, in any new county, created in whole or in part out of the territory of any county of Oklahoma Territory, or in any county, created in whole or in part, out of territory within the limits of the Indian Territory or Osage Indian Reservation, shall, under the laws extended in force in the State, be considered, in law, to have been published continuously for fifty-two weeks in said county and shall be a newspaper entitled to publish all legal notices, advertisements, or publications of any kind required or provided by any law of the State.

SEC. 35. All debts and indebtedness, authorized to be incurred by the Constitutional Convention of the proposed State of Oklahoma, and all expenses of holding the election for the ratification or rejection of this Constitution and for the election of officers of a full State government, which shall remain unpaid after the appropriation made by the Congress of the United States has been exhausted, are hereby assumed by the State; and it is hereby made the duty of the Legislature, at its first session, to provide for the payment of same: *Provided*, That the debts and indebtedness, the payment of which is hereby assumed by the State, shall not include any debt or expense as a salary or compensation of the delegates of the Constitutional Convention.

SEC. 36. The Ordinance adopted by the Constitutional Convention, entitled, "An Ordinance providing for an election, at which the proposed Constitution for the proposed State of Oklahoma shall be submitted to the people thereof for ratification or rejection, and submitting separately to the people of the proposed State of Oklahoma the proposed prohibition article, making substantially the terms of the Enabling Act uniformly applicable to the entire State, for ratification or rejection, and for the election of certain State, district, county and township officers provided for by said proposed Constitution, and for the election of members of the Legislature of said proposed State of Oklahoma and for five Representatives to Congress," is hereby ratified and shall be valid for all the purposes thereof.

SEC. 37. Nothing in this Constitution contained shall legalize or make valid any illegal or invalid indebtedness of any county, city, incorporated town, township, board of education, school district, or other municipality, either in the Territory of Oklahoma or the Indian Territory, or impair any defense against the payment of the same.

SEC. 38. Should the first session of the Legislature, provided by this Constitution, fail to provide for the division of the property, assets and liabilities of any county existing in the Territory of Oklahoma between such county and any county or counties created in whole or in part out of such county, original jurisdiction is hereby conferred upon the Supreme Court to make equitable division of such property, assets and liabilities, and for the purpose of hearing and receiving evidence and reporting findings of law and fact may appoint a special Master in Chancery in any such case.

SEC. 39. The qualifications prescribed by the laws of Oklahoma shall not apply to Superintendents of Public Instruction, elected at the time of the ratification of this Constitution, in the Indian Territory, and Osage Indian Reservation.

SEC. 40. The terms of all officers of the State government elected at the time of the adoption of this Constitution shall begin upon the admission of the State into the Union.

SEC. 41. All persons elected at the time of the adoption of this Constitution to any of the offices provided under the Constitution shall be deemed to have duly qualified upon their taking the oath of office before any officer authorized by law to administer oaths, and executing such bond as may be required by law.

SEC. 42. All officers elected at the time of the adoption of the Constitution shall execute such official bond as may then be required by law or thereafter required by act of the Legislature; and such bonds shall inure to the benefit of the State or other beneficiary, for whose protection or security the same shall be required.

SEC. 43. When this Constitution shall have been ratified by the people of the State of Oklahoma and the State admitted into the Federal Union, under the same, as engrossed on parchment and signed by the officers and members of this Constitutional Convention, it shall be filed in the office of the Secretary of State and sacredly preserved by him, as the fundamental law of the State of Oklahoma.

Done in open Convention at the City of Guthrie, in the Territory of Oklahoma, on this, the sixteenth day of July, in the year of our Lord one thousand nine hundred and seven, and the Independence of the United States of America one hundred and thirty-first.

Attest:

JOHN MCCLAIN YOUNG, *Secretary.*

[SEAL] CHAS. H. FILSON,
Secretary of Oklahoma.

Wm. H. Murray, president of the constitutional convention of the proposed State of Oklahoma and delegate from District No. 104; Pete Hanraty, vice-president; Albert H. Ellis, second vice-president and delegate 14, District; Philip B. Hopkins, District No. 75; C. N. Haskell, District No. 76; C. S. Leeper, 96; T. O. James, Dist. No. 1; C. H. Pittman; J. H. N. Cobb; C. W. Board, 73; W. S. Dearing, Dist. 44; David S. Rose, Dist. 15; Geo. A. Henshaw, Dist. 107; W. F. Hendricks, Dist. 10; James H. Chambers, Dist. 105; William J. Caudill, Dist. 50; Cham Jones, Dist. 101; John M. Carr, Dist. No. 54; L. B. Littleton, Dist. No. 32; J. B. Tosh, Dist. 52; J. K. Hill, Dist. 63; J. J. Savage, Dist. 48; J. S. Buchanan, Dist. 34; J. C. Graham, Dist. 106; J. A. Alderson, Dist. 12; Thad D. Rice, Dist. 38; A. G. Cochran, Dist. 38; William N. Littlejohn, Dist. 78; James R. Copeland, Dist. 62; J. A. Baker, Dist. 81; T. C. Wyatt, Dist. 33; Charles L. Moore, Dist. No. 13; A. L. Hausam, Dist. 70; J. J. Quarles, Dist. No. 56; Ben. F. Harrison, Dist. 88; E. G. Newell, Dist. 19; Hamner G. Turner, Dist. No. 80; Delphas G. Harned, Dist. 9; J. Howard Langley, Dist. 65; G. W. Wood, Dist. No. 8; J. S. Latimer, Dist. 99; Jno. B. Harrison, 45; Joel M. Sandlin, Dist. 22; L. J. Akers, Dist. 102; John L. Mitch, Dist. 29; W. A. Ledbetter, Dist. 103; Christopher C. Mathis, Dist. 100; Edwin T. Sorrells, Dist. 92; Carlton Weaver, Dist. 87; Henry S. Johnston, Dist. 17; J. E. Sater, Dist. No. 20; Milas Lasater, Dist. 94; S. W. Ramsey, Dist. 30; C. V. Rogers, Dist. 64; B. E. Bryant, Dist. 47; Samuel W. Hayes, Dist. 85; James I. Wood, Dist. 89; David Hogg, Dist. 43; Flowers Nelson, Dist. 68; Boone Williams, Dist. 97; W. L. Helton, Dist. 24; Edward R. Williams, Dist. 3; J. F. King, Dist. No. 16; J. W. Swarts, Dist. 60; W. E. Banks, Dist. 51; R. J. Allen, Dist. 93; Charles M. McClain, Dist. No. 86; Fred C. Tracy, Dist. No. 2; G. M. Berry, Dist. No. 18; William C. Liedtke, Dist. 83; R. L. Williams, Dist. No. 108; Henry L. Cloud, Dist. 23; E. F. Messenger, Dist. No. 82; John J. Carney, Dist. 36; Gabe E. Parker, Dist. 109; W. C. Hughes, Dist. 28; H. O. Tener, Dist. 42; C. H. Bower, Dist. 41; J. K. Norton, Dist. 35; Matthew J. Kane, Dist. 37; Joseph J. Curl, 57; O. H. P. Brewer, 77; A. S. Wyly, Dist. 72; William H. Edley, Dist. 53; George Norton Bilby, Dist. 6; T. J. Leahy, Dist. 56.

TERRITORY OF OKLAHOMA, *Logan County:*

I, Wm. H. Murray, President of the Constitutional Convention of the proposed State of Oklahoma, do hereby certify that the within and foregoing is the original parchment enrollment of the Constitution and the several articles thereof adopted by the Constitutional Convention of the proposed State of Oklahoma, to be submitted to the people of the proposed State of Oklahoma for ratification, and that all the interlineations therein contained and all the erasures and words striken out, were made and done before the same was signed by the President, the Vice-Presidents, and the members of said Convention.

Witness my hand this the sixteenth day of July, A. D. Nineteen Hundred and Seven.

WM. H. MURRAY,
President of the Constitutional Convention of the proposed State of Oklahoma.

RESOLUTIONS ADOPTING THE CONSTITUTION OF THE UNITED STATES.

Whereas the enabling act provides that a declaration be made by the delegates to this convention adopting the Constitution of the United States: Therefore, be it resolved by the organized convention, that the delegates elected to the Constitutional Convention for the proposed State of Oklahoma, assembled in Guthrie, the seat of government of said Oklahoma Territory, do declare on behalf of the people of said proposed state, that they adopt the Constitution of the United States.

I hereby certify that the above and foregoing resolution was duly passed by the Convention upon its organization, on the 21st day of November, A. D. 1906.

I hereby certify that the above and foregoing is a true, correct, and literal copy of the Constitution for the proposed State of Oklahoma, as the same is engrossed on parchment, and signed by the officers and members of the Constitutional Convention and as certified to by Chas. H. Filson as Secretary of the Territory of Oklahoma, under the seal of said Territory.

Given under our official signatures this 7th day of May, A. D. 1907.

WM. H. MURRAY,
President the Constitutional Convention of the proposed State of Oklahoma.

Attest:
JOHN MCLAIN YOUNG, *Secretary.*

ACCEPTING ENABLING ACT.

Be it ordained by the Constitutional Convention for the proposed State of Oklahoma, that said Constitutional Convention do, by this ordinance irrevocable, accept the terms and conditions of an act of the Congress of the United States, entitled "An act to enable the people of Oklahoma and the Indian Territory to form a Constitution and State Government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a Constitution and State Government and be admitted

into the Union on an equal footing with the original States," approved June the sixteenth, Anno Domini Nineteen Hundred and Six.

I hereby certify that the foregoing ordinance Accepting the Terms and Conditions of the Enabling Act as the same has heretofore been passed and engrossed, was engrossed with the engrossed copy of the Constitution on parchment, was read as engrossed and roll call had thereon and the same duly adopted by a majority of the votes of all the delegates elected to and constituting this Convention, at 11:41 o'clock, a. m., this 22nd day of April, Anno Domini 1907.

WM. H. MURRAY,
President the Constitutional Convention of the proposed State of Oklahoma.

Attest:
JOHN MCLAIN YOUNG, *Secretary.*

PROHIBITION—ARTICLE SUBMITTING THE SAME SEPARATELY TO A VOTE OF THE PEOPLE.

The manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within this State, or any part thereof, is prohibited for a period of twenty-one years from the date of admission of this State into the Union, and thereafter until the people of the State shall otherwise provide by amendment of this Constitution and proper state legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within this State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from one place within this State to another place therein, except the conveyance of a lawful purchase as herein authorized, shall be punished, on conviction thereof, by fine not less than fifty dollars and by imprisonment not less than thirty days for each offense: *Provided*, That the Legislature may provide by law for one agency under the supervision of the State in each incorporated town of not less than two thousand population in the State; and if there be no corporated town of two thousand population in any county in this State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than one thousand dollars; conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the State shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinbefore provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescription pertaining thereof, shall be open to inspection by any officer or citizen of the State at all times during business hours.

Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which after his own personal diagnosis he shall for each offense by fine of not less than two hundred dollars or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of this State into the Union these provisions shall be immediately enforceable in the courts of the State: *Provided*, That there shall be submitted separately, at the same election at which this Constitution is submitted for ratification or rejection, and on the same ballot, the foregoing Article—— entitled "Prohibition," on which ballot shall be printed FOR STATE WIDE PROHIBITION and AGAINST STATE-WIDE PROHIBITION: *And Provided further*, That, if a majority of the votes cast for and against State-wide prohibition are for State-wide prohibition, then said Article———— shall be and form a part of this Constitution and be in full force and effect as such, as provided therein; but, if a majority of said votes shall be against State-wide prohibition, then the provisions of said article shall not form a part of this Constitution and shall be null and void.

I hereby certify that the above and foregoing provision and ordinance submitting the same separately to a vote of the people of the State as heretofore adopted on the 11th day of March, A. D., 1907, as above engrossed, was adopted as engrossed upon roll call for the purpose of such separate submission, on the 22nd day of April, Anno Domini, 1907.

WM. H. MURRAY,
President the Constitutional Convention of the proposed State of Oklahoma.

Attest:
JOHN MCLAIN YOUNG, *Secretary.*

Mr. DAVENPORT. The amendment offered asking that $225,000 be appropriated to pay the expenses of holding the election for the constitutional delegates in the new State of Oklahoma and to pay the expenses and per diem of the delegates for writing the constitution and the subsequent election for the adoption or rejection of the constitution as well as for State officers was offered by me for the purpose of presenting to the representatives of the Government of the United States the question that the appropriation of $100,000 made by Congress when the enabling act was passed was insufficient to meet the expenses incident to and necessary to holding the elections and writing the constitution for the new State of Oklahoma, and I believe that when this question is properly understood that the representatives of the Government of the United States will have no hesitancy in making the appropriation as requested in my amendment.

When the enabling act was being considered by Congress it was impossible to ascertain definitely what amount would be required to pay the expenses, but I believe that it was the intention of Congress when they appropriated the $100,000 to appropriate a sufficient amount to pay all the expenses incident to a full and complete organization of the new State of Oklahoma. Acting upon that belief, the amendment under discussion was introduced by me. Some gentleman has asked the question whether this amendment was before the committee. This question was before the committee of the Fifty-ninth Congress, and I am reliably informed that a similar provision to the amendment offered here was passed by the Senate, but for some cause failed in the House. There can be no just reason for not adopting this amendment upon the appropriation bill now being considered if the cause for which it is asked is proper and right. Gentlemen upon the floor of this House can not deny that this is an emergency appropriation if they should hold that the Government should make the appropriation to meet the unpaid expenses of the organization of the new State of Oklahoma.

This is no new question arising in Congress and is not without precedent. The last three States admitted into the Union prior to the admission of the State of Oklahoma were given appropriations to meet the expenses of writing their constitutions and organizing into States. If these States were entitled to have the appropriation made, then I say, Why not give it to Oklahoma? Oklahoma, it is true, is in the West; the other three States in the Northwest, but should gentlemen who are Members of the grandest lawmaking power in the world hesitate and refuse to do that which is right between their sovereign States because of geographical location or political affiliation? I ask the gentlemen who are on the majority side of this House if any question was raised when the appropriation of $100,000 was incorporated into the enabling act as to the amount of the appropriation. I ask them if any question was raised as to the appropriation in the same enabling act that gave Oklahoma her right to come into the Union when an appropriation of $150,000 was made for Arizona and New Mexico. If there was none at that time, then I ask you, Why should any question be raised after the State has been admitted into the Union and its political status established as one of the sister States? Is it because the gentlemen believe the amount is in excess of what has heretofore been appropriated for the organization of States? If so, I desire to call your attention to the conditions that existed in Oklahoma as contradistinguished from those of other States that have heretofore been admitted into the Union.

Since the admission of the original thirteen colonies into the Union no State has been admitted that had not theretofore had at least some kind of a Territorial organization, and no State or the territory embraced within the State has ever had such conditions of property holding, of citizenship, and disorganization as did the Territories now embraced within the State of Oklahoma. For almost a century prior to the admission of Oklahoma the greater portion of the lands now embraced in the State of Oklahoma were held and occupied by the Five Civilized Tribes of Indians and other reservated tribes.

The title to the lands were vested in these respective tribes with the Government of the United States acting as their trustee. In 1889 certain tribes of Indians, by treaty with the Government of the United States, ceded to the United States a portion of what was Oklahoma Territory, and the Territory of Oklahoma was then organized as one of the Territories of the United States. Oklahoma Territory has since that time had a Delegate to represent it upon the floor of the House of Representatives. The territory embraced in the State of Oklahoma that was commonly known as the Indian Territory has never had a Delegate upon the floor of the House to represent its people. Prior to the passage of the enabling act treaties between the Government of the United States and the various tribes of Indians residing in that portion of what is now Oklahoma that was commonly known as the Indian Territory had been entered into and through the representatives of the Government of the United States the lands, or a greater part of them, have been allotted to the respective tribes. This was the condition when the enabling act was passed, providing for the creation of an election board to lay out the territories of Oklahoma and Indian Territory into constitutional districts in order that delegates might be elected to write a constitution for the new State. After the passage of the enabling act the election board was created, composed of the Commissioner to the Five Civilized Tribes and two of the Federal judges occupying the Federal bench in the territory now comprising the State of

Oklahoma, the three members of the election board each being an appointee of the Federal Government and representing the majority political party. The districts were laid out by these gentlemen, and fairly, too, as God gave them the light to see it; the election was held and the delegates elected to write the constitution, which I have presented here and which has been incorporated into the RECORD as a part of my remarks.

When these delegates, elected to write the constitution of the new State of Oklahoma, assembled to perform that duty, I say that no delegation ever before in the history of these United States since the admission of the original thirteen colonies ever assembled to perform a more difficult task than did the delegates who assembled to write the constitution for the State of Oklahoma, and never was a task more nobly performed than was performed by the constitutional convention of the State of Oklahoma. They worked faithfully and earnestly to incorporate into their constitution provisions upon which a code of laws might be written for the protection of all alike, trying in every way to so draft the constitution that the man in everyday walks of life might understand its provisions and that the questions might not be continually arising in court as to whether or not certain things were constitutional or unconstitutional. These delegates soon learned that the appropriation was not sufficient to pay them for their time and expenses, and an appeal was made to the Congress of the United States at the last session of the Fifty-ninth Congress for an increased appropriation to meet the necessary and actual expenses. The appeal was heard, but not granted; but I thank God that in that convention there were men who had sufficient patriotism and love of country to continue that work and to spend their own time and pay their own expenses until it had been completed. Those men believed, and yet believe, that the Government of the United States would be willing to meet their actual expenses.

The constitution was drafted and an election was called, so that the voters of the new State might express their views as to whether or not the constitution should be adopted and to express their choice for officers to serve them in the new State. It was ascertained at that time that still there was no appropriation to defray the expenses of the various election officers from precinct officers to State election board, and the question arose as to who would meet the expenses. The two dominant political parties in the State of Oklahoma, in county as well as State, were appealed to, asking that each contribute a portion of the expenses, but one of these parties declined to do so, and it is needless for me to say which one. The gentlemen on the majority side of the House well know which of the two political parties refused to advance any of the expenses necessary for printing the ballots and other expenses of the election machinery. But the expenses, as is well known, were met by individuals who had patriotism enough to at least spend their money, and thereby give the people of the State of Oklahoma a State government.

When the election was held to vote upon the constitution which had been written by our delegates about 250,000 votes were cast, and the majority in favor of the constitution was more than 107,000, thus showing that the people of Oklahoma put patriotism above politics, and thereby ratified the action of their constitutional delegates irrespective of political affiliation. The majority for the constitution was not confined to any political party, and as evidence of that I call your attention to the fact that the Democratic majority for the State officers was from 27,000 to 33,000 votes, thus showing that by an overwhelming majority, irrespective of politics, the constitution was adopted. If you will examine this amendment, it provides for the appropriation of $225,000, or so much thereof as may be necessary, following almost in the exact language of the appropriation in the enabling act of $100,000. It also provides that vouchers for the payment of this money shall be approved by the governor, treasurer, and not less than three supreme judges of the State of Oklahoma, and that the money shall be disbursed by the Secretary of the Interior upon sworn vouchers. I ask you, then, does it not throw a proper safeguard around the Government, and is it not sufficiently clear that no fraud could enter in because of the requirements contained in the amendment. Some gentleman has asked the question as to why the expense is so much greater in forming the State of Oklahoma than it had been in other States. I answer him by saying that the State when admitted into the Union, as shown by a census taken by the direction of our President in 1907, had 1,414,177 people, a population more than twenty times as great as many of the States had when admitted into the Union, with the additional complications that have heretofore been mentioned of the peculiar condition of land tenure in the State, as well as the necessity of organizing many new counties, which had no organization whatever. All the new county officials for the purpose of holding the election had to be appointed and their expenses paid. As a result of these conditions the expenses in the new State of Oklahoma in electing its constitutional delegates, writing its constitution, and holding its first election was much greater than any State in the Union heretofore admitted.

We have more than seven times the population that both Arizona and New Mexico had when the enabling act was passed, but still the enabling act carried an appropriation of $150,000 for Arizona and New Mexico, when only $100,000 was appropriated for Oklahoma and Indian Territory to be formed into a State. I ask you if Oklahoma and Indian Territory should not have an appropriation sufficient to meet its expenses legitimately incurred, even though it be proportionately greater than other States? Some one may undertake to answer this question by saying that the population should not be considered in the expense of writing a constitution; that a constitution could be written as cheaply for a million and a half of people as it could for Nevada, Wyoming, and some of the northwestern States that had in 1900 from 42,000 to 93,000 people, but I answer that by saying that it is not a correct theory and can not be put into successful practice. When you compare conditions that existed in Oklahoma and Indian Territory with other Territories and States you will find that it took a much greater time to solve the complex questions of property interests, of citizenship, and of laying out of new counties than it did in the States which had an organized Territory before being admitted into the Union. Again, the constitutional convention was placed in a position where they could profit by the experience gained from the Constitution of the United States and of her forty-five sister States, and they did profit by that experience, though it cost more and consumed more time, and by that information gained they wrote for the million and a half people now living in the State of Oklahoma a constitution as good as any State in the United States, if not the best. They wrote a constitution which protects the rights of the high and the low, the rich and the poor; they wrote a constitution which protects both capital and labor, but places capital upon the same plane with labor; they wrote a constitution that protects the public-service corporation the same as it does the individual, but at the same time they wrote a constitution that makes corporations know and understand they must obey the law as well as the individual; they wrote a constitution which placed organized labor upon an equal plane with corporations, and thereby provided that the practice of modern years of controlling and blotting out organized labor by injunction should not be indulged in within the State until after the party charged with having violated that injunction had been heard in court and tried before a jury of his countrymen. They made the provisions in that constitution so clear that the common of the commonest may understand and that the grand of the grandest have to obey. They established in that constitution the much-needed rule that I regret to say has been heretofore violated by some of the executives of the States, and that is the right of habeas corpus should never be suspended by a State, profiting as they did by the past experience of some of her sister States in this regard.

All of these questions have been considered and fully considered by our convention, and the expenses incident and necessary to calling the election and voting upon this constitution must of necessity require time and expense, and I submit to you that I do not believe in considering this question that it should be considered from any partisan or political standpoint, but should be considered from the standpoint of what is right and just between sister States. I believe that it is the duty of the Government of the United States to meet the actual and necessary expenses of the organization of the new State of Oklahoma. I believe that it was the intention of the legislators at the time they passed the enabling act that the actual expenses should be met. No man could tell at the time what the expenses would be; and if they seem to be greater than they should have been, when the sworn vouchers are presented and approved by the governor of the State, the treasurer, and not less than three of the supreme judges, and the Secretary of the Interior passes upon these vouchers and pays them, can anyone say that fictitious or fraudulent claims have been presented? I never yet, nor do I ever hope to reach the point in life where I believe that our officers are corrupt. I believe that they will perform every duty imposed upon them under the law, and when they have done so under the provisions of this amendment no fraudulent or unjust claim could possibly be presented and paid, and I appeal to the Members of this House to duly consider this question before passing upon it and refusing to allow it.

This is not a question of politics and should never become a question of politics when the entire citizenship of a sovereign State is interested. No politics should enter into a question of general interest to all of the State, and the man or Representative who can not rise above partisan politics in the presentation and consideration of claims of this character should look well before acting, and in my mind is not considering the interests of his people. I rejoice to say that in the discussion of this amendment not one word has been heard from the minority side of this House in opposition to this amendment, and I regret to say that in the discussion of this amendment the only objections raised against it have been raised by the gentlemen who are on the majority side of this House. It may be that they are prompted by a spirit of patriotism and love of their country; it may be that they are prompted by a desire to see that no improper and unlawful appropriations are made, and it may be that they are prompted to raise these objections to this appropriation because of the fact that Oklahoma did not measure up to the standard expected when the enabling act was passed and did not return to the National Legislature a majority of its Representatives of the same political party as the majority of this House.

But be that as it may, in conclusion I desire to say that I appeal to you upon the majority side of this House to calmly, considerately, and dispassionately consider whether or not it is right and just that the expenses of writing the constitution and holding the elections in the new State of Oklahoma should be borne by the Government of the United States, or whether or not that expense should be heaped upon one of your sister States, who is an infant in the Union and who has not sufficient taxable property to raise a revenue to sustain its State and county government in many of its counties, because of the land tenure where the Indian lands are located and which can not be taxed by the government. I respectfully submit that you perhaps have the power and the votes to vote down this amendment; you may have the power and the rules of the House to exclude it upon a point of order, but I serve notice upon you now that if you do defeat it by a partisan vote, or if it goes out upon a point of order, it will rise again, and that, too, in this House and before the committees, and in the State of Oklahoma, where an impartial sovereignty can in the coming election in November set its seal upon partisan action when right and justice enters into the question being considered.

Mr. FULTON. Mr. Chairman, I want to say just a word in support of the amendment offered by my colleague [Mr. DAVENPORT]. I have here a telegram from the governor of Oklahoma which states that the deficiency in the expenses of holding the constitutional convention is $84,195, and that the estimated deficiency made by ex-Secretary Filson, of the Territory, of the election expenses—that is, the expenses of holding the election whereat we elected our delegates to the constitutional convention and the election which ratified the constitution—amounts to $130,140.25.

Mr. MADDEN. Does the gentleman believe that the United States ought to pay the expenses of the election at which the officers of the State were elected?

Mr. FULTON. Well, if we had had a separate election for the officers of the State I would say no; but when we were compelled to elect our officers at the same time that we voted on the constitution, the expense of electing officers would be no more than for voting on the constitution, and I say the Government should pay it, because they should pay the expenses of holding our election. Now, I do not know what has been the purpose or the idea which has prompted Congress heretofore in all other instances to make appropriations to bear the expenses of bringing a Territory into the Union. I apprehend it went on the theory of the Territory not having the power to create funds for this purpose, and also on the other theory that she really was a child, as you might say, of the Government, and that it was the right and the duty of Congress to bear these expenses. That being true, then it seems to me that the amount of the appropriation would be governed by the amount which is necessary to defray these expenses, irrespective of the amount.

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

Mr. FULTON. Certainly.

Mr. MANN. The gentleman may have investigated—I am sure I have not—in order to know whether Congress, in fact, has appropriated to pay the expenses of the election of delegates to a constitutional convention, all the expenses of the convention, and then all the expenses of the ratification.

Mr. FERRIS rose.

Mr. FULTON. If the gentleman from Illinois [Mr. MANN] will permit, I would like to give my colleague [Mr. FERRIS] opportunity to reply.

Mr. MANN. Certainly.

Mr. FERRIS. I will say to the gentleman that I investigated the last four States that were admitted into the Union, and in each case a deficiency appropriation was asked for, and in each case received; and I wish to say in addition, regarding another remark that was made, that this State of Oklahoma equals in population fourteen times the population of the last three States admitted.

Mr. MANN. The gentleman said that most of them are Indians. I wanted to get some other information—not the particular information which the gentleman has given. It seems that four States have been investigated. Has anyone gone further than that, in order to know?

Mr. FULTON. I have not.

Mr. ROBINSON. I would like to say to the gentleman that in the case of the State of Utah, by the act of June 8, 1896, there was a deficiency appropriation of $9,609.50, supplementing an appropriation of $30,000 for convention expenses.

Mr. MANN. Does that include the ratification of the constitution?

Mr. ROBINSON. Yes, sir.

Mr. FULTON. That was my understanding, Mr. Chairman.

Mr. MANN. Are those the only figures that the gentleman has?

Mr. ROBINSON. I have no other figures.

Mr. FULTON. I understand that my colleague from the Fifth District [Mr. FERRIS] wants to present a few figures on this question.

Mr. GAINES of Tennessee. I would like to know if you did not have to reassemble the convention for the purpose of making changes that possibly had been suggested by the President and by the Attorney-General of the United States, and that that necessitated additional expense?

Mr. FULTON. That is true.

Mr. GAINES of Tennessee. How much?

Mr. FULTON. I could not state the exact amount that was caused by the second convening of the constitutional convention.

Mr. GAINES of Tennessee. How much do you ask by this amendment?

Mr. FULTON. This amendment asks for a certain amount, as certified by the governor, of $225,000.

Mr. MADDEN. Will the gentleman permit me to ask him a question?

Mr. FULTON. Certainly.

Mr. MADDEN. If the practice in other States that have been admitted to the Union had been the same, does the gentleman from Oklahoma think it fair to ask Congress to appropriate $250,000, or any such large sum of money, without giving to Congress an opportunity to ascertain upon investigation whether that is the amount that should be appropriated?

Mr. FULTON. The gentleman evidently did not hear the resolution when it was read.

Mr. MADDEN. I heard the resolution.

Mr. FULTON. I mean the amendment.

Mr. MADDEN. I think that Congress should investigate, and not the officials in Oklahoma, when any appropriation should be made, and that it is Congress or a committee of Congress that should make the investigation and ascertain whether or not the amount sought to be appropriated is the amount that should be appropriated.

Mr. CARTER. Will you accept that amendment?

Mr. MADDEN. I will make no promise.

Mr. GAINES of Tennessee. Is it not a fact that this requires the Secretary of the Interior to make an investigation of the certificate?

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. FULTON. I yield to the gentleman for that purpose.

Mr. CLARK of Missouri. If that resolution was so changed that it was to be passed on by a Federal official or by Congress, then would you be willing to withdraw opposition to this and let it go?

Mr. MADDEN. I asked this question of the gentleman from Oklahoma, and I will say to the gentleman from Missouri in reply that if he believes and if it is established that the practice inaugurated by Congress in former instances was to make appropriations for deficiencies in such cases I still would insist that this appropriation should be made after investigation. I do not think that that investigation could be made on the floor of this House by the Committee of the Whole House. I think that the people who had charge of the election in Oklahoma should be brought before committees of this House and explain as to the amount of money expended in the election

before any appropriation shall be made at all. That is where I stand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I ask unanimous consent that the gentleman's time be extended five minutes, as we have used his time up.

There was no objection.

Mr. VREELAND. If the gentleman will excuse me a moment. Of course the gentleman from Oklahoma knows that the point of order is to be pressed against this, and it must go out.

Mr. FULTON. I was simply hoping that you would not press it.

Mr. VREELAND. Even if this were a proper account to come in, it would not come in the urgent deficiency bill. Gentlemen should collect their information and appear before the committee in order that it may have a hearing by the committee for some subsequent bill. It certainly ought not to come in on an urgent deficiency bill when no hearing has been given.

Mr. FULTON. Can you assure me that the point of order will not be raised then?

Mr. VREELAND. The gentleman knows that I could not assure that in a membership of nearly 400 men.

Mr. FULTON. Now, Mr. Chairman, it seems to me that only two things should be considered. In the first place, does Congress want to make the appropriation for any amount to defray that kind of expense, and, in the second place, if it does, is this amount correct? It does seem to me that in view of the practice that heretofore has prevailed when these expenses have been paid, irrespective of the amount——

Mr. TAWNEY. I must state to the gentleman that has not been the practice. Congress has appropriated a certain amount, and whatever additional expense has been incurred has been borne by the new State.

Mr. FULTON. The last four States admitted show that deficiencies were provided for. Well, now, our amendment provides that not one penny of this money shall be paid out except on sworn vouchers presented to the Secretary of the Interior, and that these vouchers be signed by the different officials of Oklahoma. So there can be no question whatever that any sum will be paid out except that which has been honestly expended. I ask the Members of this House to consider this question. It was not our fault, as a matter of fact, that the expense was as large as it was. But I can not go into that in the time that I have. It seems to me that this is a simple proposition that must appeal to everyone. [Applause.]

Mr. CARTER. Mr. Chairman, the purpose of this amendment is perfectly obvious—it proposes to take care of the expenses incurred in the organization of the State of Oklahoma. It is just such legislation as has been necessary, as has been enacted for many other States, and I can see no just reason why any fair-minded man should oppose it. It has been shown during the course of this debate that, at least in four instances heretofore, such expenses have been appropriated for other States.

The gentleman from Indiana has charged that we spent a greater amount of money than any of the other States. Our reply to that is that we had a much greater number of people to deal with than any other State at the time of its organization; that we are confronted by more complex conditions than any other State, and, above all, that we have written a great deal better constitution than any other State in this Union. [Laughter on Republican side. Applause on Democratic side.]

