By Mr. SLEMP: Paper to accompany bill for $100,000 for public building at city of Big Stone Gap, Va., and papers for consideration of Committee on Public Buildings and Grounds relative to Wytheville, Va.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: Petition of National German-American Alliance, for repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. SPARKMAN: Petition of Pasco County (Fla.) Camp of United Confederate veterans, against passage of any bill by Congress granting pensions to Confederate veterans—to the Committee on Invalid Pensions.

Also, petition of Council No. 376, United Commercial Travelers of America, of Tampa, Fla., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Papers to accompany H. R. 15434, authorizing the Secretary of War to bestow a medal of honor upon Lawrence O'Brien—to the Committee on Military Affairs.

Also, petition of National German-American Alliance of Missouri, for repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of Elm Lodge, No. 420, International Association of Mechanics, of New Haven, Conn., favoring building of war ships in Government yards—to the Committee on Naval Affairs.

Also, petition of Company D, First Infantry, Connecticut National Guard, of Bristol, Conn., favoring the militia bill—to the Committee on Militia.

By Mr. WATSON: Petition of Woman's Home Missionary Society of First Methodist Episcopal Church of Greensburg, Ind., for the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. WOOD: Petitions of H. I. Westervelt, George Gibbs, and F. N. Morton, for return of $45,750 to Stevens Institute of Technology, Hoboken, N. J. (H. R. 11562)—to the Committee on Claims.

SENATE.

THURSDAY, *January 30, 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. CLAPP, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ANNUAL REPORT OF CAPITAL TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Capital Traction Company of the District of Columbia for the fiscal year ended December 31, 1907, which was referred to the Committee on the District of Columbia and ordered to be printed.

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 bill (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 300) providing for second homestead entries.

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

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district;

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;"

H. R. 12420. An act to extend immediate-transportation privileges to the subport of Alburg, in the customs collection district of Vermont; and

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of C. T. Lane, of Fort Wayne, Ind., 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 Local Union No. 101, International Typographical Union, of Washington, D. C., 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.

Mr. BRIGGS presented sundry petitions of the Pacific Coast Lumber Manufacturers' Association and of the Pacific Northwest, of Portland, Oreg., praying for the adoption of an amendment to the present interstate-commerce law requiring a hearing before the Interstate Commerce Commission before a change in any interstate freight rate may become effective, which were referred to the Committee on Interstate Commerce.

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

He also presented petitions of sundry citizens of the States of New Jersey, New York, Maryland, Pennsylvania, Virginia, and Wisconsin, praying for the enactment of legislation to refund the collateral-inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

He also presented a petition of the East, Northeast, North Capitol and Eckington citizens' association of the District of Columbia, praying for the enactment of legislation to extend the tracks of the Capital Traction Company from Seventh street NW., along Florida avenue to Eighth street NE., and thence along Eighth street to connect with the Pennsylvania avenue tracks, which was referred to the Committee on the District of Columbia.

He also presented a petition of Post No. 20, Department of New Jersey, Grand Army of the Republic, of Lambertville, N. J., praying for the passage of the so-called "Lafean pension bill," which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Trenton, Englewood, and Atlantic City, all in the State of New Jersey, and of New York City, N. Y., praying for the passage of the so-called "Kittredge copyright bill," which were referred to the Committee on Patents.

He also presented a memorial of the Listers Agricultural Chemical Works, of New York City, N. Y., remonstrating against the adoption of any further amendments to the present pure food and drug law, which was referred to the Committee on Manufactures.

He also presented a petition of the Navigation Conference of New York City, N. Y., praying that an appropriation be made for the improvement of the national harbor of refuge at Point Judith, Rhode Island, which was referred to the Committee on Commerce.

He also presented petitions of the Master Painters' associations of Paterson and Bergen County and the New Jersey State Association of Master Painters and Decorators, all in the State of New Jersey, praying for the enactment of legislation providing for the labeling of paint materials along the lines of the present pure food and drug law, which were referred to the Committee on Manufactures.

Mr. DICK presented petitions of Local Union No. 42, Printing Pressmen's Association, of Akron; of Local Union No. 22, Stereotypers and Electrotypers' Association, of Cleveland; and of Local Union No. 7, Pressfeeders' Association, of Springfield, all in the State of Ohio, 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 Association of Credit Men of Columbus, Ohio, praying for the enactment of legislation providing for a reclassification of second and third class mail matter and the rates of postage thereon, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Institute of Electrical Engineers of Boston, Mass., praying for the enactment of legislation to protect the headwaters of important streams of the country from deforestation, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of Local Branch No. 98, Glass Bottle Blowers' Association, of Warwick, Ohio, remonstrating against the enactment of legislation to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Merchants' Association

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

of Youngstown, Ohio, and a memorial of the Commercial Travelers' Congress of San Francisco, Cal., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Farmers' Institute of Albany, of the Farmers' Institute of Sharon, and of the Farmers' Institute of Chesterhill, all in the State of Ohio, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Williams County Agricultural Society, of Bryan, Ohio, and a petition of the Central Trades Union of Toledo, Ohio, praying for the establishment of postal savings banks, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARNER presented petitions of sundry ex-volunteer officers of the civil war, members of Grand Army Post No. 179, of Memphis; Post No. 16, of Carthage; Post No. 8, of Kansas City, and Post No. 29, of Chillicothe, all in the State of Missouri, 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. KEAN presented the memorial of A. S. Taylor, of Closter, N. J., remonstrating against the enactment of legislation to abolish the various pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of Local Branch No. 54, Glass Bottle Blowers' Association, of Medford, N. J., praying for the enactment of legislation to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Jersey City and Cresskill, in the State of New Jersey, and of New York City, N. Y., praying for the enactment of legislation to refund the collateral inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

He also presented the petition of Charles H. Ellis and 26 other citizens of Camden, N. J., 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. BRANDEGEE presented petitions of Company D, of Bristol, of Company F, of Hartford, and of Company M, of Winsted, all of the Connecticut National Guard, and of Col. John Hickey, of South Manchester, all in the State of Connecticut, praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committee on Military Affairs.

Mr. ELKINS presented a petition of the American National Live Stock Association and Cattle Raisers' Association of Texas, praying for the enactment of legislation requiring railroad companies engaged in interstate commerce to furnish cars and other transportation facilities without unnecessary delay, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Hinton, Okla., praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases, which was referred to the Committee on the Judiciary.

He also presented the petition of George W. Taggart and 7 other volunteer officers of the civil war, and of Henry C. McWhorter and 4 other volunteer officers of the civil war, of the State of West Virginia, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the volunteer officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. DOLLIVER presented a petition of the Commercial Club of Cedar Rapids, Iowa, praying that an annual appropriation be made for industrial education in the agricultural high schools and in the city high schools, and also for the branch agricultural experiment stations, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Clinton County Medical Society, of Clinton, Iowa, praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. James W. Lazear, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 180, International Typographical Union, of Sioux City, Iowa, 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.

Mr. HOPKINS presented a petition of Local Union No. 458, of the International Typographical Union, of Carlinville, Ill., 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 Public Policy League of Illinois, praying for the issuance of a series of noninterest-bearing circulating notes to aid in the construction of national public works, which was referred to the Committee on Finance.

He also presented petitions of William H. Glasgow and 46 other citizens, of John Sugrout and 52 other citizens, of A. G. Hammond and 28 other citizens, and of H. B. Kilgour and 57 other citizens, all of the State of Illinois, 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. BOURNE presented a petition of sundry volunteer officers of the civil war, of Oregon, 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 was referred to the Committee on Military Affairs.

Mr. BURKETT presented the memorial of C. R. Mawe, of Lincoln, Nebr., 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 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.

Mr. SCOTT presented a petition of the Chamber of Commerce of Charleston, W. Va., praying for the enactment of legislation to establish a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. STEPHENSON presented petitions of sundry volunteer officers of the civil war, of Wisconsin, 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.

REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Commerce, to whom was referred the bill (H. R. 558) to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement, reported it without amendment.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 2495) restoring a certain tract of public land in the State of Minnesota to the public domain, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 4098) for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast, reported it with amendments and submitted a report thereon.

Mr. STEPHENSON, from the Committee on Claims, to whom was referred the bill (S. 3843) for the relief of the legal representatives of Stewart & Co., and A. P. H. Stewart, reported it without amendment and submitted a report thereon.

Mr. McCREARY, from the Committee on Military Affairs, to whom was referred the bill (S. 1893) granting an honorable discharge to Peter Fleming, reported it without amendment and submitted a report thereon.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 4380) for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, reported it without amendment and submitted a report thereon.

Mr. FRAZIER, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon and moved that they be indefinitely postponed, which was agreed to:

A bill (S. 2447) to correct the military record of Patrick F. McDermott; and

A bill (S. 2482) to remove the charge of desertion from the military record of Frederick A. Noeller.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 3157) to authorize the War Department to transfer certain lands belonging to the Fort Riley Military Reservation to the State of Kansas, reported it with an amendment and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 512) for the relief of the estate of Benja-

min Downs, deceased, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1699) for the relief of Thomas C. Chappell, reported it with amendments and submitted a report thereon.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4030) to fix the pay of the Army, to report it with amendments, and I submit a report thereon. I give notice that I shall endeavor to bring up the bill for consideration at a very early date.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 3932) authorizing the Secretary of the Interior to convey to the State of Minnesota certain lands in the county of Carlton, Minn., and for other purposes, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4103) authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians," reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4440) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Depredations, which was agreed to.

LAND AT ENID, OKLA.

Mr. McLAURIN. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 3541) vesting in the city of Enid, Okla., for park, school, and other public purposes, title to block 1 of McGuire's approved plat of the southwest quarter of the northwest quarter of section 8, township 22 north, of range 6 west of the Indian meridian, to report it favorably without amendment, and I submit a report thereon.

Mr. GORE. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Mississippi.

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

The Secretary read the bill.

Mr. KEAN. From what committee does the bill come?

The VICE-PRESIDENT. From the Committee on Public Lands.

Mr. KEAN. Is it Government land that is being transferred to the State?

Mr. McLAURIN. No; it is not being transferred to the State. It is land within the corporate limits of Enid, in Oklahoma, that is being given to the city for park, school, and other purposes.

Mr. KEAN. Who is the owner of the land?

Mr. McLAURIN. The Government.

Mr. KEAN. Does not the Senator from Mississippi think that we provided very liberally for Oklahoma in the bill to admit Oklahoma as a State?

Mr. McLAURIN. This is not for Oklahoma. This is for Enid.

Mr. KEAN. It is a city in Oklahoma, and school purposes there must be State purposes.

Mr. McLAURIN. The bill has been very carefully considered by the Committee on Public Lands, and the Senator from Oklahoma [Mr. GORE] has just asked for its consideration. It is the unanimous opinion of the Committee on Public Lands that the bill should be passed, and I hope the Senator from New Jersey will not object to it.

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

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

REVENUE-CUTTER SERVICE ON PACIFIC COAST.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3647) for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

Mr. SCOTT. I ask the Senator if the bill is from the Committee on Commerce?

Mr. PILES. It is a favorable report from the Committee on Commerce.

There being no objection, the bill was considered as in Committee of the Whole. It authorizes the construction, under the direction of the Secretary of the Treasury, of a steam vessel of the first class for the Revenue-Cutter Service, for duty on the Pacific coast, at a total cost not to exceed $250,000.

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

IMMIGRATION STATION AT BOSTON, MASS.

Mr. LODGE. I ask unanimous consent for the consideration of the bill (S. 4121) authorizing the Secretary of Commerce and Labor to procure a site and erect buildings for an immigration station at the port of Boston, in Massachusetts.

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. It directs the Secretary of Commerce and Labor to procure a site and erect suitable buildings for an immigrant station at the port of Boston, in the State of Massachusetts, and appropriates for this purpose $250,000.

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

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. Reports of committees, standing or select, are in order.

SURVEY OF HACKENSACK RIVER, NEW JERSEY.

Mr. HOPKINS, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. KEAN on the 28th instant, reported it without amendment, as follows:

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.

SURVEY OF WHITE LAKE HARBOR, MICHIGAN.

Mr. SMITH. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 41) providing for an examination and survey of White Lake Harbor, Michigan, to report in lieu thereof a concurrent resolution, and I ask for its immediate consideration.

Mr. KEAN. If such resolutions are to be considered by unanimous consent, I shall ask that the one preceding be considered also by unanimous consent.

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution just reported by the Senator from Michigan?

The concurrent resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of White Lake Harbor, Michigan, with a view to providing and maintaining a 20-foot channel and turning basin in said harbor, and to submit estimates for the same.

Mr. SMITH. I move that Senate joint resolution No. 41 be indefinitely postponed.

The motion was agreed to.

SURVEY OF HACKENSACK RIVER, NEW JERSEY.

Mr. KEAN. I ask unanimous consent that the resolution reported prior to the one just considered be put upon its passage. It merely provides for a survey.

The VICE-PRESIDENT. The concurrent resolution will be stated.

The SECRETARY. Senate concurrent resolution 22, by Mr. KEAN, relative to a survey of Hackensack River, New Jersey.

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

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. From the Committee on Finance I report back favorably, with sundry amendments, the bill (S. 3023) to amend the national banking laws.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. ALDRICH. It is my present purpose to call up the bill for consideration on Monday, February 10. I suggest this date in order that Senators who may desire to participate in the discussion may have time for preparation.

I desire to say, further, that the commitee have under con-

sideration some modification of the provisions in regard to railroad bonds, and they may suggest some amendments at a later day.

This is the report of a majority of the committee. Some members of the minority, I think, may have a substitute to offer at some time in the future.

I ask that 5,000 additional copies of the bill may be printed for the use of the Senate document room.

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

Mr. ALDRICH. Mr. President, I desire to submit in this connection the correspondence between myself and the Interstate Commerce Commission upon the subject of the railroad securities. I ask that the correspondence may be printed in the RECORD and printed as a document.

There being no objection, the matter was ordered to be printed as a document and to be printed in the RECORD, as follows:

[Senate Document No. 212, 60th Congress, 1st Session.]

COMMITTEE ON FINANCE,
UNITED STATES SENATE,
January 21, 1908.

GENTLEMEN: In connection with the proposition that the Government should accept railroad bonds as a part of the securities required from national banks for additional circulating notes, I would be glad if you would advise me.

First, what has been done under the twentieth section of the act to regulate commerce, as amended, relative to a prescribed system of railroad accounts?

Second, what principles or rules have been promulgated in the orders of the Commission thus far issued relative to operating accounts, and what principles or rules are under advisement pertaining to capital accounts, to be covered by subsequent orders of the Commission, that will tend to give security and stability to railway securities?

Third, what has been done under the twentieth section of the act to regulate commerce, as amended, relative to the appointment of a board of special examiners into railway accounts?

Fourth, would it be possible, in your opinion, after the various provisions of the twentieth section shall have been carried into effect, for the Secretary of the Treasury, from the records in the possession of the Interstate Commerce Commission, to select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of these circulating notes?

Very truly, yours,

NELSON W. ALDRICH.

The INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

INTERSTATE COMMERCE COMMISSION,
Washington, January 29, 1908.

Hon. NELSON W. ALDRICH,
Chairman Committee on Finance,
United States Senate, Washington, D. C.

SIR: Your communication of 21st instant, inquiring as to the action taken by the Commission under the twentieth section of the amended act to regulate commerce, relative to a prescribed system of railroad accounts, etc., was referred to Mr. Henry C. Adams, in charge of statistics and accounts, and a copy of his statement in response is submitted herewith.

This statement appears to cover fully the several matters embraced in your inquiry, and is transmitted as the reply of the Commission.

Very respectfully,

MARTIN A. KNAPP, *Chairman.*

INTERSTATE COMMERCE COMMISSION,
DIVISION OF STATISTICS AND ACCOUNTS,
Washington, January 28, 1908.

Hon. MARTIN A. KNAPP,
Chairman Interstate Commerce Commission,
Washington, D. C.

DEAR SIR: In response to your request in connection with the letter of the 21st instant from Senator ALDRICH, chairman of the Finance Committee of the Senate, I submit the following:

It is assumed that answers to the questions contained in the letter of Senator ALDRICH should be limited to the purpose for which they are asked, namely, to learn what added security, if any, will be given to railway stocks and railway bonds as the result of an efficient administration of the twentieth section of the act to regulate commerce, as amended. Any other interpretation would oblige the Commission to cover in its reply a large amount of irrelevant matter.

The questions submitted will be considered in the order of their presentation, the first of these being—

"What has been done, under the twentieth section of the act to regulate commerce, as amended, relative to a prescribed system of railway accounts?"

Before answering this question a word may not be inappropriate relative to the purpose of the twentieth section, to which the question makes reference. This section makes provision for:

I. Annual, monthly, and special reports.

II. A prescribed system of accounts, uniform for all transportation agencies subject to the jurisdiction of the Commission.

III. The employment of "special agents and examiners, who shall have authority * * * to inspect and examine any and all accounts, records, and memoranda kept" by carriers subject to jurisdiction.

The text of the twentieth section makes plain the purposes of Congress, and the Commission, in making provision for its administration, has undertaken, among other things, to establish such supervisory control over railway accounts as to enable anyone interested to distinguish between a carrier whose operating and financial conditions are sound and a carrier whose operating and financial conditions are not sound.

Annual reports have been rendered by the carriers and compiled by the Commission since 1888, but prior to the amended act of June 29, 1906, the Commission was not in a position to assure a uniform interpretation of the items reported, whether by different carriers or by the same carrier from year to year. It is evident, if annual reports are to serve a practical purpose, that they should be made with a common understanding of the terms used, and rest upon a uniform system of accounts. This is only possible where the rules of accounting have the authority of law, from which it may be concluded that a system of prescribed accounts having been established the annual reports will assume a significance which heretofore they have not borne, especially from the point of view of judicious discrimination relative to railway securities.

Regular monthly reports of revenues and expenses have been filed by the carriers since July 1, 1907. These reports are made under oath, which oath states that they are compiled "according to the accounting rules promulgated by the Interstate Commerce Commission relative to operating accounts." These monthly reports are regarded by the Commission as "public documents" under the law, and as such are filed in duplicate, one set being open for the inspection of the public in a room specially arranged for this purpose. Furthermore, the division in charge of the compilation of monthly reports is instructed to place in the hands of the representatives of the press, or of any others interested, at the close of each day a compilation of all reports received by or before 3 o'clock of the afternoon of that day. It is evident that information of this sort, universally rendered by the carriers and regularly published by the Commission month by month, must, from the nature of the case, tend to establish and perpetuate a stable value for railway securities.

The special reports cover special investigations. The most important of the investigations of this class which have been undertaken since the enactment of the law is an investigation into the intercorporate relations of carriers as reflected in the intercorporate ownership of railway securities. The chief aim of the investigation was to enable this office to eliminate from its compilations such railway securities as were reported as outstanding, in so far as they were the property of other carriers and made the basis of other issues. This investigation is now practically completed and shows that the amount of stocks and bonds heretofore reported as outstanding in the hands of the public will be reduced nearly $10,000 per mile. Prior to the amendment of the twentieth section of the interstate-commerce act, it was not possible for this office to obtain from the carriers the data necessary to an accurate statement of railway capital. This, however, is no longer the case, and reference is here made to the special investigations into intercorporate relations for the reason that it illustrates that the Commission is now in the possession of the authority and of the machinery to obtain whatever information is necessary to warrant a discriminating opinion relative to the value of railway securities.

Two other special investigations have been set on foot, both of which aim to protect the property accounts. These are an investigation into the manner in which carriers have treated depreciation during the six months ending December 31, 1907, and an investigation into the record of cars and locomotives retired during the past five years. All of these matters relating to annual, monthly, and special reports are pertinent to the question in hand, for they tend to the establishment of stable conditions for railway securities.

The work of formulating a system of accounts was begun in August, 1906, and in June, 1907, the operating accounts for steam carriers were issued. These operating accounts cover six classifications, and it should be understood that the rules of accounting which, under the law, become binding upon the carriers when promulgated under order of the Commission are expressed in the text explanatory of the primary accounts for which the classifications provide. The six classifications referred to are as follows:

1. Classification of operating expenses.
2. Classification of operating revenues.
3. Classification of expenditures for road and equipment.
4. Classification of locomotive-miles, car-miles, and train-miles.
5. Classification of additions and betterments, and
6. Classification of outside operations.

Of the above classifications, those from 1 to 4 were issued under order of the Commission dated June 3, 1907; the others were issued under circulars of instruction, and in the main have been followed by the carriers. After revision they will be submitted to the Commission for promulgation under order to take effect July 1, 1908.

A complete system of railway accounting must be made to cover the property and the capital accounts; that is to say, there must be an authoritative classification of the items entering into an income account, the purpose of which is to arrive at a correct statement of the surplus (or deficit) resulting from the year's operations, and an authoritative classification of the items entering into a balance-sheet statement, the purpose of which is to arrive at a correct statement of the accumulated surplus or accumulated deficit resulting from the manner in which the property has been managed from the beginning. The formulation of an income account and of a balance sheet is well under way, and will be submitted to the Commission for promulgation under order in time to take effect July 1, 1908.

The second question submitted is as follows:

"What principles or rules have been promulgated in the orders of the Commission thus far issued relative to operating accounts, and what principles or rules are under advisement pertaining to capital accounts to be covered by subsequent orders of the Commission that will tend to give security and stability to railway securities?"

What follows treats the accounting system as a unit. No difference will be made between principles that have been promulgated under order and those which are to be promulgated. The entire scheme of accounting, so far as the main primary accounts are concerned, will become effective July 1, 1908.