Notwithstanding the derision and adverse criticism that may come from the Republican side of this Chamber, I want to say that we people in Oklahoma believe in our constitution. We have an abiding faith in that instrument, and our election returns upon the constitution prove it. If it has cost more money to organize our State and write our constitution than that of any other State, we lay the fault at the door of the Federal Government and exculpate Oklahoma. Under the long-range bureaucratic government that had been doled out to our two Territories from this city the very principles of justice and equity had, in a large measure, been subverted. We charge that the administration of affairs by the Federal Government in our State was totally inadequate, for the reason that the field of application was far too remote from the source of government, for the very same cause that our futile attempts to govern isolated colonial possessions are proving incompetent and unsound, and will continue to prove incompetent and subversive of their intent. Under these adverse conditions the great public-service corporations had fastened their poisonous fangs deep into the vitals of the body politic, even before the birth of our young State, and it required the application of the most heroic remedies by our constitutional convention to wrench from these hydra-headed monsters the power they had acquired under the Federal Government and restore to the people of Oklahoma their just rights under our State constitution.

It is true our constitution has many new features, and these are calculated to meet new conditions which have arisen since the enactment of the fundamental law of other States. Many of these new provisions are, of course, experimental, and as no man or set of men are infallible, some of them will doubtless fall short of our expectations.

Viewing our constitution in this light, we believe that it is an instrument that will prove beneficial as a guide to every other State in this Union, and possibly to the Federal Government itself. For if the Oklahoma constitution proves a good constitution, giving more adequate protection to the people's rights than the organic law of the older States, then every State in this Union will have the privilege of adopting these novel provisions and get the benefit of them without the disadvantage of being forced to try them out on her own people first. While if such provisions should fail to make good or prove detrimental, then the people of Oklahoma alone must suffer the consequences.

So we believe, Mr. Chairman, that we are, at least, entitled to some consideration as pioneers in constitution making, for taking the initiative, for blazing the way, and hoisting the signal lights which other States, and even the Federal Government itself, may easily follow without the danger of experiment, should our constitution prove the righteous boon we think it will. [Applause.]

Whatever other people may think of the Oklahoma constitution, our election returns show that it has the unqualified approval of the people of our State, irrespective of politics. These returns will reveal the fact that while the Democrats only carried the State by twenty-five or thirty thousand, this constitution was adopted by more than 100,000 majority, showing that at least 35,000 supporters of the Republican nominees voted for the ratification of this "heinous abortion," as some of the leading Republicans have seen fit to dub this document.

Therefore any attempt to cast aspersions upon this instrument will be resented by a large majority of the patriotic citizens of our magnificent young Commonwealth, irrespective of their political affiliation.

This great American House of Representatives is composed, in my opinion, of the stalwart patriots of our Republic, no matter what creed or platform they may espouse, and I believe you will countenance and sanction the unselfish patriotism evidenced by the 112 delegates who worked so long and assiduously, without compensation most of the time, to give to our country freedom and statehood, and to the American people an unequaled sample of up-to-date Constitution. [Applause.]

Surely the gentlemen on the other side of this aisle will not attempt to make a party issue of this amendment, and thereby forever consign their political associates in Oklahoma to eternal banishment from participation in the governmental affairs of that State. Do not despair, gentlemen, it can not be said that the result of the last Oklahoma election is, by any manner of means, a certain criterion on which to base future results in that State.

Mr. MANN. The gentleman does not desire us to make the State Republican, I presume.

Mr. CARTER. No, sir. There is little danger of that at the present time, but I just want to sound a few notes of warning to the gentlemen on that side, for future reference.

Mr. MADDEN. The gentleman does not mean to insinuate that no person will be allowed to vote the Republican ticket in Oklahoma unless we do what the gentleman wants.

Mr. CARTER. I do not. I made no such insinuation.

Mr. HULL of Iowa. Does the gentleman mean to convey the idea that if we will give the $200,000 you will elect a Republican next time?

Mr. CARTER. No, sir. I mean to say this to the gentleman from Iowa, that if you continue to make a football of Oklahoma, you will lose the little support and following you have there. [Applause on the Democratic side.]

Mr. HULL of Iowa. That is only difference in degree and not in kind.

Mr. CARTER. I furthermore want to call the attention of the gentleman from Iowa to the fact that since certain restrictions have been removed upon the liberties of the people of Oklahoma, politics have undergone a change. We had you believing that we were Republican before statehood, but since we were admitted we have gone slightly Democratic. [Laughter.]

Mr. HULL of Iowa. I will say that it does not seem to make any difference, even in the State of Texas. Even with all the

votes they contribute to you, they still hold up there pretty well.

Mr. CARTER. I presume the gentleman from Iowa is making the same impression in his own State.

Mr. HULL of Iowa. This is a matter which the gentleman and his own State will have to take care of.

Mr. CARTER. No more than expected from the majority side of this House. [Laughter and applause.]

We of the Democratic faith had much the best of the evidence and argument in the first political contest in Oklahoma. The very fact that the Federal Government, which was Republican, had permitted our prodigious young State to be delivered, prostrate and helpless, with the iron grip of the monster trusts at her throat, the dilatory and erroneous administration of affairs incident to government at a distance, the making of our State a dumping ground for disappointed politicians from other States, and the further fact that many Republican voters feared that their leaders were insincere in their indorsement of our constitution, all contributed to the success of Democracy, and many big, broad-shouldered Republicans, dissatisfied with the treatment accorded Oklahoma by their own party, stood shoulder to shoulder with the patriots of Democracy for restitution to the people of their just rights.

Permit me to say, Mr. Chairman, that our Oklahoma citizenship is most cosmopolitan, emanating from every State in the Union; in fact, from the four quarters of the globe; and for the felicitation of the gentleman from Arkansas I desire to say that many of these good people hail from his splendid State and are numbered among our best and most substantial citizens.

A change of residence naturally makes a change in surrounding conditions, often causing an intelligent man to view public issues from an entirely different angle, even in some instances reaching the extent of a complete change of his political views. Hence a man who was a stanch Republican in his native State might be a good Democrat in Oklahoma, and vice versa.

Another element of uncertainty is the large number of first voters who took part in the Oklahoma election. Over on Indian Territory side I believe the first Democratic poll showed over 60 per cent of those of voting age to be first voters; about 10 to 20 per cent, I take it, were first voters on the west side. Therefore almost one-half of the voting population of our State cast their initial vote, so far as national affairs are concerned, in this our first election. The leaders in both parties in Oklahoma believe that such people as these are not politically anchored to either end of this Republic. The race there will go to the swiftest, and such free lances as these will, to a large extent, vote with the party that treats them best and offers the best inducements.

Now, I leave it to your good judgment as to how they will view your refusal to allow this appropriation, which will result in saddling this enormous expense on the taxpayers of the new State, with one-half of its lands already exempt from taxation by acts of this same majority on that side of the House. I want to warn you, gentlemen, if you defeat this measure by an application of the party whip on that side of the House, you do it at the peril of your party in Oklahoma. You imperil the chances of the few men whom you were able to pull through in our last election. [Applause on Democratic side.] I know that advice to Republicans does not come with very good grace from this side of the Chamber, but I warn you nevertheless that it is a fact, and I think that the only Republican Member from Oklahoma will agree with me. [Applause.]

Mr. MANN. Does the gentleman from Oklahoma think that that fact will influence this side of the House to decide what it would do?

Mr. CARTER. I don't know. It is pretty hard to tell just what that side of the House might do. [Laughter on the Democratic side.]

Mr. MANN. I do not believe it would have any effect on this side of the House. The gentleman from Oklahoma misunderstands the temper of this body if he thinks that political considerations would affect this side of the Chamber on this question.

Mr. CARTER. I hope so; and then, Mr. Chairman, permit me to say that such a measure as this is by no means a partisan measure. It is just; it is right; it is regular; it is backed and fortified by precedent, and will, I hope, be considered on a broad, high plane of statesmanship, free from partisan prejudice.

Mr. MANN. The gentleman wanted us to vote this appropriation because it would affect politics down there. Does the gentleman consider that a broad, high plane?

Mr. CARTER. That is the light in which I would like to see this amendment considered, and I hope that our friends across the way will consider it in such light, and not oppose this amendment simply because they want to get back at Oklahoma for going Democratic. [Applause.]

Mr. FERRIS. Mr. Chairman and gentlemen of the committee, the committee is now considering the urgency deficiency bill which deals with deficits that have occurred during the last fiscal year and have been unprovided for by former appropriation measures. The section we seek to amend is on pages 11 and 12 of that measure. The section deals with Oklahoma deficiencies and is as follows:

GOVERNMENT IN THE TERRITORY OF OKLAHOMA.

Territory of Oklahoma: For salaries of the following from July 1 to November 15, 1907, inclusive, namely: For governor at the rate of $3,000 per annum; chief justice and six associates at the rate of $4,000 per annum each, and secretary at the rate of $1,800 per annum; in all, $12,300. To pay account of legislative expenses, Territory of Oklahoma, as set forth on page 16 of House document numbered 488 of the present session of Congress, $545.45.

The amendment we offer as the representatives of the State of Oklahoma is that the American Congress finish paying the expenses of the constitutional convention delegates, the clerks, and commissioners of the newly organized counties; the expense of holding the election for the ratification of the constitution; the printing incident thereto, and other incidental expenses connected with the organization of the State government.

In support of this amendment it is my purpose and desire to offer a few figures and facts, which I think will enable the committee to determine that this amendment is proper, that it is the duty of the Government to pay this character of expense connected with the admission of Oklahoma into the Union.

It will be remembered that at the time of the passage of the enabling act in June, 1906, that the only population that Congress had within reach was the census of 1899, which gave that portion of the State then known as Indian Territory 97,361, and Oklahoma Territory, which includes the west half of the present State of Oklahoma, 109,191, or a total of about 206,552. These figures will readily let the committee understand why it was that Congress at that time only appropriated about one-third enough to defray the necessary expenses incident to statehood. For since that time, gentlemen of the committee, the President of this United States has ordered a census taken that was concluded only last summer (the summer of 1907), and that made the remarkable disclosure that we had a growing population of 1,414,000 people, or about seven times the population that Congress had calculated upon at the time of admission.

I want to further make the observation that while we have had one appropriation, and are asking for a deficiency, we are not without precedent in making the request. It has been my pleasure to examine the data relative to the last four States that have been admitted into the Union, and I note that in each case a deficiency was asked for and in each case was graciously received.

I don't come in a complaining attitude asking for this relief, for I am sure it was an honest mistake. I don't come asking for my people what other States have been refused. I don't desire to consure anyone for their failure to make an adequate appropriation in the beginning, but I am here asking earnestly that the proper amount be now appropriated to the State of Oklahoma, of which I know you will be truly proud as a sister State.

It has been suggested that the States I refer to received much smaller appropriations than we are asking, and I am more than willing to confess that is true, but in making this confession it would be unfair to this Congress, unfair to this committee, unfair to the States referred to, and unfair to my own home State of Oklahoma if I did not make the observation that our recent census shows us to have approximately fourteen times the population of either of the States recently admitted, they averaging approximately 100,000 and under, and we now actually possessing by a Republican census over 1,400,000 people. This, in my judgment, offers one reason for the request that surely must present itself very forcibly to this committee, and surely would so present itself to every painstaking, thinking man.

The States that I have just referred to are the sister States of South Dakota, North Dakota, Washington, and Montana. I am sure you are proud of them and we as residents of Oklahoma are likewise proud of them. It was necessary in each of those cases to have a deficiency appropriation and they were admitted so recently, within the last ten or twelve years, that the statute of limitations has hardly had time to run and be a bar to a request coming from Oklahoma.

As a second and perhaps more pregnant reason than the first one why this request is not a violent one, is that a very large portion of the State is not subject to taxation. It being largely Indian lands and cumbered with Federal restrictions against sale, alienation and taxation. This has made the revenues of

the State light; this has made the State have an uphill pull to properly organize and doff the clothing of "territorism" and take on the new raiment of statehood.

As a further reason why this appropriation is earnestly requested, we desire to make the observation that the entire eastern half of the State has never enjoyed or been permitted to enjoy the blessings of local self-government. They have never had a representative in Congress before; they have never had a county officer, a township officer, not even a justice of the peace or constable elected and chosen from their own people. They did not even have counties or other subdivisions of the State, they had never held an election, they were unaccustomed to voting and were wholly unsupplied with election paraphernalia. I submit it is painful to refer to; "it is pitiful to believe." Yet in the face of all this these heroic people have drawn themselves together, have organized their counties, have organized their State, have held their elections and elected by the popular vote of the people 112 delegates to a constitutional convention and in strict conformity with the enabling act and have molded the best constitution upon which the sun has ever shone. [Loud and prolonged applause.]

Prior to this election of the constitutional convention the State had to be districted into proper subdivisions suitable for the holding of an election, which was a great task and a great expense. After the formation of a constitution in strict conformity with the enabling act they must then call an election and adopt or reject that organic law which was molded and made under adverse circumstances and largely at their own expense. The election was a great expense, the printing was a great expense; no public printing offices, no statehouse, no place to hold the convention. Halls had to be rented for the holding of the convention and expenses were incurred that were necessary, of which it is not within my power to impart nor within your time and disposition to have me here reiterate.

I say to you not one cent was spent dishonestly. Not one cent was squandered. Not one cent was lost or destroyed, but all used and more to carry out the true spirit and intent of the enabling act which is a product of your own pen. You would not have us enact a constitution of which you and the succeeding generations would be ashamed. "You would not have us slight the work." You would have us act in strict conformity with its provisions as I maintain and proclaim we did. [Loud applause.]

I have been criticised for asking for such a large amount as the amendment provides for. In reply thereto I desire to make reference to the Territories of Arizona and New Mexico, and I speak of them in the highest of terms, for they are our neighbors and our friends. They have a population combined of less than a hundred thousand, as shown by the last census, the exact figures being as follows: Arizona, 44,081; New Mexico, 55,067 making a total of 99,148. This Congress at the time of making the original appropriation for Oklahoma appropriated $150,000 for them and $100,000 for us. I don't speak complainingly nor with the spirit of envy or jealousy, but merely to explain the grave necessity of now giving Oklahoma exactly what she needs for State organization and no more.

Now, gentlemen, when those States formerly referred to came with a request for an additional appropriation just as we are doing to-day, they did not come in bad grace then. Why should you hold that we come in bad grace now? I think it was proper for them to come then. I think it is proper for us to come now.

Now one word regarding the wording of the amendment, and that is for the sole purpose of showing that every account claimed or asked for must be properly audited by the governor, the secretary of state, and countersigned by three or more members of the supreme court of the State, and after that approved by the secretary of the Interior. Is there any chance for any misappropriation? Is there any chance to be mistaken about this honest deficit? Surely there can be none.

I for one citizen felt proud the day the statehood bill passed. I for one citizen of the State feel proud to-day. The State of Oklahoma felt glad and her cups ran o'er with joy then and do now. The State and every citizen within her borders feel grateful to Congress for her admission and will ever so feel. Then, gentlemen of the committee, I earnestly ask of you not to side step precedent and refuse us what other States have had. Don't refuse to deal with us in the hour of need.

The State is new. Her resources are many—that is quite true. She is a giant in the rough. Still, at the crucial time of changing from a Territory to a State she richly needs, and, as I believe, truly deserves that she be started off right. Don't hide your lights under a bushel for this request of the State. Don't refuse her this honest request. [Loud and prolonged applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that his time may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. I again repeat that as an individual citizen of Oklahoma and as one of the representatives of the million and a half of people living within her borders, I do not come complaining by reason of the fact that an insufficient amount was appropriated, but do come asking that an honest mistake may be now righted. We appreciated the one hundred thousand then appropriated, and we used it and tried to get along on that amount, but could not. We tried to make a constitution and hold an election and get the constitution adopted on that amount, but could not, and are now doing just what foresight could not foretell—asking for enough to pay the honest deficiency.

Mr. GAINES of Tennessee. Who made the mistake of giving the wrong estimate?

Mr. FERRIS. I merely say it was an honest mistake, merely an honest estimate that has later proved insufficient and is now within the power and the precedent of this Congress to supply. It was occasioned merely by an unprecedented growth and increase in the population of the State; and further, I am quite sure Congress did not have in mind the fact that the eastern portion of the State was largely free from taxation on account of being Indian land and wholly unorganized. It was a much larger expense to district and organize the new State than anyone had anticipated, and the condition has not so presented itself in any of the former States. In those States they had had at least a provisional government, with election machinery and paraphernalia suitable for the holding of an election, a place suitable for the holding of a convention free from rent and other incidental expenses, and that their lands, or the major portion thereof, was at least on the tax rolls, subject to the burdens of taxation.

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

Mr. FERRIS. Yes, sir.

Mr. MANN. The gentleman and his colleagues have been Members of the House now since it was organized. Has the gentleman or his colleagues been before any committee of the House in reference to this proposed appropriation, or has he presented any claim or statement to any committee of the House, written or oral, in regard to it?

Mr. FERRIS. I submit to the gentleman's question and in reply thereto beg to say that our State is in the throes of organization, her first State legislature is now in session and up until this very day—and I have the telegram that bears the date of this day—I have been unable to get the information that I now seek to present to the House, but inasmuch as this measure deals with deficiency matters, and the very section we seek to amend deals with the payment of Oklahoma officers during the interim between territorism and statehood, I have hoped that no more opportune time could present itself than this very day and this very time. [Loud applause on the Democratic side of the House.]

Mr. MANN. Does not the gentleman appreciate then that if he has not received information which could be laid before the House committee until to-day that he ought to wait and put it before the proper committee of the House at the proper time?

Mr. FERRIS. In reply to the gentleman's question I think I can plainly see what would happen if we elected to take the advice of the gentleman from Illinois. This is an urgent deficiency bill. This bill provides for deficiencies of this particular character and if Oklahoma should let her chance go by to-day I fear the gentleman would then, perhaps properly, arise in his seat and announce that the amendment was out of order, and, further, that Oklahoma had slept on her rights. [Applause on the Democratic side.]

I know that it is within the power of this House to grant or refuse this relief. I know it is the province of this House to be economical in all governmental matters, but I don't believe now, nor never shall, that Congress would make a mistake in lifting this burden from the neck of Oklahoma and let her start off with the rest. [Loud applause on the Democratic side.]

Mr. MANN. Oh, the gentleman receives applause from men on that side of the House who are not familiar with the rules or practices of this House, but with those who are familiar with the rules and practices of the House, they know that this item, if it belongs anywhere, belongs properly on the general deficiency appropriation bill, which bill will not be reported to this House for some time to come, and the gentleman will have ample opportunity to lay before the Committee on Appropriations all the facts and precedents, and doubtless will receive

all that he ought to receive in accordance with those facts and precedents.

Mr. FITZGERALD. I wish to state to the gentleman from Illinois that this matter was submitted to the Committee on Appropriations in the last Congress.

Mr. FERRIS. And passed the Senate last year.

Mr. FITZGERALD. A memorial was presented by the constitutional convention of Oklahoma pointing out the fact that it would be impossible to continue a convention with the amount appropriated, and the committee declined to consider the application.

Mr. MANN. And the fact that they made such a statement—which was not true, because that they did continue is evident—at least, it did not interfere at all with anything out there.

Mr. FITZGERALD. The gentleman is mistaken, the gentleman misunderstood what I said. I said they could not continue with the amount of money allotted. They did continue because the Democratic Campaign Committee, I understand, advanced the money for that purpose.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

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

Mr. OLLIE M. JAMES. I want to suggest to the gentleman from Oklahoma that the gentleman from Illinois [Mr. MANN] impeaches the knowledge of Members on this side of the House who applauded when he gave an answer to the gentleman, because the gentleman from Illinois says those who applauded do not understand the rules of the House. Now, fortunately for that side of the House that rule does not apply. If it did no person on that side of the House could applaud except one, because nobody on that side of the House understands the rules except the gentleman from Illinois. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, recognizing as I do that the gentleman from Kentucky understands all things that he applauded, knowing how well he is acquainted with the rules, I withdraw my statement as to him.

Mr. OLLIE M. JAMES. Well, I can not with good grace withdraw my statement in regard to the gentleman from Illinois. [Laughter and applause on the Democratic side.]

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentelman if he will kindly explain to the committee how it was you continued with your convention without any money? That is the first question. Second, to what extent was this deficit due to this misstatement as to population? Now I do not mean to say there was any willful misstatement, but the census did not enumerate all your people when it was taken, and the appropriation was passed upon that erroneous census. Now those two questions I would like to hear you explain.

Mr. FERRIS. I had not hoped to consume so much of the committee's time, but the question of the gentleman from Tennessee has led me to the belief that the committee is not clear on what was done with the money.

In reply to the first question of the gentleman, would say that I think it was largely due to that phase of the matter. No one knew the population of the State. No one knew how difficult it was to properly organize and start the State off on its feet. The men in charge acted in absolute good faith. No time nor money was ever squandered or wasted. It was an era of painstaking effort on the part of the Oklahoma citizenship, and the constitution is the product of which we are truly proud. [Applause on the Democratic side.]

In reply to the second question, would say that it was based on an old census, ten years old, and the population of Oklahoma has, by reason of recent openings and sales of public lands, wonderfully increased, as is shown by the figures heretofore given.

In reply to the gentleman's question as to how the convention was able to continue in session after the money was gone, will say that many of them were poor farmers who had to neglect and leave their crops to attend their duties in the convention. Many of them were wholly unable to bear the expense at all, and in that class of cases the ones who had would divide with the brother who had not. They were not aristocrats that built that constitution, and we are proud of it. They were not men who went there to distinguish themselves and cover themselves with glory, but who went there with an honest heart, a good conscience, and the product they created shows my version of the matter is true. [Applause.]

If that constitution had been made by autocrats we would not have had a provision for a general primary election; would not have had a provision for the initiative and referendum; would not have had an eight-hour day on the public works for the laborers of the State; would not have had within its borders a two-cent rate on every road within the State; would not have had a railway commission which has lowered the freight rates of Oklahoma in the past three years more than one-third of their former tariff; would not have provided for a board of public charities to look after the unfortunate and the poor; would not have had the longed-for "fellow-servants law" that every good citizen should support and want; would not have had strong impeachment laws for the removal from office for malfeasance in office; would not have prescribed that for every officer taking the oath of office in that State that he must swear that he has not, either directly or indirectly, paid or given anything of value to aid or in any manner contribute to the bringing about of his election or nomination; that he will not while in office ride on any free pass or accept any other complimentary thing to influence his official duties in any manner whatsoever; would not have made the charter of every corporation subject to referendum vote by the voters of the State; would not have made the constitution so simple and easy of amendment that a majority of the legislature may change its terms, but they do not become operative until submitted to a vote of the people of the State.

Laws like these are the product of that constitution; laws like these are what those convention delegates were doing on their own expense; laws like these are what we are asking you to help pay for; laws like these are the laws that don't tell the people they are powerful and sovereign, but it makes them so.

The CHAIRMAN. The gentleman's time has again expired.

Mr. GAINES of Tennessee. I ask unanimous consent that the time of the gentleman from Oklahoma be extended.

Mr. FERRIS. I thank the gentleman, but will not insist upon the request. I yield the floor. [Loud and prolonged applause.]

Mr. TAWNEY. Will the gentleman permit an interruption? Do you base the obligation on the part of the Government to defray these expenses upon any other ground than the fact that Congress in the past appropriated money for this purpose in the admission of other States?

Mr. FERRIS. In response to the gentleman I will state that I base it on that as one thing and in addition to that I think it is justice, and I think it is right that when a State is in the throes of organization, passing from territorialism to statehood, which is indeed a critical time, no land on the tax roll, no organization of county or State government, if there is an instance in the life of a Territory or State when they need assistance at the hands of this Government, surely it would be during that trying period and assuredly precedent has so held in the past.

Mr. TAWNEY. But as a matter of fact there is no legal or other obligation resting upon the Federal Government to defray any part of these expenses, and your demand now is based solely upon precedent and there is no precedent that you can cite where any State has received 75 per cent of the amount your State has received.

Mr. FERRIS. But, my dear sir, not in proportion to the population. We have a population thirteen times as large as the last four States admitted, and we are only asking for about three times as much as they had.

Mr. TAWNEY. But the question of population never determined or controlled Congress in the past in making the appropriations for defraying these expenses.

Mr. FERRIS. Then, if the gentleman from Minnesota [Mr. TAWNEY] will yield me one moment, I desire to say that there never has been a parallel case in the admission of any other State with Oklahoma, and I will tell you why. The entire eastern half of the State, which is known as Indian Territory, had no provisional government, had no county officers, had no representatives, had no taxes other than city and personal property tax——

Mr. TAWNEY. That is true.

Mr. FERRIS. And the first thing they had to do was to appoint county officers during that provisional government.

Mr. TAWNEY. But in the enabling act Congress also gave to your State an appropriation of $5,000,000 in cash.

Mr. FERRIS. That was in lieu of the school lands that belonged to the Oklahoma side, so that Indian Territory might start off square with the other side.

The CHAIRMAN. The gentleman's time has again expired.

Mr. TAWNEY. Mr. Chairman, I do not think I am justified in permitting the discussion to continue any longer. The point of order is made against this provision, and the gentleman who made it insists upon it. It is new legislation, and the appro-

priation is not authorized by law, and I ask for a ruling on the point of order.

Mr. GAINES of Tennessee. Will the gentleman withhold that for a moment?

Mr. TAWNEY. For a minute; yes.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I will ask the gentleman how much larger was the convention, the number of delegates in the convention, which framed this constitution, than those in former States, and how much greater was the population in the State of Oklahoma than in other States that have been formed?

Mr. LITTLEFIELD. He has stated the population proposition half a dozen times.

Mr. FERRIS. The population was thirteen times that of the last States.

Mr. GAINES of Tennessee. Is it not a fact also that Oklahoma is the largest and most populous Territory that has been admitted into the Union in years?

Mr. FERRIS. It is.

Mr. GAINES of Tennessee. Was the amount of money Congress gave to the State of Oklahoma in keeping with that condition of things?

Mr. FERRIS. I do not think so.

Mr. GAINES of Tennessee. Because of that you have this large deficit.

The CHAIRMAN. The Chair is prepared to rule. It is clear to the Chair that the proposed amendment contains several legislative provisions, and consequently violates Rule XXI, which provides that in a general appropriation bill no appropriation is in order unless authorized by existing law. The Chair therefore sustains the point of order.

Mr. CARTER. Mr. Chairman, when I rose to speak a moment ago I did not expect to be fired into by our friends across the aisle before I donned my war paint; but they did so, and I would like to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVENPORT. Mr. Chairman, during my remarks I was interrupted by gentlemen asking for time, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Executive office: For additional amount required for Engineer Commissioner (to make salary $5,000 per annum) for the fiscal years that follow:

Fiscal year 1908, $383.50;

For the fiscal year 1907, $135.10.

Mr. MANN. Mr. Chairman, I reserve the point of order for the purpose of asking whether this salary is provided by law.

Mr. TAWNEY. It is a statutory salary.

Mr. MANN. Then how does it happen that there is a deficiency?

Mr. TAWNEY. The former Engineer was a colonel; he was succeeded by a captain, and this represents the difference between a colonel's pay and a captain's.

Mr. MANN. I withdraw the point of order.

Mr. HULL of Iowa. As I understand, this has nothing to do with the rank and no part of this money can be used except to make up the difference between his salary and the $5,000 that is given the Commissioners.

Mr. HARDY. I rise, Mr. Chairman, before the close of the day, to incorporate in the RECORD what I would have liked to have asked of the gentleman from Iowa [Mr. HULL]. The gentleman, speaking this afternoon, said something with reference to the panic of 1893——

Mr. MANN. I make the point of order that the gentleman can not, under the five-minute rule, go outside of matters before the House. The House might as well come to that. The gentleman is not to be blamed for not being familiar with that, although he is a very conspicuous new Member here. In the Committee of the Whole, when we get to the five-minute rule, you must talk about the bill.

Mr. HARDY. If there is any objection, I bow to the superior wisdom of the gentleman.

Mr. MANN. The gentleman may not thank me; I did it in a very courteous way. The next time I will do it differently, as the gentleman does not seem to appreciate courtesy at all.

Mr. HARDY. Whenever the gentleman forgets to be courteous I assure him I will reply in kind. His courtesy is appreciated for all it is worth.

Mr. CLARK of Missouri. The gentleman from Texas has a perfect right to extend his remarks in the RECORD, notwithstanding what the gentleman from Illinois said.

Mr. MANN. That is not what he was doing.

Mr. HARDY. I say I desire to put in the RECORD what I would like to have said now and what I would have liked to ask the gentleman from Iowa.

The CHAIRMAN. Does the gentleman make that request now? Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY. Mr. Chairman, the gentleman from Iowa has stated that the panic of 1893 was caused by the Democratic triumph of 1892 and the country's anticipation of Democratic tariff reform. On that question I submit these facts, and in addition to these facts I want to state further that I have always understood and have heard it stated on the floor of this House without challenge that before the Administration of Mr. Harrison retired they knew they were necessary, and they had already prepared the plates for the bonds that had to be issued by Mr. Cleveland, and for which Republicans afterwards criticised him.

November 11, 1890, the reports showed financial distress in New York. The New York Clearing House Association voted its certificates to banks in need of assistance.

The Boston Clearing House Association did the same thing November 17. Barker Bros. & Co., big bankers in Philadelphia, suspended at that time, with liabilities placed at $5,000,000.

November 19, 1890, there was a run on the Citizens' Savings Bank, of New York, and a receiver was appointed for the North River Bank.

November 22, 1890, the United Rolling Stock Company, of Chicago, assigned, with liabilities at $6,851,000.

November 28, 1890, B. K. Jamieson & Co., the Philadelphia bankers, failed, with liabilities at $2,000,000.

December 6, 1890, the Oliver Iron and Steel Mills, of Pittsburg, shut down, discharging 2,000 employees. On the same date the cotton firm of Myer & Co., of New Orleans, failed, with liabilities at $2,000,000.

January 3, 1891, the Scottdale Rolling Mills and Pike Works and the Charlotte Furnace and Coke Works in Pennsylvania closed, throwing 10,000 employees out of work.

January 18, 1891, the American National Bank, at Kansas City, suspended, with liabilities at $2,250,000.

May 8, 1891, the Spring Garden National Bank, at Philadelphia, closed its doors, and the Pennsylvania Safe Deposit and Trust Company made an assignment.

The Homestead strike and other strikes during 1892, and prior to election day, are well remembered by the people.

The record discloses that the first indications of the so-called "panic" of 1893 were given November 11, 1890, a little more than thirty days after the McKinley tariff bill became a law. From that date the panic raged, and while its effects were felt for several years, it reached its worst stage in 1893 and during the early days of 1894, during all of which time the Republican tariff law was in effect.

The late Thomas B. Reed, after his retirement from the Speakership, delivered a speech in New York, in which he said: "Another thing which led this whole country into the error of 1892 was the history of the last thirty years. During all that time we have been prosperous." The New York World called this "cold, colossal, and impudent falsification of history," and said that it must have astonished those among his hearers whose memories were more than one year long. Then this New York paper gave Mr. Reed these interesting reminders:

"The panic of 1873, under Republican rule and twelve years of high tariff taxation, was the most disastrous and the period of business depression for five years thereafter was the most severe of any in history. It was officially estimated that 3,000,000 workingmen were out of employment. Bankruptcy was widespread. A tidal wave of ruin and distress swept over the country.

"From 1881 to 1886, under two Republican tariffs, there were labor strikes involving 22,304 establishments and 1,323,203 workmen. Of these strikes 9,439 were for an increase of wages and 4,344 against reductions of wages.

"Mr. Reed's party tinkered the tariff in 1883. In that year there were 9,184 business failures, involving $172,874,000. In 1884 there were 10,968 failures, involving $226,343,000. In the next year, still under the Republican tariff and currency laws, there was a general business depression. More than 1,000,000 men were out of employment.

"In 1890 the McKinley bill was passed, and there were 10,673 failures in that year and 12,394 in the next, with liabilities in each year amounting to nearly $200,000,000. The tariff was raised to nearly 50 per cent, but wages either stood still or declined, while the prices of necessaries advanced. The protected manufacturers kept all their 'bonus,' as usual.

"Tramps and trusts, the twin products of a monopolists' tariff, were practically unknown in this country until we had endured uninterrupted Republican rule for a dozen years.

"The worst labor troubles, the bloodiest riots, the most destructive strikes, the most brutal lockouts ever known in any country have occurred here under the high tariffs, bought, made, and paid for by the contributors of the Republican campaign funds."

Mr. WILSON of Illinois. Mr. Chairman, we are discussing to-day a measure which will take from the public Treasury funds to be devoted to the improvement and development of the national capital.

The fact that we are making such appropriations brings forcibly to my mind the conditions under which the country has been laboring since October last, when men of criminal wealth, in order to escape the punishment which justly should be meted out to them, sought to create a situation that would impel the Government to stop enforcement of the law. Fortunately the condition of our country was such that we were able to emerge from it suffering only from a currency stringency and a slight depression which prosperity has obviated.

We are here to pass laws which shall deal fairly and justly with the public interests. The Republican party has passed such laws. The representatives of the Republican party have enforced those laws. The enforcement, which applies equally

to the rich as to the poor, aroused all those guilty of dishonest practices who feared the exposure of their deeds and the consequent punishment.

President Roosevelt, in observing his oath to enforce the law, has not permitted himself to be swerved from what was his plain duty. He was responsible for the railroad rate law, which has been of such inestimable value to the shipping interests of the country. He has exposed crimes perpetrated by the Standard Oil trust, bringing to its knees a corporation which considered itself so powerful that it stood above the Government of the United States. Through the Interstate Commerce Commission he investigated the so-called "Harriman situation," revealing an utterly indefensible condition of affairs caused by the action of the Wall street financiers in illegally combining great railroad systems of the West.

None of us soon can forget Harriman's exploitation of the Chicago and Alton, or the part played by him in attempting to absolutely dominate the Illinois Central.

No one can say that President Roosevelt was responsible for the railroad scandals which the investigation of the Interstate Commerce Commission disclosed. No one can charge President Roosevelt with responsibility for the insurance scandals. The corporation scandals and the stock jobbing scandals which aided in precipitating the financial panic of 1907 must be placed on other shoulders than those of our Republican President.

Throughout his Administrations President Roosevelt has been actuated by honesty, sincerity, and patriotism, and these cardinal virtues he has sought to earnestly impress upon our national life because he appreciated, as we must appreciate, that only through them can the Republic endure.

Now, Mr. Chairman, I have in my hand a pamphlet entitled "Roosevelt and the Money Power," which tells succinctly the story of the Roosevelt Administrations. It places where it belongs the responsibility for the panic of 1907, squarely upon the shoulders of those who precipitated it. It is as follows:

"SO COMES A RECKONING WHEN THE BANQUET'S O'ER."

When in the course of time a historian shall marshal the living facts relating to the financial depression which overtook the United States in the year 1907, his generation will read his conclusions and marvel at the truth they reveal.

And that generation with truer perspective than that which is suffering, will stand aghast at the tale of flagrant and flaunting thievery, of reckless and criminal wrong-doing, of wanton and brutal disregard of right and law; and its amazement will be followed by humble thanks to God for the Moses which led their country, purified, undaunted, and uninjured, from the Stygian evils which unscrupulous men had brought upon it.

WHAT HISTORY WILL REVEAL.

"The wickedness of a few is the calamity of all;" and those who had lusted after swollen wealth and power, cared naught that the sickening end of their piratical operations might be mad panic, making men hoard their earnings; threatening to shake national credit and confidence; to close mills and shops, and to bring poverty and anguish in homes where comfort and joy had prevailed. The day has come when the guilty are being haled naked before the judgment seat of public opinion, there to render heavy account for the trust they violated, to reveal the shameful details of how treason triumphed over patriotism, and ambition over conscience; and to confess the desperate and cowardly character of the measures they took to save themselves from punishment.

THE PROGRESS MADE.

Stupendous as has been the progress of the United States since the civil war, it has been accompanied by evils which tinge with sorrow the natural pride every American must feel in the achievement. He has marked that that struggle, instead of weakening, gave strength to the institutions of his Government. He has witnessed the obliteration of sectional lines. He has seen his country become the wealthiest on the face of the earth, and knows that every person in it has partaken of this prosperity. He recalls the easy conquest of a foreign nation, the acquisition of new territories, the liberation of an oppressed people, and the undertaking of the colossal task of connecting the waters of the Atlantic and Pacific, and he has noted the almost commanding influence his Government enjoys in the councils of the world.

THE GOOD AND BAD OF CORPORATIONS.

In the achievement of these marvelous results the American people are greatly indebted to those soulless things known as corporations. Through these combinations it has been possible to form large aggregations of capital, to perfect the methods of business, to extend both the domestic and export trade, and to effect important economies of benefit both to the producer and consumer. Great capital or a large combination of capital is not necessarily inimical to the national welfare, having no essential relation to monopoly. But, unfortunately, a small proportion of these combinations have developed into hugh monopolies, thereby destroying individual initiative, enabling command of the men they employ and weakening the mental and moral fiber of the community, and leading to increased and often extortionate prices. They have sought, and in some instances gained, control of the natural resources of the country and of the food supply of the people, dominated the steel highways of commerce and minimized the use of natural highways, and employed every method possible to aggrandize themselves, not forgetting even to pick the pockets of the very poor. To this end they have purchased city councils, debauched legislatures, placed their minions on the benches of courts of justice and in Congress, and even drawn their slimy trails across the executive machinery of Government. They have possessed no humanitarian sentiments. They were created to exploit, and the purpose strengthened with its exercise.

THE NEED PRODUCES THE MAN.

It is a saying that has become a commonplace that the American people may depend upon their need to produce the man capable of dealing with it. While enormous development was progressing, and evils were waxing strong, there was being fashioned a man capable of assisting the former and overcoming the latter—a man who believed with Lincoln that this is a government of the people, for the people, and by the people. Theodore Roosevelt was prepared for the great destiny awaiting him. In those qualities of mind, character, and personality he embodies the ideal of twentieth-century Americanism; and in methods and business of Government he has enjoyed a practical and theoretical training extending back to 1881, when he first assumed public office. Both in peace and war his native courage and decision have been displayed and these characteristics have been strengthened by their use. "Intolerant of evil, his spear knows no brother." The good of the people has been and is his single purpose.

HIS UNSELFISH VOW.

So when in September, 1901, William McKinley was assassinated at Buffalo, Mr. Roosevelt assumed the office of President, fitted by his remarkable character, personality, and training to understand the great and varied responsibilities of that high position. There were some who professed to believe that what they called the "impulsiveness and blunt methods" of Roosevelt, would, in a short time, involve the country in a bloody conflict that would shatter the peace of the world, and lead to the ruin of the people. Though unbound by any precedent or pledge, Mr. Roosevelt chose to regard himself merely as the instrument selected to do the things McKinley would have done had he lived. "In this hour of deep and national bereavement," he solemnly declared, "I wish to say that it shall be my aim to continue absolutely unbroken the policy of President McKinley for the peace, prosperity, and honor of our beloved country."

CUBA'S DEBT TO ROOSEVELT.

How that generous vow has been observed the nation knows. In spite of his remarkable individuality, Mr. Roosevelt adjusted himself to the conditions he found, retaining the Cabinet of his predecessor, maintaining harmonious relations with Congress, and applying himself to the execution of the policies McKinley had formulated. He gave independence to Cuba and insured the prosperity of the island by arranging a mutually advantageous treaty of commercial reciprocity; but to prevent the return of anarchy, with its train of evils, injurious not only to the Cuban but to the American people as well, he was compelled four years later to reestablish American occupation. This was done quietly, peacefully, without wound to the keen sensibilities of the Cubans, and it was accompanied by a pledge that evacuation would occur the second time when the natives showed a greater readiness to govern themselves. Alive with gratitude and enthusiasm for the United States in consequence of its liberation of their land from the chains Spain had riveted about it, the first occupation was naturally free from an anti-American movement. The suspicion evoked by the second American occupation, necessary as it was in the interest of the Cubans themselves, could easily have given rise to demonstrations and revolt; but so tactfully has the situation been handled that the Cubans are patiently waiting for the time when the government once more shall be confided to their hands. Had less courtesy and consideration been displayed, the United States to-day would be engaged in the same kind of strife in Cuba that Spain found necessary during the last twenty-five years of her possession. The single compensation the United States has obtained for the unselfish course it has pursued, alike under McKinley and Roosevelt, is Guantanamo Bay, on the south side of the island. A naval station has been established there which commands the Caribbean Sea and enables the Navy more advantageously to protect the southern coast of the United States and the Panama Canal. It is the opinion of European diplomats that the highest statecraft has been displayed in dealing with the Cuban question.

UPBUILDING COLONIAL GOVERNMENT.

As in Cuba the President peacefully carried out the policies of McKinley, so in the Philippines he sought to realize the high aims and purposes of the Executive so cruelly slain at Buffalo. Immediately following the suppression of the insurrection, the army occupying the islands was reduced from 67,000 to 15,000 men. Every encouragement was given to the Commission, headed by William H. Taft, now Secretary of War, to establish civil government, with the result that to-day Filipinos fill most of the offices and have their own elective assembly. The work done in the Far Eastern Archipelago belongs to the highest type of constructive statecraft, and Theodore Roosevelt has lost no opportunity to impress upon it the high civic ideals which he has entertained always. Porto Rico, too, has been a subject of the President's attention. The good of the people of that small island has been his object, and the maintenance of peace and the prosperous condition of its inhabitants are testimony of the wisdom of the policy pursued with respect to them.

THE PANAMA CANAL.

For half a century it had been the dream of the American people to connect the waters of the Atlantic and Pacific by means of a ship canal. All of President Roosevelt's predecessors during that period had appreciated the inestimable advantage of such a waterway; many of them recommended that it be undertaken. But both at home and abroad obstacles were placed or found in the way of the enterprise, the former, made up for the most part of railroad interests, which foresaw competition on long hauls and a consequent reduction of freight rates, and the latter due to the Clayton-Bulwer treaty of 1850 with Great Britain, which prohibited the United States from exclusive control of the waterway. During the Administration of President McKinley Secretary Hay negotiated a treaty abrogating the treaty prohibition, but the Senate declined to ratify without important amendments. Under the Administration of President Roosevelt Secretary Hay negotiated a new treaty, which was ratified twelve days after submission and effectually removed all interference by a foreign power in whatever action this Government might take with respect to the project.

GOOD FAITH OBSERVED.

Then with that energy which characterizes his every move, the President induced Congress to authorize the construction of an Isthmian canal; and when it seemed wise to abandon the Nicaraguan route, he insisted upon American jurisdiction over the Panama Zone, first in the negotiations with Colombia, and then with the independent Republic of Panama, which separated from its mother state. In every step he took the President's course was marked by good faith and disinterested statesmanship, without armed conflict with Colombia and

with the general and hearty approval not only of the American people, but of the great states of Central and South America and the powers of the Old World.

WHAT HAS BEEN DONE IN PANAMA.

Once the way was paved for construction the President threw himself enthusiastically into the work. The results speak for themselves. The Panama strip, which in the days of French construction was one vast graveyard, is to-day as healthy as the United States. Clean, comfortable quarters have been provided for employees. A railroad system, as unlike the Panama Railroad of days preceding American occupation as the New York Central is to the railroads of forty years ago, has been established, which is used for handling traffic across the Isthmus and to aid in canal construction. The work of digging the canal is proceeding energetically, more than a million cubic yards of dirt being removed monthly, and this amount will be doubled within a very short space of time. Although enormous expenditures, aggregating more than $26,000,000 per year, have been made, there has not been the slightest justification for or hint of charges of graft. It would seem that the visit the President paid to the Canal Zone in 1906, which was so encouraging to every man connected with the enterprise, had imbued all the employees from the chief engineer down to the meanest laborer with that sense of loyalty, zeal, and honesty which is so firmly rooted in the character of their distinguished chief.

SAFEGUARDING THE NATION.

We have seen how peace dominated President Roosevelt's conduct in Cuba, Porto Rico, the Philippines, and on the Isthmus. Now let us glance at the relations he has maintained with the great powers of the world. The President is no weakling. Summed up in his own words, the policy which guides him is: "Tread softly, but carry a big stick." The conquest of Spain transformed the United States into a world power. Prior to that time it had been merely a potential force in international affairs. President Roosevelt has made the United States not only a member of the council of nations, but one of the commanding figures of that council. To achieve this notable position, which carries with it respect for American citizens in foreign lands, promotion of American export trade, and protection of the United States and its citizens from insult and ignominy, from treatment, to illustrate, such as China receives, the President strongly advocated reform of the Army and enlargement of the Navy. His experience as a soldier and as Assistant Secretary of the Navy gave him an appreciation of the needs of those services which few other men can possess. To-day, the United States possesses a nucleus of a modern army, around which millions of untrained men may rally. The coast defenses of the United States are in condition to repel assault. A fleet of sixteen modern battle ships and eleven armored cruisers, with their auxiliaries, is about to be organized, and is a weapon for peace which no nation, however powerful, can afford to disregard. Those who recall the pin-prick policy of Japan in the spring of 1907, which magnified minor questions into serious complications, and of the labor agitation on the Pacific coast against the Japanese, which unfortunately is still continuing, are thankful that the foresight and judgment of Theodore Roosevelt have furnished the means which will preserve their beloved country from a bloody and unnecessary war. The American people are not a military people. They are peace-loving. But they realize that to be unarmed and assertive of their rights is to invite disaster. And this realization is responsible for the wholehearted support given by farmer, workman, and professional man alike to the Roosevelt policies of enlargement and improvement of the Army and Navy.

FRIENDS WITH ALL THE WORLD.

More than six years have passed since Mr. Roosevelt gave his promise to continue the policy of his predecessor for the peace of his native land. During that long period the American dogs of war have been held well in hand. Not a ripple has disturbed the surface of our international relations. Germany, Great Britain, and Italy blockaded Venezuela and threatened infringement and even violation of the Monroe Doctrine. President Roosevelt induced these powers to raise the blockade and to reenter upon peaceful relations with the South American Republic. When his Administration began, he found the relations between the United States and Germany strained. To-day those relations are most cordial, Germany losing no opportunity to manifest its good will and friendship for the great American nation. Tired of the conditions which existed in Santo Domingo, Europe determined to intervene, with a view to securing greater protection for its interests and payment for debts acknowledged and unpaid. To-day the disorder of that island has been replaced by order; a revolutionary government has been succeeded by a stable government; arrangements have been made for the prompt payment of all debts, and an era of prosperity and civilization stretches out before the people of that unhappy land. Venezuela and Santo Domingo furnished opportunities for the reassertion and strengthening of the Monroe Doctrine, and caused general recognition of the position of the United States as a just and disinterested arbiter in the affairs of the Western Hemisphere.

THE GREAT RUSSO-JAPANESE PEACE PACT.

But events were to show that the United States was not merely entitled to respect as the determining factor in American questions. The slow, silent advance of Russia toward the unfrozen Pacific, its domination of Manchuria, and its purpose to acquire Korea provoked Japan to war. President Roosevelt's first move was to proclaim and enforce American neutrality; his second, one most beneficent to humanity at large, to restrict the theater of military operations to Manchuria and Korea. Had the belligerents been allowed to conduct their military operations wherever in China they pleased, the vast Empire would have become the prey of every nation, and a world war would have been precipitated. As it was, there was constant danger that Chinese territory would be invaded and occupied and other countries drawn into the Russo-Japanese struggle. The President, therefore, constantly sought a means to arrange peace, making his overtures so tactfully that neither belligerent could feel offended nor rebuff the United States, and at last through his efforts he brought their plenipotentiaries face to face, and, in spite of hostility, mistrust, and disagreement, created a world sentiment which forced them to sign a treaty of peace. Thus China was preserved intact, and the United States successfully had maintained the principles of the integrity of and the "open door" in that Empire. At the time the President was arranging the preliminaries of the Russo-Japanese peace, the Morocco question threatened to disturb European relations, and here again Mr. Roosevelt exercised his powers of right doing and brought about a European concert with regard to that benighted land.

A MAN OF PEACE.

History will term Theodore Roosevelt a man of peace and not a man of war. It will not only recount his achievements with regard to Venezuela, Santo Domingo, Morocco, and the Russo-Japanese war, but it will note the arbitration of the Alaskan boundary question which resulted in the recognition of American claims; the steps he took to establish stability in Central America and to preserve the Republics to the south of us from European collection of debts by force; the arrangement he made to increase the prestige of those Republics by securing their participation in The Hague conferences; the permanence he gave The Hague arbitration tribunal, through the reference to it of certain phases of the Venezuelan dispute, and the encouragement and support he extended which is assisting it to realize the lofty purposes for which it was established; and finally the promotion of more intimate relations between the Pan-American States, with arbitration of all differences as their basis. It is a record which sheds luster upon the American people; and they owe their new glory to the energy and courage of the President.

THE SANCTITY OF THE HOME.

Turn now to the domestic achievements of the President. There, too, we see that nicely balanced exercise of right, of the enforcement of the "square deal." Mr. Roosevelt knows his country and his countrymen. Born and bred in New York, educated in New England, plainsman in the West, he came in contact with all the people and gained an insight into the resources of the land. He knew the needs of the former, the extent and possibilities of the latter. A home lover himself, he fanatically believes in the preservation of the home. Possessing those virtues recognized as belonging to the truest type of manhood, a model husband, a tender father, he has not shrunk from using his influence in behalf of decency and of impressing upon his fellow-citizens the plain duty of providing their country with sound, healthy sons and daughters to carry it on to that splendid future which the past and present promise for it. There has been no cavil or cant about the President's expressions. Seven years before he entered the White House he proclaimed them to the world, and he did it then as he did it when at the head of the nation, because he believed that when the capacity and desire for fatherhood and motherhood are lost the race goes down, and should go down.

MORAL, MENTAL, AND PHYSICAL EDUCATION.

The greatest patriots are the mothers from whose wombs spring the sons to develop in peace or to defend in war their common land; and maternity has been reverenced in all ages and in all civilizations. In both their mental, physical, and moral make-up the President has been solicitous that American youth shall attain a high standard. He has preached the doctrine of education not alone for the benefit of the individual, but because he believes a thoroughly efficient system of education comes next to the influence of patriotism in making the nation great. The Federal Government is estopped by States rights from promoting such a system, but the President has advocated the most advanced legislation that wisely can be enacted for the District of Columbia, believing it will set an example to the States. A sportsman himself, the President believes in clean sport, and he has encouraged competitive games between the Military and Naval Academies and has followed with deep interest and given an impetus to the elimination of brutality from football.

RESCUING HOMES FROM THIEVES.

While Mr. Roosevelt has been limited to words in promoting private morality, he has been able, through the exercise of administrative power and the assistance of Congress in enacting proper laws, to fortify the home and to aid the home builder. He has rescued millions upon millions of acres of the public domain from the rapacious grip of influential thieves, and has dedicated them to the homeless. He is responsible for the reclamation policy, which is irrigating arid lands and draining swamps. The irrigation projects now under way will add 6,468,000 acres to the crop-producing land of the United States. Comparing this enormous area with that under cultivation, it is estimated the value of farm crops will be increased annually by $120,000,000; the taxable property of the people by at least $500,000,000, and homes will be furnished to almost 300,000 families. There are over 60,000,000 acres of swamp or overflowed land in the United States, and if it were possible to reclaim 25,000,000 acres, as the President hopes, the land values of the country would be increased by more than $2,500,000,000 and the crop values by more than $750,000,000. Subdividing this enormous area into 40-acre farms, 1,250,000 families would be supplied with homes. If his successors carry on the policy President Roosevelt has inaugurated in this connection, there will be no crowding of the United States for many long years, however prolific American parents or however great the tide of immigration coming to our shores.

HONESTY THE ROOSEVELT SLOGAN.

Public and civic morality has been recognized as one of the corner stones of the Roosevelt Administration. The President has demanded that the servants of the people be honest. He has no temper for fraud or wrongdoing. In spite of the clamor of politicians, he cleaned out the Post-Office Department. He renovated, also, the other Executive Departments. He ruthlessly removed district attorneys, marshals, and other officials who gave aid to or placed obstacles in the way of the prosecution of land or other thieves. He gave his countenance, though he could not give his assistance, to the movements to provide States and municipalities with clean administrations. At his instance Congress passed a law prohibiting contributions by corporations and national banks to campaign funds. Honesty, honesty, honesty, has been and is the President's unceasing cry, and it has reverberated in all sections and given impetus to that great moral regeneration, the influence of which has been felt both at home and in foreign lands.

ROOSEVELT A CONSTRUCTIVE STATESMAN.

President Roosevelt has not been merely reformatory; he has been constructive. His Administration has witnessed the organization of a new Executive Department—that of Commerce and Labor—the creation of a service for the protection and development of the forests, the reorganization of the consular corps, and the establishment of the foundation for industrial peace, which is intended to facilitate the settlement of disputes between labor and capital. The foundation was made possible through the award to the President of the Nobel peace prize for his services in terminating the Russo-Japanese war. But the piece of constructive work for which Mr. Roosevelt will long be known is in connection with governmental supervision of the railroads. In enforcing the law against rate discrimination by railroads in favor of

large shippers, and in compelling the passage of a new law to enable proper regulation of railroad rates by the Interstate Commerce Commission, the President dealt a blow to one of the greatest evils in connection with industrial combinations and insured equal treatment for the small with the large shipper. This law was not enacted without one of the most bitter legislative struggles the country has ever seen, the forces arrayed against it being the railroad and certain corporate interests, which lost no opportunity to prevent or nullify the President's purpose. But backed by an overwhelming sentiment, a bill meeting with the President's approval was placed on the statute books, and it is being enforced judiciously and fairly and has given results which to-day are as satisfactory to the railroads as they are to the people.

BUILDING UP THE NATION'S WEALTH.

It is a positive pleasure to describe the effect of the policies of President Roosevelt. Every man, woman, and child in the country has enjoyed throughout his Administration the luxuries which accompany an abounding prosperity. Had the President been as mischievously inclined as his enemies would have us believe, it would not have been difficult for him, with the immense power his office affords, to have embarked upon a course which long ago would have brought disaster. As it is, the President, by his determination to make honesty and decency triumphant, has been more conservative than the men who claim to be conservative, but really are reactionary. During the past six years—

Commerce has increased by $1,057,000,000.
Manufactures have increased by $2,000,000,000.
Crops have increased by $2,058,000,000.
Transportation by rail increased by 500,000,000 tons.
Transportation on the Great Lakes increased by 30,500,000 tons.
So much for the prosperity of the country generally.
Now as to the effect upon the individual:

WHAT THE INDIVIDUAL HAS GAINED.

Unfortunately the industrial statistics available are only those of the Census Bureau for 1900 and 1905. Yet they give a fair idea of the effect of the Roosevelt policies.

They show that:

"The number of industrial establishments in those five years, four with Roosevelt as President, increased by 8,700.

"The capital employed increased by $3,700,000,000.

"The number of salaried officials and clerks in industrial establishments increased by 155,000.

"The salaries of salaried officials and clerks in industrial establishments increased by $190,000,000.

"The average number of wage-earners increased by 609,000.

"The total wages paid increased by $602,000,000.

"The value of products of all the establishments increased by $3,400,000,000."

ASK YOURSELF.

But, after all, the easiest way to determine the effect of Roosevelt and the Roosevelt policies is to consult yourself:

"Do you earn more now than you did in 1901?

"While the cost of living has increased, do you not enjoy more luxuries to-day than you did in 1901? In other words, do you not live better?"

THE POOR MAN POORER ABROAD.

Glancing for a moment at the official statistics of the different countries in Europe, we find:

That the increase in the wages of labor has not kept pace with the increase in the prices of food and other necessities.

In other words, the poor man in Europe is poorer than ever.

THANKSGIVING OF THE FARMER.

Now let us turn to the condition of the farmers.

In five years the value of our farm real estate increased almost $7,600,000,000.

In five years the value of domestic animals increased more than $1,000,000,000.

In five years, then, the farmer's total capital, as composed of domestic animals, other live stock, and implements and machinery, increased by at least $8,600,000,000.

During the last seven years the farmers have produced an amount of wealth that has made them more prosperous than the farmers of any country of any age.

The value of their products in 1901 was $5,300,000,000. In 1907 it was $7,358,000,000, an increase of $2,058,000,000.

PROSPERITY OF THE FARMER.

What has been the effect of this tremendous prosperity upon the farmer?

His standard of living has risen.
He has become a traveler.
He has his telephone, his daily mail, and his newspaper.
He is debt-free.
He has money in the bank, or his promissory note is good.

ADVANTAGES TO POSTERITY.

Thus we see the wageworker, the salaried industrialist, and the farmer increasingly benefited during the years President Roosevelt has been at the head of the nation. We know also that the shipper no longer suffers from barefaced discriminatory methods, and that the small dealer stands a better chance in competition with the powerful corporation. The general practice of giving and receiving railroad discrimination never has been so curtailed as is the case to-day. We find that our food has been made more healthful, our drink purer, our medicines freed from adulterations. We see more careful scrutiny of immigration. We see action taken to conserve our mineral resources. Wherever the need, there the President has acted; and not only the present, but all future generations will enjoy the fruits of his wise policies.

THE FORESTRY POLICY.

Let us glance for a moment at the steps taken by President Roosevelt to conserve our natural resources. The national forest policy as it now exists has taken shape during the present Administration. On October 1, 1901, the area of the Government's forests, then under the administration of the Department of the Interior, was only 46,153,119 acres. To-day, six years later, the national forests have an aggregate area of 160,000,000. The year before the consolidation of the Government's forest work the income from the use of the resources of the national forests amounted to $59,000. For the fiscal year ending June 30 last the proceeds amounted to more than $1,530,000. These figures show that the great areas in the national forests have been brought to a condition where they are beginning to serve the purposes of the West. The conservation of timber and forage through wise use and the protection of stream flow is the only insurance of many industries which have contributed materially to the prosperity of the country.

THE FORAGE CROP.

The forage crop of the 160,000,000 acres of national forests supports cattle, horses, sheep, and goats which pay into the pockets of Western stockmen in profits something like $10,000,000 annually. The annual timber crop which these forests are capable of producing would be worth, on the stump, at present prices, perhaps $10,000,000 more, and probably ten times this amount when prepared for market. In many regions the national forests are the only guaranty that the user of wood will be able, in the future, to get it at any price.

By the wise use of the enormous resources of these forests, which, under the operation of the land laws would, but for their withdrawal from entry by Presidential proclamation, now be almost wholly in private hands with only nominal compensation to the public, they can be made, so to speak, to develop themselves. Without their conservation and development, there is not a form of human activity that would not, at some future time, suffer hardship.

THE MAJESTY OF THE LAW AND EQUAL JUSTICE FOR THE RICH AND POOR.

To President Roosevelt, the law is law. As a citizen, it is his duty to obey it; as the Chief Magistrate of the nation, it is his duty to enforce it. A man's wealth or a man's poverty makes no difference in his view, so far as the law is concerned. The fact that a special interest is powerful and rich is no reason why it should be excepted from the operation of the law. The fact that the men comprising that special interest have attained prominence and wealth and possess political and social prestige and influence is no reason why they should be excepted from the operation of the law. Similarly, the labor organization is amenable to the law, and the labor leader can not expect it to be contracted or expanded for his benefit. The President emphatically believes that if the people express their will, it is incumbent upon their servants to give that expression effect. If the law be inadequate, it can be amended; if obnoxious to the general welfare, enforcement will cause its prompt repeal.

CHANGED CONDITIONS REQUIRE NEW LAWS.

To a man so constituted, it was impossible to do otherwise than to enforce the law. When his administration first began, he was asked what action should be taken respecting charges against a United States Senator. His answer was: "Enforce the law, no matter how high or how low it may hit, and enforce it impartially." At the same time the President recognized that new social problems had appeared as a result of the tremendous and highly complex industrial development which the nation had enjoyed. The old laws and the old customs, which had almost the binding force of law, were once quite sufficient to regulate the accumulation and distribution of wealth. But having become inadequate to meet the changed conditions, it was imperative they should be improved. To insure proper legislation, which should not be harmful to the delicate mechanism of modern business, it was above all essential that an accurate knowledge of these conditions should be had. History has established that legislation inspired by hatred and fear and undertaken in ignorance is always unwise and ineffective. The President desired that calm inquiry should be made to establish what abuses existed, and then that the measures needed to correct them should be enacted in a spirit of sober self-restraint. No one appreciated more than he that crude and ill-considered legislation, which might turn out to be bad, created a risk of national disaster; and in his judgment it was preferable to do nothing than to run such risk.

CORRECTING THE ABUSES.

The six years of President Roosevelt's Administration have witnessed the enactment of Federal laws dealing with corporations and railroads and the development of a public opinion which have gone far to correct the grave abuses the President found when he assumed office. John D. Rockefeller and the other Standard Oil magnates could not, with success, carry on in cynical scorn of the rights of the people, the outrageous and oppressive operations which have made their trust so powerful. Edward H. Harriman would not dare to exploit to-day another railroad property as he did the Chicago and Alton. Yet both Rockefeller and Harriman have sneered at the reform policies of the President. Rockefeller's agents placed the Standard Oil above the Government. The creature had become more powerful than its creator. Harriman, having ascertained the limitation of existing law, conducted his indefensible speculative operations in the belief that he was safe from governmental prosecution. Apparently, both the Standard and Harriman believed in observing the law, but only in so far as necessary to avoid the penalties it imposed.

CREATING A MODERN MISSISSIPPI BUBBLE.

Inspired by just such operations as those of Harriman and his ilk, others, perhaps less shrewd, but equally callous and corrupt, embarked upon schemes which approached as near common swindling as high finance ever does. Corporations were organized, the capital of which ranged from five to fifty millions dollars, while the actual cash on hand with which to commence business was acknowledged to be only $1,000 in each case. These corporations included everything from an invention which might be useful to a mine which might contain gold and frequently did not exist. The wonderful prosperity of the country fully justified expansion, but not inflation or swindling. And it was fortunate there was a man like Mr. Roosevelt at the head of the nation strong enough to turn on the light and expose conditions favorable to the formation of another Mississippi bubble. Had not the public become aware of the dishonest practices which were being perpetrated by men who presumably were entitled to national respect and confidence, undoubtedly the reign of George Law would have had repetition and the United States would have become involved in a financial crash of great magnitude.

LIGHT AND DARKNESS IN FINANCE.

President Roosevelt believes in publicity. Here again he is directly opposed to the Rockefeller-Harriman type. Mr. Roosevelt has never had anything to conceal. What deception Rockefeller found necessary in the organization and development of the Standard Oil trust! What practices Mr. Harriman stooped to in order to accomplish the schemes constantly revolving in his mind! In what pits of darkness these high financiers worked overtime. Mr. Roosevelt holds that the honest corporation has nothing to fear from publicity; that there is no reason to spare the dishonest corporation. The beef trust, tobacco trust, and sugar trust interposed every possible obstacle in the way of governmental inspection of their books. Why? The Standard Oil Company absolutely declined to aid the Bureau of Corporations, which President Roosevelt organized, in the inquiry instituted into its affairs.

The report of the Bureau establishes potent reasons for this defiant attitude. Mr. Harriman hampered the investigation of the Interstate Commerce Commission into the situation he created through the merger of the Union Pacific and Southern Pacific and his manipulation of the Chicago and Alton and other properties, and went so far as to refuse to answer certain questions. The report of the Commission makes it clear why he considered himself impelled to adopt this course. The Government has begun legal proceedings to force him to furnish it with the information desired.

MONOPOLY DESTRUCTIVE TO LIBERTY.

There is nothing so inimical to liberty as monopoly. Its existence controls wages, fixes selling prices, indeed determines every condition of life since it may employ or discharge, reward or punish, as suits its fancy. It crushes independence, destroys initiative, and fetters progress. It leads to crime, as witness smuggling in those countries where government monopolies obtain, and it provokes a sensitive, proud people to revolt.

PROSECUTIONS UNDER THE ANTITRUST LAW.

The Sherman antitrust law specifically prohibits combinations in restraint of trade. It contains provisions for civil action to dissolve an offending corporation. It contains also a provision for the punishment of the men guilty of restraining trade. It has been alleged that there are no combinations which violate this law. The statute was approved on July 2, 1890. During the Administration of President Harrison, three combinations found to infringe the law were judiciously dissolved. Three were ordered dissolved during the Administration of President Cleveland. Two injunctions were granted while President McKinley was in the White House. Five years of President Roosevelt's Administration witnessed the institution of twelve bills in equity, of which six were granted; thirteen indictents, of which three resulted in indictments and nine are pending, and two convictions for contempt for refusal to testify before a grand jury.