Of the general principles embodied in this scheme of accounting, there are four of especial pertinence to the matter under consideration because of the relation they sustain to the conditions under which stocks and bonds are likely to show stability of value. These principles are:

1. That discount on securities is not an item properly included in the cost of property.
2. That depreciation is an element of operating cost, and should be included in operating expenses.
3. That betterments and additions are not elements of operating cost, and should be charged to income or to capital.
4. That the total of assets and the total of liabilities should be shown upon the balance sheet, and that "profit and loss" should be so analyzed as to state separately the different items covered.

The first of the principles above named pertains, so far as the present influence of the Commission is concerned, to the future rather than to the present, and even for the future its full significance as suggesting practical rules of administration pertains primarily to a commission having authority to supervise railway capitalization. It is important, however, as bearing upon the question in hand, to know that the construction accounts promulgated by the Interstate Commerce Commission, and adopted by most of the States, propose to open the balance-sheet account with a cash statement of what it costs to create the property at one hundred cents on the dollar. The point to be noted is, that the system of railway accounting promulgated by the Commission has been

drawn in view of the possibility that Congress may at some future time deem it wise to require an inventory valuation of railway property, and to authorize some form of supervisory control over capitalization, and the analysis which underlies the construction accounts as promulgated is an analysis which easily lends itself to this purpose, and for that reason readily suggests the character and the method of an investigation the object of which is to disclose what stocks and bonds do in fact possess a certain and a stable value.

The second and the third of the above principles may be considered together, for the "depreciation" accounts and the "additions and betterments" accounts are each complementary to the other. The purpose of a depreciation account is to guard against the overstatement of net revenue by failure to include all the costs of operation in operating expenses; while the purpose of the additions and betterments accounts is to guard against the understatement of net revenue by including in operating expenses as a cost of operation what in fact is an improvement to the property. Heretofore no uniform rule has controlled these charges. The executive officer, perhaps to make a showing, perhaps to influence the market (the purpose is not important) has believed it to be a prerogative of management to order the accountant to vary these charges from time to time, according to some special purpose or fancied exigency. Under such conditions it is not strange that railway stocks, and also to some extent railway bonds, have come to be regarded as speculative issues rather than investment securities. The tendency of the accounts promulgated by the Commission must be to steady the market for railway securities and to strengthen the credit of all sound enterprises. The twentieth section of the act to regulate commerce as amended is an important step in the development of supervisory administration. Under the new law, the accounts of the carriers are no longer a private matter. On the contrary, they are as completely subject to public control as are the accounts of the United States Treasury, and when the machinery for the realization of that control is perfected and put into successful operation there will arise a general confidence in railway securities which will give them a sure and stable value, provided the enterprise which they represent is a sound commercial enterprise.

The fourth principle above mentioned pertains to the balance sheet. As the test of the operating accounts is a correct statement of net revenue from operation, so the test of a balance sheet is a correct statement of the accumulated surplus.

It seems hardly appropriate to include in this cursory statement a consideration of all the many questions of detail that arise in connection with the balance sheet. In working out the general and supporting accounts for this most important statement, an accurate analysis of the items covered, of a strict interpretation of the words "assets" and "liabilities," a clear definition of "accruals," and entries so comprehensive that all important operating and financial transactions may be duly reflected, have from the outset been regarded as essential for a successful balance sheet. Moreover, the fact that public examiners must test this account has not been lost to view. A balance sheet, if correctly drawn, taken in connection with the operating accounts and the property accounts of a carrier, should furnish adequate information for testing the stability and certainty of underlying securities.

The third question is as follows:

"What has been done under the twentieth section of the act to regulate commerce, as amended, relative to the appointment of a board of special examiners into railway accounts?"

The board of special examiners is the means proposed by Congress to make effective a prescribed system of railway accounts. In direct response to the question, it should be said that no board of examiners has as yet been formally organized. Ten special examiners have been appointed, but for the most part they have been engaged in investigations bearing upon the character of the accounts to be prescribed. With the exception of special examinations into claims and into the manner in which the depreciation accounts have been applied, no formal examinations, such as were contemplated by Congress, have been undertaken.

It will require the permanent employment of 260 men to enable the Commission to exercise administrative supervision over the accounts of steam railways. The Civil Service Commission has provided, through special examination, a roster from which perhaps half of this number of men may be secured, and a new examination will be undertaken when necessary. A programme for the organization of a board of examiners, including a plan for branch offices at certain selected railway centers and a set of instructions prescribing the manner in which these examinations shall be carried on, are sufficiently advanced to warrant the statement that this formal examination may be effectively begun on July 1, 1908, so far as this office is concerned. No further steps can be taken in this direction, however, until it is known what appropriation is to be placed at the disposal of the Commission for this purpose.

The fourth question is as follows:

"Would it be possible, in your opinion, after the various provisions of the twentieth section have been carried into effect, for the Secretary of the Treasury, from the records in the possession of the Interstate Commerce Commission, to select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of circulating notes?"

This is a question which should, of course, be answered by the Commission. As you have requested an expression of personal opinion upon this point, however, I may state that, so far as I can see, there is no reason why the Secretary of the Treasury, availing himself of the information collected by the Interstate Commerce Commission, obtained through its power of investigation conferred by law and through the exercise of its supervisory control over railway accounts by means of a board of examiners, for which the law provides, can not "select classes of bonds which it would be safe for the Government to accept as security for the ultimate payment of circulating notes."

Respectfully submitted.

HENRY C. ADAMS,
In Charge of Statistics and Accounts.

Mr. BAILEY. Mr. President, if the Finance Committee has submitted or intends to submit a formal report, then I ask leave, on behalf of the minority of that committee, that we shall have the privilege hereafter of filing our views. The minority, or at least a part of it, will offer at the proper time a substitute for the bill reported by the committee. Though I could have learned by inquiry before we left the committee room, I am now not advised whether the committee intends to submit a formal report in writing.

Mr. ALDRICH. It has not been customary here to do so. I expect to explain the measure when it is taken up as best I may in behalf of the committee. That will take the place, I suppose, of a formal report.

Mr. BAILEY. Then, Mr. President, it will not be necessary for the minority to reserve the privilege of filing their views, and they can state their views whenever they offer the substitute.

Mr. ALDRICH. It has been suggested to me that the correspondence which I have submitted this morning would be, perhaps, of wide interest, and I ask that 5,000 additional copies be printed for the use of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

JOHN PAUL JONES.

Mr. PLATT, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. GALLINGER on the 21st instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 25,000 additional copies of the addresses delivered at the exercises commemorative of John Paul Jones at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, compiled and published under the direction of the Joint Committee on Printing; 8,000 copies for the use of the Senate and 17,000 copies for the use of the House of Representatives.

SURVEY OF CAPE FEAR RIVER, NORTH CAROLINA.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. OVERMAN on the 27th instant, reported it without amendment, as follows:

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 to be made of the Cape Fear River, North Carolina, from the city of Wilmington to the ocean, with a view to dredging and otherwise improving the same, and thereby obtaining a minimum depth of 30 feet and of sufficient width, and to submit a plan and estimate of cost of such improvement; such plan and estimate shall embrace the said increased depth and width over and above the existing project and also a separate plan and estimate for the increased depth and requisite width based upon the existing depth and width of the present channel from the city of Wilmington to the ocean.

BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (S. 4703) to provide for the leasing of allotted Indian lands for mining purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

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

A bill (S. 4704) granting an increase of pension to John W. Hodges; and

A bill (S. 4705) granting an increase of pension to John A. Gibson.

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

A bill (S. 4706) for the relief of the heirs of Harmon Snyder; and

A bill (S. 4707) referring to the Court of Claims the claim of the legal heirs of John Harper, deceased, to certain lands in the State of Virginia.

Mr. McCUMBER introduced a bill (S. 4708) granting an increase of pension to Carlton Bradley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 4709) to authorize the accounting officers of the Treasury Department to readjust the accounts of transportation companies for the transportation of troops, and for other purposes, which was read twice by its title and referred to the Committee on Claims.

Mr. DOLLIVER. On the 22d instant I introduced a bill (S. 4361) to provide for compulsory education of the native children of Alaska, and for other purposes. On consultation with those familiar with the subject I find certain amendments to that bill desirable, and I ask leave to reintroduce the bill.

The bill (S. 4710) to provide for compulsory education of the native children of Alaska, and for other purposes, was read twice by its title and referred to the Committee on Territories.

Mr. CULLOM introduced a bill (S. 4711) to authorize the Secretary of the Treasury to adjust the accounts of the Chicago, Milwaukee and St. Paul Railway Company for transporting the United States mails, which was read twice by its title and referred to the Committee on Claims.

Mr. BOURNE introduced a bill (S. 4712) to provide for the care of persons adjudged insane in the Territory of Alaska,

which was read twice by its title and referred to the Committee on Territories.

He also introduced a bill (S. 4713) to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon, which was read twice by its title and, with an accompanying paper, referred to the Committee on Indian Affairs.

Mr. GAMBLE introduced a bill (S. 4714) granting an increase of pension to Reuben A. Ketchum, which was read twice by its title and referred to the Committee on Pensions.

Mr. STEPHENSON introduced a bill (S. 4715) granting an increase of pension to John A. Wood, which was read twice by its title and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 4716) granting a pension to Harriet Harris, which was read twice by its title and, with the accompanying papers, 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. 4717) for the relief of T. B. Bratton; and

A bill (S. 4718) for the relief of the Union Church of Woodsonville, Ky. (with an accompanying paper).

Mr. DAVIS introduced a bill (S. 4719) to declare that part of the Mississippi River from Cairo, in the State of Illinois, south to its mouth a separate river-improvement district, and for other purposes, which was read twice by its title and referred to the Committee on Commerce.

Mr. DEPEW introduced a bill (S. 4720) for the relief of the sureties on the official bond of the late Cornelius Van Cott, which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 4721) granting an increase of pension to John A. Garrissine, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BANKHEAD introduced a bill (S. 4722) granting a pension to Janie Atnip, which was read twice by its title and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 4723) authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4724) to increase the compensation of surfmen and keepers of life-saving stations and houses of refuge, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 4725) to establish a fish-hatching and fish station in the city of Green Bay, Brown County, State of Wisconsin, which was read twice by its title and referred to the Committee on Fisheries.

He also introduced a bill (S. 4726) for the relief of certain purchasers of lots in the Fort Crawford Military Tract at Prairie du Chien, State of Wisconsin, which was read twice by its title and referred to the Committee on Private Land Claims.

Mr. GORE (by request) introduced a bill (S. 4727) to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. WARNER introduced a bill (S. 4728) to remove the charge of desertion from the military record of John Ziegler, which was read twice by its title and, with the accompanying papers, 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 Claims:

A bill (S. 4729) for the relief of William McDaniel (with accompanying papers);

A bill (S. 4730) for the relief of the trustees of the Presbyterian Church of Glasgow, Mo. (with an accompanying paper); and

A bill (S. 4731) for the relief of John R. Adams.

Mr. TILLMAN introduced a bill (S. 4732) requiring interstate transportation corporations owning capital stock in other transportation corporations to obtain the consent of such ownership of the legislatures of the States in which are located the transportation lines of the corporations whose stock is so owned, and also the like consent of Congress, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. CLAPP introduced a bill (S. 4733) for the relief of Charles M. Breuer, which was read twice by its title and referred to the Committee on Claims.

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

A bill (S. 4734) to provide for the transfer of a certain fund from "Depredations upon public lands" to the credit of the White Earth bands of Chippewa Indians in Minnesota;

A bill (S. 4735) to fulfill treaty stipulations of the treaty of June 28, 1862, and other treaty agreements with the Kickapoo Indians; and

A bill (S. 4736) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes.

Mr. KEAN introduced a bill (S. 4737) granting an increase of pension to Joseph W. Pierson, which was read twice by its title and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 4738) granting a pension to Addie W. Farquhar, which was read twice by its title and referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 4739) to correct the military record of Timothy Daly, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. WARREN introduced a joint resolution (S. R. 47) proposing an amendment to the Constitution providing that the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex, which was read twice by its title and referred to the Select Committee on Woman Suffrage.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DIXON submitted an amendment authorizing the Secretary of the Interior to expend an amount not exceeding $30,000 to purchase for the use of Chief Rocky Boy's band of Chippewa Indians, now residing in Montana, suitable tracts of land, water, and water rights, in that State, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to appropriate $2,599.99 to pay James D. Elliott for services performed as United States attorney for the district of South Dakota from July 11, 1906, to March 4, 1907, 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.

Mr. SMOOT submitted an amendment proposing to appropriate $142,000 for surveying the unsurveyed portion of oil lands in Washington, Kane, Iron, and Garfield counties, Utah, etc., 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.

HITCHMAN COAL AND COKE COMPANY V. JOHN MITCHELL.

Mr. CULBERSON. For the purpose of having it referred, I call up Senate resolution No. 81 and ask its reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The Senator from Texas asks that the following resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The SECRETARY. Table Calendar 4, Senate resolution 81, by Mr. CULBERSON, relative to the bill of complaint filed in the circuit court of the United States for the northern district of West Virginia in the case of the Hitchman Coal and Coke Company, plaintiff, *v.* John Mitchell et al., defendants.

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

HOUSE BILLS REFERRED.

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

H. R. 9217. An act amending sections 2533 and 2534 of Revised Statutes, so as to change the name of the Fairfield collection district;

H. R. 9218. An act amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;" and

H. R. 12420. An act to extend immediate-transportation privileges to the subport of Alburg, in the customs collection district of Vermont.

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado was read twice by its title and referred to the Committee on Public Lands.

COURTS IN TEXAS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 485) to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes.

Mr. CULBERSON. I move that the Senate nonconcur in the House amendments and ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON as the conferees on the part of the Senate.

SECOND HOMESTEAD ENTRIES.

Mr. GAMBLE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 300) providing for second homestead entries having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the House bill and agree to the same with an amendment, as follows:

Strike out the word "or," in line 5 of the House bill, and insert the words "or abandoned" after the word "forfeited," in the same line.

H. C. HANSBROUGH,
ROBERT J. GAMBLE,
FRANCIS G. NEWLANDS,
Conferees on the part of the Senate.

FRANK W. MONDELL,
A. J. GRONNA,
JNO. W. GAINES,
Conferees on the part of the House.

The report was agreed to.

BENTON WATER COMPANY.

The VICE-PRESIDENT. If there be no further morning business, that order is closed, and the Calendar, under Rule VIII, is in order. The first bill on the Calendar will be stated.

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 first in order.

The VICE-PRESIDENT. The Senator from Idaho [Mr. HEYBURN] left notice with the Secretary that he desired to be present when the bill the title of which has just been stated was considered.

Mr. NELSON. In view of that fact, I ask that the bill may be passed over without prejudice.

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

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 announced as next in order.

Mr. CLARK of Wyoming. Yesterday, at the suggestion of the Senator from South Dakota [Mr. GAMBLE], this bill was passed over in my absence and at my request. I desire at the proper time to discuss the bill and the amendment reported to it by the Committee on Indian Affairs. I desire to oppose the passage of the bill in its present form.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 20, after the word "grazing," to strike out "or ten years for mining," so as to make the bill read:

Be it enacted, etc., That 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,' approved February 28, 1891," be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that by reason of age or other disability any allottee under the provisions of said act or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary for a term not exceeding three years for farming or grazing or ten years for mining purposes: *Provided*, That where lands are occupied by Indians who have bought and paid for the same or lands occupied by Indians on reservations created by Executive order or by legislative enactment, and which lands are not needed for farming or agricultural purposes and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians for a period not to exceed five years for grazing purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior."

Mr. CLARK of Wyoming. Mr. President, to the bill as it was referred to the committee I have no objection. The purpose of the bill as it was introduced was to make the leasing system and practice uniform upon reservations that were created by act of Congress and reservations which were created by Executive order. So far as the bill accomplishes that purpose, I have no objection whatever to it, but the bill as reported after accomplishing that purpose changes the system of leasing upon all Indian reservations. It will be noticed on page 2 of the bill——

Mr. LODGE. The Senator from Wyoming, as I understand, is addressing himself to Order of Business 94, which is Senate bill 1773.

Mr. CLARK of Wyoming. Yes.

Mr. President, to the bill as referred to the committee, as I have said, there is no objection so far as I am concerned, but as reported from the committee the amendment in line 20, on page 2, strikes out the words "or ten years for mining," which absolutely prohibits the leasing for mining purposes on any Indian reservation of Indian lands that have not been allotted. I suppose that the committee struck out those words at this time in view of the fact that complaint has been made that the leasing privileges upon certain of the Indian reservations have been grossly abused and that parties who had received leases for long terms upon Indian reservations had strenuously fought before the committees of Congress and elsewhere any proposition to open those reservations. Of course, with any such action as that I have absolutely no sympathy.

Another phase of the question which is presented, Mr. President, is that upon many of these Indian reservations a large portion of the land is not suitable for agricultural purposes, but is suitable for mining purposes. It is essential, not only for the Indians themselves, but for the inhabitants of the States and for the nation that all our bona fide mining interests be exploited.

In my own State the Shoshone Indian Reservation, a portion of which has recently been opened to entry, lies almost exactly in the center of the State. We have reason to believe it contains large deposits, not only of the precious metals, but of oil, which is classed as a mineral. It is essential to the development of the country, it is essential to the welfare and the revenue of the Indians that this oil shall be prospected. This bill, as it is proposed to be amended, absolutely prohibits that, not only cutting off a necessary production of the State, but cutting off the Indians from any possible revenue from that portion of the reservation that has not been allotted; and the particular lands that are valuable for mineral purposes are absolutely worthless for agricultural purposes; so that they are still held in community.

I hope the committee which has reported this bill will recede from the amendment which they propose, in striking out the words indicated. My impression is, Mr. President, that since the law was passed originally the time limit of leases has been reduced to five years. If I am mistaken, I am subject to correction; but I believe now the land can be leased for five years under such rules and regulations as the Secretary of the Interior may prescribe. It may be that the committee, upon second thought, will not object to striking out those words.

Mr. CURTIS. The Interior Department, I think, has held that they have no right to make mineral leases upon Executive-order reservations.

Mr. CLARK of Wyoming. Well, that may perhaps be true, but the Senator from Kansas will, I think, see the effect of striking out the words to which I have referred.

Mr. SUTHERLAND. Mr. President, I am in favor of opening all the existing Indian reservations allotting the lands to the Indians in severalty, and providing that the remaining lands shall be opened to settlement at the earliest possible day. I think the Indian reservation system is vicious and has resulted in very great abuses. Therefore I am opposed to any legislation which will tend to hold the Indian reservations in their present condition. I think that not only the bill which is now before the Senate for consideration, but the legislation which is proposed to be amended by it, had that tendency, and therefore I am opposed to it.

The bill proposes to amend section 3 of the act of Congress passed February 28, 1891, which act amended the act of Congress passed February 8, 1887. Section 3 of the act of 1891, among other things, provided:

That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed five years for grazing, or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

The Indian Bureau has interpreted that law to apply practically to all Indian reservations, with the exception of those created by Executive order. I think the interpretation of the Indian Bureau in that respect is wrong, and perhaps the interpretation, rather than the law itself, is what has led to these abuses.

The Senate will observe that the language here is carefully selected. It is where lands have been "bought and paid for," not lands which are "owned" by the Indians, but lands which have been "bought and paid" for, implying clearly that there shall have been such a transaction; that the Government acting upon one side shall have sold the lands; that the Indians acting upon the other side shall have bought the lands; and that there shall have been an actual payment for them. There are such lands. There are lands of that character in the former Indian Territory. I call to mind a case where the Cherokees had purchased for a sum of money, namely, $500,000, a tract of land held by the Indians in common in the Indian Territory.

Now, we go back a moment to the language of this law, and it will be seen that the interpretation of the Indian Bureau is altogether too broad. The circumstances leading up to its enactment are instructive. It came about in this way: In 1884 and 1885 there was a great deal of agitation in the country with reference to an attempt on the part of the Indians in the Indian Territory to make leases of their lands. The Attorney-General, at that time Mr. Garland, was appealed to on the subject, and Mr. Garland very properly held that the Indians, under the provisions of the Revised Statutes of the United States, had no power to make any leases of any lands whatsoever, no matter by what title they might be held. Later, along in 1888 and 1889, leases were actually made by those Indians. The attention of President Harrison was called to the condition of affairs. He referred the question to the then Attorney-General, Mr. Miller. Mr. Miller rendered an opinion concurring with the opinion formerly rendered by Mr. Garland, holding that these leases were absolutely void. An order was issued directing the holders of these leases to remove their cattle from the land within a period of sixty days and declaring the leases to be absolutely void. At the very time that the legislation was pending in Congress, or perhaps within a few months afterwards, the original bill, as it was reported by the Committee on Indian Affairs and passed by the Senate, provided that "Indian lands" might be leased—not Indian lands "bought and paid for," but "Indian lands." The bill went to the House of Representatives in that form, and in that form the bill was passed by the House. The bill went to conference, and when it came out of conference the words "Indian lands" had been stricken out and the language "lands bought and paid for" had been inserted. I have no doubt that the committee of conference, and the Congress, in adopting the report of the conference committee, recognized that it was an injustice, in cases where the Indians had actually bought and paid for their lands and held them in fee simple, that there should not be some method by which they could be leased and the Indians be enabled to get a revenue from them. But it was never intended by this legislation that all Indian reservations should be subjected to the provisions of this law. I doubt, if at that time it had been so understood, that the bill would have passed either House of Congress.

In my own State it has worked very grave abuses. The Indian Bureau has held that the language "bought and paid for" applied to reservations which had simply been carved out of the great body of the public lands by legislative enactment, and which the Indians had not in any manner bought and paid for. The result has been that leases of this character have been issued to speculators, who have gone out on these Indian reservations and exploited them. This has led to scandal and abuse in connection with the subject. The people to whom the leases were granted have been interested in keeping the reservations from being opened, and they have sent lobbies down here to Congress in order to prevent them from being opened. The Uinta Reservation in my State, by efforts of that character, was kept from being opened for a period of ten years.

I am not in favor of passing any law that will result in a repetition of that kind of abuse. I think we ought to facilitate the opening of these reservations and that we ought not to pass any legislation that will in any manner interfere with their being opened at the earliest possible date. For that reason I am opposed to the pending bill.

Mr. GAMBLE. Mr. President, the purpose of this legislation is clearly indicated by the provisions of the bill itself. The present law allows the leasing of Indian allotments for grazing and for mining purposes when the allotments can not be used for the benefit of the Indians by occupation or cultivation. As explained by the Senator from Utah [Mr. SUTHERLAND], a distinction was drawn and an opinion was rendered by the Assistant Attorney-General for the Interior Department in regard to the provision in the law of 1891 relative to the meaning of the limitation "bought and paid for." The holding by the Department was that that applied to reservations made by treaty or reservations which had been permanently occupied by Indian tribes. It was thought by the Department that there should be no distinction held between reservations occupied by Indians under treaty and reservations created by Executive order or by law.

The purpose of the bill as introduced was to place all Indian reservations upon the same basis; so that, in addition to the leasing of allotments either for grazing or for mining purposes, the surplus lands of the Indian reservations not needed by the Indians might be leased by an Indian council speaking for the tribe and through such regulations as might be prescribed by the Secretary of the Interior, not only for grazing, but for mining purposes. That was the purpose of the proposed legislation as originally introduced. The proposed legislation has been favored by the Interior Department.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. GAMBLE. Just a word, and I will conclude.

The bill was reported; but it was the judgment of the committee, especially as expressed by the Senator from Utah [Mr. SUTHERLAND] as to certain objections made in regard, I think, to the Unita Reservation, where mining leases had been made which had resulted in the defeat of the opening of the reservation, that it might be wise, and in their judgment it was wise, that no authority should be given for the leasing of the surplus lands for mining purposes, but that the right should extend to the leasing of the reservations by treaty, by Executive order, or by law, for grazing purposes. That amendment was made by the committee itself. I think that is all I have to say.

Mr. SUTHERLAND. I want to ask the Senator——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. GAMBLE. Certainly.

Mr. SUTHERLAND. I want to ask the Senator a question. He says, as I understood, that it has been held by the Indian Department that the language "lands bought and paid for" has been applied to reservations which have not been "bought and paid for," but which have simply been carved out of the body of the public domain. That is correct, as I understand, is it not?

Mr. GAMBLE. I think that is so where the Indians occupy the reservation by treaty.

Mr. SUTHERLAND. Yes; by treaty.

Mr. GAMBLE. Or where they have occupied it permanently and it is supposed the Indian tribe has a fee to the land.

Mr. SUTHERLAND. Yes. Now, what I want to submit to the Senator is this: The original Indian title is that of occupancy——

Mr. GAMBLE. Yes, sir.

Mr. SUTHERLAND. That is recognized upon all hands. When we, by treaty or otherwise, carve out of a large body of land, which is held by the Indians by this title of occupancy only, a smaller body by treaty or in any other way, by what process of reasoning does the Senator think that we have in any manner added to the title which the Indians have?

Mr. GAMBLE. I do not think we have.

Mr. SUTHERLAND. We have conferred no additional title upon them?

Mr. GAMBLE. Not at all.

Mr. SUTHERLAND. Then, if that be true, why are not all the Indian lands lands that have been "bought and paid for" as much as those which have been carved out of the main body of the Indian lands by treaty or otherwise? Yet the Department applies the provisions of the law to those bodies of land that have been carved out of the larger bodies without any additional title having been conferred upon the Indians, and excludes the general lands that have not been thus carved out.

Mr. GAMBLE. In reply, I think that in many cases reservations have been created by Executive order from public lands

to which the Indians who were placed thereon claim no title, either by occupancy or otherwise; and frequently by law Indians have been assigned public lands which they have not occupied at all. That was the distinction drawn by the Assistant Attorney-General, a copy of whose report covering that particular question I have incorporated in the report of the committee which I have submitted on this bill.

Mr. TELLER. Mr. President, I do not care to go into any details of the experience the people of this country have had in the matter of leasing lands on Indian reservations, particularly in the extreme West. It is a chapter that nobody is very proud of and an experience that, it seems to me, ought to make us all very careful how we authorize generally the leasing of such lands.

In this bill, Mr. President, there appears to be an attempt to treat by Executive order lands as if they were the property of the Indians. They are not the property of the Indians and should receive entirely different treatment from that accorded to the lands that really do belong to the Indians.

This is entirely too important a bill to be considered under the five-minute rule. It involves very many questions, and it seems to me that it is a matter about which we ought to go pretty slow on and be pretty careful. Therefore I am going to object to the further consideration of the bill and ask that it go over under Rule IX, so that we may have an opportunity to have it taken up and properly considered.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill, and it will go to the Calendar under Rule IX, at the request of the Senator from Colorado.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 1 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 31, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 30, 1908.*

The House met at 12 o'clock m.

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

The Journal of the proceedings of yesterday was read and approved.

REFERENCE OF DISTRICT BILLS.

The SPEAKER. The Chair announces the following changes of reference, which the Clerk will read.

The Clerk read as follows:

The bills (H. R. 12678) for the widening of Twentieth street NW., District of Columbia, and (H. R. 11767) to provide for the extension of Kenyon street from Seventeenth street to Mount Pleasant street, and for the extension of Seventeenth street from Kenyon street to Irving street, in the District of Columbia, and for other purposes, were erroneously referred to the House Calendar.

These bills provide for an appropriation of moneys out of the Treasury of the United States, and should have been referred to the Union Calendar. Therefore the reference of said bills will be changed.

BRIDGE ACROSS POWELLS RIVER, TENNESSEE.

Mr. HALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14781) to authorize Campbell County, Tenn., to construct a bridge across Powells River.

The bill was read, as follows:

Be it enacted, etc., That Campbell County, Tenn., its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Powells River at or near its mouth, near Agee post-office, in Campbell County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. WILLIAMS. What is this bill?

The SPEAKER. A bridge bill.

Mr. WILLIAMS. Is it unanimously reported by the committee?

Mr. HALE. Unanimously reported.

The SPEAKER. The Chair hears no objection.

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

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

REPRINT OF A PENSION BILL.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 15653) to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, and that 5,000 copies of it be printed.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for a reprint of a bill, the title of which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, this is a request for a reprint?

Mr. SULLOWAY. That is all.

There was no objection.

BRIDGE ACROSS COLORADO RIVER ARIZONA.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from further consideration of the bill S. 2662, now on the House Calendar, and I ask for its immediate consideration. It has been reported by the House committee.

The bill was read, as follows:

Be it enacted, etc., That the Arizona and California Railway Company, a corporation organized under the laws of the Territory of Arizona, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at or near Parker, in the Territory of Arizona, as may be approved by the Secretary of War, for the passage of railroad trains by means of a single or double track, and also, at the option of said company, its successors and assigns, to be used for the passage of wagons, vehicles, street cars, animals, and persons on foot and in vehicles, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, my recollection is that the House committee reported the Senate bill.

Mr. SMITH of Arizona. The Senate bill has been reported by the House committee and is now on the Calendar.

Mr. MANN. I thought the request was to discharge the committee.

Mr. ADAMSON. The committee reported the Senate bill.

There was no objection.

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

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

BRIDGE ACROSS GRAND CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13430) to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.

The bill was read, as follows:

Be it enacted, etc., That the Chicago, Indianapolis and Louisville Railway Company, a corporation of the State of Indiana, is hereby authorized to construct, maintain, and operate a bridge across the Grand Calumet River at a point in the city of Hammond, Lake County, Ind., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, is this unanimously reported?

Mr. CRUMPACKER. This is unanimously reported by the committee, but I want to propose a slight amendment, if consent be given, to add the words "or near" after the word "in," so that it will read "in or near the city of Hammond, Ind."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Does the gentleman offer an amendment?

Mr. CRUMPACKER. I move that the words "or near" be inserted after the word "in" in the bill.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 6, after the word "in," insert the words "or near," so that it will read "at a point in or near the city of Hammond."

The amendment was agreed to.

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

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. 514. An act to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897;

S. 517. An act authorizing the purchase of lands for California Indians;

S. 534. An act to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps;

S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States;

S. 629. An act to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party;

S. 642. An act to establish an assay office at Salt Lake City, State of Utah;

S. 1162. An act to correct the naval record of Alfred Burgess;

S. 1163. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett;

S. 1404. An act granting an increase of pension to John Lourcey;

S. 1405. An act granting an increase of pension to William C. O'Neal;

S. 1406. An act granting an increase of pension to Hester Kite;

S. 2227. An act for the relief of Mary C. Mayers;

S. 3084. An act 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;

S. 3416. An act to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907; and

S. 4432. An act to reorganize the corps of dental surgeons attached to the Medical Department of the Army.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 534. An act to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps—to the Committee on Claims.

S. 517. An act authorizing the purchase of lands for California Indians—to the Committee on Indian Affairs.

S. 514. An act to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897—to the Committee on Ways and Means.

S. 642. An act to establish an assay office at Salt Lake City, State of Utah—to the Committee on Coinage, Weights, and Measures.

S. 629. An act to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party—to the Committee on Military Affairs.

S. 604. An act to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States—to the Committee on Claims.

S. 1163. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett—to the Committee on Naval Affairs.

S. 1162. An act to correct the naval record of Alfred Burgess—to the Committee on Naval Affairs.

S. 1404. An act granting an increase of pension to John Lourcey—to the Committee on Pensions.

S. 1405. An act granting an increase of pension to William C. O'Neal—to the Committee on Pensions.

S. 1406. An act granting an increase of pension to Hester Kite—to the Committee on Pensions.

S. 2227. An act for the relief of Mary C. Mayers—to the Committee on Claims.

S. 3084. An act 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—to the Committee on Indian Affairs.

S. 3416. An act to amend an act entitled "An act authorizing the extension of Meridian place northwest," approved January 9, 1907—to the Committee on the District of Columbia.

S. 4432. An act to reorganize the corps of dental surgeons attached to the Medical Department of the Army—to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12439. An act authorizing the construction of a bridge across White River, Arkansas;

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; and

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.

COMMITTEE ON ELECTIONS NO. 3.

Mr. DRISCOLL. Mr. Speaker, by direction of the Committee on Elections No. 3, I submit the following resolution and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the Committee on Elections No. 3 shall have authority to order such printing and binding as they may deem to be necessary connected with the business of said committee during this Congress.

The resolution was considered and agreed to.

CHANGE OF REFERENCE.

By unanimous consent the reference of the bill (H. R. 446) appropriating $25,000 to build a road and bridge from Lookout Mountain, Tennessee, to Rossville, Ga., connecting parts of the Chickamauga and Chattanooga National Military Park, was changed from the Committee on Military Affairs to the Committee on Appropriations.

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.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14766—the urgent deficiency bill—and the Clerk will resume the reading of the bill under the five minute rule.

The Clerk read as follows:

UNITED STATES COURTS.

All expenses that may be incurred in the approaching trial of the case of the United States against Hyde, Dimond, Benson, and Schneider in the District of Columbia shall be chargeable wholly to the United States and be paid from the respective appropriations made for expenses of United States courts out of the Treasury.

Mr. MANN. Mr. Chairman, I reserve a point of order on this paragraph.

Mr. TAWNEY. I want to give notice, Mr. Chairman, that I shall propose an amendment to that paragraph. The estimate, as submitted to the Committee on Appropriations by the Department of Justice, was for the appropriation of something like $60,000 for expenses in the trial of these cases here in the District of Columbia, together with the recommendation that one half of that expense be borne by the District of Columbia and the remaining half by the Government of the United States.

These are conspiracy cases brought here in the District of Columbia for the reason, as the committee was informed by the Attorney-General, that the venue could not be laid anywhere else than in the District of Columbia. It seems the consummating act was committed here, and for that reason it is necessary that the venue in these cases should be laid here.

The witnesses, however, numbering anywhere from 100 to 150, will have to be brought from the State of California and other Western States. The expense of the trials will be very great in consequence of that fact. Your committee, in view of the character of the cases and in view of the enormous expense incident thereto, did not feel justified in placing any part of this burden on the District of Columbia, and, at the same time, the committee did not feel justified recommending a specific appropriation to defray the expenses of the trial of a specific case or several specific cases. The fact that the expense in these cases ought to be borne by the Government of the United States satisfied the committee that the proper thing to do would be to specifically authorize the payment of this expense out of the general appropriation for the Department of Justice, and that is the reason these particular cases have been specifically named.

Mr. MANN. Will the gentleman yield to me?

Mr. TAWNEY. I want to add one word further. In drafting this provision I think we perhaps used language that might be construed to cover the expense of the defendant as

well as the expense of the Government, and I have an amendment to cure that, which I will offer at the proper time.

Mr. MANN. There is no doubt that the present language would cover both.

Mr. TAWNEY. If the gentleman will withdraw his point of order I will offer it now to perfect the text.

Mr. MANN. The gentleman can have it read for information.

Mr. TAWNEY. I ask, Mr. Chairman, that the amendment which I propose be read for the information of the committee.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Minnesota.

The Clerk read as follows:

On page 33, in line 10, after the word "incur," insert "and otherwise chargeable to the United States and District of Columbia."

Mr. MANN. Now, if the gentleman from Minnesota will permit, as I understand it, the ordinary expenses of the courts of the District of Columbia are paid out of appropriations, so that one-half is charged to the General Government and one-half to the District revenues.

Mr. TAWNEY. That is the law to-day and has been the law for only two years. That provision was carried in one of the appropriation bills passed at the first session of the last Congress. Prior to that time the Government of the United States paid all the expense of the courts here in the District of Columbia.

Mr. MANN. Although the courts are mainly engaged in purely District business?

Mr. TAWNEY. True.

Mr. MANN. So that while the spirit of the compact, if you call it a compact, between the General Government and the District of Columbia was that each should pay half the expense, and while the expense was caused mainly by the District business, the Government paid the entire bill. We made a change in that respect. Does the gentleman think it advisable to go back to the old way, where the Government pays the expense and the District derives the benefit?

Mr. TAWNEY. Answering the gentleman's question I would say no, and I do not think that in recommending to the House the provision which we have recommended here in respect to these cases we are going back to the old plan of the Government paying the entire expenses of the court. This will not affect the law in the least, so far as the law provides that the court expenses here shall be borne equally by the Government and the District of Columbia. It affects it only in so far as this provision relates to these cases.

Mr. MANN. Can the gentleman inform us what is the total appropriation for this character of expenses for the year?

Mr. TAWNEY. For the courts of the District of Columbia? I would have to refer to the appropriation act. I have no data here.

Mr. MANN. It is quite a large sum of money.

Mr. TAWNEY. In the neighborhood of $100,000.

Mr. MANN. And most of that is expended upon cases which are purely local. Is not that the fact?

Mr. TAWNEY. I think so.

Mr. MANN. If we pay half of their local expenses, and then there comes one case where it is a Government case, does the gentleman not think it would be fair to let them pay half of the expense of the one case, when of the hundreds of cases we are paying half of their expense?

Mr. PAYNE. And are not the cases all local except this one that has been segregated in this bill?

Mr. MANN. This is local in that respect.

Mr. PAYNE. I say the cases are all local except what have been segregated in this bill. It seems to me that the vice of this thing is that every time there is a case they claim is a Government case and not a local case we will be asked to make this appropriation.

Mr. MANN. It means that precisely. If we make the exception once, we will be asked to do it every time.

Mr. PAYNE. And by and by the precedent will be established and we will be asked to pay for the policemen around the White House.

Mr. TAWNEY. I want to say one word in reply to the gentleman from Illinois [Mr. MANN]. It is true that practically all of the cases, not all of the business of the courts, but a great deal of the business of the courts in the District of Columbia, is confined to local business. There are patent cases in which the District of Columbia has no interest whatever, and there is a great deal of departmental work that is transacted by the local courts—the Federal courts—here in the District of Columbia; but I want to call the attention of Members to this fact, that in a territory that occupies practically the same relation to the Government that the District of Columbia does, the Government pays the expenses of maintaining the Federal courts there; pays all the expense of maintaining the Federal courts in the Territories, and in view of the fact that this is an exceptional case—perhaps no case like it will occur again in many years—where the cause of action arose almost entirely outside of the District of Columbia, and where, because of the mere technical fact that the act of conspiracy, in the judgment of the Attorney-General, was consummated here, and thus makes it appropriate and makes this the only proper venue in which the case may be brought—we felt that it was not exactly fair to the District of Columbia to impose upon the people of this District the burden of paying the expense of about $50,000, their share of the $50,000, that will be incurred in bringing witnesses here from the most remote parts of continental United States. For that reason, Mr. Chairman, the committee recommends that this expense be borne by the Government, and I would say, too, that when the Attorney-General was before the committee he himself conceded that it would not be fair or just to the District that one-half of this expense should be borne by the people of the District, because of the peculiarities of this cause.

Mr. PRINCE. Is there not some danger in this becoming a precedent by which the Department of Justice can bring its causes of action in the District and thereby cause considerable expense to the defendants, who may not be financially able to bring their witnesses from California in order to have a full and fair defense of their cases?

Mr. TAWNEY. Is the gentleman a lawyer?

Mr. PRINCE. Well, I worked at it a little. I understood the gentleman to say that a part of the case was outside of the District and that a technical point was here. Now, if a technical point is here and the real part of the case is outside, it seems to me that the venue is outside of the District.

Mr. TAWNEY. The technical point as to venue, in the judgment of the chief law officer of the United States Government, makes it absolutely necessary to bring the action here, and, in his judgment, the action can be brought nowhere except in the District of Columbia. If that was not the fact, the case would not have been brought here at all.

There is no question about that, because I will confess that at first I was impressed with the probability of these cases having been brought here for fear that, if they were tried in the community in which these defendants resided, the Department of Justice feared that they would not be as likely to succeed in securing conviction as they would if they were brought far away from their homes; but upon investigation and upon inquiry of the Attorney-General before the committee, he gave to the committee as his positive judgment and opinion that these cases could not be brought anywhere else except in the District of Columbia. They involve one of the greatest conspiracies that has yet been detected in connection with the disposition of the public domain. I do not know how many hundreds of thousands of acres were involved in this alleged conspiracy. Whether there is a conspiracy or not I do not know and do not pretend to say. I am simply saying that the case is exclusively a United States case, and would not be brought in the District except for the mere fact that it is, in the opinion of the Attorney-General, necessary to bring the case here because the final act which consummated the conspiracy was committed here.

Mr. VREELAND. May I ask the gentleman a question?

Mr. TAWNEY. Yes, sir.

Mr. VREELAND. Did not the hearing two years ago, when the law was changed apportioning one-half of the cost upon the District and one-half upon the Government, show that fully one-half of the court expenses of the District grew out of the fact that this is the capital of the United States?

Mr. TAWNEY. That is true.

Mr. MANN. All the expenses grow out of that fact. There would be no place here but for its being the capital; there is nothing else in the District.

Mr. VREELAND. The gentleman understands what I meant.

Mr. TAWNEY. The gentleman from New York means strictly and exclusively Federal business.

Mr. NEEDHAM. Mr. Chairman, I hope the gentleman from Illinois will not insist upon his point of order, as this is one of the most important cases in the opinion of the Department of Justice in the land-fraud cases. These defendants—at least Benson and Hyde—have been engaged for years in a systematic conspiracy to gobble up the public domain, and thus far have generally been able to get clear. These particular cases in comparison with some others that have been tried are manifestly of greater importance, and the Department of Justice claims, as I understand, that by reason of the fact that the final acts of conspiracy were consummated here, jurisdiction lies in the District of Columbia; therefore it would be a great mis-

fortune if for any reason these defendants should escape trial, and it seems to me it is in the interest of public justice that Congress should give this appropriation, so there will be no question as to the trial of these defendants. I hope, therefore, the gentleman will not insist upon his point of order.

Mr. LIVINGSTON. Mr. Chairman, I must confess my opinion, which concurred with the chairman of the committee before hearing the Attorney-General that they were afraid to try these cases on the Pacific slope for the reason given by him, has not changed yet. They laid the foundation for moving these cases here when they went to the grand jury in this District when they ought to have gone to the grand juries of the counties where the parties lived. Now then, the District of Columbia is not interested in this matter one particle and the law dividing expenses between the General Government and the District of Columbia was enacted merely to cover litigation that arose in the District and in which the interests of the District were involved. There is nothing of that kind in these cases. These four cases have been brought from the Pacific slope to the District of Columbia and I defy any attorney in this House to look into it from its groundworks up and not say that these cases could have been and ought to have been brought on the Pacific slope.

Mr. DRISCOLL. Will the gentleman yield?

Mr. LIVINGSTON. Yes.

Mr. DRISCOLL. Is it the opinion of the gentleman, then, that these indictments were found here and the cases brought here because the prosecuting officers of the Government thought they would be more apt to get a conviction here than on the Pacific slope?

Mr. LIVINGSTON. That is my candid opinion publicly expressed.

The CHAIRMAN. The Chair understands the point of order has been reserved and not yet made.