MONOPOLIES CONTROL PRICES.

It is the earnest effort of defenders of monopolistic combinations to demonstrate that the prices of commodities in general consumption depend absolutely upon the natural law of supply and demand. Of course the combinations have assisted the law wherever declines have occurred, but no, no never, are they responsible for increases. Mr. Rockefeller admitted that combinations may be formed for speculation in stocks rather than for conducting business, and that for this purpose prices might be temporarily raised rather than lowered. Yet Mr. Rockefeller's trust used its monopoly power to compel producers to sell at the prices dictated and to extort excessive prices from consumers. The heads of other trusts, who have been less cautious in their utterances than Mr. Rockefeller, admit that the result of the formation of their combinations was reduction of prices paid to the producers and increase of prices made to the consumers.

THE STANDARD GREATEST OF ALL TRUSTS.

The greatest of all trusts, so far as investigation to date has shown, is the Standard Oil Company. This company with its affiliated concerns refines and sells fully 85 per cent of the illuminating oil, naphtha, and lubricating oil made and sold in the United States. It transports more than 90 per cent of the crude oil transported through pipe lines in the principal oil fields. In large sections of the country there is practically no independent oil sold, the Standard's own estimate of its proportion of the business exceeding 95 per cent.

PROFITS OF THE STANDARD.

The Standard has used its monopoly power to extort unreasonable profits. Its profits in 1903 were over $81,000,000 on a capital of about $98,000,000. The profits in that year constitute nearly 40 per cent of the total investment of the company as carried on its books. During five years the average increase in the price of oil was about 2 cents per gallon. The Standard's sales of petroleum products in the United States amount to about 1,400,000,000 gallons annually. The increased rate represents an enormous and altogether unwarranted increase in profits. Mr. Rockefeller could afford to be philanthropic and to distribute, as he has done, something like $150,000,000 "for the benefit of his countrymen."

REBATES AS AIDS TO MONOPOLIES.

It has been established beyond doubt that the greatest aid to the development of huge combinations was the rebate. Not only did the railroads grant them to favored shippers, but it was a common device of combinations for maintaining prices to sell goods to wholesale dealers, granting them after a certain period a rebate, provided such wholesalers failed to sell the goods at less than fixed prices. But the railroads were the chief offenders in this respect. It was a matter of the most common knowledge that railroad officials upon slight salaries and in a very few years amassed considerable fortunes, because it was within their power, by giving slight concessions in rates, directly or indirectly, to determine the fortune of any industry, whether it should prosper or fail. In numerous cases rebates over great sections of the country averaged upon the product of largest movement from 10 to 40 per cent of the published rates. Such advantages were given to those who could compel them by the large volume of traffic which they could control or to those with whom the railroad or its officials were intimately identified in interest.

CRIMINAL CONSPIRACIES.

Such practices inevitably led to the growth and prosperity beyond normal bounds of the industries so favored and to the utter destruction and bankruptcy of those industries to which such advantages were not extended; and, indeed, it is the judgment of those who have made investigations into the rise of some of our most potent and pernicious industrial combinations that they were alone made possible by a criminal copartnership with our interstate common carriers. So long as the railroads might extend one rate to one shipper and another rate to a competing shipper neither capital nor labor was free to seek those lines which offered the greatest return, for under such conditions the man of wealth and enterprise, together with the workman of intelligence and skill, were alike dependent upon the benevolence or malevolence of railroad officials.

RAILROADS ARE GOVERNMENT AGENCIES.

It is, therefore, not without justifications to say that one of the real accomplishments of President Roosevelt has been the putting in motion of those forces which have led to a change of railroad policy affecting so intimately the industrial life of the nation. Railroads are highways. The right to use the highways is a political right—fundamental and inalienable—which springs from the very nature and necessities of social order. It differs altogether from contract rights, which rest wholly upon mutual and voluntary agreement. The railroad, therefore, is not a private enterprise, but, in fact and in law, an agency of government for performing a public service of the highest utility. The right to use its facilities is primary and inherent, and the very essence of that right is equality and reasonableness of conduct and charges.

SECURING REASONABLE AND JUST RATES.

The right of the public to rates that are reasonable and relatively just measures the duty of the carrier, and that duty is no longer questioned even by the railroads. The question that faced the President was how the performance of this conceded duty could be secured. Obviously not by fixing rates by direct legislation. That method was plainly impracticable. Indeed, its use by certain States has provoked much adverse comment and is regarded by many as the principal cause of present disturbed business conditions. But, granting the feasibility of fixing State rates in this way, no one pretends that the Congress should undertake to deal directly with the vast and complicated network of interstate rates. On the other hand, it seemed evident that railway managers should not be the sole judges of the reasonableness of their own rates, nor the final arbiters of the just relation of rates as between different localities and different articles of traffic. Some authority there surely should be, superior to and independent of the carrying corporations, to investigate their schedules, prevent unjust exactions, and equalize so far as might be the burdens of transportation.

THE MEANS TO CORRECT ABUSES.

The plan adopted was for Congress to define the principles or rules of conduct which the carrier should observe, and to authorize an administrative tribunal to inquire and decide, after full hearing, whether particular rates and practices, of which complaint was made, do or do not conform to the established standard, and if such complaint be well founded to prescribe the lawful rates and practices to be substituted for the future in place of those condemned.

RAILROADS NOT IN GOVERNMENT'S HANDS.

This is the method or plan of regulation under the existing statute, including the amendments of 1906. Let those who condemn this method propose one more likely to protect the rights of both the railroads and the public or better suited to promote relations of mutual justice. To say that such a scheme of regulation is "fixing railroad rates" and "places the railroads in the hands of the Government" is to make a wild and baseless assertion, which finds no excuse in the theory of the law or the results of its administration. On the contrary, experience shows that its provisions are sound and wholesome and that its operation tends strongly to enforce fair dealing by the railroads and at the same time to sustain the value of railroad property.

NEED OF THE LAW.

To say that such a measure was "absolutely superfluous" because there has been a return of only 4 per cent upon the "modest capitalization" (!) of American railroads, is a non sequitur so obvious as not to admit of argument. The statement may be accepted as to aggregate capital and average earnings, but it manifestly does not follow that some roads are not overcapitalized, and that some or many rates are not excessive and discriminatory. Indeed, the evident purpose of this law is not to reduce rates generally, but to reach and correct the particular instances of departure from the standard of reasonableness and relative justice. It has already been amply vindicated, and its benefit will be more apparent as time goes on.

DEBT OWING TO MEN WHO DO.

It has never been President Roosevelt's policy to strike at a man of wealth because he possessed wealth. Socialists and demagogues have advised him to aim all his shot at capital; the money kings have urged him to enforce the law and to secure legislation only in their interest. He appreciated that prosperity could never be created by law alone, although it could be easily destroyed by mischievous laws, or that law could guard us against the consequences of our own folly. When he assumed office he knew that the men who are idle or credulous, the men who seek gain not by genuine work, but by gambling in any form, are a source of menace not only to themselves, but to the people generally. The President recognized the great debt the people owe to those captains of industry who drove railroad systems across the country, and he believed also in leaving as unhampered as compatible with the public good those strong and forceful men upon whom the success of business operations depends. But while favoring ample and full returns for these men, he will not permit, if he can help it, a policy of exploiting the many for the benefit of the few, and as far as he can he will punish the man who cares nothing for the property after the speculative deal in its securities has closed. With wealth honestly gained and honestly employed the President has not and never has had any quarrel. Such wealth deserves and receives his entire approbation. But fortunes gained dishonestly and employed dishonestly constitute menaces to the people, and their owners must be dealt with by the Government.

HARRIMAN NOT A RAILROAD BUILDER.

E. H. Harriman is a railroad financier, not a railroad constructor. For nearly seven years he has been in absolute control of the Union and Southern Pacific systems, and in all that time he has built no new line of railroad, excepting a few small feeders, a coast-line connection in California, and the line now under construction running out of the United States into Mexico. Contrasted with the work which James J. Hill did in the Northwest, where he built a transcontinental line without Government aid and through a virgin territory, the greater part of which was not only uninhabited, but thought incapable of habitation at the time of the initiation of his enterprise, whatever Mr. Harriman has done in the line of construction is inconsequential. His policy has been to stop new railroad building, or if this was not possible to secure control of the new road.

HOLD-UP TACTICS OF HARRIMAN.

When Senator Clark, of Montana, projected a railroad running from Salt Lake to Los Angeles, Mr. Harriman, by court injunctions and other methods, put a stop to the work of construction and only permitted it to continue when he was allowed a one-half interest in the enterprise and a traffic agreement for ninety-nine years with the Southern Pacific road. When the Santa Fe Company planned to extend its lines from the forest country in northern California to connect with its main line at San Francisco Bay, Mr. Harriman again compelled connection with lines which he owned himself, placing the new road under a joint management.

WHERE HARRIMAN'S GENIUS PLAYS.

It is as a railroad financier and manipulator that Mr. Harriman's genius has been exhibited. He looks at railroads from the Wall street standpoint. He knows the game as played in the great money market

of the United States and years ago forsook his previous occupation of buying and selling the stocks and bonds issued by other men and himself undertook to utter those securities in which Wall street speculates.

THE CHICAGO AND ALTON SCANDAL.

The first considerable enterprise with which Mr. Harriman's name has been identified is the exploitation of the Chicago and Alton, the history of which, as said by the Interstate Commerce Commission, "is rich in illustrations of various methods of indefensible financing." Some of the methods used are set forth in the report of the Commission in these words:

"First came the profit to the stockholders arising out of the sale to themselves of $32,000,000 of bonds at 65, which sold for several succeeding years for 82½ to 94. Second came the 30 per cent dividend based on amounts expended from income for improvements, much of it nearly thirty years before, and recently capitalized. Third came the pseudo transfer to Stanton, and his contract under which the new company paid $10,000,000 in cash for preferred stock which had cost less than $7,000,000. Fourth came the conversion of 183,224 shares of common stock in the railroad company into 195,428 shares of common stock plus 194,890 shares of the preferred stock in the railway company, part of which was sold to the Union Pacific at 86½ a share. Fifth came the sale of the St. Louis, Peoria and Northern for $3,000,000 cash. Sixth came whatever interest the syndicate may have had in the sale to Kuhn, Loeb & Co. of $22,000,000 of bonds at 60 cents on the dollar. Seventh came the fee of $100,000 to Mr. Harriman for financing the enterprise. This analysis is no doubt incomplete, but it is suggestive."

GAINING CONTROL OF THE UNION PACIFIC.

The striking success achieved by Mr. Harriman in this transaction no doubt led to his early preeminence in the affairs of the Union Pacific immediately following its reorganization. No man has ever been more fortunate in gaining possession of a great railroad at an opportune time than was Mr. Harriman in his advent into the railroad world. He came, after a long period of depression, into possession of properties which were the main arteries for the traffic of great sections of the country. He could not have destroyed these properties if he had wished to do so. The country was just entering upon the greatest period of prosperity which any land in all the world's history has ever seen.

WHAT PROSPERITY DID FOR HARRIMAN.

The only embarrassment which Mr. Harriman has found in the management of these properties has not been that of securing traffic upon which he could pay dividends, but that of moving the traffic which was offered him and with the creation of which he had absolutely nothing to do. The considerable betterments which have been put into his roads, most of which had been projected by Mr. C. P. Huntington and Mr. Leland Stanford, were forced upon the Harriman lines because of their inability to handle the great volume of business that was pressed upon them, an inability which still obtains.

HARRIMAN'S STOCK ISSUES IN THE UNION PACIFIC.

Mr. Harriman's fondness for stock issues was early exhibited in his control of the Union Pacific by the issuance of $100,000,000 of convertible bonds, and here began the evidence of an expanding ambition. The Union Pacific, when it came out of the hands of receivers, was but 1,800 miles long. It was a trunk line, and occupied the most important strategic position held by any railroad in the Far West. Why not bring all competitors under its domination? Nothing stood in the way of carrying out such purpose excepting a lack of funds.

THE SCHEME TO GAIN RAILROAD CONTROL.

The syndicate which bought the Union Pacific was not prepared for any such gigantic enterprise, nor did Mr. Harriman contemplate that their own funds should be used in this manner. They could mortgage the Union Pacific to buy one piece of road, and mortgage that second piece of road to buy another piece of road, and so continue this chain until all of the roads tapping the great territory from the Missouri River to the Pacific Ocean and from Puget Sound to Mexico were under one control. Again we quote from the report of the Interstate Commerce Commission:

"That it is only the law which prevents the concentration into Mr. Harriman's hands of every line lying between Canada and Mexico is the frank admission of Mr. Harriman himself, made at the hearing. Questioned by the Commission as to where his policy of acquisition was to stop, Mr. Harriman said:

"'A. I would go on with it. If I thought we could realize something more than we have got from these investments I would go on and buy some more things.

"'Q. Supposing that you got the Sante Fe?

"'A. You would not let us get it.

"'Q. How could we help it?

"'A. How could you help it? I think you would bring out your power to enforce the conditions of the Sherman anti-trust act pretty quick. If you will let us, I will go and take the Santa Fe to-morrow.

"'Q. You would take it to-morrow?

"'A. Why, certainly I would; I would not have any hesitation; it is a pretty good property.

"'Q. Then it is only the restriction of the law that keeps you from taking it?

"'A. I would go on as long as I live.

"'Q. Then, after you had gotten through with the Santa Fe and had taken it, you would also take the Northern Pacific and Great Northern, if you could get them?

"'A. If you would let me.

"'Q. And your power, which you have, would gradually increase as you took one road after another, so that you might spread not only over the Pacific coast, but spread out over the Atlantic coast?

"'A. Yes.'

"To gather under one head all existing transcontinental lines, or as many as possible, and to exclude the incoming of all competitors, became manifestly the Harriman policy, which was inaugurated in 1901 by the issuance of $100,000,000 of convertible bonds by the Union Pacific. With the proceeds of these bonds the Union Pacific purchased control of the Southern Pacific Company, and a majority of the outstanding stock of the Northern Pacific Railway Company, which latter incidentally carried with it control of one-half of the stock of the Chicago, Burlington and Quincy Railway Company, the stock of which had been purchased jointly by the Northern Pacific and Great Northern companies and their collateral trust bonds issued therefor. Possession of these lines would have given to the Union Pacific absolute mastery over every avenue leading to the Pacific coast within the United States save that afforded by the Great Northern Railroad on the northern border of the country, and that offered by the Santa Fe upon the southern. This plan, if executed, would have subjected to a common will and policy nearly one-half of the territory of the United States—a comparatively undeveloped, rapidly growing, and extremely rich territory, into which must necessarily extend the population and business of the Eastern States."

THE HARRIMAN IDEA.

Mr. Harriman sought to make this territory his own, a vast Harriman plantation, over which he would be master, but the complaint of his people is that he does not recognize the obligations of the landlord. He builds no new lines and joins in the building of no new lines unless other competitors first undertake such construction. The State of Nevada he treated as a means of ingress to California, a mere bridge, until others with enterprise made tributary to his own line the vast mineral deposits and rapidly growing communities in that territory. He has planned for a railroad from the Columbia River to Puget Sound, into the territory occupied by the Hill roads, and has left undeveloped nearly 50,000 square miles in eastern Oregon and southern Idaho. He has taken the money raised from the sale of bonds secured by mortgage of western roads, and upon which the traffic of that territory pays the interest, to gamble in the securities of far distant systems.

PLAYING THE WALL STREET GAME.

Harriman's policies have not been based upon public need, nor have they been rich in anticipation of the future. He has played the Wall street game and played it with a master's hand; but he has always been a manipulator only, who uses to his profit whatever others have created; a financier who supplied an eager market with securities, sometimes of certain and sometimes of problematical value.

ANTHRACITE COAL STRIKE.

No one loves the man whom he fears. No criminal applauds the judge who justly punishes. Those financiers who have been guilty of indefensible practices injurious to the people could not understand the "meddling propensities" of the President in behalf of the people. For instance, take the Roosevelt policy with respect to the great strike in the anthracite field in Pennsylvania. The same owners resented governmental action, because, forsooth, they regarded it as interference with their private business. They paid no heed to the prospect of suffering from cold and hunger which faced the people unable to obtain at the usual prices the coal they required. What they wanted was a President who would dispatch troops into the disaffected districts and by use of their weapons compel the miners to return to work under the harsh conditions they imposed. President Cleveland sent troops to Chicago in 1893 not to supplement or supersede the authority of the State of Illinois in suppressing riot and public disorder, but to protect Federal property, prevent obstruction in the carrying of the mails, prevent interference with interstate commerce and to enforce the decrees and mandates of the Federal courts.

THE CHICAGO RIOTS.

None of the causes leading to the dispatch of Federal troops to Chicago in 1893 arose during the anthracite strike, 1903. In the latter case there was no attempt to injure or destroy Federal property; there was no effort to obstruct the carrying of the United States mails; there was no interference with railroad property affecting interstate commerce; and there was no resistance to the enforcement of the decrees and mandates of the Federal courts. There was at no time a request from the State authorities of Pennsylvania for assistance in preserving law and order. Had Federal troops under these circumstances been dispatched into Pennsylvania to police the anthracite regions, President Roosevelt would have been among the first to cry out against any such usurpation of the prerogatives of the State of Pennsylvania or any such unwarranted and unlawful use of the military power of the Federal Government.

The only similarity between the situation in Chicago in 1893 and that in the anthracite region in 1903 was in the arbitrary and arrogant attitude assumed in both cases by the employers of labor.

FORCE A LAST RESORT.

Public order is always to be maintained, and riot must be put down with a ready and unsparing hand; but it must not be forgotten that this is done primarily in the public interest. But when in anticipation of an outbreak, any group of men appeal to the public authority for armed support, merely to enable them to conduct a quasi-public business in any manner they see fit, the public authorities are entirely within their rights if they insist that such applicants for armed assistance shall have displayed a spirit of fair dealing and shall have exhausted all reasonable and peaceful means to prevent the bringing about of public disorder.

LESSONS OF THE COAL STRIKE.

The action of President Roosevelt in compelling a settlement of the coal strike by arbitration established one of the most valuable precedents of recent years. It brought an era of peace and prosperity to the anthracite coal region of Pennsylvania; and the report of the commission appointed by the President and the machinery it established for preserving peace have met with practically the universal approval alike of wage-earners and employers throughout the United States. The course of the President met such universal approval that it practically put an end to that arrogant attitude on the part of large employers which in controversies of this kind refused to recognize that either their employees or the general public had any rights demanding consideration.

PEACE FOR LABOR AND CAPITAL.

President Roosevelt has never lost an occasion to provide the means and to enforce them, provided he could do so constitutionally, to harmonize the differences between capital and labor. In his first annual message as in his last annual message, the same thought has run, like a white thread on a black coat. The President believes in combination of capital, of the kind which on the whole is a benefit to the public. He believes it is often necessary, and where not necessary it is yet often wise, that there should be organization of labor in order to better secure the rights of the individual wageworker. To the capitalistic combination as to the labor union, the President feels that encouragement should be given so long as the former does no harm to the general public and so long as the latter is conducted with a due and decent regard for the rights of others. When any labor union seeks improper ends or seeks to achieve proper ends by improper means, all good citizens and more especially all honorable public servants must oppose the wrongdoing as resolutely as they would oppose the wrongdoing of any great corporation.

CHARACTER AND GOOD LAWS.

The President has repeatedly stated that the one fundamental fact to remember is that the character of the average man, whether he be

a man of means or a man who works with his hands, is the most important factor in solving aright the problems of capital and labor. But as he himself has said, it is almost equally important to remember that without good laws it is also impossible to reach the proper solution. Pressure by the President resulted in the amendment of the employers' liability law and an enactment diminishing the hours of work of railroad employees. He enforced the eight-hour law on Government work. Up to December, 1906, what is known as the Erdman Act, passed in 1898, providing for mediation in disputes between common carriers and their employees had never been invoked. In one year the railroads of the country have repeatedly appealed for its use. The President considers the creation of a board for compulsory investigation of important industrial controversies in cases where mediation fails and arbitration is rejected the next step in a progressive programme, and he has so advised Congress.

THE PACKING HOUSE SCANDAL.

Another instance of "meddling" by the President is found in his investigation of the packing house industry and his correction of evils discovered therein. The country has not yet forgotten the disclosure of insanitary conditions existing in these packing houses; and the details are too nauseous to repeat. In the face of the most determined and bitter opposition the President forced the passage of a law which made the Federal inspection more thorough and efficient and extended it to cover a larger proportion of the total meat production. The distrust arising from the agitation regarding packing-house conditions in the spring of 1906 has given way to renewed confidence in the wholesomeness of our inspected meats.

WHAT FEDERAL INSPECTION IS DOING.

In the fiscal year 1906 the inspection was conducted at 163 establishments in 58 cities and towns, while the following year it was applied to 708 establishments in 186 cities and towns. The number of Federal employees engaged in this inspection July 1, 1906, was 764; it is now 2,448. In the fiscal year 1906 the post-mortem inspection covered 42,901,284 animals and 158,953 carcasses, and 126,159 parts were condemned. For the year ending September 30, 1907—the first twelve months under the full operation of the new law—53,752,577 animals were inspected, and 160,366 carcasses and 888,653 parts were condemned. There were also condemned in reinspection during the last-named period 27,275,711 pounds of meat and meat-food products which had for various reasons become unwholesome or unfit for food since the inspection at time of slaughter, and for the inspection and condemnation of which the old law made no provision.

THOROUGHNESS OF THE LAW.

Under former law the inspection was practically confined to an examination before and at the time of slaughter. Now it not only comprises a careful ante-mortem and post-mortem veterinary inspection, but follows the product through all the processes of preparing, curing, canning, etc., prevents the use of harmful preservatives and coloring matter, requires honest labeling, and enforces sanitation in all the plants and processes.

PROTECTING THE PEOPLE'S FOOD AND DRINK.

The pure-food law which safeguards the food, drink, and drugs of the people, also owes its enactment to the President. Investigations had disclosed that an immense amount of deception, fraud and deliberate swindling was practiced by the misbranding of food products. False and misleading claims were often printed on the label attached to such products. False statements of origin or of the country in which the substance was produced were repeatedly made. Where a particular State or locality had managed to build up a reputation for its products, and thereby enhance their market value, it had become a common practice for manufacturers in other sections to steal the name of a favorite State or locality in order to enjoy the profit of an enhanced price. Adulteration of food, drink, and drugs had become prevalent to an alarming extent, and until President Roosevelt intervened it was an extremely difficult matter to obtain a pure article. The law, passed as a result of this action, has been enforced with due regard and consideration to business interests, and it is a fact that not a single honest manufacturer has been injured by the enactment. The people to-day obtain food which does not contain foreign substances, deleterious to health.

REASONS FOR FAITH IN ROOSEVELT.

The unbounded faith the American people have in President Roosevelt arises from their belief that in whatever he does he is actuated by a whole-souled desire to advance their interests. He has given powerful impetus to the movement for the upbuilding of the Navy. He has encouraged officers and men of that service by the deep personal interest he has evinced in their work. During the Spanish War, three years before Mr. Roosevelt assumed the Presidency, the American fleet which destroyed the Spanish squadron at Santiago de Cuba made a percentage of less than 3 per cent of hits—that is to say, only three shells out of every hundred struck the enemy's vessels. To-day the record of the fleet is more than 59 per cent. This means that sixty shells out of every hundred hit the target. Had the conditions of gunnery which existed when Mr. Roosevelt entered the White House continued, the American people would have a fleet, in material as good as any in the world, but in efficiency far below that of any other nation. As it is, we have a homogeneous, effective fleet, well officered and well manned, ready and able to uphold and maintain the dignity and honor of the nation. The President has increased the efficiency of the Army by giving it a new organization, based upon principles found essential in all great modern wars, and by eliminating the dead wood which develops in a military body. The American people are not a military people, and the President would not have them so. What he wants is a small nucleus of well-trained troops around which a great force of citizen soldiery may be organized. He is encouraging rifle practice by every citizen, in this following the example of the Swiss, who are expert shots, and who, therefore, are more valuable for defensive purposes in case war should ever come upon them.

DEFI OF THE STANDARD.

Abraham Lincoln made many wise sayings. One of these, which is in common use, is the following: "You can fool some of the people all the time, and all the people some of the time, but you can't fool all the people all the time." The trust magnates and financiers who had been picking the pockets of the people have come to realize now the truth contained in this epigram. They had grown to despise the people for their innocence and trust. The Standard Oil Company defiantly told the President to go ahead with his investigation and prosecution and made it clear that it considered itself more powerful than the Government. It was fined $29,000,000 in Chicago for accepting rebates from the Chicago and Alton Railroad. It has been alleged that the Standard was too severely punished for merely technical violations of the law, and the fine has been characterized as "one of the atrocities of modern times." The amount of the fine imposed was, of course, a matter with which the administrative officers of the Government were only indirectly concerned. The trial court had a wide range in which to exercise discretion, extending from $1,500,000 to $29,240,000. The decision was not final, but must be reviewed by higher courts.

ENORMOUS PROFITS FROM SECRET RATES.

Nevertheless, anyone familiar with the facts in connection with the rebate prosecutions knows that the Standard exhausted every means to defend itself. The secret rates the Standard obtained from the Chicago and Alton constituted only a feature of a great system of discriminatory rates practically covering the entire country. As the Standard undersold competitors in the great Southwest by means of the secret rate over the Chicago and Alton, it was able to secure an entire monopoly of the business of that section, and having brought about this result it increased its prices. It has been estimated that in 1904 the Standard's subsidiary company, which controlled the Southwest, made over 690 per cent on its capital stock. This enormous profit has been enjoyed for a period of fifteen years. In the light of this fact, can it be said that the fine imposed by Judge Landis was excessive?

DEBAUCHERY OF AMERICAN MEN.

And when we have considered all the facts in connection with the Standard Oil monopoly, who will not join in the regret of Judge Landis that the law failed to authorize him to impose also imprisonment upon the men guilty of the nefarious practices shouldered upon the creature that could not be placed behind the bars, but could only be fined. Judge Landis declared: "The men who thus deliberately violated this law (Elkins antirebate statute) wound society more deeply than does he who counterfeits the coin or steals letters from the mail." Who will not say that this conviction is just, when he recalls that the Standard's methods have contaminated hundreds of men who were forced to evade and circumvent the law, to bribe and cajole and to destroy competition by unfair methods?

THE ROOSEVELT VIRTUES.

We have seen that the course pursued by the President has been inspired by—

Honesty, sincerity, patriotism. Faithfulness to the people and to his oath. Farsighted preparation for continued prosperity.

WHAT SCANDALS HAVE COME.

Now, let us look at the things for which others are admittedly responsible but the effect of which is sought to be shouldered upon the President. These include—

The insurance scandals.
The railroad scandals.
The corporation scandals.
The stock-jobbing scandals.
Ask yourself—
Did Mr. Roosevelt cause the insurance scandals?
Did Mr. Roosevelt cause the Chicago and Alton scandal?
Did Mr. Roosevelt cause the Standard Oil scandal?
Did Mr. Roosevelt cause the New York Metropolitan Traction scandal?
Did Mr. Roosevelt cause the New York banking scandals?

THE CHILDREN OF SELFISHNESS.

Now, let us consider what the men really involved in these scandals were actuated by. We conclude selfishness, and as the outgrowth of this vice: Dishonesty, insincerity, treason to the best interests of their country, short-sightedness with respect to themselves and their country.

THE INSURANCE DISCLOSURES.

The facts in connection with these various scandals are too fresh in the memory of the country to require repetition. It is sufficient to refer to the reckless extravagance of the men charged with the solemn duty of caring for the funds intrusted to them in the interest of bereaved beloved. Who can soon forget the superb balls and dinners given by Hyde, of the Equitable, "in the interest of the policy holders," or of the "slush fund" used to bribe legislators, or the "rake off" which the favored enjoyed from investments of the money of policy holders, or the imperiling of this money in stock-gambling operations, or the extravagant nepotism praticed.

LAW HONESTY OF INSURANCE FINANCIERS.

President Roosevelt was moved by the disclosures to state to Congress that "it has been only too clearly shown that certain of the men at the head of these large corporations (insurance) take but a small note of the ethical distinction between honesty and dishonesty; they draw the line only this side of what may be called 'law honesty,' the kind of honesty necessary in order to avoid falling into the clutches of the law. Of course, the only complete remedy for this condition must be found in an aroused public conscience, a higher sense of ethical conduct in the community at large, and especially among business men and in the great profession of the law, and in the growth of a spirit which condemns all dishonesty, whether in rich man or in poor man, whether it takes the shape of bribery or of blackmail." The President was most anxious for Federal legislation regulating insurance, but unfortunately it was established that such legislation would be unconstitutional; and he has been compelled to content himself with an insurance law for the District of Columbia, which is serving as a model for the States to copy.

SOWING THE WIND.

The conduct of the Hydes and McCalls in exploiting policy holders for their personal benefit was observed also by the Rockefellers and Harrimans with a similar object in view. It is hardly necessary to speak further of Rockefeller and Harriman, but let us consider for a moment the operations of the Heinzes, Morses, and Thomases in New York. F. Augustus Heinze was elected president of the Mercantile National Bank last spring. His reputation was anything but that needed to give the public confidence in a banking institution. In connection with the celebrated Amalgamated Copper deal, he was accused of the most reckless manipulation of the courts, legislatures, banks, and mining companies. Into the management of what had been a well-managed, conservative concern, he introduced such men as Charles W. Morse and the Thomas brothers, who were known speculators and plungers, and whose operations naturally were subject to distrust and suspicion.

THE CHARACTER OF THE HEINZE GANG.

The public knew these men were associated in all sorts of speculative deals, as well as in the joint ownership or control of several national banks, and a still greater number of New York City State banks and trust companies. It is common newspaper report that, although Heinze may be a man of great talents, he is nothing but a high-handed, reckless speculator. Morse was a plunger and speculator, but law honest.

His reputation was still further damaged by his family relations and associations with the notorious Abe Hummel, now serving a term in jail, so that when the crisis came the people were suspicious of anything with which his name was connected. While the Thomas brothers were known to have inherited large fortunes, they had the reputation of being in all sorts of speculative enterprises and having gone into the banking business mainly to obtain loans for these enterprises, which otherwise they could not have secured. They were known to lead fast lives, owning race horses and participating in all kinds of spectacular sports, which, although perhaps not inherently vicious, certainly did not add to their reputation as bankers. Charles T. Barney, president of the Knickerbocker Trust, who committed suicide, was known to be faithless to every relation in life. So much for New York. John R. Walsh, who failed in Chicago, was of clean personal habits, and made the mistake of going into too many different enterprises at the same time and endeavoring to finance them alone. To save himself, and probably with the hope of carrying various concerns, he loaned to them from the national bank and two State banks which he owned some $15,000,000 of the money of his depositors. The Walsh failure was one of a number of known instances of unfaithfulness to financial trusts and induced apprehension in the public mind as to the standing of the institutions to which they confided their savings. He is now undergoing trial for violation of the banking laws.

THE PEOPLE FOR THE ROOSEVELT POLICIES.

Here then we have the comparison. Roosevelt, clean, honest, faithful, on the one hand, and Rockefeller, Harriman, Hyde, McCall, Heinze, Morse, Barney, the Thomases, and Walsh, on the other. It is not to be wondered at that the President has such a firm hold upon the confidence of the people; not to be wondered at that there is such a universal demand that he continue in the office of President. Without ambition, determined not to run again, the President emphasizes that he is not actuated by personal motives. All he wants—and in this the people know he is unselfish—is the continuance of his policies for decency, cleanliness, honesty, and morality. Suffering from the exploitation of the unscrupulous, indignant at the work of those men in digging an abyss into which the country would have plunged had not a man of strong heart and strong mind interfered, there is no question that the people will demonstrate their purpose by their ballots to continue the Roosevelt policies and enjoy for themselves and save for their posterity a land undefiled, sound, honest, and prosperous.

FIXING THE DATE.

There is no difficulty in fixing the date, when, affrighted by the terrible revelations of wrongdoing in institutions and by men of public trust, the people began to lose confidence in Wall street, to dispose of their holdings in stock and to hoard their hard-earned cash.

CAUSES WHICH PRODUCE PANICS.

The tightening of the money market and the more careful scrutiny of credits which have been going on for a year or two, were sure signs of the approach of a crisis. It is impossible to draw the line absolutely between the legitimate and conservative enterprises, and those of a speculative character which have coincidently absorbed the credits of the country, and locked up in the form of fixed or unproductive investments such an amount of capital that there is not sufficient left to carry on the business thus promoted. We have on the one side such large investments as the Pennsylvania and other railways have been making, and on the other, investments in all sorts of oil and mining shares and various flotations of stocks, which are not only highly speculative, but often fraudulent and criminal in their nature.

FIRING THE MINE.

It is, of course, natural and probably inevitable, when such a condition of expansion has been reached, that the spark that fires the mine, or incident that produces the panic, is almost sure to come from the speculative if not the fraudulent enterprises. The liquidation thus produced, if not promptly stopped, leads so far as to involve men in charge of the most careful and conservative undertakings.

It is beyond doubt that the immediate incident which led to "The rich man's panic" of last March was the revelation of indefensible financiering of which Harriman was guilty.

It is beyond doubt that the immediate incident which led to the panic of October, 1907, was the collapse of the corner in the stock of the United Copper Company, which had been engineered by the Heinzes.

HOW THE PANIC WAS PRECIPITATED.

It was the failure of the Knickerbocker Trust Company, due to suspicion in the public mind, which led to the issue of clearing-house certificates by the New York banks, in which they were at once followed by the banks of all the leading cities throughout the country. It is almost certain that if the banking crisis had not been precipitated in the city of New York by suspicion entertained against Heinze and his crowd, the liquidation which at the time was in progress in the stock market, spreading to the commercial and industrial concerns, would have proceeded more slowly and quietly and that nothing more disastrous than a gradual decline in business would have occurred instead of the widespread panic which occurred.

WHAT WARS AND DISASTER DID.

Wall street financiers have been expecting for more than a year a decline in business. Wars and natural disasters have destroyed hundreds of millions of dollars during the past few years. The war between the United States and Spain, the world intervention in China, the war between the British and the Boers, and the war between Russia and Japan destroyed at least $3,000,000,000; and $500,000,000 was swallowed up in the earthquakes of San Francisco and Valparaiso, Chile. Five billion dollars have been used up in the construction of permanent improvements, now represented by the securities held by those who gave the money. Writing a year ago, one Wall street magnate declared that the New York Stock Exchange had ceased to be a free market, but had become the plaything of a few managers of cliques and pools to such an extent that the investing public remained out of the market, in spite of tempting announcements of increased dividends and stock distributions. Europe at that time shared with the United States distrust of American corporate and gambling methods and cried out against the use of American finance bills. Farseeing financiers saw the necessity of trimming sails for the approaching storm.

ROOSEVELT NOT RESPONSIBLE FOR THE PANIC.

In view of these facts it is difficult to have patience with those who throw the responsibility for the recent panic upon the President. Byron W. Holt, editor of Moody's Magazine, and an authority on finance, writing in Everybody's Magazine, expressed the following conclusion:

"In view of all the facts it is absurd to credit the present panic to President Roosevelt, to anticorporation legislation, to 'muck raking,' or to socialistic agitation. It would, perhaps, be more reasonable to suppose that, together with the exposures in insurance and other industries, these factors, by causing distrust in 1906, checked speculation and inflation, and thus prevented an even greater collapse and panic than otherwise would have occurred. The sooner corruption is uncovered and crime exposed the safer are our institutions and the less danger there is of panic and disaster. Even 'muck raking,' by preventing present bad management from becoming worse, may do more good than harm."

DEPRESSION IN EUROPE.

But the United States has not been the sole sufferer in the way of financial depression. Europe, too, has sustained a setback during the past year. The following table shows the decrease of stock values on the London Exchange:

Stock.	Price on November 20, 1906.	Price on November 20, 1907.	Difference.
Consuls, 2½ per cent	86 13/16	82	− 4 13/16
Local loans, 1912	97¼	94¾	− 3
Bank of England	269	262¼	− 6½
Rand Water Board	93½	88	− 5½
Argentine Northern Railway Extensions, 5 per cent.	102½	101	− 1½
Egyptian Government Unified 4s	102½	99	− 3½
London and Northwestern Consolidated, ordinary	153½	143½	−10
North British Railway	42½	31½	−10¾
Antofasta, ordinary	172½	113	−59½
Buenos Ayres and Pacific (stock)	124	109½	−14½
Buenos Ayres and Rosario	113½	100	−13½
United Railway of Havana	107½	75	−32½

PRESIDENT NOT IMPETUOUS.

Attempts have been made to show that the President engaged in an impetuous and ill-considered raid on corporations generally, and that the financial situation which now exists, was created by his rash acts. It is a matter of common knowledge that the President, for years, has believed in Government control of railroads and corporations, has favored publicity, has demanded equal treatment for the rich and poor, and has insisted upon action to guard the people from the evil use of ill-gotten wealth. In this connection, the following parallel columns should be scrutinized:

FIRST MESSAGE, DECEMBER 3, 1901.	ADDRESS OF PRESIDENT ROOSEVELT AT INDIANAPOLIS, IND., MAY 30, 1907.
"* * * There are real and grave evils, one of the chief being overcapitalization, because of its many baleful consequences; and a resolute and practical effort must be made to correct those evils. "There is a widespread conviction that the great corporations known as trusts are in certain of their features and tendencies hurtful to the general welfare. * * * It is based upon sincere conviction that combination and concentration should be not prohibited, but supervised and within reasonable limits controlled; and in my judgment this conviction is right."	"* * * But the public interest requires guaranty against improper multiplication of securities in the future. Reasonable regulations for their issuance should be provided so as to secure as far as may be that the proceeds thereof shall be devoted to legitimate business purposes. In providing against overcapitalization we shall harm no human being who is honest; and we shall benefit many, for overcapitalization often means an inflation that invites business panic, it always conceals the true relation of the profit earned to the capital invested, creating a burden of interest payments, which may redound to the loss alike of the wage-earner and the general public, which is concerned in the rates paid by shippers; it damages the small investors, discourages thrift, and puts a premium on gambling and business trickery."
"Corporations engaged in interstate commerce should be regulated if they are found to exercise a license working to the public injury. It should be as much the aim of those who work for social betterment to rid the business world of crimes of cunning as to rid the entire body politic of crimes of violence. Great corporations exist only because they are created and safeguarded by our institutions; and it is therefore our right and our duty to see that they work in harmony with these institutions."	"* * * Surely, it ought not to be necessary to say that it (his policy) in no shape or way represents any hostility to corporations as such. On the contrary, it means a frank recognition of the fact that combinations of capital, like combinations of labor, are a natural result of modern conditions and of our national development. As far as in my ability lies, my endeavor is and will be to prevent abuse of power by either and to favor both so long as they do well. The aim of the National Government is quite as much to favor and protect honest corporations, honest business men of wealth, as to bring to justice those individuals and corporations representing dishonest methods."
"The first essential in determining how to deal with the great industrial combinations is knowledge of the facts—publicity. In the interest of the public, the Government should have the right to inspect and examine the workings of the great corporations engaged in interstate business. Publicity is the only sure remedy which we can now invoke. What further remedies are needed in the way of governmental regulation, or taxation, can only be	"We hope as one of the chief means for betterment of conditions to secure as complete publicity of the railroads as now obtains with regard to national banks. * * * I believe in proper publicity. There has been complaint of some of the investigations recently carried on, but those who complain should put the blame where it belongs—upon the misdeeds which are done in darkness, and not upon the investigations which brought them

determined after publicity has been obtained by process of law and in the course of administration. The first requisite is knowledge, full and complete—knowledge which may be made public to the world."

"The captains of industry, who have driven the railway systems across this continent, who have built up our commerce, who have developed our manufactures, have on the whole done good to our people. * * * There have been abuses connected with the accumulation of wealth; yet it remains true that a fortune accumulated in legitimate business can be accumulated by the person specially benefited only on condition of conferring immense incidental benefit upon others."

"The mechanism of modern business is so delicate that extreme care must be taken not to interfere with it in a spirit of rashness or ignorance. Many of those who have made it their vocation to denounce the great industrial combinations which are popularly, though with technical inaccuracy, known as 'trusts' appeal especially to hatred and fear. They are precisely the two emotions, when combined with ignorance, which unfit men for the exercise of cool and steady judgment."

"The course proposed is one phase of what should be a comprehensive and farreaching scheme of constructive statesmanship for the purpose of broadening our markets, securing our business interests on a safe basis, and making firm our new position in the industrial world, while scrupulously safeguarding the rights of wage-earner and capitalist, of investor and private citizen, so as to secure equity as between man and man in the Republic."

to light. The Administration is responsible for turning on the light, but it is not responsible for what the light showed."

"One great problem that we have before us is to preserve the rights of property; and these can only be preserved if we remember that they are in less jeopardy from the socialist and the anarchist than from the predatory man of wealth. It has become evident that to refuse to invoke the power of the nation to restrain the wrongs committed by the man of great wealth who does evil is not only to neglect the interests of the public, but is to neglect the interests of the man of means who acts honorably by his fellows. The power of the nation must be exerted to stop crimes of cunning no less than crimes of violence."

"But the bulk of our business is honestly done. In the natural indignation the people feel over the dishonesty, it is all essential that they should not lose their heads and get drawn into an indiscriminate raid upon all corporations, all people of wealth, whether they do well or ill. Out of any such wild movement good will not come, can not come, never has come."

"Every Federal law dealing with corporations or with railroads that has been put upon the statute books during the last six years has been a step in advance in the right direction. All action taken by the Administration under these and the preexisting laws has been just and proper. Every suit undertaken during that period has been a suit not merely warranted, but required, by the facts; a suit in the interest of the people as a whole, and, in the long run, particularly in the interest of the stockholders as well as in the interest of business men of property generally."

THE CRISIS.

It has been insinuated that the cause of the recent crisis was different from the causes of former panics. It attributes its occurrence to the frightening of capital. This is as much the immediate cause of all panics as flame is the cause of fire.

PROMOTING THE WHIRLWIND.

The truth is, men in whom the financial trust had been reposed, dishonest financiers and speculators, had sown the wind. The reaping of their dire harvest was aided by men who believed the only way to stop criminal prosecution of themselves and further governmental regulation of their interests was by creating a period of business depression which would harm the wage-earner and destroy Theodore Roosevelt.

A year ago these men began to make preparatons for a panic.

They warned certain groups of capitalists to arrange for the coming storm.

One corporation borrowed $30,000,000, not because it needed it at the time, but in order to meet the expected stringency.

It is worth while to make a brief review of condition of the country.

EVILS IN THE TRAIN OF PROSPERITY.

The volume of our foreign trade and our staple crops has tremendously increased. The past year, on account of the unprecedented crops of 1906 and the promise of large crops for 1907 caused trade and also credit to expand enormously. Consequently speculators became reckless and speculation extravagant. Partly because of the immense production of gold, money became cheaper—that is prices, in spite of the great crops, increased immensely.

CAUSES OF REDUCTION IN CIRCULATION.

The "money in circulation" is really the money that has been issued by the Government and has not been returned to the Treasury. For obvious reasons this is not the actual amount of money in circulation. The large amounts of cash that were taken out of the country by American subscriptions to English and Japanese war loans; the immense amounts spent abroad by American tourists in these prosperous times, and the amounts sent home by immigrants who are now working in all parts of our country much reduces this "money in circulation."

THE CRASH.

Prior to September the immense boom in speculation, together with the great increase in prices, caused a demand for money. The result was a general calling in of loans and a throwing upon the market of many stocks, producing falling prices. Then shares, like copper, which had been boosted too high, toppled over, and fell with a crash. Immediately capital became deeply alarmed. This happened just at the time when the immensely valuable crops of 1907 were drawing money from other directions. Money became scarcer and capital more timid. This resulted in the crisis in New York. When it became evident there was an abundance of currency in the city capital immediately quieted down.

GREATEST PANIC OF MODERN TIMES AVERTED.

The fact can not be passed over that capital had been made more wary and timid by the revelations in connection with the insurance and other companies in New York. The mismanagement of funds held by them and their misuse in speculation of all kinds caused general unrest to both capital and credit. As has been stated, had these revelations not occurred at the time and in the manner they did, had not correctives been applied, and had matters taken their inevitable course, the result would have been the greatest panic of our times. With regard to the panic of 1893, it must be remembered that on March 4 of that year there was a change in the political administration of the country, which threatened to disturb the trade conditions of the United States through the abrogation of the customs tariff and the reciprocity treaties then in force. This fear proved justifiable, and the country suffered for four years—that is, until a new customs tariff was insured. The present political conditions of the country tend, through safeguarding investments by publicity, toward the averting and in no way toward the development of a prolonged crisis.

A study of the following table will promote knowledge of the situation:

	1907.	1893.	1884.
Money in circulation:			
Amount	$2,914,342,256	$1,596,701,245	$1,243,925,969
Per capita	$33.86	$24.03	$22.65
Money in Treasury	$336,953,999	$142,107,227	$243,323,869
Gold, including certificates: [a]			
In circulation	$1,301,736.428	$501,177,852	$411,770,843
In Treasury [b]	$300,278,214	$96,519,833	$133,729,954
Receipts from customs	$333,230,126	$203,355,017	$195,067,490
United States imports:			
Amount	$1,434,421,425	$866,400,922	$667,697,693
Per capita	$16.66	$12.73	$12.16
United States exports:			
Amount	$1,853,718,034	$831,030,785	$724,964,852
Per capita	$21.54	$12.50	$13.20
Production of—			
Iron (1906) ....tons..	25,307,191	7,124,502	4,097,868
Copper (1905) ....do....	402,637	158,120	64,708
Corn (1906)....bushels..	2,927,416,019	1,619,496,131	1,795,528,000
Wheat (1906)....do....	735,260,970	396,131,725	512,765,000
Cotton (1906)....bales..	11,345,988	6,700,365	5,713,200
Coal (1905) ....tons..	350,820,840	162,814,977	107,281,742
Gold (1906)	$96,101,400	$35,955,000	$80,800,000
Population of United States	86,074,000	66,456,000	54,911,000

[a] Included in previous heading. [b] Exclusive of gold held to cover certificates.

The foregoing table establishes that there has been in circulation during the year 1907 and before the panic came almost double the amount of money in circulation in 1893. The amount of gold in circulation and in the Treasury was almost three times greater. The commerce of the United States had doubled during the intervening years. Production had vastly increased.

Yet, in spite of this enormous prosperity, panic came.

Why?

Because the President had enforced the law?

Absurd.

Because the President insisted upon elimination of abuses and future honest management of corporate affairs?

Absurd.

The panic came because of the mistrust and suspicion arising from the flagrant misconduct of men managing enterprises in which the people had their money invested and because of the desire of a few malefactors of great wealth to escape punishment for their crimes and to bring about the return of the "good old times" when they could plunder unrestrained.

Lynch law, as expressed by runs on banks, withdrawal of cash, and hoarding, was the recourse of the unreasoning.

And as the natural consequence, the many honest suffered with the few dishonest.

STOPPED THE PANIC.

The country knows of the promptness with which the President and Secretary of the Treasury Cortelyou acted to stop the panic and avert the awful consequences which it threatened. How Secretary Cortelyou worked ceaselessly in New York, distributing Government deposits among national banks, in order to equip them to stand against runs by frightened depositors; how the President decided to issue $50,000,000 of Panama Canal bonds and so much of 3 per cent certificates as might be necessary up to the full limit of $100,000,000 authorized by law. The firm stand taken by Mr. Roosevelt and his chief aid, Mr. Cortelyou, reassured the timid and tended to restore the confidence that the misdeeds of "frenzied financiers" had almost destroyed.

THE OUTLOOK.

What the situation would have been had not the President acted with his customary energy and promptitude, can best be left to the imagination. For a moment, industries began to curtail hours or to shut down and to throw people out of employment. But they are resuming and the outlook indicates there will not be a condition of depression warranting a general dismissal of employees or reduction in salaries. The crops are flourishing, the demand for American manufactures continues at home and abroad, and most of the corporations known to be afflicted with cancerous growths have either eradicated them or the Government is applying the knife in accordance with the law. Who will not admit that the business life of the country to-day is far healthier and more vigorous than it has ever been?

Until the policies of Theodore Roosevelt shall be forgotten, there will be honesty and decency in industrial operations; and a sounder and saner prosperity will be the resultant enormous benefit to all the people.

"For I regard this contest as one to determine who shall rule in this free country, the people through their governmental agents or a few ruthless and domineering men, whose wealth makes them peculiarly formidable, because they hide behind the breastworks of corporate organization.

"THEODORE ROOSEVELT."

[The Saturday Evening Post.]

DISHONEST FINANCIERS, NOT ROOSEVELT, RESPONSIBLE.

[By John Wanamaker, Philadelphia.]

Things are quieting down, the worst of the business depression is passing, the tide has actually turned, and confidence and prosperity will come along gradually.

For the widespread lack of financial confidence from which the country has been suffering I do not hold President Roosevelt to be in any degree responsible. It is the result of conditions which he has indeed helped to make known, but of which he has not been in any degree the cause. As he himself has admirably expressed it: If he lights a torch he is not responsible for what the light shows.

The depression first began through the loss of public confidence in financial names which the public had long been taught to revere. First came the great insurance scandals, in which the revelations regarding Alexander, McCall, and Hyde shocked and alarmed the public. We are still suffering from that. More recently there have been revelations regarding such things as the Metropolitan Railway management in New York, and the banking methods of the Heinzes, Morse, and others.

Lack of confidence and financial retribution have come as a punishment for financial wrongdoing; it is precisely the kind of punishment which follows a cashier's breach of trust. It is not surprising that a lack of confidence which ought to affect only those institutions which have justly forfeited trust should have extended to other great corporations and banks.

Meanwhile, the keeping of money out of the banks by people who aim at saving their principal, even at the expense of interest, has caused distinct increase of the troubled financial situation.

But it is all coming out satisfactorily. The country is so prosperous, manufacturers and workingmen are alike so busy, that there can be no cause for continued depression. As soon as the people feel that dishonesty has been thoroughly discountenanced and exposed, and that, after such a lesson as we have been having, the financial world will understand that honesty is the best policy, there will be a complete return of normal conditions.

[The Saturday Evening Post.]

DISTRUST OF WALL STREET METHODS.

[By Stuyvesant Fish, ex-president of the Illinois Central Railroad.]

The strain which the financial institutions and the great corporations of this country are undergoing at this writing is not the result of suddenly formed or suddenly precipitated conditions. It is the breaking of a storm which has been visibly rising for many, many months. I do not think I can better comply with "Everybody's" request for an analysis of the causes of the money stringency of this fall and winter, than by sending to you a copy of a letter written by me to the editor of a financial journal almost a year ago, for publication in his annual symposium of opinions as to the outlook. It was written at a time of great buoyancy of the market; Wall Street was highly optimistic; since then we have had three "panics": the market collapse of March, the "silent panic" of August, and the present period of wreck and depression involving banks and other fiduciary institutions. This letter seems to me ample proof that the present crisis was easily discernible to myself and others at least ten months before it came; and I have no change to make now in my apportionment of the causes responsible for it:

"DECEMBER, 27, 1906.

"DEAR SIR: Replying to your question, 'Are we approaching a great industrial and political crisis?' I beg to say:

"In point of time a great industrial crisis is due, and there are many indications of its being imminent. Despite the unprecedented output of gold, money is dear the world over, and dear because of high prices and activity in trade. Nor are other causes for dear money wanting. Great Britain has not fully made up its losses in the Boer war; Japan and Russia, particularly the latter, have scarcely begun to recover from the effects of their recent war.

"Indeed, it would look as if Russia had not fully financed the cost thereof, and may be on the verge of civil war. Within the past year there have been tremendous losses of capital in the destruction of San Francisco, and in the less awful calamity at Valparaiso, and at its close we have famine in China. Looked at the world over, the volume of crops of 1906 was not above an average, despite the phenomenal yield in the United States. Prices of commodities are above the normal and rising. Labor all over the world is dearer than ever before; and the tendency is toward higher wages and shorter hours; conditions which are economically wasteful as regards product, whatever their effect may be on the laboring class.

"Turning now to our own country, New York, especially that part of it known as 'Wall Street,' has absorbed, and is absorbing, more than its share of the loanable fund. While our Western and Southern banks—indeed all banks which are 'out of town' to New York—are lending more freely than usual at this season, that which they lend is instantly and persistently absorbed by Wall Street.

"The New York Stock Exchange has ceased to be a free market, where buyers and sellers fix prices through the ebb and flow of demand and supply, and has become the plaything of a few managers of cliques and pools to such an extent that for months past every announcement of increased dividends, of stock distributions, and of rights, has been met by a fall in prices. The investing public is and remains out of the market, not because of ventures in industrials, in electric railways, or in suburban real estate—the speculation in each of which was checked months ago—nor yet because of the more recently pricked bubble in mining shares, but simply because of the distrust which even those possessed of ample means have of the methods of corporate finance now in vogue in New York. That Europe shares this distrust of those methods is shown by its outcry against the misuse of American finance bills.

"The situation in London, the only available free-gold market in Europe, is by no means certain, even if it may not be called critical. A 6 per cent bank rate has never before prevailed for so long a time, and it continues to prevail chiefly, if not solely, through fear in London of what America may do. While it may contribute to our national vanity as a 'World Power' and as a financial center, to feel that London fears us, that does not increase confidence in our own future. We are still a debtor nation. Europe holds vastly more of our securities than we hold of all foreign securities.

"Indeed, it seems to me that we are already embarked on a long-needed moral financial reformation, which, like the religious reformation of the middle ages, will through much cruelty work out good in the end. To the needs of such a reformation the public is fully awake.

"The election of Mr. Hughes, a Republican, as governor of New York, accompanied as it was by the election of all the Democratic candidates for other offices, shows the temper of the people even in this State, and it is vastly stronger elsewhere. The selection by Mr. Hughes of Mr. Keep as superintendent of banks proves that the governor-elect recognizes the public demand for moral financial reform. That he is determined to reform other bureaus of the State government having jurisdiction over other corporations, through the appointment of men equally honest, capable, and fearless, is known of all men. President Roosevelt and his cabinet are like-minded with the governor in this respect. We as yet but see the beginning. Time will work out the end."

ROOSEVELT AND DECENT BUSINESS.

[By Ernest Cawcroft.]

Roosevelt is the friend of decent business. He has not menaced the right, privilege, or opportunity of any man to cultivate his acres, run his looms, barter his goods, or to mine the natural resources of the Republic. He has not deprived the man who works of a present or future dollar; he has not menaced the past or future dollars of those capitalists who honor the nation and themselves by showing by their methods that the basis of decent business is the production of articles which satisfy human needs. It has been his consistent endeavor, his insistent demand of legislators, that the commerce of the nation be surrounded with such a statutory code of honor that the results of business endeavor will not be pillaged by the mobs or absorbed by the machinations of predatory wealth.

Theodore Roosevelt is the friend of to-day's business because he has insisted that the coordination of capital and labor within the law is the only certain pathway to continued commercial prosperity. He has proclaimed that a prosperity based upon special privileges awarded to the few is an artificial indulgence of Providence and can not be of long duration; he has maintained that the business prosperity of the nation as a whole is dependent upon the moderate success of the many, rather than the abnormal achievements of the few in finance. The force and the sovereign fiat of his great office have been employed to compel capital and labor alike to obey the laws of the Republic. He is the friend of business because he has backed his words in behalf of commercial fair play by deeds in furtherance of business squareness.

He is the friend of the present genuine business interests of the nation because his administrative efforts to effect the dissolution of combinations existing in violation of law, even though these are approved by economic science, have enlarged the field of business opportunity for the many. Business has found and does find in him a friend, because he has planned to enable every producer to place his goods in the markets on the basis of transportation equality; commerce sees in him a champion, because, by a succession of acts, he has sought and is seeking to establish the decency of American products and the standard of Yankee business honor. A tarnished commercial name, uncleansed by executive or legislative action, will deter the sale of those surplus products abroad, whose very existence menaces the continuance of our prosperity from time to time.

He is the friend of decent business because he has made the fame of the financial pirate odious throughout the land; thereby he has given added dignity to the business of production. He is a friend of business because he wants to put a dollar's worth of property in the stocks which the few issue to the many.

He is the friend of business because his revelation of rottenness in high places has demonstrated to the world, by a process of exclusion, that American business men and their institutions are sound, sane, and square.

He menaced the beef trust until it finished house cleaning; he menaced the railroads until their managers quit bribing their trade through rebates. Not until stock watering is justified by a revelation from Sinai may Roosevelt be credited with being the foe of business.

Let us not in the hour of our vexation desert the man who has made patriotism stronger than the pocketbook.

[The Saturday Evening Post.]

A CONSTRUCTIVE FORCE.

[By Henry Clews.]

I do not believe that Theodore Roosevelt is a menace to American business. On the contrary, I think that it will ultimately prove that he has been a constructive and cleansing force. There is not an intelligent or fair-minded man in the whole United States who sincerely questions the honesty of Mr. Roosevelt's motives. In fact, I would go so far as to say that the name of Roosevelt is synonymous with honesty.

In the firm attitude that the President has taken toward capital and corporate power I maintain that he has had no other purpose than to protect the rights of all the people, and that his organized investigation, as some have seen fit to call it, has been directed entirely at the unsound, the unstable, and the dark places.

The country is paying what might be called the penalty of excessive prosperity. President Roosevelt, I think, has done much to enable the country to withstand this periodical reaction, because under him the country has grown and waxed fat.

To those detractors of the President's policies I should like to say that when he took the oath of office it was to uphold the Constitution. What he has done in all his legislative and executive acts has been to maintain the integrity of the Constitution. He has had the law and he has had the right on his side; in fact, he has only attacked dishonesty and lawbreaking.

Yet, while I fully approve of what he has done in the way of reform, I must confess that I do not entirely approve of his constantly repeated passionate utterances on the subject during the recent season of great apprehension and anxiety in financial circles.

That President Roosevelt should be blamed in any way for the banking troubles, business failures, and losses that have been made in the stock market is absolutely unfair. But it is always the case that the Executive in office bears the brunt of the disasters that overwhelm the country during his Administration.

I can well remember the calumny and the abuse which were heaped upon the devoted head of Abraham Lincoln. This denunciation did not for one moment cause him to desist in the great work that he had undertaken. To-day those who traduced him honor his memory. History will repeat itself, and the men who to-day are denouncing the President as a destroyer of confidence, as an annihilator of capital, will some day come to the realization that he is doing a great work.

The real cause of the present discontent and unrest in finance and in business lies to a large extent among the men who have committed the wrongdoing, who have abused corporate power, and who, when confronted with the revelations of their own misdeeds, have sought to put the blame on the President.

In view, therefore, of President Roosevelt's firm stand for the rights of the people against the corporate breakers of the law, we can forgive his excess of earnestness and his denunciation, which may have been ill-timed on some occasions. I believe in the end it will be proven that Mr. Roosevelt has aided rather than retarded a square deal in business operations.

[The Saturday Evening Post.]

THE DECLINING VALUE OF MONEY.

[By Byron W. Holt, editor of Moody's Magazine.]

The present financial crisis is world-wide. It is more acute in this country and in Japan because in these countries the prices of commodities, real estate, and securities have risen most rapidly, credit has been most extended, and speculation, largely on margin, has been wildest. It is almost equally acute in Egypt, and is pronounced in Germany, England, Canada, and other civilized countries. Uncivilized countries and countries that do not do business largely on a credit and margin or equity basis do not have financial panics.

The causes of this, as of all other similar crises, are economic and fundamental; they are not at all psychological and hysterical, unless the almost common desire to speculate when prices are rising may be termed psychological.

Economic conditions were ripe for a panic in 1907. Numerous professors and other financial students forecast, even before last March, "The irrepressible crisis," as Secretary W. H. Lough, jr., of the New York University School of Commerce, wrote of it in a financial magazine. Some of our greatest financiers began in 1906 to curtail credits, to stop unnecessary improvements, and in other ways to trim sail and prepare for the coming storm. They saw, all over the world, credit expanded to the danger point; they saw a tremendous expansion of loans and discounts, not only actually, but as regards deposits; they saw demand deposits increasing rapidly and cash reserves becoming inadequate; they saw liquid capital being changed to fixed capital at an unprecedented rate.

A rapid and long-continued rise in prices, such as we have had since 1897, always results in speculation and inflation. The cause of the present great rise in prices is the rapidly increasing output and supply of gold. This has caused its exchange value to depreciate. This depreciation is also largely responsible for the very high interest rates of to-day, which in turn are responsible for the present world-wide decline in the prices of bonds and other securities.

Present financial and industrial conditions, as to gold, prices, interest rate, business and credit, closely parallel those of 1857. If our banking conditions were not very much better than were those of 1857, we might now expect to see duplicated the avalanche of failures of banks and commercial houses which then laid business prostrate. The greater soundness and stability of our present banking institutions, together with better management and concert of action, have probably averted for us a panic which would have been as much greater than previous panics as our business expansion is greater than that of any previous period.

As happened in 1857, we may expect to see a sudden and sharp business depression follow in the wake of our financial crisis. We may be well through this depression in six months. It can hardly last more than a year, with gold depreciating in value and with prices tending strongly upward. Liquidation in commodities, real estate, and labor is not likely to go nearly so far as it has gone in bonds and stocks. Not only will a shortage in the world's food supply prevent a heavy decline in the prices of foodstuffs, but the flood of gold from our mines—amounting to more than $1,000,000 a day—tends to check any fall that may occur in the prices of real property.

But few persons realize the very great significance of this outpour of gold. In 1887 the world's annual output of gold was $105,774,900. In 1897 it was $236,075,700. In 1907 it will be about $430,000,000. The output is increasing rapidly, because the cost of producing gold is declining more rapidly than is the cost of producing most other commodities. The cost of producing a thing fixes, or tends to fix, its exchange value with other things. As gold is the universal standard of value, and the prices of all other commodities are quoted in gold, we have no way of judging the changing values of gold except by the change in the quoted prices of other commodities—that is, by the change in the level of average prices. As the price level has been rising rapidly for ten years, we know that the value of gold is depreciating equally rapidly.

The effects of the declining value of gold are far-reaching. They are revolutionary in the financial, industrial, economical, political, and social worlds. Not only are they seen in the rising prices of all tangible property, in high interest rates, in higher nominal but lower actual wages, and in lower prices of all securities bearing fixed rates of income, but they are upsetting all calculations in savings and insurance, based upon averages. Because of these effects debts are shrinking, to the benefit of debtors and the injury of creditors, and many new problems are presented to investors, employers of labor, politicians, and legislators.

Average prices will probably not decline more than 10 or 12 per cent. A decline of more than 15 per cent is necessary to cause a widespread failure of banks, mercantile houses, manufactures, and real estate interests. Inside of two years the cost of living, measured by gold, will almost certainly be higher than now and will be rising rapidly.

In view of all the facts, it is absurd to credit the present panic to President Roosevelt, to anti-corporation legislation, to "muck-raking," or to socialistic agitation. It would, perhaps, be more reasonable to suppose that, together with the exposures in insurance and other industries, these factors, by causing distrust in 1906, checked speculation and inflation, and thus prevented an even greater collapse and panic than would otherwise have occurred. The sooner corruption is uncovered and crime exposed, the safer are our institutions and the less danger there is of panic and disaster. Even "muck-raking," by preventing present bad management from becoming worse, may do more good than harm.

Two contributing causes of the present crisis are found in our inelastic currency system and our uncivilized tariff laws.

Nearly two years ago Mr. Jacob H. Schiff declared that if we did not reform our "hodge-podge, clumsy currency system" we should have one of the worst panics we had ever seen. Such a currency famine as we are now having is impossible in Canada, Scotland, or any other country with an asset currency. We can save ourselves now only by devising clearing-house certificates and other forms of asset currency which we will use, some illegally, until confidence is restored.

Our excessive tariff duties on imports are probably largely responsible for the fact that average prices have risen about 55 per cent in this country, since 1897, against a rise in England of about 35 per cent. This greater rise has induced greater speculation, has put a greater strain on our capital, and has caused interest rates to go higher here than in any other country. A sound and elastic currency and a reasonable tariff system would most certainly have mitigated, if they would not have prevented, our present financial crisis.