Mr. MANN. I make the point of order, Mr. Chairman.

Mr. TAWNEY. I will say, Mr. Chairman, that in the event there is no appropriation made it simply prevents the trial of these cases in the District of Columbia.

Mr. MANN. Mr. Chairman, in reply to the gentleman, which is, of course, by unanimous consent, the gentleman has the power and his committee has, because in that respect the committee would yield itself to his opinion and the House also, to make a deficiency appropriation if necessary for the purpose of paying these expenses.

It will not do for the gentleman to seek to avoid responsibility for the proper trial of this case by saying that this provision has gone out of the bill, because the law now provides a method for trying these cases, and if they lack the money the very distinguished committee presided over by this able chairman knows how to bring in an item for the deficiency.

Mr. OLMSTED. If I may suggest, the clause which has gone out does not appropriate in any event.

Mr. MANN. That is true.

Mr. TAWNEY. It makes a general appropriation available for this purpose.

Mr. MANN. That gives a new fund, and there is in the next item an appropriation of $40,000 which might remain in subject to be used for this purpose, and all that it would be necessary to do would be to say that half of it should be appropriated by the District of Columbia.

The CHAIRMAN. The section under consideration provides:

All expenses that may be incurred in the approaching trial of the case of The United States against Hyde, Dimond, Benson, and Schneider, in the District of Columbia, shall be chargeable wholly to the United States and be paid from the respective appropriations made for expenses of United States courts out of the Treasury.

As the Chair understands, under existing law, all expenses in this trial will be chargeable one half to the District of Columbia and one half to the United States Government. This paragraph, therefore, is a change of existing law and is not in order upon a general appropriation bill. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

For the fiscal year 1907, $20,000.

Mr. WEBB. Mr. Chairman, I desire to ask the chairman of the committee a question. I notice here $20,000 for special assistant district attorneys, and I understand the Department has a woman assistant district attorney, Mrs. Quackenboss; and I want to know if it is in the power of the chairman to tell me how much she is paid and why she has been employed. I think her chief business is investigating peonage cases North and South, and if the chairman has the data I would like very much to have it. Has he an itemized statement of how much each one of these assistants have been paid?

Mr. TAWNEY. Is she employed as an assistant attorney?

Mr. WEBB. I understand so, and is still in the employ of the Department.

Mr. TAWNEY. Not on this bill, but at the hearings on the legislative bill will be shown in detail the expenditure of all moneys on account of the employment of assistant district attorneys that have been employed and paid out of lump-sum appropriations heretofore. I have no recollection of there being any lady's name reported to the committee as assistant district attorney, and I therefore have no information and can not answer the gentleman's question.

Mr. WEBB. I am quite sure there is such a woman in the employ of the Department, and I would like to know why she is employed and how much she has been paid, and whether or not the pay is included in this $20,000.

Mr. TAWNEY. If the gentleman will address a letter to the Attorney-General and make his inquiry, I have no doubt he will get an accurate answer.

Mr. WEBB. There is a bill pending before the Judiciary Committee now asking for that, and we have not been able to get it through yet.

Mr. TAWNEY. We have no information. I did not know that there was a female district attorney on the roll.

Mr. DRISCOLL. I would like to know whether the fees of this special counsel are fixed by any rule or whether they are fixed in this case by special agreement between the Attorney-General and the counsel, or how they are arranged.

Mr. TAWNEY. The fees of the Assistant Attorney-General, paid out of lump-sum appropriations heretofore made, are fixed by the Attorney-General.

Mr. DRISCOLL. I mean the special counsel.

Mr. TAWNEY. I mean special counsel and Assistant Attorney-General. They have heretofore been employed and paid out of lump-sum appropriations.

Now, at the suggestion of the Committee on Appropriations a year ago, the Attorney-General has submitted detailed estimates as to the number of assistant attorneys that will be required in his Department, the salary recommended in each case, and the salaries now paid in each particular case. There is one man who is recommended at an advanced salary, I think, of $250.

Mr. DRISCOLL. In special cases?

Mr. TAWNEY. In special cases, whose compensation is paid out of the $500,000 lump-sum appropriation made some years ago for the prosecution of antitrust cases.

Mr. DRISCOLL. And they are fixed by the Attorney-General?

Mr. TAWNEY. They are fixed by the Attorney-General, and it is proposed in that appropriation, when the sundry civil bill subcommittee commences their consideration of that, to have a detailed statement of all expenditures made out of that appropriation, so that the House will have full information regarding the number that have been employed, and the amount paid to each.

Mr. FOSTER of Indiana. I would like to ask the gentleman what is intended to be covered in this paragraph providing for payments of assistants to the Attorney-General and the United States district attorneys employed by the Attorney-General to aid in special cases.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. HAMLIN. I simply desire to ask the gentleman a question.

Mr. TAWNEY. Wait until I answer the gentleman from Indiana. That is for assistants to the United States district attorneys that are employed upon the authority of the Attorney-General for the fiscal year 1907, $30,000, and that involves their service now.

Mr. FOSTER of Indiana. Section 5 refers not to assistants, but to United States district attorneys.

Mr. TAWNEY. This is for assistants both to the Attorney-General and to the United States district attorneys.

Mr. HAMLIN. I have not been able to hear what the chairman of the committee has been stating, and he may have replied, but I would like to know how it happens that there is this deficit in the payment of salaries of the United States district attorneys and their regular assistants.

Mr. TAWNEY. These are not regular assistants.

Mr. HAMLIN. The language of the statute is "the regular assistants for the fiscal year." Now, I would like to know how it happens there is a deficiency in the appropriation for the payment of these salaries.

Mr. TAWNEY. Well, I will say, Mr. Chairman, that it is impossible for the Department of Justice to estimate a year in advance the number of cases and the character of cases

or their importance that will come up for consideration and action in any judicial district under the control of the United States district attorneys; and for that reason it was impossible, and Congress failed to appropriate a sufficient amount to meet these special cases under the several district attorneys in the Federal courts.

Mr. HAMLIN. Then this $60,000 is to be appropriated for special district attorneys?

Mr. TAWNEY. For special district attorneys in special cases, although the antitrust cases have been tried in Chicago and New York.

Mr. HAMLIN. But the language of this bill is "for regular assistant attorneys" and not specials.

Mr. TAWNEY. Well, they have to have their assistants in special cases.

Mr. HAMLIN. But this is for the regular assistants, as I understand—that is, the regularly appointed assistant district attorneys. I understand the special attorneys are covered by another and different section.

Mr. MADDEN. I will state for the information of the gentleman that I am familiar with the office at Chicago, and I know that under that office we tried all the antitrust cases that have been tried in the last year, and all the great cases that are pending in the country are pending in the courts of that district. The men who were necessarily employed a year ago were obliged to be regularly employed by the Government, and yet they have had no appropriation made for their compensation the last year. The Chicago office has gotten to be the most important office in the United States, and part of the deficiency created in the office of the Attorney-General of the United States has reference to the accumulated work which necessitated the employment of regular assistant district attorneys in the Chicago office, and this appropriation is sought to be made in part for the payment of the debts created by the accumulation of business that had to be transacted for that office.

Mr. TAWNEY. The paragraph that the gentleman has been interrogating me on has not been reached. I thought the gentleman was interrogating me on lines 3 to 6, page 36. I find that the paragraph the gentleman refers to is contained in lines 11 to 13. That paragraph has not been reached, but when it is I will be glad to answer any question concerning it.

The CHAIRMAN. The pending paragraph is lines 7 and 8.

Mr. CLARK of Missouri. I would like to ask the gentleman from Minnesota one or two questions, solely for information. What has ever become of that celebrated statute we passed here, that made it a criminal offense for heads of Departments to exceed appropriations?

Mr. TAWNEY. I will state for the information of the gentleman, that if he will read the statute he refers to, which is known as the "antideficiency law," he will observe that where there is an obligation created by statute authorizing and directing the Department to do a certain thing, and appropriations are made for the carrying out of that authorization, and the appropriation is insufficient for that purpose, the Department is authorized under the statute to go on and perform what the law makes it its duty to perform, and if in doing that they create a deficiency, such a case is excepted from the operation of the antideficiency law.

Mr. CLARK of Missouri. Now, are there any items of that kind here?

Mr. TAWNEY. No; these are statutory obligations.

Mr. CLARK of Missouri. Now that we have up this question of district attorneys, I want to ask a question for information on that. How does it happen that the Administration goes on all the time appointing a lot of district attorneys who are incompetent to discharge the duties for which they are appointed?

Mr. TAWNEY. That question should be addressed to the Administration. I do not pretend to know, in the first place, that the district attorneys are incompetent, but if they are, I am not responsible for that.

Mr. CLARK of Missouri. If they are competent, how does it happen that they have to have so many of these assistants?

Mr. TAWNEY. Because of the accumulation of business.

Mr. CLARK of Missouri. If they were a little more industrious, maybe the business would not accumulate so much.

Mr. TAWNEY. If the gentleman had listened to the testimony presented by the United States district attorney for the district of New York and the testimony that was presented to the committee in behalf of the United States district attorney at Chicago, I am satisfied that he would not say that these men were either incompetent or that they were in any way neglecting their duties. They have been working all the time on some of the most important litigation ever carried on in our courts.

Mr. CLARK of Missouri. One more question. Have you any information as to how much the emoluments of the district attorney in New York amount to?

Mr. TAWNEY. The receipts of that office last year were $49,000. That, however, does not go to the district attorney.

Mr. MADDEN. The district attorney receives $10,000 a year.

Mr. TAWNEY. He receives a salary of $10,000 a year.

Mr. CLARK of Missouri. Does he not also get percentages——

Mr. TAWNEY. No; he gets no fees.

Mr. CLARK of Missouri. Wait a minute. Does he not also get fees or percentages on prosecutions in customs cases which go into his own pocket and run his emoluments up to $50,000, $60,000, $70,000, or $80,000 a year?

Mr. TAWNEY. He did up to the last Congress, but the last Congress enacted a law repealing the provision of law under which these fees were applied to the district attorney. Last year the district attorney of New York collected in fines and turned into the United States Treasury $49,000, and since the repeal of the old law by the last Congress his compensation has been $10,000 a year.

Mr. CLARK of Missouri. One more question. Has not this habit of extra prosecutors, or assistants, or whatever you are pleased to call them, grown very much within your time here and mine?

Mr. TAWNEY. It has, indeed.

Mr. CLARK of Missouri. It grows every year.

Mr. TAWNEY. I do not think it has grown any in the last year.

Mr. CLARK of Missouri. If the district attorney in New York needs regular assistance and the district attorney in Chicago needs assistance, why not create those offices and put them on a salaried basis and let the thing move along in a regular way?

Mr. TAWNEY. That is exactly what we are doing now.

Mr. CLARK of Missouri. I am glad to hear it.

Mr. MANN. That is the proposition in the bill.

Mr. FITZGERALD. There are some cases in which the Government has found it necessary to retain as counsel men practicing law who can not be obtained to work for the Government at a fixed salary. Their incomes from the practice of the law are too great. The men against whom they are competing in the litigation in which the Government is interested are the picked men of the bar of the country, and in some cases the Government has found it necessary to retain men of the highest standing to conduct some of the cases and to pay them compensation largely in excess of the statutory fees of assistants.

Mr. TAWNEY. I will say to the gentleman from Missouri that I do not know that I made myself clear a moment ago. The policy of employing assistant attorneys here in the city of Washington and paying them out of a lump sum has obtained up to now and will obtain up to the end of this fiscal year. At the suggestion of the Committee on Appropriations in the last Congress the Attorney-General submitted for the next fiscal year specific estimates as to the number of special assistant attorneys and the salary to be paid to each, so that the legislative bill for the next fiscal year will carry appropriations specifically providing for the number, and also for the exact salary each shall receive. Now the policy of the Attorney-General, as he informs us, with respect to the employment of assistant attorneys outside of the city of Washington is being formulated by the Attorney-General and adopted along the same lines, as far as it is practicable in connection with the transaction of the public business.

Mr. CLARK of Missouri. One more question. Have you any information—and if you have not, it may be the gentleman from Chicago has—as to whether the district attorney in Chicago is entitled to any percentage on that $29,000,000 fine against the Standard Oil Company, if it should ever, in the providence of God, be collected? [Laughter.]

Mr. TAWNEY. He is not entitled to a cent.

Mr. MADDEN. He has a stipulated salary, and his emoluments amount to that and nothing more.

Mr. HAMLIN. Mr. Chairman, I think the gentleman and myself were in error in regard to the paragraph about which I inquired when they said that we had not reached it. We have passed it. Does the gentleman object to returning to it that I may ask a question about it? What is meant by "for salaries for United States district attorneys and expenses of United States district attorneys?"

Mr. TAWNEY. The gentleman refers to a paragraph at the bottom of page 33, line 22.

Mr. HAMLIN. From line 20 to line 22.

Mr. TAWNEY. That is the general provision simply stating the officers and the expenses for which the appropriations are made in the succeeding paragraph:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants for the fiscal years, as follows.

Mr. HAMLIN. How does it happen that there should be a deficit in the district attorneys' and regular assistants' salaries; can not they be computed in advance?

Mr. TAWNEY. No; they can not.

Mr. HAMLIN. Why not?

Mr. TAWNEY. It covers salaries and traveling expenses and other expenses incident to the prosecution of the business away from home, and also clerical force in the office, and it is impossible to estimate for these specifically.

Mr. HAMLIN. If that be true, why does it not say for traveling expenses and other incidental expenses?

Mr. TAWNEY. The deficiency appropriations are always carried in identically the same language in which the original appropriation was made.

Mr. MANN. I think I can answer the gentleman also in a little different way. A few years ago we made an appropriation of $500,000 to prosecute the so-called "antitrust" cases. Last year we supplemented that with $200,000. That money is paid to special counsel, and there are now employed a number of special counsel under those appropriations. Every gentleman in the House will realize the fact that special counsel cost higher than regular lawyers, and the reason for putting in this item in the deficiency bill is because in the various district offices—and Chicago is one of them—they want to take some of the men off the roll as special counsel and put them on, so long as they are employed, as regular assistants, which will cost the Government less than is now being paid.

Mr. HAMLIN. I would like to say to the gentleman that the special counsel is provided for on page 36.

Mr. MANN. Oh, I understand.

Mr. HAMLIN. I would like to ask him this question. He says a few years ago there was appropriated $500,000 for the prosecution of these so-called trusts, and he is correct in that statement. I believe the Attorney-General's report to the Fifty-eighth Congress showed that he had only expended $25,000 of the $500,000 appropriated.

Mr. GAINES of Tennessee. That was under Mr. Knox's administration, and he didn't do much.

Mr. HAMLIN. What has been done with the other $475,000?

Mr. MANN. If the gentleman will pardon me, I am not on the Appropriation Committee. I do not keep track of that, but I know we have diverted a number of items of these appropriations, and we supplemented the original appropriation at the last session of Congress, or, as I remember it, during the last Congress. What has become of the money is a matter of easy ascertainment. The gentleman can ascertain it as well as I can; it is an open book in the Department. But I may say to the gentleman that at least since the present district attorney has been at Chicago no one has complained, so far as I know, except those who have been prosecuted, of any activity or lack of activity on his part, and that office has had a number of notable prosecutions and trials, and in a way which the gentleman I think is satisfied with, because so far they have all been decided in favor of the Government. It is not possible to do this work without the assistants, and, in my judgment, it is far better to have regular assistants, so long as the office is engaged in the work, than it is to employ special counsel, one man for this case and another man for that case, where, in all probability when you finish up the bills, they will amount to a great deal more than hiring one of the same men as a regular assistant.

Mr. HAMLIN. Mr. Chairman, I understood that the gentleman undertook to enlighten me upon that subject, and he stated that in addition to the $500,000 that was appropriated in the Fifty-seventh Congress for the prosecution of the trusts, there was also appropriated about $200,000 and perhaps $250,000 additional, which makes $750,000. I would like some gentleman on that side of the House to explain how this three-quarters of a million of dollars has been expended in the prosecution of trusts in this country. I believe that I can recall only one conviction, and that was of the Standard Oil Company in the city of Chicago this year.

Mr. MANN. I can recall a number of convictions of various railroad companies. There have been paid in fines in the city of Chicago a large sum of money, several hundred thousand dollars, as I now remember, in the last year.

Mr. HAMLIN. Can the gentleman give me the names of the railroad companies?

Mr. MANN. The Santa Fe Railroad Company, the Burlington Railroad Company, the Alton Railroad Company, and various other companies which now have the cases appealed. The furniture trust was fined. Various other fines have been enforced and collected, I might say to the gentleman, besides those now on appeal.

Mr. HAMLIN. I will ask if the Chicago and Alton Railroad Company was not granted immunity by the Department of Justice this summer?

Mr. MANN. Oh, well, the gentleman is talking about one case, but that is not the only case in which the railroad companies have been involved.

Mr. TAWNEY. I will say to the gentleman from Illinois [Mr. MANN] that over $600,000 was imposed in fines in the city of New York alone.

Mr. HAMLIN. Can the gentleman give me the amount of the fines collected by virtue of this prosecution?

Mr. TAWNEY. I can not.

Mr. MANN. I may say to the gentleman that he will find that in the annual report of the Attorney-General, by districts.

Mr. TAWNEY. I repeat that over $600,000 was imposed in the city of New York alone, in the Federal courts.

Mr. HAMLIN. Has there been a case where any of the officers of these corporations or trusts have been imprisoned under this statute?

Mr. TAWNEY. I understand that in one of the cities of the gentleman's own state, Kansas City, two men were convicted and sentenced, as well as fined, for violating the antitrust law. Whether the cases have been appealed or not or they are serving their time, I do not know.

Mr. GAINES of Tennessee. They have been appealed and reversed, and the parties let off.

Mr. MANN. Oh, they were fined only the other day and they are now serving their sentences.

Mr. FITZGERALD. Oh, no; the cases were appealed. They came back and they pleaded guilty——

Mr. HAMLIN. I would like to state, Mr. Chairman——

Mr. BUTLER. Mr. Chairman, what is before the House?

The CHAIRMAN. Nothing is before the House.

Mr. HAMLIN. I move to strike out the last word. In reply to the gentleman's statement about the conviction in my own State, at Kansas City, I desire to say I remember very well that case, and the prosecution against the chief officers of those companies was all dismissed, or they were all acquitted, and only the subordinates in these companies were convicted—some clerks who were not responsible for the affairs of the company and were made the scapegraces and convicted, and they never have been imprisoned actually for the offenses of which they were convicted.

Mr. MADDEN. Does the gentleman wish to be understood as saying that the men who were convicted were not responsible?

Mr. HAMLIN. I am not saying that. I am only saying they were only subordinates and were not actually responsible for the conduct of the business, and perhaps ought not to have been convicted.

Mr. GAINES of Tennessee. Mr. Chairman, I can not but believe that the money that we have appropriated is being well used in finding evidence against "trusts." I happen, as you all know, to be keeping pretty close track of my old friend the enemy, the tobacco trust, and there has been expended between $80,000 and $100,000 alone in running down evidence against that octopus. That is one case. They have employed special counsel, a man whom I happen to know—he ran against me for Congress once.

Mr. MADDEN. He is all right, is he?

Mr. GAINES of Tennessee. Yes.

Mr. OLMSTED. What happened to him?

Mr. GAINES of Tennessee. I defeated him. [Laughter.] But he is a gentleman, a fine lawyer, and absolutely unpurchasable. Mr. J. C. McReynolds is his name—born in Kentucky, educated in Nashville.

Mr. MANN. You did not want him to run against you again.

Mr. GAINES of Tennessee. It is immaterial to me. I am very glad, however, to have given him a good client. He is getting, I am informed, $16,000 a year, and he is not allowed, I am informed, to do anything else; in fact, he could not do anything else but look after this tobacco trust, and he is doing it and apparently well. He has been in New York for the last twelve months and has been taking testimony, and he is now in Louisville, and is going to St. Louis in a few days, and then is going to Nashville, and then to other places to finish taking testimony which we have been trying to collect, I will say here, ever since I started it in 1904, or even earlier than that—in

1902. Mr. Chairman, this is being done in the Standard Oil case that Mr. Kellogg, a distinguished lawyer of Minnesota, is looking after. There may be similar cases. But what I am complaining about is acquitting the human beings that hound the American people and convicting the corporation that is without eyes to see, without ears to hear, without hearts to feel, without souls to damn.

Mr. TAWNEY. Who does that?

Mr. GAINES of Tennessee. The courts.

Mr. TAWNEY. No; the jury, is it not?

Mr. GAINES of Tennessee. And the jury, too.

Mr. TAWNEY. Does the gentleman know of any case where the court acquitted a man charged with a criminal offense?

Mr. GAINES of Tennessee. I will tell you in a minute.

Mr. TAWNEY. Do you know of a case where the court has discharged a man accused of a crime?

Mr. GAINES of Tennessee. If the gentleman will wait a minute, I will enlighten him, I think, a little on that point. Two gentlemen were convicted in Kansas City and fined and sentenced to several months' imprisonment by a very distinguished Federal judge, Smith McPherson, who you all remember as having been a Member of Congress. The case was appealed and the higher court reversed it on a "technical" point. The counsel a few days ago went into the court and plead guilty and they were both fined, but not imprisoned. The court said, so the papers stated, that rebating had been stopped, and therefore it was not necessary to put these men in jail. I am not here to criticise the court. I am just stating the press report of the action of that distinguished judge in this case, but I can not approve this action of the court. Now, here is the licorice branch of the tobacco trust, where human beings came into court and to Special Counsel Henry W. Taft, and said: "We will plead guilty if you will not put us in jail," and he declined, and very properly, and a jury acquitted them, but on the identical evidence and at the same time convicted the corporation, a machine they used to perpetrate the wrong on the people who used licorice in this country.