This highly enlightened country should be as well prepared to weather a financial storm as is Canada or England or Germany.

ANDREW CARNEGIE ON THE PANIC.

[Associated Press dispatch.]

NEW YORK, *October 26.*

Andrew Carnegie, upon his return from Europe to-day, after a long vacation abroad, expressed himself in a most optimistic way concerning the financial situation.

"I was delighted to read the good news this morning," he said. "I am surprised that the fall in stocks has been so small. This proves that the situation is not alarming and that the country is all right. Investors have only to hold on. The financial authorities have acted boldly, but wisely, and the flurry will soon blow over. It is quite right that savings banks should require notice.

"It should not be forgotten, however, that we have had the greatest expansion of modern times, and sure as fate, reaction must come and has already begun, but it will be healthful. We may have a season of less activity in trade, but that will be followed in due time by another period of expansion. Nothing can prevent the rapid progress of the Republic. She is all right and bound to distance all competitors in the race. Speculation will be less to the front for a time, but genuine business will not suffer seriously.

"GIVES PRESIDENT CREDIT.

"It lies in the nature of things that the attempt to attribute the recent and spasmodic fall in prices to the wise and, in the truest sense, the truly conservative resolve of the President and his Cabinet to enforce the salutary laws against the abuse of their powers by certain trusts is only a device to serve political intrigue.

"The decline in prices," continued Mr. Carnegie, "would have been greater had the people not been assured that investments in the stocks and bonds of corporations are hereafter to be safeguarded to a much greater degree than ever before.

"Nothing is proposed or intended by the President in this direction which is not the law in civilized States. No railroad corporation in Europe can increase its capital or its bonds or can merge with another without first obtaining authority from a competent tribunal. Even Canada has its commission for this purpose.

"SHOULD SUPERVISE TRUSTS.

"It is not only right, but necessary to supervise such corporations as we do national banks. They are creatures of the State, enjoying many privileges, and the interests of the nation must be protected. When this is secured it will be seen that the President has been a truly conservative force in the country, and that the investor is now protected from being swindled by small cliques of men who abuse their fiduciary positions as directors.

"This panic will soon run its course, as others have, and pass away, leaving no impediment to the return in due season of another period of wholesome, because needed, expansion of our resources, which are rapidly rendering those of other countries of less importance. This will reassure capital, which will flow to us from abroad even more abundantly than before, because our new laws will give security to the foreigner and our own investors, hitherto lacking.

"SAFEGUARDS ONLY AIM.

"Nothing more is aimed at by the President than such safeguards as the foreign investor has at home. Nothing of this kind should be objected to by the honest official, nothing less should be demanded by the people, and nothing less should the Government give.

"Let it be remembered that the President has been urging this vital reform for years, during which period prices have ruled highest, and that he stands to-day just where he did then, and where it is to be hoped he will stand until our laws protect honest investors from dishonest officials and their swindling schemes. New York is the best market in the world, because our country is the most profitable of all countries for the investment of money, and must continue to be so.

"All we have to do is to convince the world that our laws protect the investor as carefully as those of other civilized countries. This is the President's policy. He should be supported in this work."

DEMAGOGUES TO THE REAR.

[Editorial, the Washington Post, October 29, 1907.]

In every crisis of this country the cool, common sense of the people has mastered the situation.

The three days of foolish onslaught on financial institutions in New York brought into instant action the best qualities of the business men of the city, and has sufficed to array the entire country in solid phalanx for support of public and private credit. The insane proceedings of a few hundred persons, endangering for a time the interests of millions of our people, were quickly ended by the wisdom and firmness of leaders who knew the strength of our financial conditions and who felt they could rely upon the support and patriotism of the Administration and of the American people.

Every hour since the climax last Thursday has strengthened the ramparts which folly threatened and every measure adopted. The importation of gold, the issue of clearing-house certificates, the curtailing of stock speculation are a safeguard to the business of the whole country.

The excitement in New York has subsided and the danger is over, now that the business men of the country realize how close to fatal injury excited demagogues can bring them.

Congress will convene in December, with the sentiment of the country all alive to the necessity of amendment of the currency laws to meet just such emergencies and keen for legislation on corporations and trusts that, while protecting the people fully, will not be unjust to investors in corporate and industrial enterprises. The President has made it clear that he sympathizes with no wanton attacks on capital, that he favors no atrocious dragonades on vested interests, and the people of the Republic feel assured that in his message he will speak so distinctly and definitely for the measures he desires that those who have misrepresented will be humiliated and shamed.

Theodore Roosevelt is a sturdy reformer, no truckling demagogue. He is a student of history, a statesman able to apply its lessons wisely and well. Ambitious State executives, intellectual weaklings inoculated with the germs of demagogism, and disciples of socialism suffering from political mania in acute form, believe for the moment they are on the highway to national preferment by dastardly attacks on public confidence and vicious assaults on corporate interests.

They would appropriate the popularity of the President as puny valets who masquerade in the garments of a stalwart master. They forget that the President is the conservator of the rights of capital as he is the protector of the rights of the people.

He has nothing in common with those who tear down and destroy. He stands with the progress of the American Continent, with the spirit that won the West, with the ideals that builded from the naked rock of Plymouth and the vacant shore of Jamestown to this greatest nation of all time.

[Sydney Brooke, in the London Chronicle.]

ROOSEVELT, THE PEACEMAKER—AN ENGLISH TRIBUTE TO THE PRESIDENT—COURAGEOUS AND SINCERE.

President Roosevelt has done what no other man could have done, what no other man would have ventured to attempt. But for him not only would there have been no peace negotiations, but there would to-day be no peace. His two-fold success, first in bringing and then in keeping Russia and Japan together, is both a great personal and a great national triumph.

It is a personal triumph because he alone, after the destruction of the Russian armada, had the courage to speak out for humanity. He made peace not merely his aspiration, but his policy. The world watched his efforts with a certain admiring skepticism. It thought them premature, and premature in anybody else's hands they probably would have been. The task to which Mr. Roosevelt addressed himself asked a union of rare qualities. It asked first of all that moral courage which is willing to risk the reproach of meddlesomeness and the humiliation of a public rebuff. It asked, secondly, great flexibility of mind and disposition, great skill in the management of men, great resource in adapting various means to a single end.

And, thirdly and preeminently, it asked for its successful performance that whoever essayed it should be a man whose words and deeds had and were known to have the stamp of sincerity, singleness of purpose, and character.

All these qualities, all these qualifications, Mr. Roosevelt possessed, and to them he added the discernment of a statesman in knowing when to take occasion boldly by the hand. It was the man even more than the office that gave his representations their effective weight. Other Presidents might have tendered their good offices under similar circumstances; but not one of them, not even Lincoln, would have carried that international authority which Mr. Roosevelt has won for himself. The response which his proposals met with from the belligerents themselves and from the whole world of onlookers gave the measure of Mr. Roosevelt's standing in the opinions of his contemporaries. It was in its way a tribute in the field of international politics to the virtue of character.

But besides being this it was also a token of the confidence which is everywhere felt in the intentions and policy of the United States. Her intervention was the only intervention, under the circumstances of the moment, that at once compelled attention and aroused no suspicions. When America, through the mouth of her President, declared that the sole basis of her proposals was the feeling that "the progress of the world is being set back by the war between these two great nations," America was believed. There was no disposition either in Tokyo or St. Petersburg to regard her activity as a possible trap or as a screen for the furtherance of ends of her own. The President's diplomacy acquired a unique freedom and spaciousness from the conviction that it was untainted by self-seeking, and that its motive power was to be sought not in mere policy, not in a cold and exclusive study of purely national interests, but in a broad and genuine humanitarianism. For the prevalence of that conviction, which gave him precisely the assistance he needed, and gave it to him just when he most needed it, Mr. Roosevelt had to thank all American history. There was implied in his success an acknowledgment of the moral position which America holds among the nations of the world.

A PERSONAL TRIUMPH.

But if Mr. Roosevelt's initial success in bringing Russia and Japan within diplomatic speaking distance was as much owing to the fact that he was President of the United States as to the fact that he was Mr. Roosevelt, his later and more memorable triumph in forcing peace upon the two belligerents has been personal to himself alone. To speak of him as "forcing peace upon the two belligerents" is not, I think, to put it too strongly. When last Friday week he intervened in the negotiations matters had reached a deadlock. Sakhalin and the indemnity question stretched impassably between the rival envoys. A rupture was so imminent as to be accounted a matter not of days, but of hours. It was then, at that supreme and crucial moment, that Mr. Roosevelt determined to make himself felt.

Mr. Roosevelt has behind him a great and stirring part; he has before him the prospect of a great and stirring future. Everything he has ever done, everything he has ever said, has been stamped, above all things, by boldness and decisiveness. Yet I question whether he has ever yet approached, or whether he can ever again equal, the superb and astounding bravery of that particular deed. For the deed itself was a wholesale denial, by the very man who has been instrumental in summoning it, of the fundamental principle of the conference. That conference, in Mr. Roosevelt's own words, was to be a conference "directly and exclusively" between Russia and Japan. The author of that arrangement was now the first to break it.

But that was far from being the only consideration that might have deterred a less sanguine, a less dominant nature. He risked, indeed, an international snub of the kind that men and peoples so fantastically exaggerate. But he risked far more than that. He risked a failure that would have blotted out his initial achievement. And perhaps not one man in ten thousand expected that the result could be anything but failure. The problem that he tackled seemed not merely difficult, but hopeless; it seemed an effort "to solder close impossibilities and make them kiss."

MR. ROOSEVELT'S THOROUGHNESS.

But in Mr. Roosevelt's dictionary there is no such word as hopeless. "Right thou feelest, rush to do," was Emerson's formula for "freedom's secret." It is Mr. Roosevelt's, too, and less dangerous in him than in most men because of his background of solid Dutch caution and level-headedness. When Mr. Roosevelt is convinced that a great thing has to be done, he rushes to do it. Nothing is allowed to stand in his way. Conventions, the reproach of inconsistency, the hesitancies, and objections of little men of little minds—all these he heaves out of his path, if, indeed, they even cross his vision. That has always been his method, because it is the man himself. It was so in this case. He appointed himself the world's plenipotentiary. He broke the windows of diplomacy and let in the free clarifying breeze of conscience and humanity.

I recall inevitably a smaller but similar action of his. It was during the great anthracite coal strike of a few years ago. Pennsylvania was almost in a state of civil war. A terrible struggle was being fought out with the bullet, the torch, the bludgeon, and the knife. That in itself was horrible enough. But even more horrible was the suffering of the poor, who faced without coal the terrors of an American winter. Mr. Roosevelt was President. He knew, no one better, the dangers of a single move. Any step that he might take would be denounced as unconstitutional—and there is no more damning word than that in the political vocabulary of America—as unprecedented, as a surrender to capital or as a weak-kneed compliance with "the arrogance of labor." But the President did not hesitate then any more than he has hesitated now. He thought then, as now, of the general good, not of this "interest" or of that. He brought masters and men together; he imposed peace upon them.

Then, as now, he did what no other man could have done. And he did it, as he does everything, simply because it needed doing and because it was the right thing to do.

PETERHOF, ALEXANDRIA, *August 31, 1905.*

President ROOSEVELT:

Accept my congratulations and warmest thanks for having brought the peace negotiations to successful conclusion owing to your personal energetic efforts. My country will gratefully recognize the great part you have played in the Portsmouth peace conference.

NICHOLAS, *Emperor of Russia.*

TOKYO, *September 3, 1905.*

The PRESIDENT:

I have received with gratification your message of congratulations conveyed through our plenipotentiaries, and thank you warmly for it. To your disinterested and unremitting efforts in the interest of peace and humanity I attach the high value which is their due, and assure you of my grateful appreciation of the distinguished part you have taken in the establishment of peace based upon principles essential to the permanent welfare and tranquillity of the Far East.

MUTSUHITO.

MARIENBAD, *August 29.*

The PRESIDENT:

Let me be one of the first to congratulate you on the successful issue of the peace conference, to which you have so greatly contributed.

EDWARD R. AND I., OF GREAT BRITAIN.

NEUES PALAIS, *August 29.*

President THEODORE ROOSEVELT:

Just read cable from America announcing agreement of peace conference on preliminaries of peace; am overjoyed; express most sincere congratulations at the great success due to your untiring efforts. The whole of mankind must unite and will do so in thanking you for the great boon you have given it.

WILLIAM I. R. OF GERMANY.

LABEGUDE PRESIDENCE, *August 30.*

The PRESIDENT OF THE REPUBLIC OF THE UNITED STATES:

Your Excellency has just rendered to humanity an eminent service, upon which I felicitate you heartily. The French Republic rejoices in the rôle which her sister, America, has played in this historic event.

EMIL LOUBET,
President of France.

AMHERST, MASS., *August 29.*

The PRESIDENT:

I beg to offer my hearty congratulations for the successful conclusion of peace for which the whole world, especially the Orient, is overindebted to you.

CHENTUNG LIANG-CHENG,
Minister of China.

WASHINGTON, *August 29.*

President ROOSEVELT:

I beg to offer to you, Mr. President, on behalf of the Italian Government and of myself as representative of my august sovereign, heartfelt congratulations for your great success in reestablishing peace. Italy, which, since her constitution, has endeavored to be an element and factor of harmony among nations, will greatly admire and praise the work you brought on so advantageously for the benefit of humanity.

MAYOR DES PLANCHES,
Italian Ambassador.

Through Sir Mortimer Durand, the British ambassador, the lord mayor of Liverpool sent the following:

The citizens of Liverpool send congratulations to the President through you and rejoice at his successful efforts in the cause of humanity.

Consul-General Iddings, at Cairo, sent these sentiments of Fakhry Pasha, the regent of Egypt:

The regent of Egypt, Fakhry Pasha, sends his compliments to the President for his great and successful work, which he declares merits the praise of the world, in behalf of peace.

CLASHMORE, SCOTLAND, *August 30.*

PRESIDENT:

Skibo guests thankfully congratulate you and three continents upon the conclusion of honorable and, we hope, lasting peace between two great empires. May this be the last war between civilized people.

Signed by the Archbishop of Canterbury, John Morley, President Murray Butler, Charles Dabney, Richard Harlan, Gen. Grant Wilson, Andrew Carnegie, and others.

LONDON, *August 30.*

President ROOSEVELT:

Beg Your Excellency to accept my heartfelt congratulations on successful issue of your able and persistent efforts on behalf of peace. The whole world, civilized and uncivilized, to you.

General BOOTH, *Salvation Army.*

BALTIMORE, MD., *August 29.*

President ROOSEVELT:

Accept hearty congratulations on your splendid victory for peace.

JAMES, Cardinal GIBBONS.

JANESVILLE, WIS., *August 29.*

President ROOSEVELT:

Accept congratulations. Your successful efforts to secure peace between Russia and Japan reflect credit on the nation.

WILLIAM J. BRYAN.

GOVERNORS FAVOR ROOSEVELT'S PLAN—WELCOME OPPORTUNITY TO DISCUSS CONSERVATION OF OUR NATURAL RESOURCES—CONFIDENT GOOD WILL COME—GOVERNOR BROOKS, OF WYOMING, THINKS, HOWEVER, THAT THE STATES THEMSELVES SHOULD CONTROL RESTRICTIVE MEASURES.

President Roosevelt's invitation to the governors of all the States to meet at the White House May 13, 14, and 15 to consider measures for the conservation of the country's natural resources has interested the chief executives of the various States. Almost without exception they approve of his plan.

Some of their letters to the Times are appended:

WANTS CONFERENCES OFTEN—WEST VIRGINIA'S EXECUTIVE HAS SUGGESTED SIMILAR PLAN BEFORE.

STATE OF WEST VIRGINIA, GOVERNOR'S OFFICE.
Charleston, November 22.

To the Editor of the New York Times:

I heartily approve of the President's plan. I regret that the meeting can not be held before May. I have long thought that there ought to be an association of the governors of the several States and annual meetings held, and I had already taken up this question with several of the governors and had from them favorable responses. It seems to me much good would result to the public from such an association and meeting of the chief executives of the States. It would bring the States in closer touch and be the means of much useful information to the governors by exchange of ideas, and in many other ways, in my judgment, promote the public welfare.

In my message to the last legislature in this State I refer at some length to the waste of the natural resources of West Virginia. This waste occurs principally in our natural gas, oil, coal, and timber. Our State geologist estimates that in the last decade alone this State has lost $150,000,000 worth of natural gas from its needless escape into the air, and probably half as much more in value has been lost by the inexcusably wasteful methods of burning the gas for the producing of heat, light, and power.

The advantages of concerted action among the States in the effort to conserve the natural resources of the country are so apparent that no argument is needed to enforce them. We all learn from one another, and every man can be helped by his neighbor; and as men united in an organized effort to accomplish a purpose can do more than one man, so a united effort of the States or part of the States in an organized effort to prevent the waste of our natural resources would accomplish more than an effort anyone could make alone.

WILLIAM M. O. DAWSON,
Governor of West Virginia.

CONNECTICUT FAVORS PLAN—GOVERNOR WOODRUFF APPROVES THE MEETING AND WILL ATTEND.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
Hartford, November 22.

To the Editor of the New York Times:

I am directed by his excellency Governor Woodruff to say in reply to your inquiry of November 19 as to his views on the proposed gathering of governors at Washington next spring that he approves of such a conference. He believes that it would be to the advantage of the several States to have their executives meet for an exchange of ideas on such problems.

Governor Woodruff does not know what plan will be put forward for the conservation of the nation's natural resources, but he will attend the conference in the hope of learning in what way the State of Connecticut can assist in such plans as may be feasible, and in what way the State can benefit thereby. In the absence of more definite information than he now has he is not able to go into a discussion of the question at greater length.

CHARLES E. JULIN,
Executive Secretary.

WOULD BE OF VALUE—GOVERNOR GLENN, OF NORTH CAROLINA, THINKS CONFERENCE WOULD INFLUENCE CONGRESS.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, November 21.

To the Editor of the New York Times:

I know nothing of the meeting of the governors in Washington next spring, save as contained in a letter to me from the President. The object of the President in calling us together is to have a full conference of the governors of every State regarding the conserving of the nation's natural resources, such as waterways, forests, mines, etc., in order that every aspect of the subject should be fully discussed and all information bearing upon these matters brought to the attention of the lawmaking power of the country. It seems to me that such a conference would naturally be of great benefit, and ideas could be advanced and suggestions for cooperation made that would have great influence with Congress and cause that body to take immediate steps to preserve our resources.

R. B. GLENN,
Governor of North Carolina.

WISDOM TO PROTECT FORESTS—FLORIDA'S GOVERNOR THINKS NATION SHOULD CONSERVE RESOURCES.

STATE OF FLORIDA, EXECUTIVE CHAMBER,
Tallahassee, November 23.

To the Editor of the New York Times:

There is no doubt in my mind but what the nation should take some steps to conserve the coal, iron, and timber contained in and upon the public domain. I also think it wise to protect especially the forests and shrubs near the headwaters of our streams, that the moisture there might be retained and the water supply conserved. I am also of the opinion that our water power ought to be conserved for the public by the nation.

I understand that private parties and corporations are endeavoring to secure the right to control many of our waterfalls in our great rivers and even in some streams for power purposes.

I also think that the President's suggestion to consider the clarification of water is a good one. If the sewage of our great cities is turned into our fresh-water streams near the headwaters of the same, to what extent the waters are polluted for the length of the river should be investigated and determined, and it may be found necessary to prevent the emptying of sewage into the fresh-water rivers of our country. As the protection of these resources can only be wrought through the legislative bodies of our country, one of the most effective methods of impressing them is by agitation. Therefore I look forward to the convention of governors, called by the President at the White House next spring for the consideration of this matter, as being a very important gathering from the standpoint not only of wise consideration of the problem but as a method of bringing before the public in a forcible way the very great importance of the matter.

N. B. BROWARD, *Governor.*

SHOULD BE AN AWAKENING—GOVERNOR JOHNSON SAYS PUBLIC SENTIMENT HAS BEEN TOO LONG ACQUIESCENT.

STATE OF MINNESOTA, EXECUTIVE DEPARTMENT,
November 25.

To the Editor of the New York Times:

I am not quite certain just what immediate results can be attained by the President's call for the meeting of the governors at the White House to discuss the conservation of the country's natural resources. Certain I am, however, that there should be an awakening of the public conscience on the matter.

Too long has public sentiment been acquiescent while our public domain has been denuded of its forest wealth, its mineral resources remorselessly and recklessly exploited, and its waters allowed to run away to the seas without let or hindrance. Generations have been prodigal of nature's resources, and there has been no thought of the inevitable time when posterity will anathematize our present-day recklessness.

The President's call for a conference of those who, from their official positions in the different Commonwealths, should assist in shaping public sentiment, should, and I believe will, give impetus to the proposition that we should not attempt to harvest in one generation what it has taken centuries to develop. Certainly in the scientific development of our waterways there can be some almost immediate effect of the proposed conference.

JOHN A. JOHNSON, *Governor.*

SUBJECT OF VITAL INTEREST—GOVERNOR HOCH BELIEVES IT THE GREATEST BUSINESS SCHEME EVER DEVISED.

STATE OF KANSAS,
Topeka, November 26.

To the Editor of the New York Times:

During our recent trip down the Mississippi with the President all the things set forth in the President's recent call for a proposed conference in Washington next May were discussed by the seventeen governors aboard the *Alton.*

At that time I gave my full and cordial indorsement to the scheme, and upon more mature reflection still believe it to be the greatest business scheme ever proposed in the United States. The conservation of our waters for irrigation and manufacturing purposes and their improvement for navigation purposes is in itself a gigantic undertaking.

But its importance forbids that we should falter because of its magnitude. The preservation and restoration of our timber lands is another subject of vital and vast importance. Add to these our national interest in the remaining public lands, mineral and agricultural, and we have a project, I repeat, surpassing in magnitude and importance any ever before proposed in this country. The proposed conference of governors and others interested in this great project ought to give it great impetus.

E. W. HOCH.

WANTS AMERICAN LABOR—GOVERNOR CUTLER, OF UTAH, SUGGESTS NEW PLAN FOR MINING INDUSTRY.

COMMONWEALTH OF UTAH, EXECUTIVE CHAMBER,
Salt Lake, November 25.

To the Editor of the New York Times:

In my opinion the proposed gathering of the governors of the States at Washington next spring is one of the most important and can be made one of the most beneficial movements ever undertaken by our Government. I heartily approve of the idea of calling the governors together.

The following are some of the advantages which I think will come from this proposed conference: The broad general principle of conserving the nation's resources for the benefit of future generations will probably become unquestionably established in the minds of the governors who are not already converted to that idea and by them inculcated in the minds of the citizens of their States. And I believe there are a few governors who do not take the position that this conservation should be carried out, at least on the lines the Government is following.

After this general principle has been established, there is a possibility of much being done along certain specific lines. For example, the Government's forestry policy is being opposed in some sections, this opposition arising, I think, largely from lack of understanding. The removal of this misunderstanding and uniting of the governors in support of this policy I regard as a possible and very desirable result of the proposed conference. Another matter in which concerted action is needed is the sale of public lands, both agricultural and mineral. There is not much of the public domain still in the possession of the States, and that is the greater reason for the States settling on a policy, which, I am sure, the President favors, of selling the lands to bona fide settler instead of speculators. In this connection the mat-

ter of leasing coal lands, instead of selling them, may be profitably considered.

The subject of conserving the mineral deposits in the various States may also be taken up. I think it is time a policy is instituted of employing American labor exclusively in our mines and smelters, instead of giving employment to undesirable foreigners who never can become a part of our citizenship and whose chief purpose is to hoard all their wages except a mere pittance for their own support and carry their savings back to Italy, Austria, Greece, and other nations of southern Europe.

This is an element of conservation which could go under the broad title "American mines for American miners." Of all our resources our mines are preeminently liable to complete exhaustion, for they never can be renewed after being drained of their wealth. And I think it would be well for this conference to consider the advisability of following a better national policy in this matter, by means of which the mines, instead of being rapidly exhausted to the enrichment of undesirable foreigners, will be saved for American laborers and for future generations of American citizens and the building up of American institutions.

There are probably other matters that the President has in mind to bring before the proposed conference of equal importance with those here named. On the whole, I am in hearty accord with the idea.

JOHN C. CUTLER,
Governor of Utah.

TIME HAS COME TO SAVE—GOVERNOR HARRIS, OF OHIO, CONFIDENT THERE HAS BEEN GREAT WASTE.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
Columbus, November 21.

To the Editor of the New York Times:

I have accepted the invitation of the President for the gathering of the governors of the States and of others at Washington next May. I am unable to express an opinion in advance as to what may be either the advantages or results of the conference. I am confident that there has been a great waste of the natural resources of our country in some of the minerals as well as in timbers, and that the time has come for the husbanding of our resources and also for the improvement of waterways.

ANDREW L. HARRIS, *Governor.*

COLORADO IN SYMPATHY—CENTENNIAL STATE WILL BE REPRESENTED AT THE CONFERENCE.

STATE OF COLORADO, EXECUTIVE OFFICE,
Denver, November 22.

To the Editor of the New York Times:

I have hearty sympathy with the President's call for a meeting of the governors in May of 1908 at the White House. Colorado will be represented in that gathering. The President has stated the purposes of the conference with sufficient clearness.

HENRY A. BUCHTEL,
Governor of Colorado.

FOLK APPROVES PLAN—SAYS IT'S EASIER TO SAVE RESOURCES THAN RESTORE THEM.

OFFICE OF THE GOVERNOR, STATE OF MISSOURI,
City of Jefferson, November 25.

To the Editor of the New York Times:

Replying to your communication as to the proposed gathering of the governors of the States and Territories at Washington next spring, will say my view is that much good can come from such a meeting. It will be far easier to conserve the nation's natural resources now than it would be for the next generation to restore them after they are destroyed.

JOSEPH W. FOLK.

WILL EDUCATE THE PEOPLE.

EXECUTIVE DEPARTMENT, STATE OF SOUTH DAKOTA,
Pierre, November 27.

To the Editor of the New York Times:

I approve of the proposal of the President for a gathering of the governors of the States at Washington next spring. In my opinion the advantages of a conference of governors and delegates in a voluntary meeting of this character for the purpose of discussing the conservation of the nation's natural resources are many. The question is one of vast importance.

The governors and accompanying delegates, coming fresh from the people from all parts of the United States, can no doubt, by discussion and interchange of ideas, call the attention of the people generally to the importance of the subject and stimulate healthful and beneficial legislation by the National Congress.

COE I. CRAWFORD,
Governor of South Dakota.

[New York Herald, December 10, 1907.]

ROCKEFELLER CLASS CHEERS MR. HUGHES—BOOM FOR THE GOVERNOR AS CANDIDATE FOR HIGHEST OFFICE APPLAUDED TO THE ECHO—MR. VANDERLIP ON FINANCE—DECLARES THAT RECENT CRISIS WAS RESULT OF INVESTIGATIONS WHICH MADE THE PUBLIC MIND SUSPICIOUS.

John D. Rockefeller, jr., acting as toastmaster at the eleventh annual dinner of the Young Men's Bible Class of the Fifth Avenue Baptist Church at the Murray Hill Hotel last evening, plunged into politics for a moment, and launched a boom for Governor Hughes as a candidate for President of the United States.

In point of attendance and enthusiasm the dinner was the most successful the class has ever held. About two hundred men of different ages were present, the majority in evening dress, but a few, Mr. Rockefeller among them, in business suits.

In introducing the Rev. W. S. Richardson, the new leader of the class, as the first speaker, Mr. Rockefeller said:

"Many changes have taken place in this class, but the work goes on. One of the changes is that he who was once leader of the class is now governor of the State, and Mr. Troxell, our president, has for some years predicted that before long he would be invited to a Christmas or Thanksgiving dinner in the White House."

At this juncture every one in the room arose and gave three cheers for Governor Hughes, referring to him as the next President.

After addresses by Mr. Richardson and James Barnes, a speech was made by Frank A. Vanderlip, vice-president of the National City Bank, who reviewed in detail the recent financial crisis.

In explaining the cause, Mr. Vanderlip said much was due to the state of the public mind, suspicious as a result of a period of denunciation, of investigation, and of results in some of these investigations which he said furnished good ground for criticisms. The other cause he ascribed to exhausted capital due to tremendous industrial activity. When the demand was made on the banks, he said, they were forced to resort to clearing house certificates.

"Most people," he said, "think the function of the bank is to receive deposits of money to be returned to them when desired. That is the function of a safe deposit vault, not a bank. The business of a bank is really the interchange of credit. What the bank does is to take the credit of an individual, firm, or corporation and to give each his credit in return. A bank can not possibly be in a position, after using these deposits as loans, to pay up all the depositors' money at once or a very considerable part of it."

Mr. Vanderlip said the time was ripe to educate the public in financial affairs. He said a central bank, like the bank of Germany, might be a solution of the difficulty, though he did not think the majority of bankers here would favor it.

The Reverend Doctor Aked, pastor of the Fifth Avenue Baptist Church, made a humorous speech, ending by eulogizing the Reverend Mr. Richardson, the new leader of the class. Referring to Mr. Rockefeller, the former leader, he turned to that gentleman and said, "The King is dead! Long live the King!"

At the election of officers, which also took place, J. W. Troxell was again elected president and Mr. Rockefeller vice-president of the class.

[From Selz Weekly News.]

VIEWS UPON THE BUSINESS SITUATION.

Last week I spent two days in New York City, and three days in Pittsburg. I found the business situation in New York somewhat mixed. New York being the origin as well as the cause of the recent financial disturbance, I was very much interested to learn the average New Yorker's views of the situation, the cause of same, and his opinion of the effect. I found that every one with whom I talked seemed to feel President Roosevelt is to blame for the entire trouble, with which I immediately took issue; in fact, some went so far as to state openly that President Roosevelt was a menace to business.

When I asked for an explanation as to how President Roosevelt was a menace to business, and in what way he was the cause of the financial flurry, I was met with the same reply from every one, viz, that his various attacks on corporations had aroused distrust; this distrust had brought about a lack of confidence; the lack of confidence had caused runs on banks, which resulted in some good banks closing down, and compelling all others to go on a clearing house basis.

SOME QUESTIONS ASKED.

Upon asking the pointed question whether President Roosevelt had caused, first of all, the life insurance scandals, the reply was: "No; he had nothing at all to do with that."

Second, if he had caused the Alton Railway scandal; the reply was also: "No; he didn't do that."

Third, whether he was the cause of the New York Metropolitan traction scandal; the reply was: "No; he wasn't the cause of that."

Fourth, if he caused a lot of frenzied financiers to get control of some New York banks and loan money to themselves and to insiders on worthless collateral; the reply was: "No; he wasn't the cause of that."

I thereupon asked what he had done, and was informed he had talked against leading corporations, stating he was going to make them obey the laws.

I replied, "Where was the harm in that; should not they obey the laws?"

"Yes; they should, but they should not be held up publicly the way they were," was the response.

THE PRESIDENT HAS MADE GOOD.

"In other words," I said, "what you New Yorkers think he should have done where the trusts violated the Federal laws by taking rebates, and in other ways, was to have written them a courteous letter, stating he did not approve of their course. Well, President Roosevelt isn't built that way. When he took the oath of office years ago, President Roosevelt announced he as Chief Executive of this country, would see that the Federal laws were enforced against rich and poor alike; that he would treat everybody equally. The law-abiding citizen and the law-abiding corporation had nothing to fear, but that the dishonest rich would have to obey the laws or suffer the consequences." They admitted this. I then replied, "And he has made good," which is more than any President in recent times has done.

AN ILLUSTRATION.

The situation reminds me very much of a gang of thieves who have boarded a train for the purpose of robbing the passengers. There is one passenger aboard—an officer of the law—who has the courage to lay violent hands on them. A panic ensues; everybody makes a scramble for the door and in the rush to get away from the trouble some innocent panic-stricken people are hurt. The prisoners, when confronted with the result of their work, very blandly and naively say, "Don't blame us; this officer here has caused all the trouble and is to blame for the mad rush for the doors. We didn't hurt these people; he did, by stopping us in the noisy way that he did, instead of going about the matter quietly."

NOT THE USUAL "GRAND-STAND PLAY."

This appears to me to be the true state of affairs. I admit that President Roosevelt did not go at the matter in a very diplomatic manner; he did not write soft, loving, and kindly letters to the corporations that were violating the laws, but, as soon as he had the evidence, he proceeded against them in a court of justice, and stated in every speech that he made that this was what he proposed to do. The trouble is the trusts did not believe him; they thought it was the usual "grand-stand play" of the average politician they had heretofore been dealing with. In this President Roosevelt may have been wrong, but, in my opinion, and I believe in the opinion of the majority of business men in this country, he did perfectly right. The men in high places who betrayed their trusts, as did the officials of the life insurance company; the men who engineered the Alton Railroad deal, where they issued $90,000,000 worth of watered stocks and bonds on a $30,000,000 company; the brilliant frenzied financiers who disregarded all honesty and folsted on the public the Metropolitan Traction stocks after they had manipulated the stocks so as to enrich themselves with

unheard-of millions; the daring financial buccaneers who got control of some of the principal banks and deliberately set about to take every dollar there was in the vaults, leaving worthless securities instead; these men are to blame and they alone for the loss of that confidence which the American people have a right to expect of men in high places.

FEDERAL LAWS SHOULD BE RESPECTED.

Had President Roosevelt allowed these things to go on, Federal laws would not be regarded any more sacred than some obsolete city ordinances are to-day, such as exceeding the automobile speed limit of 8 miles an hour, or selling liquor to a man already intoxicated. For the first time in the history of this country, we find the trusts have the most profound and utmost respect for the Federal laws against accepting rebates from railroads. I dare say there isn't a corporation in the United States to-day, if offered a rebate by a railroad official, that wouldn't immediately telephone for the police, where only a short time ago they would have accepted the offer without asking any questions.

SOME INNOCENT PERSONS HURT.

It is true, innocent people have been hurt by the President's bold stand, but in every movement of any consequence, where drastic action is necessary, a great many innocent suffer with the guilty; but one thing has been accomplished, which alone is worth the price that has been paid by the public; that is, there is to-day the most profound and absolute respect for Federal laws, and for the first time in years the greatest corporations and trusts in this country know they can not violate these laws with impunity. So much for the financial flurry and its causes; now for its after effects.

WE'VE HAD A MONEY SCARE.

Confidence can be destroyed in a week, but it takes a long time to build it up. There is considerable talk about the scarcity of money; as a matter of fact, there is no scarcity of money. A better and truer definition of the situation to-day would be a "money scare." There is more money in the country to-day than there was a year ago this time. There has been imported from Europe in the neighborhood of $100,000,000 in gold. The banks have increased their circulation to the extent of $134,000,000. The mines have produced untold millions in gold during the past year, and there is more money to-day in the United States than there has ever been before in its history. There is simply a "money scare." The banks are hoarding money, and individuals are hoarding money. If all of this money were released there would be more than enough to go around; a good deal more than there was a year ago when the supply seemed to be sufficient. Until currency is released there will be an apparent though not a real scarcity of money, but it will only be put into circulation again when confidence has been fully restored. Confidence is returning, though slowly; it will increase day by day, more rapidly as the true situation is understood. All that is needed now is for the banks to resume currency payments and for people to put their money into the banks instead of hoarding it.

CHICAGO BANKS ARE ALL RIGHT.

As an example, the Chicago banks on the last call of the Comptroller, show that they had more actual currency in the vaults than they ever had before; several of them reaching almost 50 per cent in cash resources. Chicago is in better financial condition to-day than any other city in the country, and I am told all that the Chicago bankers are waiting for is for the balance of the country to resume currency payments so that they will not be in danger of having all of their money drawn out by their country bank correspondents; but I understand from bank officials here that in the meanwhile they are not refusing to ship currency to the country where their bank correspondents ask for it. This is a sure sign of the return of confidence, and let us hope that New York, St. Louis, and Kansas City banks will soon be in as good shape as the Chicago banks are. It may be said to the credit of Chicago bankers that there has been less speculation, less inflation, and less investment in doubtful securities by Chicago bankers than in any other city in this country, and we predict they will be the gainers by it, by larger reserves being kept there by country banks than in New York City, where the money reserve of the country has heretofore been so recklessly invested.

GREAT WEALTH OF THE COUNTRY.

According to the editor of Dallas Farm and Ranch, Texas produced this year more than $200,000,000 in cotton and cotton products, $100,000,000 in corn; $120,000,000 in live stock, dairy, and poultry products, and more than $80,000,000 worth of miscellaneous agricultural products. The total contribution of the Texas farmer to the wealth of the country this year is more than $500,000,000.

The editor of the Minneapolis Farm, Stock and Home reports there were 4,000,000 more bushels of grain marketed in Minneapolis up to November 15 than were sold at the same market up to the same date a year ago, and that prices averaged 40 per cent higher.

Kansas looms up with $200,000,000 worth of grain and other products, and $165,000,000 in the banks, with which to move the crops. Kansas farmers never have known such a crop or such large bank rolls.

The editor of the Dakota Farmer reports that South Dakota produced $15,000,000 more crops in 1907 than in 1906, and that their banks show an increase in deposits of $12,723,000 over a year ago.

The editor of the Nebraska Farmer reports a hay crop valued at $38,000,000, the largest ever produced in the State, and a total value of $170,000,000 on the eight principal crops.

The editor of the Wallace's Farmer, of Iowa, reports a corn crop of 300,000,000 bushels, much higher in price than a year ago; a better hay crop, which is bringing good prices, and a good oat crop.

The editor of the Fruit Grower, of St. Joseph, Mo., reports a better crop and conditions much better than they were the year before.

The editor of the Rocky Mountain Husbandman says Montana never knew better agricultural conditions.

The editor of the Inland Empire, of the State of Washington, reports a total output for the year of $128,000,000, which makes an average, according to the population, of $1,000 to each family in the State.

Wisconsin is in prosperous condition. Illinois is busy with a big crop. Kentucky agricultural districts are prosperous.

The editor of the Indiana Farmer's Guide says Indiana farmers were never more contented or more prosperous than at present.

Ohio country banks are paying money more rapidly than the city institutions. Ohio agricultural districts are more than prosperous.

The Atlanta Constitution reports unusual prosperity in Georgia, with a price of 11 cents a pound on cotton and the prospect of 15 cents before spring. The value of the cotton crop in the Southern States is placed at $700,000,000. Not since the civil war has Georgia enjoyed such prosperity as now; and from all other States, except the strictly manufacturing States, we get the same reports.

Mr. FITZGERALD. A parliamentary inquiry. Has the gentleman from Illinois announced that hereafter the five-minute rule shall be enforced and no debate shall be had except on the pending paragraph?

The CHAIRMAN. The Chair did not understand the gentleman to go to that extent.

The Clerk read as follows:

Municipal building: For furnishing and equipping complete in every detail by the Commissioners of the District of Columbia the new municipal building, for repairing and renewing old furniture, and cost of removal to new building, $107,000, to continue available until expended.

Mr. MANN. I reserve the point of order upon that paragraph. Why should this matter "continue available?"

Mr. TAWNEY. Mr. Chairman, I have no objection whatever to striking out that provision, making it available until expended. The Commissioners reported that it might be necessary because of the fact that the purchase of the furniture, all of it, perhaps, could not be made during the remainder of this fiscal year, and it was intended that this appropriation should cover the entire cost of the furniture and equipment of the municipal building.

Mr. MANN. Has there been any provision made before?

Mr. TAWNEY. Mr. Chairman, I move to strike out "continue available."

Mr. MANN. You can not make that motion while the point of order is pending.

Mr. LIVINGSTON. I would suggest to my colleague that very little of the furniture could be had until the end of this fiscal year, and if you do not make it available then you might as well make no appropriation.

Mr. MANN. Has there been any appropriation for the furnishing of this building?

Mr. VREELAND. No.

Mr. MANN. Whose fault was it?

Mr. VREELAND. I do not know that it was anybody's fault.

Mr. MANN. I do not mean that it was any fault of the Committee on Appropriations.

Mr. VREELAND. The building is not yet completed and will not be before July next. Congress has just met, after being absent for nine months, and the Commissioners have just made up the estimates and submitted them to the committee.

Mr. HULL of Iowa. Is this furniture to be supplied before the building can be occupied?

Mr. TAWNEY. They expect to occupy it temporarily about the 1st of April.

Mr. VREELAND. It is partly occupied now.

Mr. MANN. I withdraw the point of order.

Mr. TAWNEY. I move to amend by striking out the word "expended" and inserting after the word "until" the words "the end of the next fiscal year."

The Clerk read as follows:

Line 8, strike out the word "expended" and insert in lieu thereof "the end of the fiscal year 1909."

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

The Clerk read as follows:

Sewers: That appropriations heretofore made for the construction of sewers shall be available for the purchase and condemnation of such rights of way as may be required.

Mr. FITZGERALD. I wish to reserve a point of order against that provision.

The CHAIRMAN. The gentleman from New York reserves a point of order.

Mr. FITZGERALD. I wish to call the attention of the chairman of the committee to these facts: In the District of Columbia appropriation bill for the present fiscal year there was appropriated about $222,000 for construction and repairs of sewers. The Commissioners of the District have been anxious for years to have that fund available also for the purchase and acquisition by condemnation of rights of way. Upon the explanation that in the construction of sewers authorized it frequently becomes necessary to condemn rights of way, the cost of which was never expected to exceed $1,000, a provision was inserted in the bill authorizing the expenditure of $1,000 for that purpose. If this provision be retained in the bill, it makes available the entire appropriation for the construction of sewers, for the purchase or acquisition by condemnation of rights of way, or so much of it as they may wish to use. The Commissioners have at times requested authority to undertake the construction of sewers that the committee did not deem it advisable to initiate at the time, and I have not that confidence in the administration of the Government in the District of Columbia to put in the power of the men who are administering the affairs of the Government the authority to use as much money as could be used under such a provision. I understand it was shown in the hearings that in the con-

demnation of certain rights of way the verdict of a jury for $3,000 was rendered, and that there may be a deficiency for that amount, or a small amount more. If it be desired to give the Commissioners some small amount, or to make available some small amount, I have no objection; but I do object and will object to making available the entire appropriation for the construction of sewers, for the purchase or acquisition by condemnation of rights of way for sewers.

Mr. TAWNEY. Mr. Chairman, I will say, for the information of the committee and the gentleman from New York, that the estimate as submitted by the District Commissioners applied not only to the existing appropriations for sewers, but applied to future appropriations. The word "hereafter" was stricken out, and the application of a part of the current appropriation for sewers was allowed in this case upon this state of facts: In the construction of a very large and important sewer in or in the vicinity of Anacostia condemnation proceedings were instituted and a judgment of $2,600 was obtained. The sum of $1,000 was all that they were allowed to use. Now the owner of this proposed right of way agreed to compromise by accepting $600 less than the amount of the verdict. In order that this work, which is now being delayed, may continue, the Commissioners desire authority to pay out of the current appropriation for sewers the sum of $3,000, the amount of the verdict less the discount which the owner of the right of way is willing to make, but including costs, etc.

Mr. FITZGERALD. Yes; but I call the attention of the gentleman to the fact that in the appropriation bill for the past fiscal year for sewers there were allotted, for mains and pipe sewers, $44,000; for suburban sewers, $100,000; for continuing work on extension of east side intersecting sewer from boundary sewer to Brookland, $50,000; for sewer in the valley of Broad Branch, between Rock Creek and Soapstone Branch, and in the valley of Soapstone Branch, between Broad Branch and Wisconsin avenue, $28,000.

The hearings in the preparation of the District of Columbia appropriation bill showed that from time to time there were insignificant amounts required in order to permit a sewer to be put through the corner of a lot; and $1,000 was allotted for that purpose; but under the language of the provision in the deficiency bill the Commissioners have the authority to utilize whatever may now be unexpended of the appropriations just mentioned for the purpose of purchasing rights of way and condemning rights of way. There are a number of sewers contemplated in the District of Columbia which, if this authority were granted, would result in the expenditure, contrary to the wish of Congress, of a very exorbitant amount of money for rights of way, instead of placing them through public thoroughfares and public places. I have no objection to a limitation upon this item for the amount that will be necessary, but I do object to this extraordinarily broad power being vested in the Commissioners.

Mr. TAWNEY. I will say to the gentleman that the Commissioners, when before the committee, asserted to the committee that there was only this single instance where it was desired or where it would be necessary to draw upon the appropriations for the current year for sewers in order to pay for right of way. We accepted their word; this being the only case, and believing this was a meritorious case, and that $80,000 worth of sewer work is now awaiting the settlement of the controversy, we thought it wise to make the recommendation as we have.

Mr. MANN. How much is required to make up the balance to pay for the condemnation proceedings?

Mr. TAWNEY. The verdict, as I recollect it, is for $2,600, but there are some expenses. I think $3,000 was the maximum amount that the Commissioners informed the committee they would require in order to meet the necessities and in order that the work might go on.

Mr. MANN. Why not, if the gentleman from New York and others will permit, amend by saying that $3,000 out of the appropriation heretofore made may be used for this purpose, in taking care of this particular case, and not create a precedent that will go into every appropriation bill hereafter?

Mr. FITZGERALD. I call attention to the fact that the recommendation of the Commissioners contemplated only the use of $2,600 or $3,000, because in their recommendation they say the appropriation hereafter made; this is something they have been struggling to obtain for a long time.

Mr. TAWNEY. I know they have, and it is something that the committee has refused to give them.

Mr. FITZGERALD. My judgment is that the limitation should be placed on the amount that they may use under this provision.

Mr. MANN. Would the gentleman from New York be willing to leave the item in, with an amendment inserted after the word "that," so as to read, "the sum of $3,000 out of the appropriation heretofore made?"

Mr. GARDNER of Michigan. Or so much as may be necessary.

Mr. MANN. So it would permit them to use the sum necessary to go ahead with the sewer.

Mr. FITZGERALD. I have no objection to that because it seems that for some reason or other, they will require the $3,000.

Mr. TAWNEY. I would like to have the Chair rule on the proposition, on the point of order, and then if it is ruled out, we will endeavor to fix it.

The CHAIRMAN. Does the gentleman from Minnesota wish to be heard on the point of order?

Mr. TAWNEY. No.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. TAWNEY. I will now offer an amendment, if the gentleman from New York will consent.

Mr. FITZGERALD. I have no objection to giving them the $3,000.

Mr. TAWNEY. I think it is necessary that they should have the $3,000. I offer the following amendment:

The Clerk read as follows:

On page 13, after line 21, insert:

"SEWERS.

"Of the sum appropriated for sewers for the fiscal year 1908 not exceeding $3,000 may be used for procuring right of way for sewers."

The amendment was considered and agreed to.

The Clerk read as follows:

Reimbursement of J. Nota McGill and others: For the reimbursement of J. Nota McGill, Chapin Brown, Rufus H. Thayer, Robert C. Wilkins, and J. Wesley Bovee for amount expended for plumbing in the building for male employees in the Reform School for Girls of the District of Columbia, $391.

Mr. MANN. Mr. Chairman, I make the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I insist that this is not subject to a point of order. This expenditure was made upon a building authorized by law, and I have here memoranda showing how the expenditure was made and why it was made. J. Nota McGill, Chapin Brown, Rufus H. Thayer, Robert C. Wilkins, and J. Wesley Bovee are the trustees appointed under authority of law for the control of the Reform School in the District of Columbia. This building was erected under their supervision and in accordance with law.

In 1893 Congress appropriated $6,000 for the erection and completion of a dormitory for male employees, to be erected in accordance with plans to be approved by the Architect of the Capitol, the inspector of buildings and the District Commissioners. Certain unavoidable delays were experienced and the plans were not perfected until during the past fiscal year of 1907. Owing to the increased cost of building material, it was found necessary in order to bring the expenditure within the appropriation to eliminate from the plans several important items, including plumbing and heating.

The changes in the plans were approved by the Supervising Architect, the inspector of building, and the District Commissioners, and the building was erected accordingly. It was found, however, that it could not be used without the installation of plumbing, and it was necessary that it be put into immediate use, as the men were then living in the stable. The matter was taken up with the Comptroller of the Treasury with a view of ascertaining whether or not any part of the maintenance funds could be employed to pay for this plumbing. As to this the Comptroller was in doubt, and thought the better plan would be for the members of the board of trustees to pay for the plumbing themselves and go to Congress for reimbursement, and this they did. These gentlemen have been without the money for several months, and they are claiming no interest, but only reimbursement for this outlay.

Those were the circumstances. Here was the incomplete building and the inmates of this institution were occupying a barn. Young men and boys were occupying the barn. The building was completed, but before it could be occupied this plumbing had to be done in order to make the building habitable. These men were acting under the authority of Congress and were the officers of the Government in respect to the control and supervision of this institution, and also with respect to the supervision and construction of this building, and I don't think the point of order lies.

Mr. MANN. Mr. Chairman, the gentleman himself reads a paper which states that Congress made an appropriation of $6,000 for the erection and completion of a dormitory, and then adds that it is not complete unless it has plumbing in it.

Mr. TAWNEY. On plans that were to be approved, and the building was constructed in accordance with the plans as approved.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota a question. The limit of cost of the building was $6,000?

Mr. TAWNEY. Yes.

The CHAIRMAN. And this amount is in addition to the $6,000?

Mr. MANN. It is in addition to the $6,000. Admit that this claim ought to be paid. It is a claim against the Government. But, Mr. Chairman, to say in the statute that you are going to pay a particular man is a change of existing law. That of itself would render the item obnoxious to the rules. If these people have a proper claim against the Government which can be paid at all by the Department officers, a proper method of reaching it is to make an appropriation for the deficiency, and not attempt without having the item go through the Auditor's Office, without having any Government official pass upon it, to say by the appropriation bill that it shall be paid because somebody says that they ought to have the money. That is practically what this letter says.

Mr. TAWNEY. That is not a fair statement, and I submit it is hardly fair to gentlemen of the standing of these trustees who are contributing their time gratis to the Government for the benefit of this institution.

Mr. MANN. If I have said anything which reflects on these gentlemen, I retract it.

Mr. TAWNEY. These gentlemen, rather than to see the people under their control live in a barn—a stable—proceeded to pay this money out of their own pockets in order to complete the plumbing, thereby making the building habitable. I think they are to be commended for taking the course they did in order to afford convenient and comfortable quarters for the inmates of that institution rather than to be censured.

Mr. MANN. I do not desire to say anything which reflects upon these men, although, now that the gentleman calls it to my mind, I think they might well have it said of them. Congress made an appropriation of $6,000 for the erection and completion of a dormitory. These men were in charge. What do they do? They proceeded to erect a dormitory without any plumbing to it at all, knowing that it was not habitable. They exceeded the appropriation, or expended the entire appropriation, knowing that when it was expended they would not have a building in which the help could be placed. I don't know but they are entitled to have criticism passed upon them. Congress determined the amount which should be applied on this building, and we had a right to suppose that these distinguished people in charge of the building would provide a habitable building out of the $6,000, and not a barn, as they say they have.

Mr. TAWNEY. Mr. Chairman, the trustees in this instance, whom the gentleman now does criticise, were instructed by law to construct this building in accordance with plans and specifications prepared by the supervising architect of the Capitol, the inspector of buildings, and the District Commissioners. These plans and specifications as prepared entirely eliminated plumbing; did not provide for plumbing.

Mr. MANN. It was done at their request—the elimination of plumbing.

Mr. TAWNEY. They therefore constructed the building in accordance with the law and not in violation of the law, as the gentleman from Illinois contends.

Now, while that building was being constructed there was not sufficient accommodations for all the inmates of the institution, and a part of them were temporarily provided with quarters in the barn, and in order that that condition might cease and that they might be provided with more comfortable quarters these men went on and provided for the plumbing which was necessary to the entire completion of the building, but, so far as the action of the trustees is concerned, they acted in accordance with the strict letter of the law, because upon a revision of the estimate or plans, which revision was made by the architect and approved by the Commissioners, the item of plumbing was eliminated.

Mr. MANN. Do the supervising architect and his assistants violate the law?

Mr. TAWNEY. They revised the plans——

Mr. MANN. And went beyond the appropriation.

Mr. TAWNEY. There is nothing in the law that requires plumbing should be included in it any more than the law requires plumbing to be included in barracks and quarters. When we make an appropriation for barracks and quarters we appropriate money for the building, and then the Army pays the plumbing out of the appropriation for transportation of the Army.

Mr. HULL of Iowa. We have changed that now.

Mr. MANN. Does the gentleman claim a dormitory building, which is not habitable when completed, complies with the law providing for the construction of a dormitory building?

Mr. TAWNEY. I am not claiming anything except what the law expressly provides. The gentleman stated these gentlemen had violated the law in building a building exceeding the limit of cost. I say he is mistaken; they did nothing of the kind.

Mr. MANN. Oh, I am not mistaken about that at all. These gentlemen prepared plans, and when they found the plans which they had prepared would cost more than $6,000 they deliberately cut the plumbing for the purpose of doing just what they are trying to do now.

Mr. TAWNEY. These men had nothing whatever to do with the preparation of the plans.

Mr. MANN. It was at their request that plumbing was omitted from the plans——

Mr. TAWNEY. I beg your pardon——

Mr. PAYNE. Mr. Chairman, I want to suggest to my friend from Illinois if this is not a very proper case to withdraw the point of order? These gentlemen have come nearer building a building for $6,000 than private individuals have been able to do during this period when material has been going up as it has. They have only exceeded it by some $391, and they have put their hands in their pockets and paid the amount in order to accommodate these people. It seems to me my friend from Illinois ought not to insist upon the point of order where the equities are so strong as they are here and the amount so small.

Mr. MANN. We know nothing about the claim but what these gentlemen say. The claim has never been audited, never been before a Department, or passed upon by any official of the Government; it is not approved in this case by the Department under which it comes.

Mr. PAYNE. I want to say to the gentleman he might incorporate an amendment that the bill should be audited by the Department before the sum was paid; but it seems to me these gentlemen, having put their hands into their pockets and paid the bill, ought not to be relegated to the Committee on Claims.

Mr. TAWNEY. I will say to the gentleman from New York it is not necessary to plead with the gentleman from Illinois, for if it goes out on the point of order I have it in another form in which it is in order.

Mr. MANN. I have no objection to the gentlemen being paid their money, but I shall object in all these cases, if I can, to specifying in an appropriation bill that certain people shall be paid money on claims which nobody has passed upon except the people themselves.

Mr. TAWNEY. The District Commissioners did approve of this payment.

Mr. MANN. The District Commissioners did approve? Why, they disavow all knowledge of it.

Mr. TAWNEY. Where?

Mr. MANN. In your own hearings, taken before the gentleman himself, they stated they knew nothing about it, and the gentleman presented it to the District Commissioners.

Mr. TAWNEY. It is submitted in the Book of Estimates by the Commissioners.

Mr. MANN. Not by the District Commissioners.

Mr. PAYNE. Mr. Chairman, I withdraw as a voluntary peacemaker. [Laughter.]

Mr. MANN. The gentleman from Minnesota [Mr. TAWNEY] will find in the hearings that the president of the District Commissioners stated to him that he knew nothing about the claim, and the gentleman presented to the president a letter from these people stating the claim ought to be paid.

The CHAIRMAN. The Chair is ready to rule on the point of order. The pending section provides for reimbursement of certain persons for an amount expended for plumbing in the building for male employees in the Reform School for Girls in the District of Columbia. Congress authorized, the Chair understands, the construction of this building at the limited cost of $6,000. The amount called for in this section is in excess of that amount, and it seems to the Chair it is a claim against the Government, and is a claim that must be audited by the proper authorities before it can be an order upon a general appropriation bill. The Chair, therefore, sustains the point of order.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 14, after line 17, insert:

"The Reform School for Girls: To pay for plumbing in the building for male employees in the Reform School for Girls, authorized in the District of Columbia appropriation act for the fiscal year 1904, $391."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

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

Mr. TAWNEY. 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. LAWRENCE, the Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 14766, the urgent deficiency bill, and had come to no resolution thereon.

THE LIFE-SAVING SERVICE.

The SPEAKER laid before the House a message from the President of the United States, which was referred to the Committee on Civil Service Reform and ordered to be printed.

[For President's message see Senate proceedings of to-day.]

WILLIAM R. LITTLE.

The SPEAKER laid before the House the following request of the Senate, which was read, considered, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians.

LEAVE OF ABSENCE.

Mr. HAWLEY, by unanimous consent, was granted indefinite leave of absence from February 3, 1908, until he can return from Oregon, on account of the requirement of primary nomination law, which requires registration in person as a prerequisite of being nominated again for the office of Congressman.

NATIONAL CONFERENCE ON COMBINATIONS AND TRUSTS.

Mr. HEPBURN. Mr. Speaker, I have in my hand the resolution adopted at the National Conference on Combinations and Trusts, held in Chicago October 22–25, 1907. I ask unanimous consent that these resolutions may be printed in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolutions are as follows:

Resolutions adopted at the National Conference on Combinations and Trusts, Chicago, October 22–25, 1907.

After twenty years of Federal legislation as interpreted by the courts, directed against the evils of trusts and combinations and against railroad rebates, beginning with the interstate-commerce act of 1887 and the antitrust act of 1890, a general and just conviction exists that the experience gained in enforcing these Federal acts and others succeeding them demonstrates the necessity of legislation which shall render more secure the benefits already gained and better meet the changed conditions which have arisen during a long period of active progress, both in the enforcement of statute law and in the removal of grave abuses in the management of railroads and corporations. These changes now demanded are:

First. Immediate legislation is required, following the recommendation of President Roosevelt and the Interstate Commerce Commission, permitting agreements between railroad corporations on reasonable freight and passenger rates, subject in all respects to the approval, supervision, and action of the Interstate Commerce Commission.

Second. The enforcement of the Sherman Act and the proceedings under it during the administrations of Presidents Harrison, Cleveland, McKinley, and Roosevelt have accomplished great national results in awakening the moral sense of the American people and in asserting the supremacy and majesty of the law, thus effectually refuting the impression that great wealth and large corporations were too powerful for the impartial execution of law. This great advance has rendered more secure all property rights, resting, as they must, under a popular government, on universal respect for and obedience to law. But now that this work is accomplished it has revealed the necessity for legislation which shall maintain all that the Sherman Act was intended to secure and safeguard interests it was never expected to affect.

As the next step in executing the determination of the American people to secure in all industrial and commercial relations justice and equality of opportunity for all, with full sympathy and loyal support for every effort to enforce the laws in the past, we urge upon Congress without delay to pass legislation providing for a nonpartisan commission in which the interests of capital, of labor, and of the general public shall be represented. This commission, like a similar commission, which proved most successful in Germany in 1870, shall consider the entire subject of business and industrial combinations and report such proposals as to the formation, capitalization, management, and regulation of corporations (so far as the same may be subject to Federal jurisdiction) as shall preserve individual initiative, competition, and the free exercise of a free contract in all business and industrial relations. Any proposed legislation should also include modification of the prohibition now existing upon combinations on the following subjects:

1. National and local organizations of labor and their trade agreements with employers relating to wages, hours of labor, and conditions of employment.

2. Associations made up of farmers, intended to secure a stable and equitable market for the products of the soil, free from fluctuations due to speculation.

3. Business and industrial agreements or combinations whose objects are in the public interest as distinguished from objects determined to be contrary to the public interest.

4. Such commission should make a thorough inquiry into the advisability of inaugurating a system of Federal license or incorporation as a condition for the entrance of certain classes of corporations upon interstate commerce and also into the relation to the public interest of the purchase by one corporation of the franchises or corporate stock of another.

On no one of these subjects must what has been gained be sacrificed until something better appears for enactment. On each this conference recognizes differences between good men. On all it asks a national nonpartisan commission to be appointed next winter to consider the question and report at the second session of the approaching Congress for such action as the National Legislature, in the light of this full investigation, may enact.

Third. The examination, inspection, and supervision of great producing and manufacturing corporations, already begun by the Department of Commerce and Labor and accepted by these corporations, should be enlarged by legislation requiring, through the appropriate bureaus of the Department of Commerce and Labor, complete publicity in the capitalization, accounts, operations, transportation charges paid, and selling prices of all such producing and manufacturing corporations whose operations are large enough to have a monopolistic influence. This should be determined and decided by some rule and classification to be devised by the commission already proposed.

Fourth. The conflicts between State and Federal authority raised in many States over railroad rates, being now under adjudication and under way to a final and ultimate decision by the Federal Supreme Court, this conference deems the expression of an opinion on these issues unfitting, and confidently leaves this great issue to a tribunal which for one hundred and eighteen years has successfully preserved the balance between an indissoluble union and indestructible States, defining the supreme and national powers of the one and protecting the sovereign and individual powers of the other.

ALBERT SHAW (New York), *Chairman.*
JOHN H. GRAY (Minnesota), *Secretary.*

Members at large.—Seth Low, publicist, New York; Samuel Gompers, president American Federation of Labor, Washington, D. C.; C. H. Smith, president Illinois Manufacturers' Association, Chicago, Ill.; James M. Lynch, president International Typographical Union, Indianapolis, Ind.; Aaron Jones, National Grange, South Bend, Ind.; George W. Perkins, president International Cigarmakers' Union, Chicago, Ill.; Franklin MacVeagh, wholesale grocer, Chicago, Ill.; A. T. Ankeny, attorney at law, Minneapolis, Minn.; James O'Connell, president International Association of Machinists, Washington, D. C.; John F. Crocker, president Chamber of Commerce, Boston, Mass.; Frank Duffy, general secretary United Brotherhood of Carpenters and Joiners of America, Indianapolis, Ind.; William Jay Schieffelin, National Association of Wholesale Druggists, New York; Daniel J. Keefe, president International Longshoremen, Marine and Transporters' Association, Detroit, Mich.; Prof. J. Laurence Laughlin, University of Chicago, Chicago, Ill.; A. T. Stebbins, National Retail Hardware Men's Association, Rochester, Minn.

Members selected by State delegations.—John W. Tomlinson, Alabama; G. W. Hull, Arizona; Charles S. Thomas, Colorado; Irving Fisher, Connecticut; J. Howard Gore, District of Columbia; J. W. Archibald, Florida; Avery C. Moore, Idaho; John V. Farwell, jr., Illinois; John H. Holliday, Indiana; F. L. Maytag, Iowa; James W. Orr, Kansas; George L. Sehon, Kentucky; Theodore Marburg, Maryland; Dr. Fred William Hamilton, Massachusetts; George H. Barbour, Michigan; John W. Willis, Minnesota; Robert H. Whitelaw, Missouri; Walter L. Locke, Nebraska; Nahum J. Bachelder, New Hampshire; Howard H. Wood, New Jersey; J. H. Bearrup, New Mexico; Dr. Albert Shaw, New York; D. A. Tompkins, North Carolina; Allen R. Foote, Ohio; David B. Marum, Oklahoma; George Langford, Oregon; Talcott Williams, Pennsylvania; J. A. Pickler, South Dakota; James S. Mead, Tennessee; F. G. Howland, Vermont; Wyndham R. Meredith, Virginia; James C. Lawrence, Washington; James M. Payne, West Virginia; William George Bruce, Wisconsin; Nellis Corthell, Wyoming, committee on resolutions.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2424. An act providing for a United States exhibit at the International Mining Exposition, Madison Square Garden, New York City—to the Select Committee on Industrial Arts and Expositions.

S. 2328. An act to establish a fish-cultural station in the State of North Carolina—to the Committee on the Merchant Marine and Fisheries.

S. 2024. An act to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891—to the Committee on the District of Columbia.

S. 1824. An act to establish a fish-cultural station in the State of Alabama—to the Committee on the Merchant Marine and Fisheries.

S. 1729. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford—to the Committee on Claims.

S. 762. An act to establish a fish-cultural station in the State of New Jersey—to the Committee on the Merchant Marine and Fisheries.

S. 597. An act amending the act of August 3, 1892, clause 361, entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories" (Twenty-seventh Statutes at Large, p. 347.)—to the Committee on the Judiciary.

S. 536. An act to establish a fish-cultural station in the State of Delaware—to the Committee on the Merchant Marine and Fisheries.

S. 3640. An act to amend sections 9 and 14, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment"—to the Committee on Indian Affairs.

S. 3350. An act for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida—to the Committee on the Merchant Marine and Fisheries.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 7606. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River near the village of Bemidji, in Beltrami County, Minn.," approved March 3, 1905.