Mr. TAWNEY. The gentleman's criticism is addressed to the jury and not to the courts in our administration?

Mr. GAINES of Tennessee. I am speaking of the licorice case. As to Judge McPherson, I want to say I have as high a regard for the gentleman as a lawmaker and as a citizen as the gentleman has himself, even though they are both of the same political party. I think it was a mistake of Judge McPherson to do that even on the grounds on which he put it—rebating has stopped! These men were convicted and on a mere technicality the case was reversed and the "technicality" was so flimsy the lawyers came up and agreed to plead and did plead guilty, and they were fined, and the court, in substance, said: "I will not imprison you; rebating has stopped; I will fine you," and did so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to speak for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears no objection.

Mr. MANN. Mr. Chairman, does not the gentleman really want to say he has so much confidence in Judge McPherson that he would rather take Judge McPherson's opinion after he had heard the evidence than to have the gentleman form an opinion himself without hearing the evidence?

Mr. GAINES of Tennessee. On the evidence heard before Judge McPherson and a jury the jury convicted and he sentenced them, and they appealed.

Mr. MANN. But the gentleman himself did not hear the evidence.

Mr. GAINES of Tennessee. The judge sentenced them and fined them. The superior court reversed it upon a mere technicality, and the paper stated that counsel came in and said that they pleaded guilty, and asked the court simply to fine, and the court did so, though he had both fined and sentenced them in the first trial, when the jury found them guilty.

Mr. MANN. Is the gentleman thoroughly familiar with that case?

Mr. GAINES of Tennessee. I am telling the gentleman of the press reports of last week in the Washington Star, and, I think, in the Washington Times, and in several other papers. I am not criticising Judge McPherson, but condemn the unwisdom of letting a man off who had already been adjudged by the jury and judge as guilty and was fined and ordered to prison, and who, on a second trial, came up and admitted their guilt, and the same court simply fined them—relieved them of any jail sentence.

Mr. MANN. I want to say to the gentleman, so far from these gentlemen being let off on a mere technicality——

Mr. GAINES of Tennessee. That is what the papers stated.

Mr. MANN. They were finally convicted——

Mr. GAINES of Tennessee. They plead guilty, and were fined only on second trial.

Mr. MANN. Well, convicted in the first place on a mere technicality, and then pleaded guilty, because guilty, upon a mere technicality.

Mr. GAINES of Tennessee. The gentleman is mistaken.

Mr. MANN. I am not mistaken.

Mr. GAINES of Tennessee. The case was reversed upon a technicality. The judgment of Judge McPherson was reversed on a mere technicality, but they confessed their guilt in the second trial.

Mr. MANN. The whole thing was just as technical as things can be under the law. The conviction was a technical conviction in regard to granting rebates—just as technical as a thing can be. That is what the rebate business is. Now, the judge thought, and I think there was, absolutely, so far as these people were concerned, no moral obliquity. I think Judge McPherson did right.

Mr. GAINES of Tennessee. Did he do right in the first instance, when he sentenced them to jail?

Mr. MANN. He did right to follow the opinion of the jury.

Mr. GAINES of Tennessee. I would not do Judge Smith McPherson any injustice any quicker than my friend would, and he would not do it at all. I am simply criticising the unwisdom of that kind of a judgment. Here is the jury that had convicted them, and the court refused to set the verdict aside, and not only that, but said that they should go to jail. This is reversed by the superior court on a mere technicality. Finally they came in and pleaded guilty—admitted their guilt—and the judge simply fined, but omitted to imprison. That is the substance of the press report.

Mr. MACON. In response to what the gentleman from Illinois [Mr. MANN] said in reply to the gentleman from Tennessee [Mr. GAINES] as to whether Judge McPherson did right in the first instance, he said that the jury fined them and imprisoned them six months in jail, and I want to say that the jury in a Federal court never fixes imprisonment. The court does that.

Mr. GAINES of Tennessee. The court fixes that, but when the jury found the parties guilty the court fined and sentenced them; but when they plead guilty in the second trial this same court simply fined them. In the license case the persons, the real doers of the wrong, were acquitted by the jury when they proposed to plead guilty, but convicted the corporation, which was fined, this fine to be paid, of course, out of the stockholders' would-be dividends. We must convict and imprison the officers and agents of corporations and the corporations, too.

Mr. DRISCOLL. Did not the stockholders get the benefit of the rebates?

Mr. GAINES of Tennessee. I do not presume that all the stockholders are knowingly guilty of rebating. But my friend from New York [Mr. DRISCOLL], as a matter of fact knows this, that many people have taken their money out of their pockets and are using it in an unlawful way to make money, and to such an extent, I am sorry to say, monopoly in this country has become more or less popular. The best talent and big salaries help to do this. We find reactionaries in the Republican party, and we find them in the Democratic party to a certain extent, and they are now trying to get a man for President who will go back on the record that Roosevelt and the Democrats have made against the trusts and monopolies in this country. I am not for any reactionary in this fight. I am for the supremacy of the law, its enforcement against the lawless, old and young; the lawless, rich and poor [applause], and I am not in favor of a man going around in the name of a corporation and robbing the American people, and then, when we bridle him and bring him up before the court, have him say that "the corporation did it. I was only an agent." He was an agent with his eyes open, and he ought to be sent to jail. [Applause.]

I will here insert as a part of my remarks the following article from the Evening Star, Washington, D. C., Saturday, January 25, 1908:

THOMAS REBATE CASE—SENTENCE IMPOSED TO-DAY IN THE FAMOUS SUIT—END OF LONG LEGAL FIGHT—BOTH OF THE DEFENDANTS ADMITTED THEIR GUILT—THEY HOPED FOR LENIENCY—JUDGE M'PHERSON, IN PASSING SENTENCE, SCORED THE PRISONERS AND THE PRACTICE HEAVILY.

KANSAS CITY, *January 25, 1908.*

George L. Thomas, a freight broker of New York City, and L. B. Taggart, his clerk, pleaded guilty in the United States district court here to-day to a charge of conspiring to pay rebates to shippers. Judge Smith McPherson then fined Thomas $7,000 and Taggart $4,000.

Both defendants were in court, and after sentence was passed checks covering the fines were tendered and accepted by the judge.

Thus ends the case against these men. Jail sentences imposed at a previous trial were omitted to-day. Those sentences were the first ever imposed for rebating. At the time Thomas and Taggart were first found guilty an appeal was taken and the verdict was reversed on the ground that the lower court had failed to instruct the jury on the presumption of the innocence of the defendants, a technical point.

DEALT WITH MANY SHIPPERS.

George L. Thomas maintained a brokerage office in New York, and represented practically all the important shippers on the Missouri and Mississippi rivers under a contract to route their freight from the East and to collect overcharges in freight bills. Thomas, with his clerk, L. B. Taggart, was indicted in December, 1905, charged with conspiring with Barton Brothers, wholesale shoe merchants of Kansas City, to pay rebates on the latter firm's shipments.

In the trial of the case it was brought out that Thomas had also agreed to secure rebates for other merchants. They were found guilty in 1906. Thomas, as the principal, was fined $6,000 and sentenced to serve four months in jail, and Taggart was fined $4,000 and sentenced to serve three months in jail.

An appeal was taken, with the result stated.

ASKED FOR COURT'S LENIENCY.

O. M. Spencer appeared for the defendants to-day and asked the leniency of the court for his clients, saying that although the first cases were reversed by the court of appeals there is little in that court's opinion to encourage the hope of a successful defense on a retrial.

The defendant had, he said, concluded to plead guilty and trust to the fairness of the court, in the light of all the circumstances surrounding the case, to impose only such punishment as is commensurate with the offense committed.

Judge McPherson, in passing sentence upon Thomas and Taggart, said:

JUDGE SCORES DEFENDANT.

"In the full belief that the vicious practices of these defendants and the payments of rebates have been stopped, and in the belief that the practice of rebating generally over the country has been brought to an end by the vigorous action of the Government, through the office of the United States attorney of this district, as well as other districts, there is no occasion for the order of imprisonment."

Judge McPherson took occasion to say that he believed the firms that accepted the rebates were as guilty as the defendants and the railroads, and that he had never been able to find why they had not been indicted by the grand jury. He would have liked, he said, to have had the members of these firms before him to-day, with power to pass sentence upon them. "The railroads," declared Judge McPherson, "are hounded to death with rebate seekers. They are not entirely to blame for all the rebating that has been done."

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the Appropriations Committee a question. I understand that the matter was referred to a while ago, but I was not in the House at the time. I would like to ask the gentleman how much of this money that is sought for the payment of special assistants goes into the prosecution of what are called "peonage cases" in Florida and other States in that section?

Mr. TAWNEY. I am unable to answer the gentleman's question. There was no information given us on that subject. We had no information that any assistant was employed for that service. This only related to assistants employed in certain service where the appropriation was not sufficient during the fiscal year to meet the expenses of their salaries.

Mr. CLARK of Florida. Then it does not relate to any counsel employed in that way?

Mr. TAWNEY. Not so far as I know. Employment in those particular cases was not mentioned, and my understanding is that it relates to rebate cases and antitrust cases.

Mr. CLARK of Florida. Entirely?

Mr. TAWNEY. Yes.

Mr. CLARK of Florida. Then, Mr. Chairman, I do not care to take up the time of the House if it is for that purpose.

The Clerk read as follows:

For purchase of stock, $1,500.

Mr. BUTLER. Mr. Chairman, I would like the chairman of the committee to inform us what kind of stock is meant here.

Mr. TAWNEY. I will say for the information of my friend from Pennsylvania, that the Government owns a farm of 150 acres in connection with the Reform School; these boys in the Reform School are engaged in working on that farm, and it is for the purpose of meeting these requirements that stock—cattle, horses, etc.—are used on the farm.

Mr. BUTLER. Will the gentleman have any objection to the insertion of the word "live" before the word "stock?" That word "stock" may be offensive to the readers of the RECORD.

Mr. TAWNEY. I do not know of any objection. Personally I am not acquainted with the various distinctions between stock, as I was not affected by the recent stock panic. If the gentleman wishes to qualify the word "stock" I have no objections.

Mr. BUTLER. I know of both kinds.

Mr. TAWNEY. I know of neither.

Mr. BUTLER. I move, so that we may not be accused of wickedness on the ground of having to do with stocks other than those alive, to amend the paragraph so it will read "for the purchase of 'live' stock, $1,500."

The Clerk read as follows:

Page 39, line 19, add before the word "stock" the word "live," so that it will read "live stock."

The CHAIRMAN. Does the gentleman from Pennsylvania desire to address the committee further on his amendment?

Mr. BUTLER. I have no doubt, Mr. Chairman, it is truthfully stated that it is the purpose of the House to indulge in much speaking to the end that time may be thereby consumed. Therefore I decline to speak on my amendment, although to decline to speak may result in its defeat. [Laughter.]

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

The Clerk read as follows:

For purchase, exchange, and keeping of horses and wagons, and repair of wagons and harness, to be used only for official purposes, $1,250.

Mr. VREELAND. Mr. Chairman, I offer the following amendment on page 38, line 4.

The Clerk read as follows:

Page 38, after line 4, insert:

"For repair of roofs of Post-Office Department building, $2,890."

Mr. VREELAND. I would say, Mr. Chairman, that this is for repair of the roofs of the main Post-Office Department in this city. This statement was sent to the chairman of the committee too late to be printed in the appropriation bill. It seems a necessary item, as the roof is leaking and destroying property within. For this purpose it is necessary to have it incorporated in the bill.

The amendment was agreed to.

The Clerk read as follows:

For rent, light, and fuel at Presidential post-offices, $50,000.

Mr. PERKINS. I move to strike out the last word, and I desire to ask the gentleman in charge of this bill how it is that there has been so large an urgent deficiency as $750,000 for the compensation of clerks in the post-office.

Mr. VREELAND. I will say to the gentleman from New York that Congress at the last session, in the post-office appropriation bill, fixed the compensation of a large number of employees of the Government, among these being clerks in first and second class post-offices, postmasters and assistants, and other officials covered by the various items of this schedule. The great growth of the business of the Post-Office Department in the last year, the large number of increases of officials of this kind, whose salaries have been fixed by law heretofore, has made this emergency deficiency necessary. That is, we are simply carrying out directions of Congress in making this appropriation.

Mr. PERKINS. That explanation extends to these large items?

Mr. VREELAND. All these large items are under the same explanation.

Mr. PERKINS. Were these increases after the estimates were made last year?

Mr. VREELAND. They were made by the post-office appropriation bill at the last Congress.

Mr. PERKINS. Could not an additional estimate for them have come in afterwards?

Mr. VREELAND. The estimates made were insufficient. They could not foresee the number of post-offices that would go from a lower to a higher class, thereby increasing the number of clerks made necessary by the act of Congress.

Mr. MANN. If the gentleman will pardon me, is not this the situation? We provided last year for what was called an automatic increase in the pay of the post-office clerks that depended upon whether the postmasters considered them efficient. If they were efficient they were increased in pay. Of course it was not practical for the Post-Office Department to determine in advance how many of these clerks would be found to be efficient.

As a matter of fact it is the universal testimony in the Post-Office Department that since that law went into effect, making this automatic increase for efficiency, the actual efficiency of the clerks in the Post-Office has very greatly increased, and the amount of work from the same number of clerks has vastly increased. The result was that when the 1st of July came these clerks, under the law, were entitled to an increase in salary, say from $600 to $800, or from $800 to $900, and this appropriation is to cover the increase which the law provided for.

The Clerk read as follows:

Appropriations made for the construction of the Isthmian Canal in the sundry civil appropriation act, approved March 4, 1907, and in this act shall continue available until expended.

Mr. MADDEN. Mr. Chairman, the item for the Isthmian Canal in this bill is $12,178,000. When that is made available

for use on the canal, there will have been appropriated and expended since the beginning of the work up to the present time, $141,787,468.58, of the $185,000,000 made available by the law creating the Canal Commission and authorizing the construction of the canal, as well as the purchase of the rights of the French and the $10,000,000 paid to the Republic of Panama.

The $10,000,000 paid to the Republic of Panama for the purchase of a strip 47 miles long and 10 miles wide, beginning at the Atlantic Ocean and extending to the Pacific Ocean, commonly known as the Canal Zone, was, in my judgment, an expenditure for which the Government of the United States received value. Over this Zone the United States has absolute jurisdiction in perpetuity.

In addition to the $10,000,000 paid to the Republic of Panama, the United States has agreed to pay $250,000 per annum, commencing in 1913. The investment is considered a good one, not so much on account of the value of the land for agricultural purposes as for the independent position in which its ownership places the United States. Were it not for this ownership the United States could not afford to build the canal at all, in my judgment. With such ownership it can afford not only to build it, but it will be thereby placed in such a strong position that it can very advantageously fortify and protect the canal, the opening of which will enable our Navy to perform double its present work.

Months are now required to pass from the Atlantic to the Pacific Ocean, and thousands of miles must be sailed through dangerous seas. The completion of the canal will bring the two oceans together, and Atlantic and Gulf ports will be within a week of the Pacific Ocean.

This condition will not only strengthen the naval force of the United States, but will increase America's commercial facilities and will enable this country to compete successfully for South American and oriental trade. It will place the ocean-going ships between San Francisco and the Atlantic ports in competition with the trans-continental railroads, making it possible to move the nation's products from East to West and from West to East at much lower rates than now prevail. It will bring the United States into closer business relations with the South American Republics, and strengthen the bonds of friendship which now exist between them.

In case of war with an Eastern power, supplies needed for the Navy can be moved from the Atlantic side to meet every requirement with economy and rapidity. Therefore, it seems to me that the purchase of the Canal Zone at the price paid was a bargain.

The $40,000,000 paid to the French for what rights they had on the Isthmus has been said to be an extravagant expenditure. I believe otherwise, after having been on the Isthmus and having looked over the ground and made an examination of what the United States received for the money paid. The railway and its equipment alone, with its exclusive right to control traffic between the two oceans, if there were no canal across the Isthmus and no canal was contemplated, would, I believe, be a bargain at the price paid.

I am convinced that the United States received value for every dollar it paid. In addition to the railroad, the French delivered to the United States all of the equipment used by them in the construction of the canal. While some of this equipment, it is true, was old and not of modern type, yet much of it is being successfully utilized and it is all of the first class.

The surveys made by the French are of great importance to the United States; indeed, without them, it would be years before we could hope to begin the work of constructing the canal. These surveys are found to be accurate, and are followed almost entirely in the work which is now being done. The difficulties under which the surveys were originally made were enormous, and the amount of money expended to secure the information which they contain was very large, and it is because of the accuracy of this information that the United States is now at work and moving dirt with a rapidity not dreamed of in the beginning by the canal's most enthusiastic advocates.

This is not all the United States received for the forty millions. During the number of years the French were at work on the Isthmus they expended $256,000,000 and excavated about 70,000,000 yards of material. The surveys show that 36,000,000 yards of this can be utilized by the United States in its work of building the canal. If this be true, it will be seen that the amount of excavation done by the French has saved the United States an expense equivalent to the $40,000,000 paid to them, for although it has been said that the work of excavation under the present force is costing but slightly in excess of 50 cents per cubic yard, the truth is that about $1.10 is what it costs. So it will be seen that the 36,000,000 yards excavated by the French and now being utilized by the Americans, at $1.10 per yard, amounts to substantially $40,000,000, or, exactly, $39,600,000.

But this is not all that the United States received for the forty millions paid the French. The French had constructed 2,265 houses and a large number of hosptal buildings, the cost of which is estimated at about $6,000,000. These were all included in the purchase. One thousand six hundred and fifty of these houses have been repaired and are now in use.

A vast amount of sanitary work was done by the French, and while it did not reach that stage of perfection to which the present management has attained the work done was of a very high order, and nothing that science had at that time discovered was left undone to provide for the health and comfort of the men employed on the Isthmus.

Since the Americans have taken possession of the Isthmus and have engaged in the work of building the canal $8,000,000 have been expended in the construction of houses for the accommodation of the men and women employed in the work, and a vast sum has been spent in improving the sanitary conditions of the Isthmus.

The streets of the cities of Panama and Colon have been sewered and paved by the United States forces, and contributions are made to the Panaman Government to keep them clean. Water supplies have been provided, and for the first time in history the people of these cities are provided with wholesome water, and at a nominal cost.

The amount of money expended by the United States for sanitation in Colon and Panama aggregates about $1,500,000. Under a contract recently entered into between the Panaman Government and the American authorities the United States is to operate for fifty years the waterworks which it constructed, and collect the water rents, out of which it is to retain the money expended for the paving and sewering of these cities and what it is estimated it will cost to maintain them during the fifty-year period, amounting, with interest, to $6,768,500.

The sanitary conditions of the Isthmus are perfect, or as nearly perfect as human ingenuity can make them. It would be as impossible for a case of yellow fever to occur on the Isthmus within the Zone as it would be for one to break out in New York. Not a fly or mosquito is allowed to live on the Zone, and, as it is acknowledged that yellow fever is the result of the bite of the mosquito already inoculated with the disease, it will be seen that if there are none of these mosquitoes no case of yellow fever can occur, unless the Zone authorities are lax in their quarantine regulations.

The climate on the Isthmus is not at all disagreeable. It is warm, but pleasant, and a man can do a good day's work every day without being more fatigued than he would be in most places in the United States during the summer season.

The work of the canal construction is divided into six divisions:

First. Colon dredging division, starting at the Atlantic coast, which includes all of the dredging and excavation between the deep water in the Caribbean Sea and the Gatun locks, a distance of 7 miles.

Second. The Gatun lock division, which is in charge of the Gatun lock construction, and the Porto Bello quarries, from which it is purposed to quarry the stone required in the construction of the locks.

Third. The Chagres River division, extending from the deep water in the Gatun Lake to the Chagres River near Bas Obispo. In this division about 13,000,000 yards of excavation will be required between the deep water of the lake and the outer lines of the channel for a distance of about 13 miles from Bohio to Bas Obispo, on account of the series of hills found there. This section of the canal crosses the Chagres River twenty-three times. At the breast of the dam the water in the lake will be about 85 feet deep. The area of the lake at the normal stage of water will be 164 square miles. The bottom of the canal will be 40 feet above mean sea level, and the water at the top of the lake will be at least 85 feet above mean sea level, and at the low stages of the Chagres at dry seasons it may be drawn down as low as 82 feet.

Fourth. The Culebra division, extending from Bas Obispo to Pedro Miguel locks, 9½ miles.

Fifth. La Boca division, including the locks at Miraflores and Pedro Miguel.

Sixth. La Boca dredging division, including the dams and dredging on the Pacific side.

The width of the canal between San Pablo and Juan Grande, a distance of 3½ miles, is 800 feet at the bottom. Between Juan Grande and Bas Obispo, 3½ miles, it is to be 500 feet. From Bas Obispo to Las Cascadas, 2 miles, from top to bottom, 300 feet. Between Las Cascadas and Culebra, 4½ miles, 200 feet. Between Pedro Miguel and Culebra, 2 miles, 300 feet at the bottom.

The original cost of the locks, each being 1,000 feet long and 100 feet wide, was estimated at $50,000,000. Their increase to 110 feet in width, which has been recommended by the Canal Commission, the Secretary of War, and the President, will increase the cost to $60,000,000, or thereabouts.

On the 1st of November it was estimated that there were still 47,000,000 cubic yards of material to be removed from the

Culebra Cut. Since the beginning of the work of excavation, the Americans have taken out 11,000,000 cubic yards. If this rate of progress can be maintained it will approximate 8,000,000 yards per annum, and require but little more than five years to complete the work in the Culebra Cut. But it is believed that much better progress can be made; in fact, much better progress is being made now, and there is no reason to believe that the work in the cut can not be finished in 4½ years from the 1st of January, 1908.

The Americans found the bottom of the canal at Bas Obispo 112 feet above the sea level and have, up to the present time, reduced that to 74 feet above the sea level, making 38 feet of excavation in the cut by the Americans since the work of construction began.

The Continental Divide is in the location of the Culebra Cut, and the bottom of the cut at this point, at present, is 167 feet above sea level, and as the bottom of the canal is to be 40 feet above the sea level, it will be seen that 127 feet of excavation is still necessary to complete the canal at this point.

The highest point in the Culebra hills, through which the canal is being cut, is 660 feet above the sea level, and the bottom of the cut at this point is at present 160 feet above the sea level.

Further on in the cut it was found that the French had excavated to a point 196 feet above the sea level, and the Americans have reduced this to 131 feet, showing that 65 feet of excavation has been made. Some places in the cut the work is within 20 feet of the bottom.

The present location of the railroad is in what will be the bottom of the lake for several miles, and it must on that account be relocated on higher ground. The work of filling the new bed for the railway is now in progress and well under way. In many cases there is a fill of 90 feet to be made. The estimated cost of removing the railway is $3,700,000. This is one of the elements of cost that was not considered by the Board of Consulting Engineers when they estimated the cost of the canal, nor was the amount of money expended and necessary to be expended for sanitation taken into account.

The locks on the Pacific side are to be constructed at Miraflores and Pedro Miguel. The Pedro Miguel locks will be 1,400 feet long, 350 feet wide and 75 feet deep, with approaches 1,400 feet at the north end and 1,500 feet at the south end, making a total of 4,300 feet, and will lower the vessels into La Boca Lake, which will be about 55 feet above mean sea level.

There are employed in the service of the Canal Commission at present in the canal work 284 locomotives, 2,250 cars, 181 steam and air drills, 63 steam shovels, 12 pile drivers, and the average amount of material being excavated monthly is 2,000,000 yards.

The number of men employed on the canal at present is 36,000. Six thousand are Americans, and they occupy the important places in the management, including the positions requiring a mechanical knowledge.

Every person who has any knowledge of the situation now agrees that the canal can not be built for anything like what the board of engineers estimated its cost would be, and the general feeling is that the cost will be $250,000,000, and that if an attempt were made to build a sea-level canal (that such a thing could be successfully built many people doubt), the cost would reach at least $500,000,000, while the time required to build it would be more than double.

One of the most important things engaging the attention of those in charge of the work is the construction of the Gatun dam. More than 22,000,000 yards of material are required for this work. This dam is to be of earth construction, fortified by stone embankments at the toes of the dam. The dam at the bottom is to be three-fourths of a mile wide, and its total length is to be 1½ miles.

Each end of the dam is locked into a mountain range, which has been conveniently located by nature and forms two sides of the lake.

It is purposed to have a clay core 200 feet in width in the center of the dam. It is believed that a dam so constructed will be impossible of destruction. That it will be water-tight there can be no question. That it will be strong enough to withstand the weight of water behind it there is no doubt.

It is probably not generally understood that there are to be twelve locks—six locks at Gatun, four at Pedro Miguel, and two at Miraflores. Only one-half this number of locks would be required but for the fact that it has been decided to build them in pairs, so that ships can go in either direction simultaneously and at the same time to provide against accident.

It was originally intended to build the Pacific lock at La Boca, but for strategetical reasons it has been decided to change the location to Miraflores.

I have said that I thought it possible to do the excavating at Culebra Cut in four and one-half years. I think it can be done in less time than that, but the time required to complete the canal will depend upon how long it takes to build the dams and locks, for it must be understood that the progress made in the construction of the locks and dams will depend entirely upon the number of men who can be employed upon them, and since the space occupied by the locks and dams is the only space in which the men can be employed in connection with their construction, and since this space is limited by the size of the locks and the dams, it will be seen that only a limited number of men can be employed. Therefore, there is nothing to be gained by pushing the work on the canal prism faster than the work on the locks.

It is estimated that it will take about five years to complete the locks and dams. The work of excavation for the locks is now in progress, and the construction of the dams is under way. It is expected that all excavations for the locks will be completed by January 1, 1909, and that at that date the work of real construction can begin.

The work can be done more economically if it is carried forward with a view to completing the locks and the prism at the same time. The desire of the American public to have the work of excavation rushed has resulted in the formation of a more expensive organization than is necessary.

The chief engineer agrees with me that the force can be reduced and economies inaugurated without detriment to the work, and I think the time has come when sentiment should not be allowed to force the employment of more men than can be worked advantageously and with due regard to economy.

What I mean by economy is the production of the best results for the money spent. If the cost per unit can be reduced without delaying the work, that should be done. That it can be there is no doubt. But how? It is reasonable to suppose that if nothing is to be gained by completing the canal prism before the locks, only a sufficient force should be employed to produce that result. Such a force can be organized and operated more economically than the present one. Why? Because the greater force, with all of its high-paid managers, can not produce results in keeping with the outlay, while the smaller force, including the machinery, can be worked more advantageously, and consequently more economically.

The steam shovels, for example, are worked only 56 per cent of their efficiency, whereas they should work at least 80 per cent. It is obvious, therefore, that if 80 per cent of the efficiency of the steam shovels were obtained fewer shovels would be needed, and with fewer shovels the present train service could supply cars enough to increase the efficiency and thus reduce the cost without reducing the output. The shovels are under steam now during all of the working day, but they only work 56 per cent of the time because of the poor train service. It would be far better to cut down the large number of shovels and keep a smaller number employed. By doing this, as I have said, the expense could be largely reduced and no reduction made whatever in the quantity of material moved.

The working forces of the Isthmus are organized on scientific principles, but I am convinced that there are too many managers for the number of men employed in the ranks. That a large number of the managers could be dispensed with without affecting the efficiency of the force is the opinion of practical men who have given consideration to the subject.

Perhaps it is too much to expect the exercise of equal economy under Government management as would be practiced by private individuals in the conduct of such an enterprise. It may be that those in charge of the work are doing everything that could be reasonably expected of them. They are all gentlemen of high class. They thoroughly understand their business. They are very much interested in the work. They are anxious for the success of the enterprise, and I am convinced that if an economy which does not take away from the efficiency of the force can be pointed out to them they will gladly adopt it.

Colonel Goethals and his fellow-commissioners are vigilant and will, I am sure, do everything within their power to open the canal to the world's commerce at the earliest date possible. [Applause.]

The Clerk read as follows:

To pay Robert Coates for services rendered in caring for press members' lobby and the Speaker's clerk's room during the first session of the Fifty-ninth Congress, $140.

Mr. MUDD. Mr. Chairman, I make the point of order to that paragraph. It is not authorized by law, and there are one or two others of the same class, and they all ought to come together.

Mr. TAWNEY. Mr. Chairman, I would say that this man named in this bill was employed by the secretary to the

Speaker, to take care of the press room during the last session of the last Congress on the east side of the House, and also the Speaker's room, as janitor. He has performed that service. There is another man that took care of the same room during the last session of the last Congress who is not provided for, for the reason that his services were not brought to the attention of the committee. I understood from the gentleman from Maryland [Mr. MUDD] that he wanted the man who took care of these two rooms during the last session provided for also. If the gentleman from Maryland desires to provide for the man who took care of the rooms during the second session of the Fifty-ninth Congress, I have no objection at all to his offering an amendment for that purpose. There is no authority in law for the employment. It is necessary. The secretary to the Speaker informed me that because of the necessity and because there was no provision made or could be made by the doorkeeper, he simply directed that this man take care of the rooms referred to in this bill for last Congress.

Mr. MANN. I suppose the Committee on Accounts has no jurisdiction now over it.

Mr. TAWNEY. No. For this Congress the Doorkeeper is providing for this service.

Mr. MUDD. The Committee on Accounts would not be able to take cognizance of this?

Mr. TAWNEY. No; it can not.

Mr. MUDD. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. MUDD. I now offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert as follows:

"To pay Robert H. Key for services rendered in caring for press members' lobby and the Speaker's clerk's room during second session of the Fifty-ninth Congress, $60."

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. HEFLIN. Mr. Chairman, I move to strike out the last word. My attention has been called to an editorial that appeared recently in the New Haven Register, which reflects upon and is a gross insult to what is termed the "poor whites" of the South. The paper claims to get this information from Professor Giddings of the Columbia University. In the interest of truth and in behalf of a people who are not so much blessed with this world's goods, but who are rich in character, integrity, and race pride, I desire to insert in the RECORD and to include in my remarks an answer in the shape of an editorial which appears this morning in the Baltimore Sun, and which gives the facts as they are in the matter.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to insert the matter referred to in the RECORD. Is there objection?

There was no objection.

The editorial is as follows:

[Baltimore Sun, January 30.]

RACE PURITY AMONG THE "POOR WHITES" OF THE SOUTH.

Our esteemed Connecticut contemporary, the New Haven Register, published a few days ago, under the caption "The disappearing negro," an editorial article which contains more misinformation, line for line, than we had conceived to be possible in a brief discussion of southern race problems, even in the most benighted quarters. The Register quotes an eminent "sociologist" of Columbia University to the effect that the negro is fast disappearing in the South because of the intermarriage of blacks and whites. If distinguished "sociologists" attached to institutions of learning are really as ignorant of conditions in the South as the Register's citation from Professor Giddings indicates, something may be said in extenuation of our New Haven contemporary's appalling lack of knowledge. But we find it difficult to believe that a Columbia University sociologist has "seriously declared" that intermarriage between blacks and whites exists in the South to such a degree that the "negro is fast disappearing." Any "sociologist," amateur or professional, who should make such a preposterous statement would advertise himself as a dangerous ignoramus, who ought never to go at large without a guardian. Nevertheless, upon the absurd conclusions attributed to Professor Giddings, our New Haven contemporary dilates in this fashion:

"The purest of the Africans, North and South, have a certain pride in their own race which keeps them from seeking intermarriage with the white. With many of them the mulatto is despised. This does not take into consideration the lower grade of blacks, especially in the South. Doubtless they will intermarry with the whites at every opportunity. But it is impossible to suppose that they find any alliances with any whites of the South outside of the class known as 'poor whites.' From what is known of this class, as it exists in the black belt, it could hardly be made any worse, and might be made better by intermixture with African blood."

We believe it is no exaggeration to assert that nowhere in the United States is the feeling of race pride and the instinct of race integrity more intense and more aggressive than among the so-called "poor whites" of the South. These people are the descendants of settlers of the purest English, Irish, and Scotch blood. The suggestion that they might be "made better by an intermixture with African blood" is not only foolish, but vicious. At any rate, our New England contemporary may rest assured that if there ever should be in this country miscegenation on a large scale it will probably be in Northern States, where intermarriages between whites and blacks are lawful and tolerated by public opinion—not in the South, where State laws prohibit such marriages. Moreover, we will venture the assertion that there are now more mixed marriages in Boston than there would ever be among the southern whites and blacks if prohibitory laws were repealed. Public opinion in the South is grievously misunderstood by our New Haven contemporary if it imagines that only prohibitory laws prevent miscegenation.

Our New Haven contemporary, having undertaken to enlighten its readers on race problems in the South, ought now to consult the best authorities on the subject. It will find, upon investigation, that the "poor whites" in the mountain regions of North Carolina, Tennessee, West Virginia, Kentucky, and Alabama are a hospitable, sturdy people, despite their poverty, and that they need only the proper educational advantages to rise above an environment in which they are now unable to turn their innate virility to good account. It is the profound conviction of persons who have lived among them that if they should be given the opportunity which they richly deserve for instruction and development, they will take their place among the most useful elements of our population. It is undeniable that the Southern States need the generous and practical encouragement of northern philanthropists in solving this problem. Senator TILLMAN of South Carolina spoke very freely on this subject to Mr. John D. Rockefeller a few days ago. It is to be hoped that Mr. Rockefeller was deeply impressed, as he might well be, with the situation as presented by the South Carolina Senator. Meantime we trust our New Haven contemporary will get rid of the delusion that the "poor whites" of the South can be uplifted by an admixture of "African blood." They are of as pure a strain of Caucasian blood as the people of any other part of this country. Race purity is an instinct with them as well as a virtue and ideal. The fact that they have maintained their race integrity, although in immediate contact for a long period with the black race, is conclusive proof of their virility and their instinctive abhorrence of intermixture with an inferior race.

The Clerk read as follows:

For the following police force for the Office Building of the House of Representatives for the balance of the fiscal year 1908, to be appointed by the Sergeant-at-Arms, namely: One captain at the rate of $1,600 per annum; three lieutenants at the rate of $1,200 each per annum; and thirty privates at the rate of $1,050 each per annum; in all $15,292, or so much thereof as may be necessary.

Mr. HOLLIDAY and Mr. MANN rose.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. TAWNEY. Mr. Chairman, I desire to say in explanation of this item simply this: In the proper conduct and management of the new House Office Building it is deemed necessary by the Commission, under whose supervision the building was erected and also by the officers of the House and Superintendent of the Capitol, that this building should be provided with a certain number of policemen just the same as we have policemen employed around the Capitol building. Now, it was originally proposed to appoint quite a number more policemen than this paragraph authorizes and at my request the original proposition was materially revised by the Superintendent of the Capitol and by the Sergeant-at-Arms of the House, who has control jointly with the Sergeant-at-Arms of the Senate of the Capitol police. They visited the building at my request and studied the situation carefully and reported by letter to me as chairman of the Committee on Appropriations that in their judgment the number of policemen provided for here was absolutely necessary to the management and for the maintenance of order and discipline in that building, and it is upon their recommendation that the item is carried in this bill. I would state that there are four floors in the building that must necessarily be policed part of the time each day. It was originally proposed to have three shifts, but that proposition has been modified so it will not require three full shifts every twenty-four hours as was originally contemplated. It simply involves the question, so far as the point of order is concerned, of the constitutional right of the House to control its own domestic affairs. There is no law specifically authorizing this employment any more than there is a law authorizing the employment of any of the Capitol police. It comes under our own immediate jurisdiction and supervision.

Mr. MANN. Well, Mr. Chairman, I think no one wishes to prevent the employment of a sufficient number of men or a sufficient force to take the very best care of the new building. It may be possible that it will require a police force of thirty-four—that is, one to every ten Members of Congress—in the new building. A police force of thirty-four covers quite a good-size city.

Mr. GAINES of Tennessee. Do you mean to say thirty-four are to be provided for this Office Building?

Mr. MANN. I say there are thirty-four provided for in this bill. At the present time the Superintendent of the Capitol building, who, under the direction of the House Commission is in charge of the building, is carrying on the work experimentally—the cleaning work and all that work experimentally—so that he may be able to inform the House as to what force will be required in the future. There are six entrances to the building. It may be possible that it will require one policeman at each entrance with a shift two or three times a day. I must confess that it does not seem to me, without pretending to determine the matter for the officials who have charge of

the building, that it requires a police force of thirty-four to keep track of one office building. I have been in an office building all my professional life, sometimes with more tenants in it than this building, without any policeman at all.

Mr. OLMSTED rose.

Mr. TAWNEY. Does not the gentleman from Illinois make a distinction between a private office building and a public building such as this?

Mr. MANN. I yield to the gentleman from Pennsylvania.

Mr. OLMSTED. These employees, as I understand, are merely policemen to keep the peace. Now, if we put in other employees in proportionate numbers, will it not require thirty-four policemen to keep the peace between those employees?

Mr. MANN. I fear if we put in other employees in proportionate numbers they will be jammed so tight in the corridors they could not fight. In reply to the gentleman from Minnesota I will say I make a distinction between a public building and a private building. There are no thirty-four policemen in any building in the city of Washington, unless it is in the Capitol building, where they are so thick they sometimes stumble over each other. You will not find that number of policemen in the Treasury building; and the watchmen they have there are not paid such salaries. I understand perfectly well——

Mr. TAWNEY. The gentleman is also aware that the Treasury is not open to the public after 2 o'clock.

Mr. MANN. Oh, well, that is very true. If it were open to the public, it would not require watchmen to keep the public out. That is about all they do. Now, I will not say they will not require fifty policemen over there. But up to the present time, without any police, there has been no trouble in the Office Building, so far as I have heard, and it seems to me that before the House renders itself open to a criticism, which is sure to come if it makes the House Office Building simply a vehicle for obtaining patronage, that it ought to be very careful and give careful consideration. If we are to have policemen at every door, and several shifts a day perhaps, it will require one or two janitors for every room and charwomen for every square foot of the building. I am sure that that is not the intent of the House. While I have the greatest respect for the judgment of the Sergeant-at-Arms and the Superintendent of the Capitol, who, I understand, recommended this number of policemen to the committee, I think they have done that without sufficient knowledge as to the workings in the Office Building, because they could not know in advance. As to the point of order, Mr. Chairman, I think the paragraph is subject to a point of order, as would be any item to provide directly for an extra employee in the House, unless it had come from the proper committee.

Mr. GAINES of Tennessee. Will the gentleman pardon me?

Mr. MANN. Certainly.

Mr. GAINES of Tennessee. I would like to know how many policemen there are over there now?

Mr. MANN. We have no police there at all at present. The Office Building is being managed under the Superintendent of the Capitol by the aid of half a dozen or so men, who do the the work, reenforced by a charwoman force borrowed from the Congressional Library.

Mr. GAINES of Tennessee. There is nothing, then, to protect a man's belongings in his office except the lock in the office door?

Mr. MANN. There are these men that are on duty there.

Mr. GAINES of Tennessee. How many?

Mr. MANN. I do not know how many.

Mr. GAINES of Tennessee. How many does the gentleman think we should have for the new Office Building?

Mr. MANN. Of watchmen over there?

Mr. GAINES of Tennessee. Watchmen or policemen?

Mr. MANN. I do not know how many we ought to have, I will say to the gentleman.

Mr. GAINES of Tennessee. How long before we are going to have them?

Mr. MANN. That, of course, depends on the House. I think myself that provision ought to be made for some watchmen or policemen over there at an early day, and I would be disposed, so far as I am concerned, after they have had an opportunity to consider the subject of watching the building, to take the judgment of the men who would have charge of the matter, who in this case are the Sergeant-at-Arms and the Superintendent of the Capitol.

Mr. GAINES of Tennessee. What do they say about it?

Mr. MANN. They have made the recommendation upon which this paragraph is based.

Mr. GAINES of Tennessee. The gentleman thinks too many are proposed?

Mr. MANN. I think they have made the recommendation without sufficient knowledge of the subject.

Mr. GAINES of Tennessee. Does not the gentleman think we had better reduce the number, and let us have somebody over there?

Mr. MANN. I do not see why the Committee on Accounts can not report to the House at any time a resolution—present the matter to the House, so that the House after investigation can determine the number.

Mr. TAWNEY. Mr. Chairman, just one word. I do not suppose that the gentleman from Illinois [Mr. MANN] has taken into consideration the extent to which Congress provides for practically the same service in Department buildings, nor does he consider the character of the building, and the object and the purpose for which the Office Building is used. In the Treasury Department, a building in area about the same as the House Office Building, they have sixty-seven watchmen. These watchmen have the same power in regard to making arrests that police officers exercise, but they are designated as watchmen, and these men might be designated as watchmen, if it is the desire of the House to do so; but I think, in order to have the service uniform, the men employed in House Office Building ought to be under the control of the man who controls the police force of the Capitol, and for that reason they have been designated as policemen rather than as watchmen. Notwithstanding the difference in the character of the service, and besides that, it is unnecessary for me to discuss some phases of this proposition involving the necessity for service in this kind of a building. To a greater or less extent may be involved, not only the reputation or good name of individual Members, but of the entire House of Representatives. I think it is a matter of very serious moment to this House that we should at the earliest time possible provide for this service.

Mr. GAINES of Tennessee. I agree with the gentleman that it ought to be provided for, and provided for promptly, in order to preserve the property that is over there in those offices. I know I can not afford to lose some of the official papers that I have over there, laying aside possibly some personal things I might have in my office. I lock it promptly, but I can not lock it all the time. We all know it has got to be policed, and will be; but surely it will not take thirty-five policemen to do it. Great heavens!

Mr. TAWNEY. Let me call the attention of the gentleman from Tennessee to the fact that the gentleman from Illinois, with considerable irony, stated that this would amount to one policeman to every ten men.

Mr. GAINES of Tennessee. How many does the officer who makes this suggestion recommend?

Mr. TAWNEY. The Superintendent of the Capitol and the Sergeant-at-Arms of the House, who has control of the Capitol police jointly with the Senate Sergeant-at-Arms, have recommended thirty-four—thirty policemen and four officers. Now, there are four floors in that building——

Mr. GAINES of Tennessee. Three shifts.

Mr. TAWNEY (continuing). And it is not possible——

Mr. GAINES of Tennessee. Three shifts—that is, one each eight hours. That is about ten men or more on each shift.

Mr. TAWNEY. Thirty policemen and four officers.

Mr. GAINES of Tennessee. I feel myself that the gentleman could take less than ten, if he was one of the ten, and police that building.

Mr. TAWNEY. But I will say to the gentleman from Tennessee that I would not serve in that capacity if there were fifty.

Mr. FITZGERALD. Surely the gentleman from Tennessee does not expect to get a gentleman like the gentleman from Minnesota to serve as a policeman in that building?

Mr. GAINES of Tennessee. I think it could be done if we had a few men over there who would do their duty just as faithfully as the gentleman from New York does his, and the gentleman from Minnesota does his.

Mr. TAWNEY. But this is a very large building. There are four corridors on each floor. Now, one man for each floor certainly would not furnish adequate protection.

Mr. GAINES of Tennessee. Give him a hickory stick and a dark lantern and make him walk. [Laughter.] Cut down the number to about ten for the present and see how that would do. That is the way I would manage a thing like this; do it the same way as they police all other big office buildings. This thing of talking about having thirty-two men to protect these premises is ridiculous. What in the name of God are our people going to think of Members of Congress. Better have a criminal court over there and be done with it. [Laughter.] Now, this is a matter that we can treat a little bit laughingly, possibly from my way of stating the facts, but you can not help believing that thirty-two are too many. I know we will

have to have it policed, and I want it well policed, and so do we all; but it seems to me like we ought to reduce the number. I believe it could be cut down to ten or fifteen, or cut it down to a dozen and have the policeman walk and not sit. [Laughter.] There is too much sitting in this part of the world, anyway. [Laughter.]

Mr. TAWNEY. You would have him talk.

Mr. GAINES of Tennessee. Well, I am sure I would if he could talk like the gentleman, until he talked himself into just as high a position as the gentleman from Minnesota. [Laughter.]

Mr. TAWNEY. I regret that I can not return the compliment of the gentleman from Tennessee. [Laughter.]

Mr. GAINES of Tennessee. Something must be done to police that building, to keep the Republican party straight, and I think it ought to be done at once. [Laughter.]

Mr. POWERS. I do not think any man can take his own employees and take care of a building of this size with one-fourth the number asked for. But I want to ask in all seriousness if it will be necessary to have thirty-four men to supply the various fortunate gentlemen who are allowed places for appointees who are permitted to have places to do work here, and if this thirty-four, in addition to the number that they have at present, will go around? If it will, I have no objection to it. [Laughter.]

Mr. TAWNEY. I will state to the gentleman from Maine that I am one of the unfortunate men who have not had a room assigned to me in that Office Building, and I am not familiar with the necessities over there, as I might otherwise be. I am relying on the judgment of the superintendent of the building, and the judgment of the Commission that supervised the construction of the building and has now charge of the management of it. It is upon their recommendation, together with the recommendation of the Sergeant-at-Arms, that the Committee on Appropriations have proposed this number of watchmen for this building; and the number that we are proposing is but one-half, and less than one-half, the number provided by law for the Treasury Department in the city of Washington.

I do not think that the number is excessive, and I think if any less number is provided now an additional number will be authorized before the close of this session of Congress, and the necessity for them will be recognized by the gentlemen who occupy rooms in this building.

Mr. POWERS. Then I understand the gentleman not only relies upon the judgment of these men who are to have charge, but upon his own judgment in determining that this number is necessary.

Mr. TAWNEY. From the statements made by the Superintendent of the Capitol and by the Commission, consisting of the Speaker and the gentleman from Iowa [Mr. HEPBURN], I base my judgment on their statements.

Mr. POWERS. And therefore, especially, because so large a number are used in other departments. We must have them.

Mr. TAWNEY. No; not entirely so.

Mr. POWERS. Is it not a fact that in order to furnish places, very largely, we have around this Capitol and in many other places, as caretakers and police, and one thing or another, twice the number of men that any person would employ who was attending to these duties as his own private affairs?

Mr. TAWNEY. That is undoubtedly true of all branches of the public service. It is true not alone of the legislative branch, but it is just as true of the executive branch. And that state of affairs is not confined to the Federal service alone, but applies to State service the same as it does to the Federal service.

Mr. POWERS. In these times, when we are trying to retrench, and when the revenues, as I understand, are falling below the required amount, would it not be well in this particular instance, unless there is some very pressing necessity to furnish places for the men who are behind this, to attempt at least to get along with a smaller number?

Mr. TAWNEY. At first it was proposed to get along until the end of the fiscal year, but with the occupancy of the building conditions arose demanding the earliest possible assignment of officers of this character to the building.

Mr. GAINES of Tennessee. Mr. Chairman, just one observation which comes to my mind. In one of the large hotels at my city of Nashville there are three or four stories, and a rotunda, which is very large; there is one policeman, who takes entire charge of that large hotel. He keeps good order, puts anybody out who gets drunk, settles all fights, and preserves the integrity and reputation of that splendid old hotel that was the Federal headquarters during the civil war. But he keeps moving, he does not stop. He has his lantern and his baton. I believe that is what you call it. Now, a while ago it was stated that thirty-three men were wanted over here, on four floors. I see that now the number is stated at thirty-four. What sort of men are you going to get? Where are you going to get them? Are they real men?

Mr. TAWNEY. They are not from Tennessee.

Mr. MANN. That is the trouble, isn't it?

Mr. GAINES of Tennessee. I can take half a dozen men from Tennessee, and make even this House behave. [Laughter.]

Mr. YOUNG. Can they make the gentleman from Tennessee behave?

Mr. GAINES of Tennessee. Mr. Chairman, I think we ought to treat this matter promptly and seriously, and I think we ought to treat it thoroughly, but it looks to me like an absurdity to put thirty-four policemen over there to look after these offices. I have told you what one man does in Nashville, and he is not more than about 5 feet 10 inches high, just the ordinary Tennesseean, but a man of grit, of courage, of common sense, and very much of a gentleman, as much so as anybody in this House, and he does his work well.

Mr. WILLIAMS. Mr. Chairman, I move to amend by striking out, in line 4, on page 44, the word "thirty" and inserting the word "ten."

The CHAIRMAN. The Chair will state to the gentleman from Mississippi that a point of order is pending, and that his amendment would not be in order until the point of order is disposed of.

Mr. WILLIAMS. I understand that will be so.

Mr. MANN. Mr. Chairman, if the House will indulge me a moment, I understood the distinguished gentleman in charge of the bill to say that there were over thirty policemen down in the Treasury building.

Mr. TAWNEY. Sixty-seven watchmen, clothed with the power of policemen, clothed with the power of making arrests.

Mr. GAINES of Tennessee. Yes; but think how many hundreds of millions of money there are up there.

Mr. MANN. What is the pay of these men?

Mr. TAWNEY. Seven hundred and twenty dollars a year.

Mr. MANN. Sixty dollars a month, and what is the pay here?

Mr. TAWNEY. The same as the Capitol police.

Mr. MANN. Ten hundred and fifty dollars. Up there it is $60 a month or $720 a year, and here it is $1,050 a year. Gentlemen will all be required to answer for the administration of the House Office Building. There has been no criticism by the public, and I think will not be any criticism, for providing offices for the Members of the House; but there will be just criticism if the House acts extravagantly in the management of the new building. There is absolutely no occasion, in my opinion, for thirty policemen over there. There ought to be some watchmen there. There must be some messengers sooner or later, and there must be some janitors. There must be various employees occupied in different directions in the new building for the comfort and benefit of the House, but the employment of thirty policemen seems to me would be simply for the benefit of the policemen who are employed.

Mr. FITZGERALD. Will the gentleman yield to me?

Mr. MANN. Certainly.

Mr. FITZGERALD. Does the gentleman know how many policemen there are at the White House?

Mr. MANN. I do not know how many there are at the White House.

Mr. FITZGERALD. My impression is that there are twenty-one or twenty-two, and I wished to know if the gentleman had any knowledge whether that was taken into account in trying to ascertain how many would be required to take care of the building where the Members of the House are quartered?

Mr. MANN. As the gentleman intimates, I can see quite a distinction between guarding the White House grounds and Executive Mansion, where the Chief Magistrate resides and has his office, which requires guarding at all times of the day and night, and watching an office building which is to be used like other office buildings. We have office buildings in my town that accommodate four times the population that is to be accommodated in this building over here, and not a policeman and not more than half a dozen watchmen in it. I would not undertake to defend before my constituents a vote to employ thirty-four policemen to look out for a plain office building. Do they do anything else? No. Act as messengers? No. Now, Mr. Chairman, having called the matter to the attention of the House, taking an interest in the proposition because I have presented various reports in the distribution of rooms in the Office Building, and have tried in every possible way to provide for the comfort and protection of the Members of the House, I have no desire to put my own individual judgment against the judgment of men like the Sergeant-at-Arms and

the superintendent of the Capitol police, whom I most highly respect; and while I do not agree with them at all, I do not desire to interpose a point of order, but leave it to the consideration of the House.

Mr. GAINES of Tennessee. Does the gentleman from Illinois think we should pay the policemen in the Office Building more than we pay those in the United States Treasury?

Mr. MANN. If the gentleman from Tennessee wants to know what I think about it, I will tell him, although with some hesitation. I think a dozen or fifteen watchmen, at $60 a month, during the sessions of Congress, with three or four watchmen during the vacation season, is all that can be justified under any possible conditions for the control and protection of the new Office Building. Now, Mr. Chairman, I withdraw the point of order.

Mr. JONES of Washington. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair is ready to rule. The House has, of course, a right to employ such police force as it deems necessary for the Office Building, but it can not do so, as the Chair understands, in the first instance on a general appropriation bill, but authority must come through a resolution from the Committee on Accounts. The Chair understands that there is no law which authorizes the appropriation in this bill, and therefore sustains the point of order.

The Clerk read as follows:

LIBRARY OF CONGRESS.

Distribution of card indexes: To enable the Librarian of Congress to secure the additional service necessary in connection with the distribution of card indexes and other publications of the Library, $1,500, or so much thereof as may be necessary.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Page 44, after line 13, insert:

"Printing and binding: For printing and binding the annual report of the Commissioner of Education for 1907, $20,000."

Mr. FITZGERALD. Mr. Chairman, what is the necessity for that?

Mr. TAWNEY. I will say to the gentleman from New York that since the action of the committee on this proposition, I have examined the matter and find that the note which accompanied the estimate in the first instance does not state the fact as it exists. The report of the Commissioner of Education for 1907 is now ready and may be printed at any time, but there is absolutely no money with which to print it. That results from the fact that there was an accumulation of reports when the present Commissioner came into office, and two reports were printed—had to be printed—in one year. Now, there is absolutely no appropriation for printing the 1907 report.

Mr. FITZGERALD. The last appropriation is exhausted?

Mr. TAWNEY. Absolutely exhausted.

The CHAIRMAN. The question is on agreeing to the amendment.

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

The Clerk concluded the reading of the bill.

Mr. TAWNEY. Mr. Chairman, I ask now to return to page 23, lines 1 and 2, the provision respecting the tool and pattern shop in the navy-yard.

The CHAIRMAN. There is an amendment pending to that offered by the gentleman from New York [Mr. FITZGERALD], to strike out $50,000 and insert $20,000.

Mr. TAWNEY. Mr. Chairman, I will ask the gentleman from New York to withdraw his amendment, and I will offer one in its place.

Mr. FITZGERALD. Mr. Chairman, I will withdraw my amendment.

The CHAIRMAN. The gentleman from New York withdraws his amendment and the gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 23, line 2, strike out the word "fifty" and insert the word "twenty-nine."

Mr. FITZGERALD. Mr. Chairman, I understood the gentleman was going to strike out also the words "and extension of annex."

Mr. TAWNEY. Yes. I will also ask that that be added to the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 23, lines 1 and 2, strike out the words "and extension of annex" and the word "fifty" and insert in lieu thereof the word "twenty-nine," so as to read:

For fittings and tools for pattern shop, $29,000.

Mr. TAWNEY. Mr. Chairman, I want to state to the committee that this item was passed yesterday because of statements made on the floor by the gentleman from New York [Mr. FITZGERALD] in regard to this transaction that raised some question in my mind as to whether or not the facts had been properly presented to our committee. I find upon investigation that the committee was proceeding to some extent upon a misunderstanding of exactly what the facts were. The original appropriation made or carried in the naval appropriation bill for the fiscal year 1905 was $39,000. That was for beginning or toward the construction of the building. In 1907, for the fiscal year, Congress appropriated $61,000 in addition to the $39,000 for the completion of the building. Then it was found that the Department wanted to build a larger building than could be erected under the total appropriation of $100,000, so that a contract was let for the building within the appropriation, but it included also the construction of an addition or a building of larger size on condition that the Department thereafter could secure an appropriation for that purpose. The appropriation which is carried for this amendment is admitted will be money sufficient to equip the building that was originally authorized and appropriated for with tools and patterns and all machinery necessary in the manufacture of patterns, and also automatic fire protection and a dust collector. Twenty-nine thousand dollars is estimated for that purpose, so that this will not delay or interfere with the work in the navy-yard in the least.

Mr. SULLOWAY. If I understand the gentleman, this will not dispense with the services of those skilled mechanics that the Government needs.

Mr. TAWNEY. No; it will not dispense with the services of a single man. This will enable the Department to have the building which was originally provided for and authorized by Congress in commission by the 1st of July, so that the men may be taken out of the very undesirable shops in which they are at present working.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. FITZGERALD. Mr. Chairman, I wish to supplement briefly what the gentleman from Minnesota [Mr. TAWNEY] has said. I charged yesterday that, in my opinion, the antideficiency law had been violated by the Department. Technically perhaps that statement was incorrect, but there is no doubt that the Department deliberately provided for the construction of a building not authorized by Congress, and attempted by a piece of very skillful work to evade violating the law.

The so-called "antideficiency act" passed in 1906 provided—

That no person should involve the Government in any contract or other obligation for the future payment of money in excess of the appropriation, unless such contract or obligation was authorized by law.

The gentleman from Minnesota states, first, $39,200 was appropriated for a pattern shop for the department of steam engineering for the Portsmouth yard. That was in 1905. The Department took no action. In 1907 it asked for $61,400 additional in order to obtain a building of the character it desired. It advertised for bids. It obtained a bid to construct the building for $116,000, and it made a contract under which so much of the building as could be constructed for ninety-seven thousand and some hundred dollars should be built, and inserted a provision that if Congress would appropriate the additional money the building was to be completed in accordance with the plans; if Congress did not appropriate the additional money to complete the building, it was to remain in an uncompleted state with a temporary end to the uncompleted building. I wish to read a letter which is part of the contract entered into by the Navy Department with the contractors. The contract price for the portion of the building for which contract has been made is $97,930. The limit of cost was $100,600. On the date of May 28, 1907, the Acting Chief of the Bureau of Yards and Docks wrote this letter to the contractors:

Referring to your letter of the 24th instant, the Bureau hereby accepts your offer of April 26, 1907, to construct a pattern shop for steam engineering (building No. 95) at the navy-yard, Portsmouth, N. H., according to item No. 8 of the specification for the work, for the sum of $97,930, upon the condition and with the understanding that in case Congress at its next session appropriates sufficient funds to complete the building according to item No. 1 of the specification at the price bid by you for the item, you will construct the building according to item No. 1 of the specification for the sum of $116,980.

In case you construct the temporary end of this building under item No. 8 and are afterwards required to complete the building under item No. 1 the cost of constructing and removing the temporary end will be determined in accordance with paragraph 17 of the specification, and additional compensation allowed you therefor, and a reasonable extension of time granted for completion of the work. Upon this understanding a form of contract to cover the work will be prepared by the Bureau and forwarded to you for execution.

Very respectfully,

WM. M. SMITH,
Acting Chief of Bureau.

In other words, Mr. Chairman, although Congress limited the cost of this building to $100,600, the Department deliberately planned and practically accepted a bid to construct a

building for $116,000 and arranged that, in case Congress disapproved its act to make this unauthorized contract, the building would be left unfinished, with a corrugated iron end to it instead of a brick end, as contemplated by the plans.

Mr. SULLOWAY. Mr. Chairman, I would like to ask the gentleman from New York if the contract was not within the amount authorized, absolutely?

Mr. FITZGERALD. Yes, the contract for a part of the building; that was within the authorization.

Mr. SULLOWAY. The contract was for the amount that was authorized, with the provision that if they had something more appropriated by Congress they would receive it, and that is all there is to it.

Mr. FITZGERALD. The gentleman can quibble as he pleases——

Mr. SULLOWAY. It was limited absolutely and specifically.

Mr. FITZGERALD. I will answer the gentleman fully, so there will be no misunderstanding. The plans provided for a pattern shop and for an annex to the pattern shop 100 feet in length. The contract provides for a building 40 feet in length, and if Congress does not give the additional money, instead of a brick end to the building, as the plans provide, a temporary corrugated iron end will be constructed, whereas if Congress does give the additional money this contract provides the building shall be completed the additional 60 feet, with a brick end, as required in the plans.

Mr. SULLOWAY. Who does that harm, may I ask the gentleman? Does it harm anybody but the contractor? If Congress thought it was a judicious appropriation and a wise and an economical thing to do, what right have you or myself or any other man to complain?

Mr. FITZGERALD. The gentleman seems to forget that the responsibility for authorization and actions rests, not upon every petty bureau official who desires not what Congress authorizes, but what he believes desirable; but the responsibility rests upon us. For the past dozen years these men in the Departments have absolutely disregarded the action of Congress in determining what should be done and have incurred obligations and expended money not in accordance with the authority of Congress, but in accordance with what they believed to be best for the service. There may be some difference of opinion between gentlemen in Departments and Members of Congress as to whether it is advisable to expend $90,000, $120,000, or $150,000 to construct a particular building, but it is time, let me say to the gentleman from New Hampshire [Mr. SULLOWAY], that the men in the Departments awaken to the fact that when Congress decides that $90,000 is sufficient, they can only by violating a law which makes it a criminal offense incur an obligation to expend $120,000 for the building designed for the purpose.

Mr. SULLOWAY. Will the gentleman pardon me a second?

Mr. FITZGERALD. Yes.

Mr. SULLOWAY. I wish to say that the gentleman can not put his finger upon anything, so far as I know, wherever there has been a contract made with reference to the Portsmouth Navy-Yard, that has not been authorized. Whatever may have happened in New York and in Brooklyn I am not speaking for here now.

Mr. FITZGERALD. Well, the gentleman seems to be afflicted with the idea that because this happens to be in Portsmouth there is some peculiar reason for exciting my opposition.

Mr. SULLOWAY. Not at all. Portsmouth is not in my district, any more than Charleston or Norfolk. It happens to be in the State of Maine. I am a friend of the Navy.

Mr. FITZGERALD. If the gentleman from New Hampshire [Mr. SULLOWAY] will point out to me at any time a condition similar to this regarding the navy-yard at Brooklyn, I will offer an amendment on the floor to repeal the provision providing for the entire building, and I will ask the gentleman not to interpose a point of order against it. I say, regardless of where this is done, it is a flagrant violation of the law. It is a defiance of the will of Congress. It is on a par with the action of the Department of Agriculture a few years since, which, given authority to erect a building in this city at a certain cost, built two wings and left the center vacant, and then asked several million dollars additional with which to complete the building, and had the effrontery, just as these gentleman have in this case, to try to convince intelligent men that they had constructed a building, a complete building—two wings and no center—out of the money appropriated.

In this case these men simply have provided for building two-fifths of the building—a part of a building—and if Congress refuses the money they will wait until the gentleman from New Hampshire and myself have gone and forgotten this, and then they will come back and ask for additional money. If I had my way, I would put an effective stop to this, because I would turn out the man responsible for this contract, regardless of the position he occupies or of his previous service to the Government. The contract shows that in effect a building is contracted for in excess of the amount authorized. So anxious was some one to conceal the facts and to justify the action taken that four different reasons, and inconsistent reasons, are given to Congress to justify the appropriation. Mr. Chairman, I simply wish to put in the RECORD these facts, not because it affects the Portsmouth yard, but because I believe that we should insist that these men should obey the law. We should, if possible, find some means of punishing those who disobey it. This appropriation as it will be given if the amendment be adopted, and to which I have no objection, will properly equip the building that Congress authorized and will not affect in any way the efficiency of the yard in which the gentleman is interested. I hope it will teach insolent bureau officials that they must conform to the will of Congress and not set themselves up in defiance of it.

Mr. HAYES. Mr. Chairman, I ask the indulgence of the committee for just a moment to permit me to return to the discussion which took place a little while ago in regard to the Benson-Dimond cases. It was intimated by the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Georgia [Mr. LIVINGSTON] that these cases were transferred to the District of Columbia because the Department of Justice thought they would be more likely to procure a conviction in those cases here than in California.

Mr. TAWNEY. If the gentleman from California will permit me. I said that so far as I was concerned, that while I had that impression at the beginning of the investigation, I was entirely convinced after a full hearing that such was not the fact.

Mr. HAYES. The gentleman is right that he did so state. I did not hear the language when it was uttered in the House or I should have spoken of it then. But I want to state for the information of the committee and for the benefit of the gentleman from Georgia that these defendants have been indicted in the State of California for land frauds, and one of them has been tried and convicted—Benson—and sentenced to one year's imprisonment and to pay a heavy fine. The others are still under indictment and will be tried, and I have no doubt that if the Department of Justice has the evidence to convict them the people of California will see that they get what is coming to them.

Mr. LIVINGSTON. May I ask the gentleman why these cases were transferred to the District of Columbia?

Mr. HAYES. The gentleman can get his information from the parties in the Attorney-General's office who are responsible for bringing them here.

Mr. LIVINGSTON. I endeavored to do so and could not.

Mr. HAYES. I simply desire to state, in justice to the people of California, that there is nothing in the suggestion that the Government could not secure a conviction in those cases, because the Department of Justice has already convicted one of the defendants in the California courts.

Mr. LIVINGSTON. I reiterate what I said. They ought to go back and be tried there and not here at the expense of the people of the District of Columbia.

Mr. HAYES. They should be if possible; the gentleman is right. There was an insinuation that the defendants could not be convicted in California where the crimes were probably committed, and that is why they were brought to the District of Columbia. I am stating these facts in justice to the people of California and to show that there is nothing in that insinuation. I inform you that one has been convicted in California, and I have no doubt if the others are guilty, as reputed, and as to that I know nothing, they also will be convicted there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

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

The CHAIRMAN. The reading of the bill has been concluded.

Mr. TAWNEY. Mr. Chairman, I move that the committee rise and report the bill with amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14766) and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. TAWNEY. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the vote will be taken on the amendments in gross.

A separate vote was not demanded.

The question was taken, and the amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

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

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAMS. If the gentleman from New York will withhold his motion, I would like to ask him a question.

Mr. PAYNE. I have no objection to answering a question.

Mr. WILLIAMS. Why can not we go on with the penal code?

Mr. PAYNE. I do not see the gentleman from Pennsylvania here, the gentleman from New Hampshire is not ready to go on, and so I made the motion.

Mr. WILLIAMS. Neither one of the necessary spokes of the wheel being present. [Laughter.]

Mr. PAYNE. It looks like it.

The motion was agreed to.

Accordingly (at 3 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the vice-president of the Capital Traction Company, transmitting the report for the year ended December 31, 1907—to the Committee on the District of Columbia 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. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, reported the same without amendment, accompanied by a report (No. 531), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COUSINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 14931) to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels, reported the same without amendment, accompanied by a report (No. 533), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Labor, to which was referred the joint resolution of the House (H. J. Res. 103) in reference to the employment of enlisted men in competition with local civilians, reported the same without amendment, accompanied by a report (No. 532), which said bill and report were referred to the House Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. COUSINS, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. Res. 187), requesting the Secretary of State for information relating to the murder at Topia, Mexico, of William R. Boggs, jr., reported the same adversely, accompanied by a report (No. 534), which said resolution and report were laid on the table.

CHANGE OF REFERENCE.

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

A bill (H. R. 4757) granting an increase of pension to Esther H. Kautz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2247) granting an increase of pension to Julia B. Reynolds—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7413) granting an increase of pension to Alanson B. Wheelock—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. SMITH of Arizona: A bill (H. R. 15833) conferring jurisdiction on the district court of Santa Cruz County, Ariz., to hear and determine certain causes of damages against the United States—to the Committee on the Judiciary.

By Mr. TAYLOR of Alabama: A bill (H. R. 15834) authorizing the erection of a post-office building at Demopolis, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Minnesota: A bill (H. R. 15835) authorizing the purchase of the portrait of Commander William B. Cushing—to the Committee on the Library.

By Mr. FULLER: A bill (H. R. 15836) to provide for an emergency currency—to the Committee on Banking and Currency.

By Mr. CURRIER: A bill (H. R. 15837) to provide for the creation of a national highways commission, and for the construction, improvement, and maintenance of public highways—to the Committee on Agriculture.

Also, a bill (H. R. 15838) to revise and amend the statutes relating to patents—to the Committee on Patents.

Also, a bill (H. R. 15839) to amend section 4886 of the Revised Statutes, relating to patents—to the Committee on Patents.

Also, a bill (H. R. 15840) to amend the laws of the United States relating to registration of trade-marks—to the Committee on Patents.

Also, a bill (H. R. 15841) to amend section 4896 of the Revised Statutes—to the Committee on Patents.

Also, a bill (H. R. 15842) to amend section 4885 of the Revised Statutes—to the Committee on Patents.

Also, a bill (H. R. 15843) to amend the laws of the United States relating to the registration of trade-marks—to the Committee on Patents.

By Mr. RHINOCK: A bill (H. R. 15844) to provide for the erection of a public building at Williamstown, Ky.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15845) to provide for the erection of a public building at Falmouth, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. CHANEY: A bill (H. R. 15846) to provide increased force and salaries in the United States Patent Office—to the Committee on Expenditures in the Interior Department.

By Mr. HALE: A bill (H. R. 15847) to increase the salaries of all superintendents of national cemeteries—to the Committee on Expenditures in the War Department.

By Mr. KNOWLAND: A bill (H. R. 15848) for a resurvey of Oakland Harbor, Alameda County, Cal.—to the Committee on Rivers and Harbors.

By Mr. LOVERING: A bill (H. R. 15849) to create a currency commission to frame a suitable measure for diminishing the intensity of financial crises—to the Committee on Banking and Currency.

By Mr. ANDREWS: A bill (H. R. 15850) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona—to the Committee on the Public Lands.

By Mr. LANGLEY (by request): A bill (H. R. 15851) to provide for a change in the existing plans for street extensions in a portion of the District of Columbia—to the Committee on the District of Columbia.

By Mr. ROBINSON: A bill (H. R. 15852) to confer title in fee, and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes—to the Committee on the Public Lands.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 15853) appropriating $50,000 for Guilford battle ground—to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 15854) to promote the safety of travelers on railroads by compelling common carriers engaged in interstate commerce to strengthen the construction of day

or passenger coaches, mail cars, chair, smoking, and combination cars, and tourists' sleepers, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 15855) to amend an act to regulate commerce, approved February 4, 1887, and amendatory acts thereof, approved June 29, 1906, preventing increase of freight rates without notice—to the Committee on Interstate and Foreign Commerce.

By Mr. CHANEY (by request): A bill (H. R. 15856) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and war with Mexico, approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 15857) to grant a pension to dependent widows, and children who are insane, idiotic, or otherwise helpless—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15858) directing the payment of certain warrants issued by the Chickasaw Nation of Indians out of the tribal funds belonging to said Indians now in the United States Treasury—to the Committee on Indian Affairs.

By Mr. CUSHMAN: A bill (H. R. 15859) providing for the homestead entry of certain lands in the State of Washington, and for other purposes—to the Committee on the Public Lands.

By Mr. CRAWFORD (by request): A bill (H. R. 15860) to simplify the currency system and put it on a safe basis—to the Committee on Banking and Currency.

By Mr. TAYLOR of Alabama (by request): A bill (H. R. 15861) to authorize the expenditure of $250,000 to the National Negro Fair, to be held at Mobile, Ala, in the fall of 1908—to the Select Committee on Industrial Arts and Expositions.

By Mr. BENNET of New York: A bill (H. R. 15862) to provide for the extension of the immigration dock in the city of New York and the construction of a suitable ferry landing on southerly face of said dock—to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 15863) for the relief of the officers and crews of the United States gunboats *Kineo* and *Chocusa*—to the Committee on War Claims.

By Mr. BEALL of Texas: Joint resolution (H. J. Res. 120) authorizing the Secretary of War to apply the unexpended balance of the donation made by the citizens of Dallas, Tex., under the provisions of the river and harbor act of March 3, 1905, to work in construction of Lock and Dam No. 2, in section 1, of Trinity River—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Joint resolution (H. J. Res. 121) providing for a compilation of public documents out of the waste or surplus documents now in the custody of the Public Printer—to the Committee on Printing.

By Mr. LANING: Resolution (H. Res. 206) to pay additional compensation to assistant in the stationery room—to the Committee on Accounts.

By Mr. BARTLETT of Georgia: Resolution (H. Res. 208) directing the Committee on the Judiciary to report on the question of acquiring forest reserves within the States—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. ADAIR: A bill (H. R. 15864) granting a pension to Sarah A. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15865) to remove the charge of desertion against Aaron F. Adams and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 15866) granting an increase of pension to Cornelius J. Demorest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15867) granting a pension to John W. McSparron—to the Committee on Pensions.

Also, a bill (H. R. 15868) for the relief of Robert Bilsborough—to the Committee on Indian Affairs.

Mr. BARTLETT of Georgia: A bill (H. R. 15869) for the relief of the heirs of and legal representatives of John P. Lamar, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15870) for the relief of Sarah E. Rankin, sole heir at law and next to kin of Emily R. Hathorn, deceased—to the Committee on War Claims.

By Mr. BEALL of Texas: A bill (H. R. 15871) granting an increase of pension to Elizabeth M. Steward—to the Committee on Pensions.

Also, a bill (H. R. 15872) granting an increase of pension to Susan Atteberry—to the Committee on Pensions.

Also (by request), a bill (H. R. 15873) for the relief of the estate of Nathan Renwick, deceased—to the Committee on War Claims.

By Mr. BURLEIGH: A bill (H. R. 15874) granting an increase of pension to Richard M. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15875) granting an increase of pension to John L. Thompson—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 15876) granting an increase of pension to Harrison Browning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15877) granting an increase of pension to Henry Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15878) granting an increase of pension to William Connell—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 15879) granting a pension to Sarah E. Wheeler—to the Committee on Invalid Pensions.

By Mr. CRAIG: A bill (H. R. 15880) for the relief of the personal representatives of Thomas F. Wilson, late of Shelby County, Ala.—to the Committee on War Claims.

By Mr. CRAWFORD: A bill (H. R. 15881) granting a pension to W. R. Dockery—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15882) granting an increase of pension to Joseph E. Jackson—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15883) for the relief of Col. Charles A. Booth—to the Committee on Military Affairs.

By Mr. GILLESPIE: A bill (H. R. 15884) for the relief of the estate of Edward E. Douglas—to the Committee on War Claims.

By Mr. GORDON: A bill (H. R. 15885) for the relief of heirs of Jesse Hollis, deceased—to the Committee on War Claims.

By Mr. HALE: A bill (H. R. 15886) granting an increase of pension to Julian Barger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15887) granting a pension to Malissa C. Hall—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15888) granting a pension to Jefferson Knaus—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 15889) granting an increase of pension to Albert A. Cesar—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 15890) granting a pension to Margaret H. Flint—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 15891) granting an increase of pension to James Pritchitt—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 15892) for the relief of John B. Page, first lieutenant Company K, Fifth Regiment Kentucky Volunteer Cavalry—to the Committee on War Claims.

By Mr. OLLIE M. JAMES: A bill (H. R. 15893) granting an increase of pension to Richard H. Jones—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 15894) granting an increase of pension to George K. Finney—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 15895) for the relief of David B. Dowell—to the Committee on War Claims.

Also, a bill (H. R. 15896) for the relief of the estate of Samuel A. Spencer—to the Committee on War Claims.

By Mr. LANING: A bill (H. R. 15897) granting an increase of pension to John Rexford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15898) granting an increase of pension to Oscar Dunham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15899) granting relief to Thomas E. Osborn—to the Committee on War Claims.

Also, a bill (H. R. 15900) to place William Welsh on the retired list with the rank of captain—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 15901) to correct the military record of John F. Rudd—to the Committee on Military Affairs.

Also, a bill (H. R. 15902) to correct the military record of James Grooms—to the Committee on Military Affairs.

Also, a bill (H. R. 15903) granting a pension to Emily Sparks—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 15904) granting an increase of pension to Margaret E. McGuire—to the Committee on Pensions.

By Mr. LILLEY: A bill (H. R. 15905) granting a pension to Lydia E. Sherman—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 15906) granting an increase of pension to Alfred R. Bradeen—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 15907) to refund inheritance tax illegally collected—to the Committee on Claims.

By Mr. MANN: A bill (H. R. 15908) granting a pension to Henry Kline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15909) granting an increase of pension to Charles H. Allen—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 15910) for the relief of Fred M. Rainey—to the Committee on Military Affairs.

Also, a bill (H. R. 15911) granting a pension to Charles Windolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15912) authorizing the appointment of George W. Budd, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 15913) granting an increase of pension to Marietta L. Whitney—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 15914) granting a pension to Daniel Spively—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 15915) granting an increase of pension to Beverly D. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15916) granting an increase of pension to Perry Cumpton—to the Committee on Pensions.

Also, a bill (H. R. 15917) to remove the charge of desertion against Malon W. Clayton—to the Committee on Military Affairs.

By Mr. RHINOCK: A bill (H. R. 15918) granting a pension to William McCormack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15919) granting an increase of pension to Thomas Johnson—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 15920) granting a pension to David Hubert—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15921) for the relief of the heirs of Sampson David Bridgman, deceased—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 15922) granting an increase of pension to Oliver S. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15923) granting an increase of pension to Alfred Tichurst—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15924) for the relief of Luna Roberts—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 15925) for the relief of Edward Tearney—to the Committee on Claims.

By Mr. SULZER: A bill (H. R. 15926) granting an increase of pension to Ferdinand Spies—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15927) granting an increase of pension to William McGovern—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 15928) for the relief of the legal representatives of John Boyle, deceased—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of R. E. Chase, of Edinboro, Pa., favoring forest reserve—to the Committee on Agriculture.

By Mr. BEALL of Texas: Papers to accompany bills for relief of Susan Atteberry and Elizabeth M. Stevens—to the Committee on Pensions.

Also, paper to accompany bill for relief of estate of Nathan Renwick (heir of John G. Miller)—to the Committee on War Claims.

Also, petition of legal voters of Fifth Congressional District of Texas, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: Paper to accompany act for relief of officers and crew of United States gunboats *Kineo* and *Chacura*—to the Committee on War Claims.

By Mr. BIRDSALL: Petition of Local Union No. 22, International Typographical Union, of Dubuque, for removal of duty on wood pulp, white paper, and material used in manufacture thereof—to the Committee on Ways and Means.

Also, petition of Ladies' Literary Club of Independence, Iowa, favoring legislation for forest reserves in Appalachian and White mountains—to the Committee on Agriculture.

Also, petitions of Justus F. Coy and 5 other citizens and Milo P. Smith and 81 other citizens, all of Iowa, volunteer officers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. BROWNLOW: Paper to accompany bill for relief of John Hogan—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of citizens of Pennsylvania, against S. 2926, submitting all intoxicants shipped into prohibition States to the laws of said States—to the Committee on the Judiciary.

By Mr. CHANEY: Paper to accompany bill for relief of William Connell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Harrison Browning—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Memorial of certain citizens and organizations of St. Louis, Mo., against the abolition of the army canteen—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: Petition of Philadelphia Maritime Exchange, in favor of H. R. 6169, for promotion of efficiency in the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. COOPER of Texas: Paper to accompany bill for relief of Sarah E. Wheeler—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of Local Union No. 324, International Typographical Union, of Racine, Wis., for removal of duty on wood pulp and white paper—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of Allied Building Trades and Tax Payers' Association of Brooklyn, N. Y., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Slack Cooperage Manufacturing Association and National Board of Trade of Philadelphia, for appropriation to take the census of standing timber in United States—to the Committee on Agriculture.

Also, petition of Wallace P. Groom, asking for prompt currency legislation—to the Committee on Banking and Currency.

By Mr. EDWARDS of Kentucky: Evidence to accompany H. R. 1085, granting an honorable discharge to Alfred Childers—to the Committee on Military Affairs.

By Mr. FLOYD: Paper to accompany bill for relief of Mattie T. Fick—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petition of Charles N. Queen, of Fresno, Cal., asking for change in rules and regulations governing the administration of Chinese-exclusion laws, so far as those laws relate to the excepted classes of Chinese immigrants—to the Committee on Immigration and Naturalization.

By Mr. FRENCH: Petition of Phil Sheridan Post, No. 4, Grand Army of the Republic, Boise, Idaho, for legislation placing on a retired list survivors of the civil war who served with honor in the armies of the United States—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Mrs. Mary A. Mosher and 45 other members of the Woman's Relief Corps of Sandwich, Ill., for increase of soldiers' widows' pensions to $12 per month—to the Committee on Invalid Pensions.

Also, petition of Parlin & Orendorff, of Canton, Ill., for currency legislation—to the Committee on Banking and Currency.

By Mr. GORDON: Paper to accompany bill for relief of heirs of Jesse Hollis—to the Committee on War Claims.

By Mr. GRAHAM: Paper to accompany bill for relief of James Charles Cramer—to the Committee on Military Affairs.

Also, petitions of Alton S. Miller; Edwin Burhorn, of New York City, and C. W. Hunt, of Rahway, N. J., for refunding to Stevens Institute of Technology, Hoboken, N. J., the collateral inheritance tax paid on the endowment of said institute—to the Committee on Claims.

By Mr. HAMLIN: Papers to accompany bills for relief of Hariet L. Gist and George H. Mothersbaugh—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Paper to accompany bill for relief of Randolph Snell—to the Committee on Invalid Pensions.

By Mr. HIGGINS: Paper to accompany bill for relief of Company E, First Infantry Connecticut National Guards, of New Britain, Conn., for H. R. 14783—to the Committee on Military Affairs.

By Mr. HOUSTON: Papers to accompany bills for relief of Eliza Burrus and William L. Burrus—to the Committee on War Claims.

By Mr. HUBBARD: Petition of Local Union No. 180, of the Sioux City (Iowa) Typographical Union, favoring removal of duty on white paper, wood pulp, and material thereof used in manufacture—to the Committee on Ways and Means.

By Mr. HULL of Tennessee: Papers to accompany bills for

relief of M. B. White, heir of John B. White; R. Q. James, heir of E. H. James; A. B. Groves, heir of James Groves; David H. Davis; Hugh Wyllie, heir of George A. Wyllie; William Gourley, heir of Samuel Gourley; H. M. Cartmell, heir of Nathan Cartmell; and heirs at law of Henry M. Neely—to the Committee on War Claims.

By Mr. JONES of Washington: Petition of J. H. Schenck and 67 other citizens of Washington, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. WILLIAM W. KITCHIN: Petition of N. S. Smith and 33 other citizens of Stoneville, N. C., for the passage of some bill to prevent shipment of intoxicants into prohibition States—to the Committee on the Judiciary.

By Mr. LEVER: Petition of Advance Lodge, No. 44, International Association of Machinists, for construction of next battle ship in one of the Government navy-yards—to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of National German-American Alliance of Missouri, for repeal of the canteen law—to the Committee on Military Affairs.

Also, petition of Polytechnic Institute of Brooklyn, N. Y.; Van Rensselaer Lansinger, of New York; and Brooklyn Engineers' Club, for H. R. 10457, for forest reservations in Appalachian and White mountains—to the Committee on Agriculture.

By Mr. MANN: Papers to accompany bills for relief of Charles H. Allen and Henry Kline—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of James Henderson—to the Committee on War Claims.

By Mr. REEDER: Petition of H. C. Hammond, of Olathe, Kans., against discrimination against deaf mutes for examination under civil-service rules for Government positions—to the Committee on Reform in the Civil Service.

By Mr. REID: Paper to accompany bill for relief of John Diehl—to the Committee on War Claims.

By Mr. REYNOLDS: Paper to accompany bill for relief of John B. Tobias—to the Committee on Invalid Pensions.

Also, petition of Civil Service Reform Association of Pennsylvania, against H. R. 7597 (known as "Crumpacker bill")—to the Committee on Reform in the Civil Service.

By Mr. RIORDAN: Memorial of protest against the Polish expropriation bill and the public meetings bill now pending in the legislatures of Prussia and Germany, adopted at a mass meeting of the Poles held on January 23, 1908, in New York—to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: Petition of H. W. Harris, in favor of guaranteeing bank deposits—to the Committee on Banking and Currency.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Mrs. Mary Jane Tillman—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of National German-American Alliance of Missouri, for repeal of canteen law—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Commercial Travelers' Congress, of San Francisco, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Alma Board of Trade, opposing reduction of tariff on imports from the Philippine Islands—to the Committee on Ways and Means.

SENATE.

FRIDAY, *January 31, 1908.*

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

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

RAILWAY MAIL SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 20th instant, certain information relative to the arrival and departure of mail trains and the record of the fines imposed and collected by reason of delays in these trains; also, the record of the fines imposed and collected and the mail trains delayed in violation of the provisions of the law, especially those pertaining to mail trains carrying mail in and through Georgia, which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13430. An act to authorize the Chicago, Indianapolis and Louisville Railway Company to construct a bridge across the Grand Calumet River in the city of Hammond, Ind.;

H. R. 14766. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes; and

H. R. 14781. An act to authorize Campbell County, Tenn., to construct a bridge across Powells River.

The message also announced that the House had passed the bill (S. 2662) to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River at Parker, Ariz.

ENROLLED BILLS SIGNED.

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

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.;

H. R. 12439. An act authorizing the construction of a bridge across White River, Arkansas; and

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 with sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Academy of Sciences, of Washington, D. C., and a petition of the Board of Trade of Boston, Mass., praying for the enactment of legislation to establish 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. PLATT presented a petition of the Army and Navy Union of the United States of America, of Dunkirk, N. Y., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

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

He also presented a petition of sundry volunteer officers of the civil war, of New York City, N. Y., and of Philadelphia and Schuylkill Haven, Pa., 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. KEAN presented petitions of H. F. Gurney, of New York City, N. Y.; of Edwin Burhorn, of New York City, N. Y.; of Frederick L. Pryor, of Newark, N. J., and of S. P. Bush, of Columbus, Ohio, praying for the enactment of legislation to refund the collateral inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

Mr. FRYE presented the petition of John G. W. Havens, superintendent of the fifth district United States Life-Saving Service, of Point Pleasant, N. J., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

Mr. CURTIS presented a petition of sundry citizens of Fort Leavenworth, Kans., praying for the adjustment of wages arising under the eight-hour law, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a petition of the Board of Trade of Boston, Mass., praying for the enactment of legislation to established a national forest reserve in the southern Appalachian and White mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Local Union No. 319, of Taunton; of Local Union No. 224, of Brockton, of the International Typographical Union, and of Local Union No. 67, International Printing Pressmen and Assistants' Union, of Boston, all in the State of Massachusetts, 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.

Mr. HOPKINS presented a petition of sundry citizens of Percy and Steelville, in the State of Illinois, praying for the