H. R. 12412. An act to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River, in Woodruff County, Ark.

H. R. 10368. An act to authorize the Secretary of War to change the name of Julius Flemming to his proper name of Jacob John Locher.

H. R. 11331. An act to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.

H. R. 9121. An act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa.

H. R. 11330. An act to authorize the Chicago, Indiana and Southern Railroad Company to construct a bridge across the Grand Calumet River in the town of Gary, Ind.

H. J. Res. 88. Joint resolution to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry.

The SPEAKER also announced his signature to enrolled bill of the following title:

S. 2694. An act to authorize the construction of a drawbridge over the Black River, in Lawrence County, Ark.

COMMITTEE ON THE MILITIA.

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

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on the Militia may have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER. The question is on agreeing to the resolution.

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

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

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

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriations for salaries, officers of Light-House Board—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for quota of the United States for the support of the International Institute of Agriculture at Rome, Italy—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of deficiency appropriation for boundary line, Alaska and Canada—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HIGGINS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 14789) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, reported the same without amendment, accompanied by a report (No. 440), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12401) to legalize a bridge across the Mississippi River at Rice, Minn., reported the same without amendment, accompanied by a report (No. 441), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14781) to authorize Campbell County, Tenn., to construct a bridge across Powells River, reported the same without amendment, accompanied by a report (No. 442), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2662) to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River at Parker, Ariz., reported the same without amendment, accompanied by a report (No. 443), which said bill and report were referred to the House Calendar.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14434) to validate certain entries of public lands in the State of Colorado, reported the same without amendment, accompanied by a report (No. 444), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

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

A bill (H. R. 1072) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2672) granting a pension to Edward Dodsworth—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 6523) granting a pension to Jesse H. Wade—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6525) granting a pension to Helen Mathews—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6526) granting a pension to Freda Burow—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6532) granting an increase of pension to Morris Lavin—Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 6543) granting an increase of pension to Margaret C. Storts—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7029) for the relief of C. L. Huey—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 7037) for the relief of Benjamin F. King—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 5610) granting a pension to Augustus H. Ewell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A resolution (H. Res. 169) for the relief of Marcellus Butler—Committee on Accounts discharged, and referred to the Committee on Claims.

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. BURTON of Delaware: A bill (H. R. 15438) for the establishment and organization of a corps of trained women nurses for the United States Navy—to the Committee on Naval Affairs.

By Mr. WOOD: A bill (H. R. 15439) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. PORTER: A bill (H. R. 15440) to provide for survey and estimates for deepening the channel in Niagara River

between Tonawanda Island and Gill Creek—to the Committee on Rivers and Harbors.

By Mr. STAFFORD: A bill (H. R. 15441) providing for the payment of expenses of district judges of United States courts—to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 15442) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898—to the Committee on Private Land Claims.

Also, a bill (H. R. 15443) to authorize the exploration and purchase of mines within the boundaries of private land claims—to the Committee on Mines and Mining.

By Mr. BEDE: A bill (H. R. 15444) extending the time for the construction of a dam across Rainy River—to the Committee on Interstate and Foreign Commerce.

By Mr. SNAPP: A bill (H. R. 15445) to provide for enlarging and improving the United States building at Elgin, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. KALANIANAOLE: A bill (H. R. 15446) to direct a survey of Kahului Harbor, on the island of Maui, Territory of Hawaii—to the Committee on Rivers and Harbors.

By Mr. TOWNSEND: A bill (H. R. 15447) to provide for the investigation of controversies affecting interstate commerce, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 15448) to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901—to the Committee on the District of Columbia.

Also, a bill (H. R. 15449) to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901—to the Committee on the District of Columbia.

By Mr. LANGLEY: A bill (H. R. 15450) to provide for the further improvement of the Kentucky River, in the State of Kentucky—to the Committee on Rivers and Harbors.

By Mr. YOUNG: A bill (H. R. 15451) to increase the appropriation for a site and public building at Sault Ste. Marie, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREY of Washington: A bill (H. R. 15452) to establish two or more fish-cultural stations on Puget Sound—to the Committee on the Merchant Marine and Fisheries.

By Mr. GARRETT: A bill (H. R. 15453) to encourage agriculture in the Philippine Islands by providing that the Philippine government may loan to agriculturists in said islands a fund equal in amount to the net seigniorage profit derived by the Philippine government from the recoinage of certain coins—to the Committee on Insular Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 15454) to prevent the issue of internal-revenue special-tax receipts to retail liquor dealers in communities where the sale of liquor is prohibited by State laws—to the Committee on Ways and Means.

By Mr. PAYNE: A bill (H. R. 15455) to provide for the purchase of a site and the erection of a public building thereon at Penn Yan, in the State of New York—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15456) to provide for the purchase of a site and the erection of a public building thereon at Newark, in the State of New York—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 15457) to approve the verdict of the second jury summoned to condemn land for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes—to the Committee on the District of Columbia.

By Mr. GRIGGS: A bill (H. R. 15458) providing for a parcels post for rural routes—to the Committee on the Post-Office and Post-Roads.

By Mr. MONDELL: A bill (H. R. 15459) authorizing the leasing of Indian lands on the Shoshone or Wind River Reservation, in Wyoming—to the Committee on Indian Affairs.

By Mr. FULTON: A bill (H. R. 15460) to provide for improvement and designation of homestead of certain Indian lands in Oklahoma of the Kiowa, Comanche, Apache, Caddo, Wichita, Cheyenne, Arapaho, Shawnee, and Pottawatomie Indians—to the Committee on Indian Affairs.

By Mr. HEFLIN: A bill (H. R. 15461) for the establishment of a fish-cultural station for the propagation of fish at or near Prattville, Ala.—to the Committee on the Merchant Marine and Fisheries.

By Mr. LANDIS (by request): A bill (H. R. 15462) to regulate the construction and operation of elevators in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BUTLER: A bill (H. R. 15463) providing for changing the title of warrant machinist, United States Navy, to machinist, for the promotion of machinists after six years from date of warrant according to law governing the promotion of other warrant officers, and for other purposes—to the Committee on Naval Affairs.

By Mr. LANGLEY: A bill (H. R. 15464) to provide for the further improvement of the Levisa and Tug forks of the Big Sandy River in Kentucky and West Virginia—to the Committee on Rivers and Harbors.

By Mr. CHAPMAN: A bill (H. R. 15465) granting pensions to the widows and minor children of certain officers and enlisted men who served in the civil war or in the war with Mexico—to the Committee on Invalid Pensions.

By Mr. LOVERING: Concurrent resolution (H. C. Res. 22) authorizing the Secretary of War to cause to be made a survey of Little Harbor, Woods Hole, Mass.—to the Committee on Rivers and Harbors.

By Mr. MANN: Joint resolution (H. J. Res. 117) concerning the location of the Grant Memorial, in the District of Columbia—to the Committee on the Library.

By Mr. MONDELL: Resolution (H. Res. 201) for the payment of an assistant clerk to the Committee on the Public Lands—to the Committee on Accounts.

By Mr. BEDE: Resolution (H. Res. 202) concerning certain public lands around Cedar Island Lake, Minnesota—to the Committee on Rules.

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. 15466) granting an increase of pension to William Esslin—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 15467) for the relief of William P. Drummon—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 15468) granting an increase of pension to Harry C. Crary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15469) granting an increase of pension to William H. Hastings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15470) granting a pension to William C. Stanford—to the Committee on Pensions.

Also, a bill (H. R. 15471) granting a pension to C. B. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15472) for the relief of Jose Salazar y Ortiz—to the Committee on Claims.

By Mr. BEALE of Pennsylvania: A bill (H. R. 15473) granting an increase of pension to Mary A. L. Hawk—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 15474) authorizing the Secretary of War to place on the retired list John J. Janezeck, as a retired sergeant of ordnance, with full pay and allowances as such—to the Committee on Military Affairs.

By Mr. BURLESON (by request): A bill (H. R. 15475) granting an increase of pension to Fannie T. Shipley—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 15476) for the relief of Don Manuel Pardo, of the Philippines—to the Committee on War Claims.

Also, a bill (H. R. 15477) for the relief of William R. Butler—to the Committee on War Claims.

Also, a bill (H. R. 15478) for the relief of M. T. Sigrest—to the Committee on War Claims.

Also, a bill (H. R. 15479) for the relief of John F. Byars—to the Committee on War Claims.

Also, a bill (H. R. 15480) for the relief of Thomas P. Burnham, administrator of the estate of Dr. J. Burnham, deceased, of Scott County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 15481) for the relief of heirs and estate of Reuben Milsaps, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15482) for the relief of heirs and estate of John Graham, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15483) for the relief of heirs of Edmund Kennedy, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15484) for the relief of heirs or estate of Thomas Jarrell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15485) for the relief of heirs of William R. Morris, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15486) for the relief of heirs of Purify Tingle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15487) for the relief of heirs of Mary and L. B. Wilkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15488) for the relief of heirs of Mary E. Spence, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15489) for the relief of heirs of George W. McCabe, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15490) for the relief of the estate of Alexander Russell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15491) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Matilda B. Harvey, deceased—to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 15492) granting an increase of pension to Ada W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15493) granting an increase of pension to Margaretha Loether—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15494) to complete the military record of Elijah M. Berand—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 15495) granting an increase of pension to Daniel Greer—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 15496) granting a pension to J. Nelson Neill—to the Committee on Pensions.

Also, a bill (H. R. 15497) granting a pension to Francis Lambert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15498) granting an increase of pension to Peter Hantz—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15499) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Fairfax Lodge, No. 43, Ancient Free and Accepted Masons, of Culpeper, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15500) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Hartwood Presbyterian Church, of Stafford County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15501) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Forest Hill Methodist Episcopal Church, Dumfries, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15502) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Mount Olivet Methodist Protestant Church, Alexandria County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15503) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Calvary Protestant Episcopal Church, Culpeper County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15504) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Methodist Episcopal Church South, of Warrenton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15505) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of St. Paul's Free Church, of Routts Hill, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15506) to carry into effect the findings of the Court of Claims in the matter of the claim of the vestry of Zion Protestant Episcopal Church, Fairfax, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15507) to carry into effect the findings of the Court of Claims in the matter of the claim of the vestry of Lambs Creek Protestant Episcopal Church, King George County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15508) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Methodist Episcopal Church South, Marshall, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15509) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Lebanon Union Church, of Lincolnia, Fairfax County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15510) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Round Hill Church, King George County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15511) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Liberty Church, of Dranesville, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15512) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Broad Run Baptist Church, Fauquier County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15513) to carry into effect the findings of the Court of Claims in the matter of the claim of Zoar Baptist Church, Bristersburg, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15514) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Ebenezer Methodist Episcopal Church South, of Garrisonville, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15515) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Baptist Church of Culpeper, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15516) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Methodist Episcopal Church South, of Culpeper, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15517) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of Grove Baptist Church, of Fauquier County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15518) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Presbyterian Church, Warrenton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15519) to carry into effect the findings of the Court of Claims in the matter of the claim of the vestry of St. Luke's Episcopal Church, of Remington, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15520) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Baptist Church, Waterford, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15521) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Methodist Episcopal Church South, of Jeffersonton, Va.—to the Committee on War Claims.

Also, a bill (H. R. 15522) for the relief of Susan J. P. Stiglar, widow, administratrix of the estate of John W. Stone, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 15523) granting a pension to Mary A. Denny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15524) granting an increase of pension to George C. Miller—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 15525) granting an increase of pension to William H. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15526) granting an increase of pension to James H. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15527) for the relief of Andrew Wilkinson and William D. Wilkinson—to the Committee on Claims.

Also, a bill (H. R. 15528) granting an increase of pension to James Hopkins—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 15529) granting an increase of pension to Arline E. McNutt—to the Committee on Pensions.

Also, a bill (H. R. 15530) granting an increase of pension to James R. Gibson—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 15531) granting an increase of pension to Rebeckah Williams—to the Committee on Pensions.

By Mr. CURRIER: A bill (H. R. 15532) granting an increase of pension to Levi Witham—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 15533) granting a pension to Sarah A. Waite—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 15534) for the relief of the Union Bridge Company, a corporation of Pennsylvania, having its chief office in Pittsburg, Pa.—to the Committee on Claims.

By Mr. DARRAGH: A bill (H. R. 15535) granting an increase of pension to Sidney D. Frost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15536) granting an increase of pension to David Thuma—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 15537) granting a pension to James C. Braselton—to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 15538) granting an increase of pension to George W. Fairchild—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 15539) granting an increase of pension to Edward P. Howe—to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 15540) granting a pension to John H. T. Yost—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 15541) for the relief of G. W. Dismukes for captured cotton appropriated by the United States to its own use—to the Committee on War Claims.

By Mr. FLOOD: A bill (H. R. 15542) for the relief of the estate of John Gibson, deceased—to the Committee on War Claims.

By Mr. FLOYD: A bill (H. R. 15543) granting a pension to Daniel Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15544) granting a pension to Sarah L. Volz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15545) granting an increase of pension to Mattie T. Fick—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 15546) granting a pension to John T. Maloney, jr.—to the Committee on Pensions.

Also, a bill (H. R. 15547) granting a pension to Alexander Iaun—to the Committee on Pensions.

Also, a bill (H. R. 15548) granting an increase of pension to Samuel B. Bowman—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 15549) granting an increase of pension to Christian Richter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15550) granting an increase of pension to Joseph McCain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15551) granting an increase of pension to Haydon Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15552) granting an increase of pension to Nathaniel Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15553) to remove the charge of desertion from the military record of John Hall—to the Committee on Military Affairs.

Also, a bill (H. R. 15554) to remove the charge of desertion from the military record of Larkin T. Robertson—to the Committee on Military Affairs.

Also, a bill (H. R. 15555) granting a pension to Rachel J. White—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15556) to authorize the President of the United States to appoint Maj. Gen. Oliver O. Howard, retired, to be lieutenant-general, United States Army—to the Committee on Military Affairs.

By Mr. FOULKROD: A bill (H. R. 15557) granting a pension to Eloise Wilkenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15558) granting a pension to Thomas T. McMullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15559) granting a pension to Mrs. Edwin C. Butcher—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 15560) for the relief of Durham W. Stevens—to the Committee on Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 15561) granting an increase of pension to Frank T. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15562) granting an increase of pension to John P. Veach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15563) granting an increase of pension to Eliza Calver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15564) granting an increase of pension to Adelaide E. Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15565) to authorize the President of the United States to appoint Maj. Gen. Oliver O. Howard, retired, to be lieutenant-general, United States Army—to the Committee on Military Affairs.

By Mr. GARRETT: A bill (H. R. 15566) granting an increase of pension to William McLain—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 15567) granting an increase of pension to Naomi V. Culley—to the Committee on Pensions.

Also, a bill (H. R. 15568) granting an increase of pension to John McKuan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15569) granting a pension to Mary A. Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15570) granting a pension to Lillian Garner—to the Committee on Pensions.

Also, a bill (H. R. 15571) for the relief of James H. Gambrell—to the Committee on Naval Affairs.

By Mr. GORDON: A bill (H. R. 15572) for the relief of Marion B. Patterson—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 15573) granting a pension to J. S. Grubb—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: A bill (H. R. 15574) granting an increase of pension to John W. Henry—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15575) granting a pension to Rhoda A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15576) granting a pension to Lucy F. Welton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15577) granting a pension to Harriet L. Gist—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 15578) granting a pension to John C. Wheaton—to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 15579) granting an increase of pension to Alonzo C. Abbey—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15580) to authorize the President of the United States to appoint John Gibbon captain and quartermaster in the Army—to the Committee on Military Affairs.

By Mr. HEPBURN: A bill (H. R. 15581) granting an increase of pension to John H. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15582) granting an increase of pension to Washington M. Knight—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 15583) granting an increase of pension to Marvin F. Weston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15584) granting an increase of pension to Thomas G. Wood—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 15585) granting an increase of pension to William P. Routt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15586) granting an increase of pension to James Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15587) granting an increase of pension to Caleb Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15588) granting an increase of pension to James L. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15589) granting an increase of pension to Francis Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15590) granting an increase of pension to Isham Maxey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15591) for the relief of the estate of Harvey Woodward—to the Committee on War Claims.

By Mr. KENNEDY of Iowa: A bill (H. R. 15592) for the relief of W. H. Heule—to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 15593) granting an increase of pension to David Mather—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15594) granting an increase of pension to Richard Shapland—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 15595) granting an increase of pension to Albert Bennett—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 15596) granting an increase of pension to Napoleon B. Beaulieu—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 15597) granting an increase of pension to George H. Hales—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15598) to remove the charge of desertion and grant an honorable discharge to George W. Weiser—to the Committee on Military Affairs.

Also, a bill (H. R. 15599) granting an increase of pension to Ira Phillips—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 15600) for the relief of the estate of Samuel E. Bratton, deceased—to the Committee on War Claims.

By Mr. LONGWORTH: A bill (H. R. 15601) granting an increase of pension to Cecelia Cochran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15602) granting an increase of pension to Michael Guth—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 15603) for the relief of John W. Wood—to the Committee on Claims.

By Mr. MANN: A bill (H. R. 15604) granting an increase of pension to Mary L. Betzel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15605) granting an increase of pension to Dinah E. Sprague—to the Committee on Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 15606) grant-

ing a pension to Thomas F. Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15607) granting a pension to Lena Roedelsheimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15608) for the relief of Thomas F. Walter—to the Committee on Military Affairs.

Also, a bill (H. R. 15609) granting a pension to Katharine H. Williams—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 15610) for the relief of Andrew Erickson—to the Committee on Claims.

By Mr. OLCOTT: A bill (H. R. 15611) to correct the military record of Bartholomew Cronin—to the Committee on Military Affairs.

Also, a bill (H. R. 15612) to correct the War Department records of Henry Donovan—to the Committee on Military Affairs.

By Mr. PARKER of South Dakota: A bill (H. R. 15613) for the relief of Daniel W. Flick—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 15614) granting an increase of pension to George W. Smith—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 15615) granting an increase of pension to Mary M. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15616) granting an increase of pension to Hugh Irwin—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 15617) granting an increase of pension to Frederick Greiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15618) granting a pension to David H. Burket—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 15619) granting an increase of pension to Stephen Pullen—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 15620) for the relief of Parks S. Townsend, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 15621) granting a pension to Mary T. Parrish—to the Committee on Pensions.

By Mr. ROBINSON: A bill (H. R. 15622) for the relief of the heirs of John H. Austin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15623) for the relief of J. F. Steel—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 15624) for the relief of George A. Armes—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 15625) for the relief of John W. Hyatt—to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 15626) granting an increase of pension to George Shiebel—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 15627) granting an increase of pension to Eliza L. Reimsdorff—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15628) granting an increase of pension to John H. Layne—to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 15629) granting a pension to Anna Sterr—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 15630) granting an increase of pension to Samuel Hobson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15631) granting a pension to Emma A. Pyle—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 15632) granting an increase of pension to Jerome B. Thomas—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 15633) granting a pension to Marcellus Howser—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 15634) for the relief of Elizabeth L. W. Bailey, administratrix of the estate of Davis W. Bailey, deceased—to the Committee on Claims.

By Mr. WEISSE: A bill (H. R. 15635) granting an increase of pension to Ann McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15636) granting an increase of pension to John P. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15637) granting an increase of pension to Henry Stocks—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 15638) granting an increase of pension to Ben de Lemos—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 15639) granting an increase of pension to Ann J. Ward—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 15640) providing for salary and allowances of the postmaster at Mackinac Island post-office, Mackinac County, State of Michigan—to the Committee on the Post-Office and Post-Roads.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Paper to accompany bill for relief of Joseph Jackson—to the Committee on Invalid Pensions.

By Mr. AMES: Petition of Andrew J. Martin, George Lamb, and 3 other volunteer officers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ANSBERRY: Paper to accompany bill for relief of William Johnson—to the Committee on Invalid Pensions.

By Mr. BYRD: Papers to accompany bills for relief of estate of Thomas Jarrell, estate of Edmund Kennedy, estate of John Graham, and estate of Reuben Millsaps—to the Committee on War Claims.

By Mr. CALDER: Petition of National Corps, Army and Navy Union, for increase of pay of officers and men of the Army and Navy—to the Committee on Military Affairs.

By Mr. CALDERHEAD: Petition of Kansas Board of Trade, indorsing the McCumber bill for Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Institute of Electrical Engineers, for forest preservation—to the Committee on Agriculture.

Also, petition of Commercial Club of Topeka, against advancing railway rates without supervision of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Grain Dealers' Association of Kansas, for Government inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. G. Schmidler, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of O. N. Aylworth, Charles Drown, J. H. Sommers, C. E. Woodruff, E. O. Rose, E. H. Quinn, W. C. Milligan, W. P. Bowman, William H. Smith, N. T. Dodson, J. H. Sweet, Len. Smith, Andrew Sweet, Joseph A. Woodman, Charles Morris, Rev. John W. Hannum, and Wilson Wreath, for prohibition of liquor on all Government property and prevention of shipment of liquor into prohibition States—to the Committee on the Judiciary.

By Mr. CARLIN: Paper to accompany bill for relief of Mrs. Susan J. P. Stigler—to the Committee on War Claims.

By Mr. CHANEY: Paper to accompany bill for relief of James H. Ross—to the Committee on Invalid Pensions.

By Mr. COCKRAN: Paper to accompany bill for relief of Amy Johnson—to the Committee on Invalid Pensions.

By Mr. COUDREY: Petition of State Federation of Labor, against Government musicians competing with civil musicians—to the Committee on Naval Affairs.

Also, petition of George Warren Brown, against act to provide for extra clerical force for next census and for civil service competitive examination—to the Committee on Reform in Civil Service.

By Mr. DARRAGH: Memorial of State legislature of Michigan, against further reduction of tariff on sugar and agitation of same—to the Committee on Ways and Means.

Also, petition of Jotham Allen and 63 other farmers, and Farmers' Institute of Gratiot County, Mich., for reduction of tariff on imports from the Philippines—to the Committee on Ways and Means.

Also, petition of Grand Traverse Grange, No. 379, of Michigan, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Lewis H. Woodruff—to the Committee on Invalid Pensions.

Also, petition of citizens of Lakeview, Mich., for free delivery of mail in towns having postal revenue of $5,000 per annum or over—to the Committee on the Post-Office and Post-Roads.

Also, petition of Typographical Union of Traverse City, Mich., for removal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. DE ARMOND: Papers to accompany bills for relief of James M. Pickett and John Noble—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Paper to accompany bill for relief of Samuel C. Tompkins—to the Committee on Invalid Pensions.

Also, petitions of Merchants' Association of New York, for adequate pensions for widows of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

Also, petition of N. Johannsen, for currency legislation—to the Committee on Banking and Currency.

By Mr. ELLIS of Missouri: Petition of A. S. Van Valkenburgh and 169 other citizens of Missouri, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ELLIS of Oregon: Petition of citizens of Umatilla County, Oreg., to accompany H. R. 15118—to the Committee on the Public Lands.

Also, petition of Multnomah Typographical Union, Portland, Oreg., favoring a postal savings bank—to the Committee on the Post-Office and Post-Roads.

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

By Mr. FITZGERALD: Petition of Wholesale and Retail Hardware Joint Commission, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Marine Trades Council of Port of New York, for construction of another battle ship at Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. FLOOD: Paper to accompany bill for relief of estate of John Gibson—to the Committee on War Claims.

By Mr. FOCHT: Paper to accompany bill for relief of Mrs. Mary E. T. Barber—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of George W. Boling (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. FOSTER of Indiana: Petition of Indiana Grain Dealers' Association, favoring uniform inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Typographical Union No. 35, Evansville, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Commercial Travelers' Congress of San Francisco, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSTER of Vermont: Petition of B. H. Kerr and 17 other citizens of San Jose, Cal., for change of rules and regulations governing Chinese-exclusion laws—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rockford (Ill.) Typographical Union No. 213, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York, for ship subsidy bill—to the Committee on the Merchant Marine and Fsheries.

Also, petition of Ingersoll Milling Machine Company, of Rockford, Ill., for currency legislation—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of Daniel A. Steadman—to the Committee on Invalid Pensions.

Also, petitions of F. E. Carpenter, of Rockford, Ill., and Glass Bottle Blowers' Association of Streator, Ill., for a parcels-post law and postals savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. FULTON: Petition of George G. Mead Post, Grand Army of the Republic, Department of California and Nevada, for H. R. 6100, for pensions to all honorably discharged soldiers of the civil war—to the Committee on Invalid Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of William McLain—to the Committee on Invalid Pensions.

By Mr. GORDON: Paper to accompany bill for relief of Marion B. Patterson—to the Committee on Claims.

By Mr. GRAHAM: Petition of the Paul C. Wolff Automobile Club, of Pittsburg, for appropriation to mark the Oregon trail—to the Committee on the Library.

By Mr. HALE: Petition of McKinley Post, Department of Tennessee, for allowance of pensions of $30 per month and $12 per month to widows of soldiers—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: Paper to accompany bill for relief of John W. Henry—to the Committee on Invalid Pensions.

Also, petition of Commercial Club of Des Moines, Iowa, against the Crumpacker bill (H. R. 7597) concerning employment of clerks for new census—to the Committee on Reform in the Civil Service.

Also, petition of Wapello County Medical Association, for adequate pensions for widows of Maj. James Carroll and Dr. Jesse W. Lazear—to the Committee on Pensions.

By Mr. HAMLIN: Paper to accompany bill for relief of John B. Clements—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of James McQueen and 201 other citizens of Minnesota, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HAYES: Petition of citizens of San Francisco, against extension of rights of naturalization and for an Asiatic exclusion law—to the Committee on Immigration and Naturalization.

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

Also, petition of Carriers' League of California, for amendment to interstate-commerce law requiring notice of any change in rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Wholesale and Retail Hardware Commission, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of United Presbyterian Synod, against sale of liquor to Indians and to stop collecting internal revenue from speakeasies in no-license territory—to the Committee on Indian Affairs.

By Mr. HINSHAW: Papers to accompany bills for relief of Anna L. Mills, Martha E. Geesaman, Luman Vanhoosen, and Dallas Seaburg—to the Committee on Invalid Pensions.

Also, petition of old soldiers of Stromsburg, Polk County, Nebr., for H. R. 13261 (the Hinshaw pension bill)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Marvin F. Weston—to the Committee on Invalid Pensions.

Also, petition of Delevan Bates and 81 others, of Nebraska, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: Papers to accompany bills for relief of William P. Rontt, James Allen, Caleb Reynolds, James L. Hamilton, Ernest Woodward, Francis Reynolds, and Isham Maxey—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Petition of citizens of Washington, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Washington, against extension of right of naturalization and for an effective Asiatic exclusion law—to the Committee on Immigration and Naturalization.

Also, petition of Joe Hooker Relief Corps, of Chehalis, for soldiers' widows' pension bill—to the Committee on Invalid Pensions.

By Mr. KEIFER: Petitions of Andrew L. Harris, governor of Ohio, and 1,924 other citizens of Ohio, including judges of different courts and county officers, bankers, manufacturers, merchants, farmers, and professional men, and 221 citizens of west Tennessee and 44 from Oklahoma, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of T. H. Sullivan and 30 other citizens of Springfield, Ohio, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Paper to accompany bill for relief of Albert Bennett—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petition of York Branch, No. 509, National Association of Letter Carriers, for H. R. 10504, for a special parcels post in York and Adams counties, Pa.—to the Committee on the Post-Office and Post-Roads.

Also, petition of York Typographical Union, No. 242, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of Louisa J. Long—to the Committee on Pensions.

By Mr. LEGARE: Paper to accompany bill for relief of John Duncan—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of John Merriam, of Livermore Falls, Me., and others, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. LLOYD: Petition of 131 citizens of Adair County, Mo., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. LOWDEN: Petition of Local Union No. 54, Typographical Union, for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. MANN: Paper to accompany bill for relief of Mary E. Betzel—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Dinah E. Sprague—to the Committee on Pensions.

By Mr. NYE: Petition of German-American Alliance of St. Paul, Minn., against prohibition in District of Columbia—to the Committee on the District of Columbia.

By Mr. O'CONNELL: Petition of Boston Wholesale Grocers' Association, for amendment of pure-food law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Wholesale Grocers' Association, for amendment of Sherman antitrust law, for benefit of trade associations—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: Paper to accompany H. R. 4525—to the Committee on Military Affairs.

By Mr. PAYNE: Paper to accompany bill for relief of Sidney S. Smith—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of third-class postmasters of First Congressional District of Nebraska, for increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of Wholesale and Retail Hardware Joint Committee, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: Paper to accompany bill for relief of Blair W. Peck (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. RIORDAN: Petition of masters and pilots, for H. R. 31, for a light and fog signal on Governors Island—to the Committee on the Merchant Marine and Fisheries.

By Mr. RYAN: Petition of Local Union No. 9, International Typographical Union, of Buffalo, for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. SHEPPARD: Paper to accompany bill for relief of Martha C. Pace—to the Committee on Pensions.

By Mr. SLEMP: Paper to accompany bill for relief of John W. Hyatt—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Petition of Columbia County Union of Educational and Cooperative Association of America, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tampa Board of Trade, for legislation to safeguard deposits in national banks—to the Committee on Banking and Currency.

Also, petition of Central Trades and Labor Assembly, of Tampa, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petitions of Edward P. Nobles and others and Wilbur W. Smith and others, citizens of Connecticut, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petition of Duluth (Minn.) Commercial Club, for amendment to interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of T. W. Lee and others, for legislation to preserve the wild elk of western mountains or forest reserves—to the Committee on Agriculture.

Also, petition of H. Bahn, for resumption of work at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Massachusetts Library Club, against a bill entitled "A bill to consolidate and revise the acts respecting copyright" (S. 2900; H. R. 11794)—to the Committee on Patents.

Also, petition of Merchants' Association of New York, for an adequate pension for the widows and children of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

By Mr. TALBOTT: Paper to accompany bill for relief of civil war transport men—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Paper to accompany bill for relief of John Scott—to the Committee on Military Affairs.

By Mr. WEISSE: Petition of American Institute of Electrical Engineers, for forest preservation to conserve water powers—to the Committee on Agriculture.

By Mr. WILEY: Petition of William B. Gere, of Bessemer, Ala., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. WOOD: Petitions of J. E. Pinkney, James B. Ladd, Warren D. Church, J. Frank Wilkes, and Carl H. Graf, all of Hoboken, N. J., for return of collateral inheritance tax to Stevens Institute of Technology, Hoboken, N. J.—to the Committee on Claims.

By Mr. YOUNG: Memorial of house of representatives of Michigan, against reduction of tariff on sugar from Philippines—to the Committee on Ways and Means.

Also, petition of Wholesale and Retail Hardware Joint Commission, of Fort Smith, Ark., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alma (Mich.) Board of Trade, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *January 29, 1908.*

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

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

FINANCIAL STATISTICS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 12, 1907, a statement relative to Treasury operations, United States depositaries, condition of national banks, etc., which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

GREAT FALLS AND OLD DOMINION RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Great Falls and Old Dominion Railroad Company for the year ended December 31, 1907, which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, returned to the Senate in compliance with its request the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

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

H. R. 9121. An act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa;

H. R. 11330. An act to authorize the Chicago, Indiana and Southern Railroad Company to construct a bridge across the Grand Calumet River in the town of Gary, Ind.;

H. R. 11331. An act to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.; and

H. J. Res. 88. Joint resolution to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Council No. 4, United Commercial Travelers of America, of Indianapolis, Ind., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Cronomer Valley Grange, No. 982, Patrons of Husbandry, of Orange County, N. Y., and a petition of Orange County Pomona Grange, Patrons of Husbandry, of Newburgh, N. Y., praying for the enactment of legislation to establish a national park in the Highlands of the Hudson, in that State, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. STONE presented a petition of Local Union No. 88, International Typographical Union, of Hannibal, Mo., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Commercial Club of Moberly, Mo., praying for the enactment of legislation to improve the present financial system, which was referred to the Committee on Finance.

He also presented a petition of the Farmers' Educational and Cooperative Union of Scott County, Mo., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Government Townsite Protective Association of the State of Oklahoma, praying for the enactment of legislation for the relief of landowners on town sites and in the segregated land district in that State from the encroachments of "squatters," which was referred to the Committee on Public Lands.

He also presented a petition of the Medical Association of Madison County, Mo., praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr.