Also, petition of N. F. Burwell and others, for a national highway commission—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petition of Joel Walters and others, of Indianapolis, Ind., for S. 1519, against "Sunday banking in post-offices"—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joel Walters and others, of Indianapolis, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Joel Walters and others, of Indianapolis, Ind., for H. R. 4, against sale of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Emma Sparks and others, of Indianapolis, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PADGETT: Papers to accompany bills for relief of A. Truett and estate of James H. Cecil—to the Committee on War Claims.

By Mr. PAYNE: Paper to accompany bill for relief of James B. Hart—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Paper to accompany bill for relief of J. H. Carter—to the Committee on War Claims.

By Mr. RIORDAN: Petition of Buffalo Credit Men's Association, for H. R. 13266, amending the bankruptcy law—to the Committee on the Judiciary.

By Mr. STEENERSON: Paper to accompany bill for relief of James Meehan (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of John T. Hudson, for H. R. 17300, establishing a department of labor—to the Committee on Labor.

Also, petitions of John Luther Long, of New York; John Corts, of Seattle and New York; H. Kellett Chambers, Alice E. Ives, and Alice Kauser, of New York, against their musical compositions and plays being used by talking-machine companies and pianola companies without compensation, and to right the wrong, urging passage of the Kittredge-Barchfeld bill—to the Committee on Patents.

By Mr. TIRRELL: Petition of F. M. Boutelle and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of James B. Tuttle and others and F. M. Boutelle and others, for national highway commission—to the Committee on Agriculture.

SENATE.

MONDAY, *March 16, 1908.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM SOUTH CAROLINA.

Mr. TILLMAN. Mr. President, I send to the desk the credentials of Hon. Frank B. Gary, Senator-elect from the State of South Carolina. I ask that the credentials be read and placed on the table.

The credentials of Frank B. Gary, chosen by the legislature of the State of South Carolina a Senator for that State to fill the vacancy caused by the death of Hon. A. C. Latimer in the term ending March 3, 1909, were read and ordered to be filed.

Mr. TILLMAN. The Senator-elect is in the Chamber and ready to assume the duties of his office.

The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Gary was escorted to the Vice-President's desk by Mr. TILLMAN, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

CLAIM OF ELLEN L. FAUNCE.

The VICE-PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, transmitting a letter from the Assistant Attorney-General, John Q. Thompson, requesting the recall by the Court of Claims of its findings in the claim of Ellen L. Faunce, widow of Peter Faunce, deceased, *v.* United States, No. 10942, Congressional, C and F 82, in order to make a necessary correction therein, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Diana*, John Walker, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5254) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, with an amendment, in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 903) to amend section 2, chapter 433, 30 Statutes at Large, entitled "An act to confirm title to lots 13 and 14 in square 959, in Washington, D. C."

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

H. R. 2395. An act granting an increase of pension to Frank Z. Curry;

H. R. 3510. An act granting an increase of pension to Henry McCall;

H. R. 4226. An act granting a pension Harry L. Orendorff;

H. R. 4326. An act granting an increase of pension to James Barbour;

H. R. 5297. An act to complete the naval record of John Shaughnessy;

H. R. 6543. An act granting an increase of pension to Margaret C. Storts;

H. R. 7741. An act granting an increase of pension to Louisa E. Price;

H. R. 10837. An act granting a pension to Maggie Z. Tarter;

H. R. 10938. An act granting an increase of pension to Samuel W. Burt;

H. R. 11457. An act granting an increase of pension to Noble Saxton;

H. R. 11464. An act granting a pension Anna Borkowski;

H. R. 14341. An act granting an increase of pension to Mary Hutchinson;

H. R. 14680. An act granting a pension to Elizabeth Norton;

H. R. 15019. An act granting an increase of pension to William H Jones;

H. R. 15547. An act granting a pension to Alexander Iaun;

H. R. 15605. An act granting an increase of pension to Dinah E. Sprague;

H. R. 15958. An act granting an increase of pension to Addie W. Farquhar;

H. R. 16028. An act granting an increase of pension to America Bruce;

H. R. 17311. An act to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of said city of Mobile, Ala.;

H. R. 17331. An act granting an increase of pension to John Mogg, alias John Moor;

H. R. 17520. An act for the relief of tobacco growers;

H. R. 18029. An act granting an increase of pension to James Kilby;

H. R. 18347. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes;

H. R. 18754. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18930. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19101. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The House pension bills received this day from the House of Representatives, as before stated, were subsequently read twice by their titles and referred to the Committee on Pensions.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the enactment of legislation providing for a graded increase of pay to the officers and men of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented a memorial of the German-American League of San Francisco, Cal., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Colorado State Forest Association, of Denver, Col., 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.

He also presented a petition of the Commercial Club of St. Paul, Minn., praying that an appropriation be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the enactment of legislation providing for the construction of all battle ships at Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Princeton, of the Woman's Christian Temperance Union of Canton, of the Woman's Christian Temperance Union of Armington, and of the Woman's Christian Temperance Union of Lexington, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. KEAN presented the petition of Irving C. Van Den Bergh, of Hoboken, N. J., 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.

He also presented petitions of sundry citizens of Newark, Wrightstown, Rancocas, and Middlebush, all in the State of New Jersey, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a memorial of the Retail Grocers' Association of Brooklyn, N. Y., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 112, United Garment Workers of America, of Syracuse, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented the petition of William Long, of Olean, N. Y., praying for the passage of the so-called "postal savings bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Buffalo Credit Men's Association, of Buffalo, N. Y., praying for the adoption of certain amendments to the national bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Ancient Order of Heptasophs of Glens Falls, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Union of Marcellus, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented a memorial of the Vermilion Pharmaceutical Association of Danville, Ill., and a memorial of the Retail Merchants' Association of Peoria, Ill., 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 a memorial of the Trades Assembly of Quincy, Ill., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Merchants' Association of Peoria, Ill., praying for the repeal of the law imposing a revenue tax of 10 cents per pound on colored oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the Wesleyan Methodist Church, of Kirchwaukee, Ill., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Joliet, Chicago, Springfield, Elgin, Quincy, McComb, Pontiac, Shelbyville, Decatur, Sparta, Clay City, Carmi, Jacksonville, Mattoon, Galena, Prophetstown, Newton, Ava, Fostertown, Mount Morris, and Rockwood, all in 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.

He also presented a memorial of Hiram McClintock Post, No. 667, Department of Illinois, Grand Army of the Republic, of La Grange, Ill., and a memorial of Ferris Post, No. 309, Department of Illinois, Grand Army of the Republic, of Preston, Ill., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. WARREN presented a petition of the Chamber of Commerce of Honolulu, Hawaii, praying for the passage of the so-called "Army and Navy pay bill," which was referred to the Committee on Military Affairs.

Mr. JOHNSTON presented a memorial of sundry citizens of New Decatur, Ala., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented memorials of sundry Army posts, Grand Army of the Republic, of Fillmore, Bemidji, Worthington, Slayton, Renville, Wells, Norwood, Plainview, Pelican Rapids, and Lake City, all in the State of Minnesota, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. DEPEW presented a petition of the International Brotherhood of Locomotive Engineers of New York, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of the memorial and executive committee, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented petitions of Clintondale Grange, No. 957, of Highland; of North Granville Grange, No. 1126, of North Granville; of Minisink Grange, No. 907, of Unionville, all of the Patrons of Husbandry, and of Local Union No. 81, International Electrotypers' and Stereotypers' Union, of Deposit, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented a petition of Huron Division, No. 213, Brotherhood of Locomotive Engineers, of Huron, S. Dak., praying for the passage of the so-called "La Follette employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of the South Dakota Retail Hardware Association, and a memorial of the Retail Implement Dealers' Association of South Dakota, remonstrating against the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of J. S. Washburn, of Nashville, Tenn.; W. S. Lowry, of Jackson, Miss.; W. E. Bicknell, of Ohio City, Ohio; Charles Koons, of Philadelphia, Pa.; J. H. Krum, of Reading, Pa.; A. C. Shannon, of Toledo, Ohio, and R. C. Sporh, of Indianapolis, Ind., remonstrating against the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the petition of Hayden P. Upton, of Rapid City, S. Dak., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented the petitions of David T. Thomas and sundry other citizens of Fedora; of Mrs. J. B. Knight and sundry other citizens of Wakonda, and of David J. Perrin, and sundry other citizens of Bellefourche, all in the State of South Dakota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. LONG presented a petition of the Commercial Club of

Great Bend, Kans., praying for the passage of the bill (S. 5758) for the relief of John F. Lewis, which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union, of Lenexa, Kans., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Goodland, Jewell, Lyons, Yates Center, Haddam, Iola, Rozel, Wheaton, and Winfield, all in the State of Kansas; of sundry citizens of Kansas City, Ashgrove, Clinton, Lochlin, St. Louis, Windsor, and Woollam, all in the State of Missouri; of sundry citizens of Ohio City, and Toledo, in the State of Ohio; of Charlotte and Spero, in the State of North Carolina, and of the Western Retail Implement and Vehicle Dealers' Association, of Kansas City, Mo., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FRYE presented a memorial of the Merchants' Association of Lewiston and Auburn, Me., 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 petitions of sundry citizens of Dresden; of Seaside Grange, No. 171, Patrons of Husbandry, of Bristol, and of West Baldwin Grange, No. 374, Patrons of Husbandry, of West Baldwin, all in the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. STEPHENSON presented memorials of sundry citizens of Elkhorn, Berlin, and Neenah, all in the State of Wisconsin, remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented a petition of the Wisconsin Consumers' League, of Madison, Wis., praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Wisconsin Retail Lumber Dealers' Association, of Milwaukee, Wis., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Milwaukee, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented sundry memorials of citizens of Omaha, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HEMENWAY presented a petition of the Woman's Missionary Societies of the Central Church of New Albany, Ind., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of William Landon Post, No. 290, Department of Indiana, Grand Army of the Republic, of Knox, Ind., 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.

He also presented a petition of Local Union No. 1371, United Mine Workers of America, of Chandler, Ind., praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Mount Vernon, Ind., praying for the enactment of legislation providing for the construction of all the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. DOLLIVER presented petitions of sundry citizens of Clear Lake, of the Federated Woman's Clubs of Akron, and of the Priscilla Club of Grinnell, all in the State of Iowa, praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

He also presented a petition of the Reformed Presbyterian Congregation of Morning Sun, Iowa, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Division No. 642, Brotherhood of Locomotive Engineers, of Creston, Iowa, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Paton, Iowa, and a petition of the Farmers' Institute of Williamsburg, Iowa, praying for the enactment of legislation to empower the Interstate Commerce Commission to regulate the speed of all stock trains on interstate railroads, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Farmers and Grain Dealers' Association of Gowrie, Iowa, praying for the enactment of legislation providing for the inspection and grading of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

He also presented sundry petitions of citizens of Dubuque, Iowa, praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of Sidney and Marshall County, in the State of Iowa; of Cameron, W. Va.; of Covington, Ky., and of Grey Eagle, Minn., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Sioux City, Webster City, and Ottumwa, all in the State of Iowa, praying for the enactment of legislation to promote the efficiency of the militia, which were referred to the Committtee on Military Affairs.

Mr. SCOTT presented a petition of Typographical Union No. 146, of Charleston, W. Va., 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. CLAPP (for Mr. KITTREDGE) presented a memorial of sundry citizens of Custer County, S. Dak., remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a memorial of the Eastern Wholesale Dry Goods Association, of Boston, Mass., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

RELIEF OF TOBACCO GROWERS.

Mr. PAYNTER. I have in my hand a copy of hearings before the subcommittee on internal revenue of the Committee on Ways and Means, House of Representatives, Fifty-eighth Congress, second session, entitled "Relief of tobacco growers." I move that the hearings be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that I shall call up the bill for consideration to-morrow morning after the routine morning business.

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

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 4814) to amend section 491n of the Code of Law for the District of Columbia, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2992) to amend an act entitled "An act to amend an act entitled 'An act in relation to taxes and tax sales in the District of Columbia,' approved February 28, 1898.

A bill (S. 2990) making personal taxes in arrears a claim against the person owing such tax to the District of Columbia; and

A bill (S. 2030) to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia."

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (H. R. 14434) to validate certain entries of public lands in the State of Colorado, reported it without amendment and submitted a report thereon.

Mr. FULTON. I am directed by the Committee on Claims,

to whom was recommitted the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, to report it with amendments, and I submit a report thereon.

I desire to state that to-morrow morning, if possible, certainly at the earliest practicable moment, I shall call up the bill for consideration.

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

Mr. CULBERSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 16874) to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902, reported it without amendment.

BILLS INTRODUCED.

Mr. BORAH. I introduce a bill as a substitute for Senate bill 4996, which I ask may be read twice by its title and referred to the Committee on Military Affairs.

The bill (S. 6136) authorizing the Secretary of the Interior to issue patent to certain lands to Boise City, was read twice by its title and referred to the Committee on Military Affairs.

Mr. LONG introduced a bill (S. 6137) granting an increase of pension to William B. Jones, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6138) granting an increase of pension to Stephen A. Johnson, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 6139) granting an increase of pension to Charles A. Young; and

A bill (S. 6140) granting an increase of pension to Watson R. Gribben.

Mr. CRANE introduced a bill (S. 6141) granting an increase of pension to Catherine Sprague Miller, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 6142) granting an increase of pension to Lucas B. Brewster; and

A bill (S. 6143) granting an increase of pension to Thomas Chase.

He also introduced a bill (S. 6144) for the relief of William S. Baude and others, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

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

A bill (S. 6145) granting an increase of pension to Orrilla Pierce (with the accompanying papers);

A bill (S. 6146) granting a pension to Cornelia Foster;

A bill (S. 6147) granting a pension to Andrew T. Brewer; and

A bill (S. 6148) granting an increase of pension to Reuben H. Baird (with the accompanying paper).

Mr. RICHARDSON introduced a bill (S. 6149) granting an increase of pension to David Pollock, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6150) to provide for the purchase of a site and the erection of a public building thereon in the city of Smyrna, Del., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. TAYLOR introduced a bill (S. 6151) for the relief of tobacco growers, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 6152) to improve the Cumberland River, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 6153) for the allowance of certain claims of the people of Tennessee reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6154) to authorize the construction of a national road from the city of Nashville, Tenn., to the Federal cemetery, and thence by The Hermitage back to Nashville, and to aid the Ladies' Hermitage Association to maintain The Hermitage, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. SMOOT introduced a bill (S. 6155) to provide for an enlarged homestead, which was read twice by its title and referred to the Committee on Public Lands.

Mr. CARTER introduced a bill (S. 6156) providing for the opening of the Fort Keogh Military Reservation to settlement, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

He also (by request) introduced a bill (S. 6157) to provide for a uniform and simultaneous weighing of the mails on railroad routes, and an equitable adjustment of the compensation for the carriage of such mails, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. GORE introduced a bill (S. 6158) granting an increase of pension to Joseph S. Works, which was read twice by its title and referred to the Committee on Pensions.

Mr. DIXON introduced a bill (S. 6159) to establish a permanent national bison range, which was read twice by its title and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. WARNER (by request) introduced a bill (S. 6160) to amend section 5 of an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by act of Congress approved March 2, 1907, which was read twice by its title and referred to the Committee on the District of Columbia.

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

A bill (S. 6161) for the relief of Rufus Neal; and

A bill (S. 6162) for the relief of W. C. Utz, administrator of the estate of Joshua Wiley, deceased.

Mr. PILES introduced a bill (S. 6163) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6164) granting an increase of pension to Jeremiah Robbins, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORE (by request) introduced a joint resolution (S. R. 70) for the enrollment of certain persons as members of the Osage tribe of Indians, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CRANE submitted an amendment proposing to appropriate $321,900 for the promotion of post-office clerks from the fifth to the sixth grade, Post-Office Department, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the appropriation for assistant cashiers, assistant superintendents of delivery, and assistant superintendents of mails, etc., office of the First Assistant Postmaster-General, from $2,954 to $5,651, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. CARTER submitted an amendment authorizing the President to place on the retired list of the Army, with the rank of captain, any contract surgeon who has served at least thirty years, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. SCOTT submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

H. R. 5297. An act to complete the naval record of John Shaughnessy was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 17311. An act to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala., was read twice by its title and referred to the Committee on Commerce.

H. R. 17520. An act for the relief of tobacco growers was read twice by its title and referred to the Committee on Finance.

H. R. 18347. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

TRANSACTIONS OF NEW YORK CITY BANKS, ETC.

The VICE-PRESIDENT. The morning business is closed.

Mr. TILLMAN. I ask that Senate resolution 126 be laid before the Senate.

The VICE-PRESIDENT. The Chair lays the resolution indicated by the Senator from South Carolina before the Senate. It will be read.

The Secretary read the resolution submitted on the 12th instant by Mr. TILLMAN, as follows:

Resolved, That the Committee on Finance is hereby instructed to inquire and report—

First. Whether the national banks in the city of New York and elsewhere are in the habit, under the guise of commercial loans, of furnishing permanent capital for speculative or other enterprises; and if so, what legislation is necessary to prevent a continuance of such practice.

Second. Whether the Treasury Department had knowledge of the loans made by the National Bank of North America, of New York City, which are the subject of a suit by the receiver of said bank against Charles W. Morse, and of other similar transactions in other national banks.

Third. Whether national banks are now engaged, by themselves or through other organizations, in attempting to control or dictate the legislation of Congress upon currency matters.

Fourth. The committee is further instructed to ascertain what, if any, legislation is necessary to discourage or prevent the habit of persons holding the office of Comptroller of the Currency or other Treasury officials from making their offices a stepping-stone to employment by national banks.

Fifth. Whether national banks are using trust companies or other financial associations as agencies through which to transact business forbidden by the law governing national banks, and what legislation is necessary to prevent such an evasion of the statutes.

Sixth. Whether the national banks in New York City lent their credit to the stockholders by the certification or acceptance of checks during the years 1906 and 1907, and report whether or not such transactions involved any violation of the provisions of section 5200 of the Revised Statutes as to making excess loans.

Mr. TILLMAN. Mr. President, the most marked feature of American politics at this time is the dominating influence and control of the executive branch of the Government over the legislative, and, in a less degree, over the judicial branches. It has taken just forty-one years for the pendulum to swing from one extreme to the other. In 1867 Andrew Johnson, who held the Executive office, had grown weaker and weaker in the struggle against the fanatical and revolutionary forces which had gathered strength during the civil war, and immediately after he was shorn of all semblance of power and narrowly escaped impeachment. To speak more accurately, he was impeached, and on the trial failed of conviction by the pitifully small margin of one vote.

He was brought to trial on the flimsy charge of having put a construction on the law which empowered him to remove his own Secretary of War and appoint another. He had swung around the circle and made speeches, none of which were in any degree more aggressive or more denunciatory of men and things than our President now delivers to applauding thousands; but those speeches were used in the impeachment as an excuse for attempting to turn him out of office under the charge that they were treasonable. It is true they were not pressed in the trial and were finally dropped out of sight, but they were thought of sufficient importance to be put in the articles of impeachment.

Then the legislative branch was haughty, insolent, and tyrannical to the last degree in its use and abuse of power. Vetoes were overridden by two-thirds votes in both Houses and the Presidency was in eclipse. The President drew his salary and lived in the White House, signed commissions, but to all intents and purposes was a nonentity and exercised no influence or control whatever over legislation, and in every way the great office of President lost prestige and all semblance of control in our public affairs. With the election of Grant the pendulum began to swing the other way, and during the last seven years it has moved with such momentum that we have witnessed a condition never dreamed of by those wise framers of our Constitution, who declared so often that the three branches should be forever kept separate and distinct.

Now, the House of Representatives, coming directly from the people by popular vote, has under the rules adopted by its Members degenerated into little more than a recording machine to do the will of the Speaker and his lieutenants. Freedom of debate in the old and true sense has disappeared from that end of the Capitol and measures of the greatest importance are jammed through almost without discussion under the Reed rules under conditions which to say the least are discreditable. In the Senate a hardly less disgraceful condition exists. Servility and cowardice are the order of the day. Freedom of debate still obtains, but the shadow of the Executive hangs over all and the President's wishes are almost the only law. There is some show of resistance on matters affecting the multimillionaires and the great corporations. The President writes scolding messages and makes inflammatory speeches appealing to the unthinking and ignorant masses. He has the potent influence of the press at his command; he has used the newspapers and magazines in exploiting what he calls "my policies" with a skill and daring that compel admiration. With bated breath Senators denounce his radical ideas in private and oppose in every possible way the measures which he clamors for by the passive resistance of nonaction. No one of the dominant party dares lift his voice in opposition or denunciation, but the Executive influence is the only influence in evidence while the Senate cowers in silent resistance. The two-thirds majority in the Senate belonging to the President's party which the people of the country have sent to Washington is so different from the larger majority which hectored and tyrannized over Andrew Johnson, spitting on him with contempt and only stopping short of treading him into the mire, that the historian of the future must necessarily consider the reason of the contrast. Looking about to find the causes which have produced this remarkable revolution within the brief span of one man's life, seeking to discover the cause of the dangerous growth of the executive branch of the Government at the expense of the legislative, we find the explanation is easy.

The Constitution lodges the power of appointment in the hands of the President, and the immense patronage of the office, amounting to millions and millions of dollars, has furnished an instrumentality with which to coerce Senators and Congressmen to acquiesce and yield obedience to the Executive will. The theory that the Senate must "advise and consent" before appointments are made is of little or no moment when Senators show such want of courage and self-respect and bow submissively to the orders from the White House. The members of the minority party are, of course, largely ignored. Appointments in the South, where the Democracy retains control, are in the hands of "referees," who fill the offices for the sole purpose of maintaining political machines. The Senators of the dominant party are afraid to resist the Executive will, lest they themselves should fail to obtain the patronage of their States. This condition is aggravated by the dread of Republican Senators lest the popularity of the President with the people shall force them into retirement if they resist the behests from the White House. When a clash between Senators or Members of the House has come, the people have sided with the President in almost every instance, and the fear of retirement from office through Presidential influence enables Mr. Roosevelt to pursue the policy of hectoring and domineering, which are the strongest features of his character. But these conditions, however deplorable, are the results of cause traceable directly to the people themselves. The same political machine which placed the President in the White House has sent the 61 Republican Senators to this Chamber and the 249 Republican Members to the House. The "Grand Old Party" of Lincoln, Grant, and McKinley holds absolute sway, because the people have willed it so, and when Mr. Roosevelt indulges in his tirades on the stump against the abuses which are evident to all he never stops to tell the people that all these things have come about with Republican Presidents in the White House and Republican Congresses in control.

The people, poor simple souls, reading the special pleas and sophistical excuses of Republican editors are led to think the President alone is honest and patriotic. They believe religiously that the Senate is corrupt and the House debauched, and that the policies—"my policies"—which are so exploited in the press must prevail and become law before any relief can be obtained. Senators who do not agree with the Executive and who refuse to obey his will must be retired. Congressmen who resist Executive dictation must be replaced by those who will obey. The Republican masses must understand, however, that they themselves have nominated and elected the legislatures which have chosen Senators who are charged with corruption, and voted for Representatives in Congress who have shown themselves so unwilling or unable to cope with conditions and who are charged by the very men who voted for them with being the servile tools of "predatory wealth."

But if the Republican machines of the various States, dominated as they are by the favored classes who have grown rich under Republican rule, are expected to send purer and better men under Roosevelt's orders than they have sent heretofore, the people must realize that they themselves are expected to do the work. It all resolves itself at last into the question whether there is enough honesty, patriotism, and true Americanism left

in the Republican machine to purify itself, and can the people expect the relief which they have a right to demand until they shall turn the rascals out and place in office men who will represent them rather than the special interests which have been created by Republican class legislation.

The machinery of Government in the hands of the Northern masses has drifted under the control of the men who are guilty of the wrongs and infamies which Mr. Roosevelt denounces in such scathing terms. If you ask who passes the laws which are so defective, the ansewer is, The Republicans in Congress. If you ask who failed to pass the laws so necessary to remedy all these evils, the answer is, The Republican Congress. The people have been betrayed by those for whom they voted, and the remedy lies with the people and the people alone. The public conscience has been debauched by favoritism in Government in the interest of these very "predatory rich" who are so vigorously denounced by the President. The poor fools who are shouting his praises have so far failed to understand that the bad government which the Republican party has given the country is due solely to the ignorance and debauchery of the people. Misled and deceived by the newspapers which are owned by these same rich men labor organized and disorganized trails along behind the banner of Republicanism and shouts for Roosevelt and his policies. The millions who have been robbed are equally as enthusiastic as the millionaires who have been benefited. The capacity of the people to govern themselves wisely and protect their interests is seriously called in question by existing conditions.

The money gained by dishonest and unfair methods is used to control the machinery of nomination at Chicago. The price of negro delegates in the South rises day by day. The office-holding clique, manipulated and directed by a high official of the Government under Roosevelt's sanction and orders and reenforced by the millions in the hands of the relatives and friends of one of the candidates, is opposed in the struggle for the control of these Southern delegations by beneficiaries of Republican misgovernment who want to be left alone in the enjoyment of power and the benefits to their private fortunes which the existing conditions afford. It is a battle between predatory wealth on both sides, with the power and prestige of the President thrown into the balance in behalf of his favorite. Civil-service rules, "pernicious activity" of Government officials, bold and unblushing effort to dictate his successor in the White House or compel his own renomination for a third term are conspicuous factors of the situation. The necessity for keeping the negro vote in line compels the President to seek permission from Congress to annul his own deliberate action in regard to the Brownsville rioters. Having declared they were "out and would stay out" and that Congress need not bother itself about it, we are now asked in his latest message which has come to us, to pass a law which will enable the President to reinstate them when he shall become satisfied that they are innocent of the murderous assault upon the people of Brownsville.

In the mad rush to placate the negro vote we may expect to see before the Chicago convention meets, to quote a great New England newspaper, "the President reviewing the reenlisted negro battalion on the White House green, after which there will be luncheon at the Executive Mansion." The President's action in that matter was hasty and unjust, inasmuch as the innocent were punished along with the guilty, but it is a pitiable spectacle, all the same, to see the mad race for negro votes and the efforts to secure the Southern delegations to the Chicago convention.

Turning from this aspect of the case, let us consider some of the facts known of all men which can not be ignored in making up a judgment as to the President's shortcomings and responsibilities. Mr. Roosevelt is always loud-mouthed and even vehement in the proclamation of his own purity of purpose and patriotism. He has absolute faith in his own infallibility, and is apparently so drunk with power that he unconsciously lapses into the imperial "we" and sends cablegrams about "me and my people." But these things are of small moment—"vagaries of a noble and impetuous spirit"—and we could pass them by were it not for the existence of cold-blooded facts to show Executive responsibility for many of the evils which exist without dispute. The President clamors for changes in some old laws and enactment of new ones. The people, fretted and angry because of the wrongs to which they have been subjected, clamor with him. Some of these proposed changes are undoubtedly very desirable and necessary, but others appear to me to be most pernicious and dangerous. But of what use will it be to carry out these recommendations if the Executive himself fails to enforce the laws when enacted? If it be said there is no doubt but what he will do so, I point you to flagrant instances in which he has failed to enforce the laws we have and to assert that he should first compel obedience to the laws on the statute books before he asks for new statutes.

Here let me direct attention to the skill with which the President evades responsibility for abuses which he could correct under existing law, while at the same time arousing people almost to frenzy by his denunciation of them. I will give you a brief catalogue of the sins of omission and commission on the part of the Executive.

It is an old matter and it has been talked of here so often that I dislike to bring it up. Nevertheless, it stands as a glaring illustration of the accusations I am making or the indictment I am presenting. It is thoroughly well known that Paul Morton, as vice-president of the Santa Fe Railroad, in the rebate cases, laid himself open to indictment and liability to personal punishment, but the President peremptorially refused to permit Messrs. Judson and Harmon to prosecute, and Morton, then in the Cabinet, received a testimonial from both the Attorney-General and the President. Had the Executive been honest with himself and the people when he found a malefactor of great wealth in his own council, he would have acted like Cato and pressed the law to the limit regardless of the person.

Again, he approved, without a suggestion of opposition, the Elkins law, which had repealed the personal-punishment clause of the Sherman Act, and while the statute was reenacted in the rate bill, in no instance has it ever been pressed by the Executive to a successful issue or the imprisonment of a single malefactor been brought about under it.

Proclaiming the popular doctrine of having the Interstate Commerce Commission clothed with power to grant relief and fix a just and reasonable rate he surrendered to the railroad interests when victory was in his grasp, and the courts by injunction are left free to paralyze the orders of the Commission whenever they see fit.

He has favored in messages in the past, and we are told by the newspapers, will urge in the near future such changes in existing laws as will enable the railroads to make pooling contracts. He clamors against the oppression of combined capital while asking Congress to legalize it. If he has his way, we will soon see in this country such combinations as will produce the practical consolidation of all the railroads of the country.

In order to give the President's view of this matter, I quote from that famous message of January 31, which caused such a flutter in this Chamber and outside of it:

> In this connection I desire to repeat my recommendation that railways be permitted to form traffic associations for the purpose of conferring about and agreeing upon rates, regulations, and practices affecting interstate business in which the members of the association are mutually interested. This does not mean that they should be given the right to pool their earnings or their traffic. The law requires that rates shall be so adjusted as not to discriminate between individuals, localities, or different species of traffic. Ordinarily, rates by all competing lines must be the same. As applied to practical conditions, the railway operations of this country can not be conducted according to law without what is equivalent to conference and agreement. The articles under which such associations operate should be approved by the Commission; all their operations should be open to public inspection; and the rates, regulations, and practices upon which they agree should be subject to disapproval by the Commission.

In that same message, while pointing out the wrongs and burdens imposed on the people by overcapitalization, he, in effect, gives sanction to the past misdeeds of such men as Harriman, Morgan, et al., and would have the people submit to an "unnecessary and everlasting tax" because of the "innocent stockholders"—the dupes who have bought these watered stocks.

Again I quote, because I want to be entirely just and let the indictment, if I am making an indictment—I am merely using some plain-spoken comments—go to those who shall find my speech buried in the Congressional RECORD, along with what I have to say by way of accusation.

The President said:

> The Interstate Commerce Commission should be provided with the means to make a physical valuation of any road as to which it deems this valuation necessary. In some form the Federal Government should exercise supervision over the financial operations of our interstate railroads. In no other way can justice be done between the private owners of those properties and the public which pay their charges. When once an inflated capitalization has gone upon the market and has become fixed in value, its existence must be recognized. As a practical matter it is then often absolutely necessary to take account of the thousands of innocent stockholders who have purchased their stock in good faith. The usual result of such inflation is therefore to impose upon the public an unnecessary but everlasting tax, while the innocent purchasers of the stock are also harmed and only a few speculators are benefited. Such wrongs when once accomplished can with difficulty be undone; but they can be prevented with safety and with justice. When combinations of interstate railways must obtain Government sanction; when it is no longer possible for an interstate railway to issue stocks or bonds, save in the manner provided by the Federal Government; when that Government makes sure that the proceeds of every stock and bond issue go into the improvement of the property and not the enrichment of some individual or syndicate;

when, whenever it becomes material for guidance in the regulative action of the Government, the physical value of one of these properties is determined and made known—there will be eliminated from railroad securities that element of uncertainty which lends to them their speculative quality and which has contributed much to the financial stress of the recent past.

I pause here long enough, Mr. President, to direct attention to the fact that when the rate bill was under discussion in this body the Senator from Wisconsin [Mr. LA FOLLETTE] presented an amendment providing for the valuation of the railroads as a fundamental basis and necessary precedent to any effort on the part of the Interstate Commerce Commission to determine what was a just and reasonable rate. Did Mr. Roosevelt then send down any of these flamboyant messages urging us to take that necessary action? No, not one word. He was silent—dumb as an oyster. Now we are told that it may be necessary or that power ought to be granted to the Commission to make an appraisement of such property when in their judgment it is necessary.

I simply ask you as sensible men how you can undertake to say what is a reasonable dividend on railroad stocks and bonds unless you know whether those railroad stocks and bonds represent actual value or water? You are trying to lift yourself over the fence by your boot straps. No wonder the President receives such indorsement for his pretended earnest desire to see overcapitalization stopped! The country is flooded to-day with seven or eight billions of dollars of watered stock, and this message which I have just read, if it means anything, means that past misdeeds must go unchallenged; that the watered stock must be let alone for the benefit of the "innocent stockholders," the lambs, who have been seduced into the stock-gambling dens of Wall street; that the masses of the people, the business interests, must contribute of their hard-earned money to furnish dividends upon the face value of watered stocks.

In the same category of "keeping the words of promise to the ear and breaking them to the hope," if the newspapers are to be believed, he is even now planning a truce with these same rich "malefactors" and is ready to grant amnesty to all past trust offenders. In the most pronounced language he has denounced the combinations between labor organizations and the boycott, but on the eve of an election panders to this same vote by demanding changes in the law as interpreted by the Supreme Court. Organized labor is to be relieved from the prohibition of the Supreme Court's decision, but along with it must go the relief of capital, as is suggested by Mr. Roosevelt.

Once relieved, the "malefactors of great wealth" will combine and consolidate, the big ones will swallow the little ones, until we have one railroad system, or, at best, three railroad systems, with three multimillionaires or semibillionaires in control, while the people hurrah and rush madly after this last patriot. But, as I said, we were told in yesterday morning's newspaper that a very important conference was held at the White House between the President, the Attorney-General, and Messrs. Knox and Neill, and orders went forth that those three—not the President, but the three underlings—if I may apply such a term to the Attorney-General, are to prepare bills to be sent here to be introduced and passed at this session. What has become of the skill in lawmaking of the leaders of the Republican party that they are not fit to prepare such bills? Who is going to be the spaniel messenger to bring these bills from His Excellency and introduce them here for us to obey the orders from the White House? I am going to watch to see.

I want to warn organized labor that if it shall be seduced into believing that it will get relief from a law as laid down by the Supreme Court, it had better get the relief before the pooling bill passes, because, when once it shall come to pass that predatory wealth in the shape of the railroad octopus has gotten the permission of this Congress to combine, to consolidate, labor may whistle for its relief.

There are so many instances, Mr. President, of neglect of plain duty by the Executive in dealing with public affairs, in allowing plain statutes to be overridden, and the rights of the people to be ignored that I hesitate to prolong the catalogue. One very pronounced instance occurs to me for the moment. One of the striking features in the present Administration has been the setting apart of the public domain for forest reserves. We have been told in season and out of season that the lumber supply of this great country was on the verge of being exhausted, and that it was absolutely necessary to protect the forests in the interest of future generations. What have the President and his friends to say to the fact that the Southern Pacific Railroad Company to-day holds 2,000,000 acres of the finest forest land in the world under the grant to the Oregon and California Railroad Company, which would be forfeited if the laws were enforced and the land could be restored to actual settlement? That gigantic corporation, presided over by "my dear Mr. Harriman," has ignored the plain letter of the statute granting those lands to its predecessor—I mean the predecessor of the Southern Pacific—which required that they should be sold in not exceeding 160-acre lots to actual settlers at $2.50 an acre. The road, according to the report of the Attorney-General which was sent in here a couple of weeks ago, has benefited, I believe, to the extent of $8,000,000 or more in the sale of that land, and still holds 2,000,000 acres.

It is true that at last the Department of Justice is moving in the courts to see what will be the outcome of this lawlessness on the part of Harriman and the Southern Pacific, but nothing is being done about the Northern Pacific. There are millions of acres of public domain withheld from sale contrary to the terms of the grant, and actual settlers who want to buy and make a home are refused any consideration. Nothing is being done by the Executive in these other grants affecting the public domain which are held by these corporations, much of the land the most valuable in the West, with timber the finest on the globe. We shall see what we shall see later.

Before I pass on to the main subject that I shall discuss to-day—something relating to the finances, by the way—I want to say, Mr. President, in all solemnity, and if it were the last utterance of my life I would tell the American people, that the one national necessity of this day and time is the election of a Democratic President and Congress. Why? To enable the Republican majority in this body, intrenched as it is for at least four years, in spite of any whirlwind or revolution that may come, to prevent any radical or dangerous thing being done—to allow that Republican majority to substitute a backbone for the cotton string which grows up and down the spine of you gentlemen.

I want to come now, Mr. President, to a concrete instance of the President's shortcomings as a law enforcer, the most flagrant of all of the Executive neglects, a running sore and cancer on the body politic, hated by all good citizens and denounced by even the President himself, who anathematized it in bitter language in the celebrated message of January 31. Again, in trying to be entirely fair, I read from page 9 of the message:

I do not know whether is is possible, but if possible, it is certainly desirable, that in connection with measures to restrain stock watering and overcapitalization there should be measures taken to prevent at least the grosser forms of gambling in securities and commodities, such as making large sales of what men do not possess and "cornering" the market. Legitimate purchases of commodities and of stocks and securities for investment have no connection whatever with purchases of stocks or other securities or commodities on a margin for speculative and gambling purposes. There is no moral difference between gambling at cards or in lotteries or on the race track and gambling in the stock market. One method is just as pernicious to the body politic as the other in kind, and in degree the evil worked is far greater. But it is a far more difficult subject with which to deal. The great bulk of the business transacted on the exchanges is not only legitimate, but is necessary to the working of our modern industrial system, and extreme care would have to be taken not to interfere with this business in doing away with the "bucket shop" type of operation.

Mr. President, I hold in my hand copies of three sections of the Revised Statutes, which, if enforced, would to a large degree do away with stock gambling. The President says, if it is possible, it is desirable to have it done. He has not told Messrs. Neill and Garfield and the other headlights of legislation who are preparing bills for us to pass to look for any remedy for this pernicious and devilish practice; but he failed to see or is unwilling to try to enforce the law he now has, to which his attention has been directed, and which, if enforced, as I said a moment ago, would undoubtedly do away with the greater part of this abuse. In this connection, Mr. President, I will send to the desk and have read a copy of a letter sent to the President upon March 4, 1908. I can not at the moment put my hand on the letter. I have so much ammunition here that I have not got it in shape to shoot it like a Gatling gun, but I will shoot it after a while. [Laughter.] I now have the letter I was looking for, which is dated March 30, 1907. I ask that it be read from the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

NEW YORK, *March 30, 1907.*

To the PRESIDENT OF THE UNITED STATES,
Washington, D. C.

DEAR SIR: I trust you will not make any further statement as to your attitude toward the railway situation, for I believe the great majority of the people—those engaged in legitimate lawful business pursuits—heartily support your course.

Those who clamor so for a statement are the speculators who have created the conditions about which they so loudly complain. They have been arrogant, grasping, violators of law, and should be compelled to obey the law to the last letter as completely as the humblest citizen.

As Mr. Carnegie says, "A few gamblers in Wall street are the trouble," and "Wall street is not America." He is entirely right in this statement, except that there are many instead of few gamblers or speculators on Wall street, and these include the men most prominent in banking and business affairs, as well as the men and women who put up a margin of $100 to speculate in stock.

The truth is that speculation in stock is made too easy by the banks in New York City, which lend their credit in great volume to stock brokers.

And so far as the national banks here are concerned this credit is habitually furnished in plain violation of the national banking laws.

The credits granted to stock brokers by national and State banks in New York City will frequently aggregate $200,000,000 in a day's business. Much of this represents legitimate and necessary transactions in stocks and bonds, but much is purely speculation on margins. But whether legitimate or speculative these two transactions should be made strictly within the lawful limits of the national banking law, and this is not the case.

I do not wish any notoriety in this connection, but I am prepared, if necessary, to substantiate my statement in detail.

For twelve years I held responsible positions in the Comptroller of Currency's office, so I am very familiar with the requirements of the national bank act, and for over eight years I have had the experience of banking on Wall street.

With my very best wishes that you may have continual strength and courage faithfully to serve the public welfare, I am,

Yours, respectfully, GEO. M. COFFIN.

Mr. TILLMAN. Mr. President, I will simply take time enough to say that Mr. George M. Coffin was formerly a clerk in the Comptroller's office, was promoted to Deputy Comptroller, went to New York, and, like many other officials from that Bureau, became associated with a bank and was made president or vice-president of a bank over there. Without taking further time, I will simply ask permission to incorporate some testimonials from the various Comptrollers of the Currency under whom he served as to his qualifications and character. I do not want them read unless somebody attacks him.

The VICE-PRESIDENT. In the absence of objection the matter referred to by the Senator from South Carolina will be printed in the RECORD.

The matter referred to is as follows:

Extracts from letters as to the ability and character of Mr. Coffin, president of the Geo. M. Coffin and Parshall Company, public accountants and auditors, 115 Broadway, New York City.

Hon. W. L. Trenholm, Comptroller of Currency, 1886–1889—July 2, 1889:

"Your long training and experience in business before you came to Washington give you an immense advantage. It enabled you to take hold at once and conduct ably from the first moment the important divisions of the bureau which were successively placed under your control."

Hon. E. S. Lacey, Comptroller of Currency, 1889–1892, now president Bankers' National Bank, Chicago, Ill., June 25, 1892:

"In the discharge of the responsible duties devolved upon me during the past three years I have relied greatly upon your skill and fidelity and have never been disappointed."

Hon. A. B. Hepburn, Comptroller of Currency, 1892–1893, now president Chase National Bank, New York City, March 12, 1896:

"Accept my congratulations upon your well-deserved promotion (Deputy Comptroller). It ought to have come long ago, and I am very glad that Comptroller Eckels has done you justice, and at the same time done the banks under your supervision and the public service a favor in securing for them so good an executive."

Hon. James H. Eckels, Comptroller of Currency, 1893–1898, afterwards president Commercial National Bank, Chicago, Ill., February 16, 1898:

"I can not speak too highly of Mr. Coffin. He is a man of the highest integrity and the most faithful attention to duty. He, as chief of the reports division, was compelled to display a great deal of executive ability and look after the examiners who were examining the banks. I always found him a man of the utmost good judgment and of decisiveness whenever that was required."

Hon. Charles G. Dawes, Comptroller of Currency, 1898–1901, now president Central Trust Company, Chicago, Ill., August 8, 1898:

"I want to say that Mr. Coffin is a man of the highest tact, ability, discretion, and honesty. Should he leave the Treasury Department, we will experience a great loss. I write an unsolicited testimonial of my friend, Mr. Coffin, for whom I have come to entertain a high regard, as have those of my predecessors with whom he has served."

Hon. W. Dudley Foulke, Richmond, Ind., April 14, 1900:

"I regard him as a man of skill and of the highest character. I think, indeed, that his ability to deal with difficult financial problems is extraordinary."

Mr. TILLMAN. Section 5200, to which Mr. Coffin called the President's attention, and that a year ago, reads as follows:

SEC. 5200 (as amended June 22, 1906). The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund: *Provided, however,* That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed.

This, including the surplus, was under the act of June 22, 1906, which was passed at the instance of our friend, the chairman of the Committee on Finance [Mr. ALDRICH]. Here is a direct prohibition under the law that these national banking associations shall not lend to any individual or firm more than one-tenth of their capital stock and of their undivided surplus. How are you going to enforce that? Before I read the enforcing clause I will read section 5208, which deals with the other aggravated method or instrumentality by which stock gambling is fostered and encouraged and kept alive. Section 5208 reads:

It shall be unlawful for any officer, clerk, or agent of any national banking association to certify any check drawn upon the association unless the person or company drawing the check has on deposit with the association, at the time such check is certified, an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against the association; but the act of any officer, clerk, or agent of any association, in violation of this section, shall subject such bank to the liabilities and proceedings on the part of the Comptroller as provided for in section 5234.

Which simply means that the Comptroller under the law has the power and is required to institute proceedings in the circuit or district courts of the United States to close up such institutions when they break this section. But there is still another punitive clause much worse than the mere closing of the association and putting it out of business. Section 5239 reads:

If the directors of any national banking association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate, any of the provisions of this title, all the rights, privileges, and franchises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjusted by a proper circuit, district, or Territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved.

Here is a law with teeth in it. Section 13 of the act of July 12, 1882, provides—

That any officer, clerk, or agent of any national banking association who shall willfully violate the provisions of an act entitled "An act in reference to certifying checks by national banks," approved March 3, 1869, being section 5208 of the Revised Statutes of the United States, or who shall resort to any device or receive any fictitious obligation, direct or collateral, in order to evade the provisions thereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the dealer upon the books of the banking association, shall be deemed guilty of a misdemeanor and shall, on conviction thereof in any circuit or district court of the United States, be fined not more than $5,000, or shall be imprisoned not more than five years, or both, in the discretion of the court.

It is this section under which John R. Walsh was at last started to the penitentiary; but John R. Walsh had broken these other sections, namely, 5200 and 5208, probably a thousand times within the positive knowledge of the Comptroller of the Currency that he was breaking them before he was brought to book, and nothing but the disaster which followed from his lack of business judgment and disobedience to sound banking principles ever produced the catastrophe which caused the bank over which he presided to be declared bankrupt and put in liquidation.

How is this devilment carried out? I have here a brief from the court of appeals of the State of New York in which the method is outlined in full. I do not want to take the time to read it, but I will ask permission to incorporate an extract from it as a part of my remarks, and I will merely summarize it in what I shall say. Mr. President, may I have permission to have it incorporated in the RECORD?

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The matter referred to is as follows:

[Extract from brief, court of appeals.]

The bank during the running of this account had been in the habit of giving the old firm a credit in said account of $75,000 in the morning, which the employees, who were witnesses, called a "temporary loan," which was expected to be paid off in the afternoon, and against this credit, if there was not in the account a sufficient credit balance brought over from the previous day, the bank certified the checks of the old firm which were presented early in the morning. At the beginning of the transactions between the old firm and the bank a printed blank stock note, which was put in evidence as Exhibit 29, was made and had been retained by the bank until produced at the trial. As is apparent from an inspection of this exhibit, no date, rate of interest, or collateral is mentioned, and but two of the numerous blanks in it are filled, one being the amount "$75,000" and the other being the signature of the old firm, and yet upon this piece of paper, which was never canceled, surrendered, nor renewed, but was kept in the bank's vaults as a continuing note, with no collateral security for it other than any possible excess of collateral which the bank might be holding at the time upon other specific loans to the firm, and without any entry in the bank's books of the terms of the loans, it is conceded that these daily credits or loans of $75,000 were given or made by the bank.

Mr. TILLMAN. It is along this line. The broker or gambler, knowing in the morning how much he will have to pay for his preceding day's work on account of the stocks he has bought the day before, and not having the money on hand, goes to the bank and gives a bogus note, or an actual note, without collateral—a dummy note, so to speak The bank officer accepts that and charges it to his credit and certifies his check, so that the broker may go on the stock exchange and buy more stocks for that day, and the process is repeated over and over and over again. The pirate—if I may call a stock gambler a pirate—the pirate will take his gun, his blunderbuss, his pistol, or his cutlass and go after you hammer and tongs and demand your money or your life, and leave you a chance to fight; but the stock-gambling pirate sneaks around, and

lambs from the country, from the West, the South, and elsewhere, are tolled into the stock exchange by flaming reports made day by day of the rise and fall in values and the immense fortunes which are possible, and they are the fellows who are fleeced through the instrumentality of the broker and of the bank, the bank furnishing the means, the broker being the instrument, and the stocks and bonds being bought on ficticious checks, which have no backing, no collateral, and nothing but trust in the honor and character of the broker to support them, and the law is trampled under foot. At 3 o'clock that evening the gambler goes to the bank with the stocks and bonds which he has bought that day and deposits them as collateral for his preceding day's work and to make good the checks which have been furnished him in the morning.

I have read the statute prohibiting this—section 5208. The Comptrollers of the Currency from 1888 down have time and again reported against these excessive loans, more than one-tenth, and against the certification of bogus checks or checks without collateral. The attention of the President was called to it. The Comptroller of the Currency has had his attention called to it. The President blandly says that "if it is possible to stop it, it ought to be done."

With the permission of the Senate I will incorporate such other evidence in the shape of exhibits as will make clear the process and make clear the results.

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

The matter referred to is as follows:

TOLD ROOSEVELT HOW TO CHECK STOCK GAMBLING—BY SIMPLY ENFORCING SECTIONS 5200 AND 5208 OF THE REVISED STATUTES OF THE UNITED STATES, WHICH, GEORGE M. COFFIN WROTE HIM, ARE DAILY VIOLATED BY EVERY LARGE NATIONAL BANK—BUT ADMINISTRATION HAS TAKEN NO ACTION—SOME INTERESTING LETTERS WHICH PASSED BETWEEN BANK PRESIDENT COFFIN AND COMPTROLLER OF THE CURRENCY RIDGELY SHOW CORRESPONDENCE ENDED ABRUPTLY WHEN WAY TO ENFORCE THOSE LAWS WAS INDICATED.

Since the World printed, last January 7, its now famous editorial against stock gambling and urging the employment of repressive measures against the evil the Wagner bill has been introduced in the State legislature, making it a crime to deal in securities on margins.

President Roosevelt in his message to Congress January 31, following the exposures in the World, denounced stock gambling. The President said in his message:

"I do not know whether it is possible, but if possible, it is certainly desirable that in connection with measures to restrain stock watering and overcapitalization there should be measures taken to prevent at least the grosser forms of gambling in securities and commodities, such as making large sales of what men do not possess and 'cornering' the market. * * *"

NO MORAL DIFFERENCE.

"There is no moral difference between gambling at cards or in lotteries or on the race track and gambling in the stock market. One method is just as pernicious to the body politic as the other in kind, and in degree the evil worked is far greater. * * *

"But if it is possible to devise a way to deal with it the effort should be made, even if only in a cautious and tentative way. It would seem that the Federal Government could at least act by forbidding the use of the mails, telegraph and telephone wires for mere gambling in stocks and futures, just as it does in lottery transactions."

If President Roosevelt is sincere in his desire to stop or check stock gambling George M. Coffin, former president of the Beaver National Bank, can not understand why he does not direct his Comptroller of the Currency, William Barret Ridgely, to enforce sections 5200 and 5208 of the Revised Statutes of the United States. President Roosevelt knows of the existence of these sections, and the fact that the whole structure of stock gambling rests on a continuous violation of them by practically every bank of importance in the down-town district of New York. Mr. Coffin wrote the President about these sections, of the fact that they were being daily violated, and he knows Mr. Roosevelt received his letter, for Comptroller of the Currency Ridgely wrote him saying that the President had turned Mr. Coffin's letter over to him.

VIOLATORS KNOWN.

Comptroller of the Currency Ridgely also knows of the existence of these sections and the fact that they are violated scores of times every business day in the year, and that his Department has never tried to enforce those laws or bring the violators to punishment. The facts were laid before him in a series of letters writen by Mr. Coffin. The World is enabled to print these letters and the letters written by Comptroller of the Currency Ridgely in reply.

This correspondence, which is presented below, makes a striking exhibit in view of the denunciatory character of the President's message on stock gambling. The day the message came out it was received with derision in Wall street, and with comments of this sort:

"The great American noise-maker is at it again."

"Just words; that's all."

That stock gambling can be suppressed and at least 80 per cent of it obliterated by a strict enforcement of sections 5200 and 5208 of the Revised Statutes is known, and has been known for years, by every bank president and almost by every bank employee down to the junior clerks, and also by the heads of all stock exchange brokerage houses, their managers, and clerks.

Section 5200 is a simple and lucid law. It limits the amount which a bank may loan to a single borrower to 10 per cent of the combined capital and surplus. If a bank has $1,000,000 capital and $1,000,000 surplus, or $2,000,000 in all, the maximum of the loans which it can have outstanding to the same borrower is $200,000.

Section 5208 prohibits overcertification. No national bank shall certify a check drawn by a depositor unless there is actually on deposit to the credit of that depositor an amount at least as great as that called for by the check.

FINE AND IMPRISONMENT.

Violation of either of these laws is punishable by fine and imprisonment. Just how these laws are violated every day without interference by the Comptroller of the Currency, and just how at least 80 per cent of the daily transactions of the New York Stock Exchange are absolutely dependent on violations of these laws, is shown in the correspondence between Mr. Coffin and the Comptroller of the Currency.

Mr. Coffin is probably the best-informed banker on the Federal banking laws in this city. He served twelve years in the office of the Comptroller of the Currency at Washington as Chief of the Division of Issue, as Chief of the Reports Division, which gave him supervision of the United States bank examiners, and as Deputy Comptroller. In 1898 he became vice-president of the Phenix National Bank in this city, and in March, 1907, president of the Beaver National Bank. Ill health compelled him to resign that position in July, four months later. Mr. Coffin and Comptroller Ridgely have always been warm personal friends.

The correspondence follows:

NEW YORK, *July 11, 1906.*

DEAR MR. RIDGELY: I believe your expressed intention to require the banks to live up to the letter of the new law in the matter of excessive loans will have the moral support of the great majority of directors, who are giving more attention to such matters than ever before.

MADE MORE LIBERAL.

And now that the question has been decided by the will of Congress, and that the law has been made more liberal, there ought to be, and I believe there will be, cheerful and general obedience to the law. In cases where there is still a disposition to violate or evade the law it has recently occurred to me the following argument might be used with good effect.

Every director every year takes an oath before a notary that he "will not knowingly violate or willingly permit to be violated any of the provisions of this title;" so that when any director joins in authorizing a loan in excess of the legal limit, or a director who is an executive officer makes such a loan, or willingly permits it to be made, he violates his oath.

Directors are doing a great deal of thinking these days, and such an argument coming from the Comptroller would, I think, carry great weight and be very effective.

Perhaps you have already used this argument, but in any event I beg to offer this as a suggestion for what it may be worth.

GEORGE M. COFFIN.

Mr. Ridgely's reply was prompt:

WASHINGTON, *July 12, 1906.*

MY DEAR MR. COFFIN: Your favor of the 11th instant is received. I am very much obliged to you for it, and for the suggestion you make, which is very much along the lines of what we are beginning to do in such cases.

I find that the efforts I have made for a year or two past to call the attention of the directors to the details and management of the banks have had a very salutary effect and resulted in investigations, which generally have an immediate and beneficial effect on bank management.

WM. BARRET RIDGELY.

JULY 13, 1906.

MY DEAR MR. RIDGELY: I have your letter of 12th instant, and note what you say.

The success of your past efforts in enforcing the plain provisions of the law ought to be very gratifying to you and encourage you for the future. You had to meet conditions created by the laxity of your predecessors. So far as my influence went in a subordinate capacity, I always maintained that it was the Comptroller's plain duty to enforce the law as he found it, but in the matter of excessive loans my chiefs never agreed with this view. Having been in the office and out of it, I realize fully how potent is the Comptroller's influence, and, wisely and lawfully used, it can accomplish wonders.

Just now, as no doubt you know, there is a great deal of introspection and self-examination going on in the seats of the mighty, and this is the psychological moment for insisting on obedience to law. Anything done in this direction will have the hearty support of a wholesome public opinion.

My continued interest in the Comptroller's office causes me to wish that the examiners' service was more effective than it really is. There are violations of law which only they can discover that, so far as I know, are never criticised by your office. But of these I would not care to write, preferring when I next have the pleasure of meeting you to discuss them orally. With best wishes and kind regards,

GEO. M. COFFIN.

WASHINGTON, *July 14, 1906.*

MY DEAR MR. COFFIN: I have received your letter of the 13th and read it with much interest. I shall always be glad to have any suggestions you can make in regard to the relations of this office with banks, and hope that you will feel free to write me fully at any time.

WM. BARRET RIDGELY.

NEW YORK, *July 18, 1906.*

MY DEAR MR. RIDGELY: Your letter of 14th instant has been duly received, in which you kindly say you will be glad to have any suggestion I may have to make, and as I do not know how soon I shall have the pleasure of meeting you I have concluded to write what I had in mind.

The violation of law to which I referred in my letter of 16th instant are those growing out of the certification or acceptance of checks for brokers, and so far as I know are no more serious than violations of section 5200.

So far as I can ascertain these credits are granted daily on demand notes in regular form, proceeds of which are duly placed to credit of the broker making the notes, and against these credits checks are certified or accepted. As a rule the notes are sent in around 10 o'clock in the morning, and by 3 or 3.30 p. m. deposits are made, against which the demand notes are charged and the loans liquidated.

These loans bear no interest, yet so far as the bank making them is concerned they involve all the risks attaching to loans without any security whatever (as a rule) except the personal integrity and business judgment of the borrowers. While a loss is rare, when it does come it is for a large amount, as in the case of the Seventh National Bank a few years ago.

TAKE SUCH RISKS.

Of course, if bank managers wish to take such risks the responsibility is theirs, but they should be incurred within the limitations of law. Regarded strictly as loans, they should be made within the limits of section 5200, and I can see no reason why they should be exempt.

As a matter of fact and reality these transactions involve a lending of credit by the banks to their customers which the courts have declared to be unlawful. But the custom has persisted so long and such large interests are involved that my suggestions go no further than confining these so-called loans to the limits of section 5200. And now that the stock market is not very active, and we are on the eve of a crop movement, when it should not be active, I think the present time propitious to looking into the matter.

The only result will be to cause either a curtailment of these credits, which, in my opinion, would be wholesome, or to cause a shifting of these accounts from smaller banks to larger ones. At any rate the lesson of obedience to law in this respect would have a salutary effect on the business community.

My observation, since I have been in Wall street and know how things are done, is that banking funds are used entirely too freely for speculative purposes to the detriment of the legitimate business interests of the country, and clearing-house and other figures support this view.

All the machinery of banking is furnished to make speculation easy. The margin customer of the broker puts up 10 per cent of the stock bought, the broker puts up 10 per cent more to make the bank margin of 20 per cent, and the banks holding largely of the reserve funds of other banks furnish the remaining 80 per cent. New York City must be the great market for stocks and bonds, but the banks should not aid and abet speculation in violation of law.

On November 9, 1905, checks certified or accepted by national and State banks in the Wall street district aggregated nearly $200,000,000—nearly one-half the total exchanges of the next day, which were $400,000,000. Again in January and February, 1906, bank reports showed the same proportion. My interest in the national banking system and in the banking prestige of New York City leads me to lay this matter before you for your consideration.

If you think it worth looking into, I would suggest you make an investigation through your examiners here in the regular rounds of their visits. The violations never are shown in reports, because they always disappear before the close of business each day, but they exist nearly every day from the beginning of business until its close, in a form readily accessible to the bank examiners.

Unless it should be necessary I would prefer my name should not appear even to the examiners here in any investigation you make, for it might visit on me the animosity of great financial interests.

And if there is any point not made clear in this letter I shall be glad to supplement it at your request. As I have already said, the influence of the Comptroller with the Government behind him is immense, and I believe this is an opportunity where it can be exercised in a way most wholesome to the business interests of the country and, therefore, most creditably to your administration of the office.

GEO. M. COFFIN.

No answer came to this letter, which had specifically pointed out the violations that no Federal Administration has ever dared to stop since the stock exchange and Wall street became such tremendous financial and political powers. Mr. Coffin waited until July 25, and then wrote Deputy Comptroller T. P. Kane, asking him if Comptroller Ridgely had received his letter of July 18. On July 31 Mr. Kane wrote Mr. Coffin:

"The Comptroller was at the office during the period stated in your letter, and I understand replied to your letter."

GOT NO REPLY.

Mr. Coffin got no reply from Comptroller of the Currency Ridgely, and finally, March 30, 1907, wrote President Roosevelt. In this letter he referred to a statement made about that time by Andrew Carnegie that "a few gamblers in Wall street are in trouble." The letter to the President then said, referring to Mr. Carnegie:

"He is entirely right in this statement except that there are many instead of few gamblers or speculators in Wall street, and these include the men most prominent in banking and business affairs, as well as the men and women who put up a margin of $100 to speculate in stocks.

"The truth is that speculation in stocks is made too easy by the banks in New York City, which lend their credit in great volume to stock brokers.

"And so far as the national banks here are concerned, this credit is habitually furnished in plain violation of the national banking laws."

President Roosevelt handed this letter over to Comptroller of the Currency Ridgely, who answered it:

WASHINGTON, *April 4, 1907.*

MY DEAR MR. COFFIN: Your favor of the 30th instant, to the President, has been referred to me. I will be obliged if you will write me more specifically in what respect the national banking law is violated in the credits furnished stock brokers in New York City, and also make such suggestion as you may think advisable in regard to what ought to be done to correct the evil, if it exists.

Yours, very sincerely, WM. BARRETT RIDGELY.

NEW YORK, *April 6, 1907.*

MY DEAR MR. RIDGELY: Replying to your kind favor of the 4th instant, receipt of which I acknowledged yesterday, in which you request me to write you specifically in what respect the national banking laws are violated in the credits furnished stock brokers in New York City, and to make such suggestions as I may think advisable in regard to what ought to be done to correct the evil, if it exists.

NOT MORE FULLY.

I do not think I could present the matter more fully than I did in my letter of July 18, 1906, to you, a copy of which I herewith inclose. You may remember we had some correspondence at that time, and I do not know whether this last letter ever reached you, as I had no acknowledgment of it from you.

If I were able to add anything to what I said and suggested therein, I would present it as follows. It is a matter to which I have given a good deal of thought, and to my mind it presents itself in three aspects:

I. Section 5208, as you know, makes it unlawful for a bank to certify any check drawn upon it unless the drawer of the check has on deposit an amount equal to the amount of the check, and section 13, act July 12, 1882, makes such an act a misdemeanor and prescribes fine or imprisonment for any violation.

II. To evade the penalties prescribed by the above-cited sections, it is customary for banks granting certification to legalize these transactions by making them appear in the form of loans. These loans are represented by demand notes, bearing no interest and having no security except the name, reputation, and integrity of the makers of the notes.

In this view, any accommodations of this kind granted beyond the statutory limit of 10 per cent of capital and surplus of any bank is unquestionably a violation of section 5200. For instance, if a bank with $500,000 capital and $200,000 surplus grants a loan of $200,000 in this form to anybody it violates the provisions of section 5200, which limits the loan to $70,000.

Is there any reason why loans to brokers should be any exception to this prohibition of the law?

III. The certification or acceptance of checks drawn against such unsecured loans placed to the credit of a customer really amounts to the lending of its credit by the bank to such a customer, and in the case of Bowen *v.* Needles National Bank (94 Fed. Rep., 925), it was decided that a national bank has no such power; also in the case of Bowen *v.* Needles National Bank et al. (87 Fed. Rep., 430), it was decided that it is ultra vires on the part of a national bank to guarantee checks drawn on it by one having no funds deposited with the bank.

THE QUESTION.

The question here is: Does a customer who has the proceeds of a note without security and bearing no interest placed to his credit have funds deposited with the bank within the meaning of section 5208?

As to the way in which to go about the correction of this evil, if it exists, I have made suggestions in my letter of July 18, 1906, but I will write you further as to this as soon as I have the opportunity.

GEO. M. COFFIN.

No answer came to this letter.

NEW YORK, *April 12, 1907.*

MY DEAR MR. RIDGELY: I promised in my letter of the 6th instant to write you further on the subject of certification for stock brokers by the national banks here. As suggested in my letter of July 18, 1906, I should think the best way to take up the matter would be through the examiners here in the regular round of their work.

I have recently learned that one of your examiners here has resigned and presume that his place will be filled by a new one. It would be quite natural for the new examiner to look carefully into all the affairs of the banks here, and with a hint from you he might take up this subject specially and report his findings to you.

The examiner and his assistants are in any bank during the whole of a business day, and these transactions from beginning to end will be subject to their inspection in any bank in which they are undertaken.

TREATED AS LOANS.

They are usually treated as loans, so entered on the books, and are therefore readily accessible at any time to the examiner's inspection. If he finds any cases where section 5200 is violated, he can report them to your office, and this will give you the opportunity to criticise.

In this connection I would say that the work of an examiner here demands exceptional abilities, by reason of the tremendous interests and influences that are naturally at work in a great financial center like this. To cope with these forces the examiner ought to be a man of strong and unimpeachable character and undoubted ability as a banker and accountant.

While I have no criticism to make of the character of any examiner who has been in the service here during my stay in New York, I do not think they have exhibited the qualities of strength and thoroughness which the situation demands. I know of things overlooked that ought not to have been overlooked and of failures to carry out the ordinary printed instructions of your office which I myself prepared while in the office.

With this knowledge and conviction, I hope you will not consider me intrusive when I suggest that in selecting an examiner for the existing vacancy, if he is not already selected, you will bear in mind what I say. It is offered with a sincere desire to add to the efficiency of your excellent administration, and at the same time to bring the administration of the national banks of New York up to the highest level so far as it may be in your power to do this.

Yours, sincerely, GEO. M. COFFIN.

Again the Comptroller of the Currency failed to put himself on record in the matter of excessive loans to stockbrokers and overcertification of their checks.

NEW YORK, *April 25, 1907.*

MY DEAR MR. RIDGELY: As requested in your letter of the 4th instant, I wrote you with regard to certain matters on the 5th, 6th, and 12th instant, respectively, but so far have received no acknowledgment of any of these.

QUESTION OF DELIVERY.

Will you be good enough to drop me a line telling me whether or not the letters ever reached you, and oblige,

Yours, sincerely, GEO. M. COFFIN.

This brought a peculiar reply.

WASHINGTON, *April 29, 1907.*

MY DEAR MR. COFFIN: I have received your favor of the 25th instant in regard to the letters you wrote me relative to certain practices of the banks in New York.

I ask your pardon for not having formally acknowledged your letters, but expected to get time to investigate the law, etc., and write you fully in a few days and did not think it was necessary. I have been so rushed with other matters that I have not got down to this, but will write you further about it in a few days.

It does not strike me that this is a matter that a few days more or less will make any difference with.

Very sincerely, yours, WILLIAM BARRET RIDGELY.

Mr. Coffin acknowledged receipt of that letter by telling the Comptroller that as the practice had existed for forty years he presumed "a few days would not make any difference." Mr. Coffin ended the correspondence then and there and gave up hope of getting the Comptroller of the Currency to enforce the laws.

For those not familiar with the method of financing stock transactions by the stock-exchange brokers, it is said that no firm in the street—not the richest—has capital enough to pay for what its customers buy. A purchase of a thousand shares at 100 involves $100,000.

BROKER MUST PUT UP.

The customer may put up $10,000 as margin. The broker must put up the rest. He may furnish $10,000 out of his own resources and get the remaining $80,000 from the banks.

An active brokerage firm of moderate size deals in from 20,000 to 40,000 shares a day. A big firm, patronized by groups of big speculators, deals in 100,000 shares a day at times. In a bull market customers will stay "long" of a stock for days and weeks. Every day's trading at times requires fresh borrowing.

Every morning a brokerage house knows how much money it will be required to pay that day before 2.15 p. m., when the final deliveries of stock purchased the previous day are made. It may have to pay out $50,000, or as much as $500,000. It is the rule in Wall street to have all checks paid for stocks certified. A broker who pays out $50,000 or $500,000 in a day must see to it that his bank will certify his checks to that amount, even if his deposits do not amount to one-fifth of the sum required.

Up to the time the Seventh Ward Bank failed, eight years ago, it was the custom of all banks with stock brokers as customers to violate the overcertification section of the Revised Statutes of the United States without any pretense of legality. But President Kimball, of the Seventh Ward Bank, was fined $5,000 and stood a good chance of going to jail, and the other bank presidents became frightened.

A SUBTERFUGE.

They adopted a subterfuge by which a dummy deposit was placed to the credit of the borrower. This is the practice: A broker needing $200,000 sends notes to his bank early in the day for that amount. The bank goes through the form of discounting the notes and putting a fictitious credit of $200,000 to his account. When the checks the broker gives out during the day are presented at his bank they are certified. Then, later in the day, the broker puts in his own genuine deposits and the notes are canceled.

Without the banks acting as a bridge across which the buyer and seller of margined stocks may deal those transactions would be impossible. And to act as that bridge the banks break the United States laws every day in the year. It is profitable business for the banks. By keeping stock speculation going at high pressure constant employment for the banks' money is found and at better rates of interest than legitimate business can ordinarily afford to pay.

Any interference with this system would arouse the wrath of every important national bank in the city and the immense power of the New York Stock Exchange, which represents more wealth, perhaps, than any other institution in the world.

Mr. TILLMAN. Mr. President, I have here a résumé of former Comptrollers' reports coming down from 1888 when Mr. Trenholm was in the office to the present occupant of that office. They have all recommended legislation in regard to section 5200, and it is a matter of record that Mr. Ridgely, when the act of 1906 was passed, sent out a circular notifying the banks that he was going to enforce it. But all the same it has not been enforced. I ask that this be incorporated also as a part of the evidence which I am trying to bring forward here to show how stock gambling is conducted, the source of the money which is furnished the gamblers by the banks contrary to the law, and all that, so that those who want to find out can do so by studying the exhibits after they are printed.

The VICE-PRESIDENT. Without objection permission is granted.

The matter referred to is as follows:

RÉSUMÉ OF FORMER COMPTROLLERS' REPORTS.

An examination of all Comptrollers' reports from the year 1865, shows that while references to section 5200 were made and amendments thereof were suggested between 1868 and 1878 no Comptroller made any comments on the violation of this section until 1886 when Comptroller Trenholm called the attention of Congress to the matter and recommended an amendment of the law and penalties which would be likely to stop it. Trenholm renewed this recommendation in 1887 and in 1888, or every year of his administration and in 1888 says the law is "notoriously disregarded."

In 1888 Trenholm states that he has adopted the rule of sending notice to each director of a bank whose condition requires a letter to be addressed to the board.

Then Comptroller Lacey recommended amendment of section 5200 in 1889, 1891, and 1892 and also proposed restricting by law loans to officers and directors of national banks.

In 1893 Comptroller Eckels suggests restriction of loans to officers and directors and prints a copy of a letter he sent to directors with request for their united reply in cases where large accommodations were made to officers and directors.

In 1895 renews recommendation as to restricting loans to officers and directors.

In 1896 he gives "excessive loans" as one main cause of bank failures and renews recommendations as to restrictions of loans to officers and directors, and that directors should make one examination a year of their banks.

Comptroller Dawes in 1898 recommends amendments of section 5200 and states that on September 28, 1898, 1,124 banks, or one-third of the entire number of banks showed violation of this law in their sworn reports.

In 1899 he renews his recommendations and in 1900 renews them again, stating that on June 29, 1900, 1,575 banks out of 3,732 showed violations of section 5200 in their sworn reports.

Comptroller Ridgely (appointed October 1, 1901) in 1901 renewes Dawes's recommendations as to amending section 5200 and restricting loans to officers and directors, repeats that on June 29, 1900, over 40 per cent of the banks showed violations and says "it is therefore practically impossible to enforce a compliance with its requirements."

In 1905 he recommends amendment to section 5200 to make limit 10 per cent of capital and surplus, and this amendment became law on June 22, 1906.

Several Comptrollers say that never in a single instance had the penalty prescribed in section 5239 been enforced to stop the making of excessive loans, and Deputy Comptroller Kane, in a magazine article in December, 1903, says that the law (sec. 5200) is persistently violated and disregarded and that if the penalty (sec. 5239) were applied (in 1903) it would result in closing two-thirds of all the banks in the national system.

Mr. TILLMAN. Mr. President, one of the resolutions which has been read at the desk and to which I am speaking, the fourth one, says:

Fourth. The committee is further instructed to ascertain what, if any, legislation is necessary to discourage or prevent the habit of persons holding the office of Comptroller of the Currency or other Treasury officials from making their offices a stepping-stone to employment by national banks.

I have taken the trouble to search the record to dig up the facts, going back to the beginning, and I simply read and will incorporate in the RECORD a list of the men who have held high official positions in the Treasury Department, who have had direct supervision of national banks, and whose duty was to see the law enforced, who have graduated out of their offices into high positions with big salaries in the employment of national banks.

I take the highest first.

The first one who went to a bank or trust company was Charles S. Fairchild, president of a trust company in New York; then Lyman J. Gage, president United States Trust Company, New York; Leslie M. Shaw, resigned to become president of the Carnegie Trust Company.

Assistant secretaries: Hugh S. Thompson, comptroller of the New York Life Insurance Company; Frank A. Vanderlip, resigned to become first vice-president of the City Bank of New York, at which time Milton E. Ailes was private secretary to Secretary Gage. Milton E. Ailes resigned to become vice-president of the Riggs National Bank of this city.

But those are only sporadic instances. Here is the rich streak of ore, the pay dirt. I refer to the Comptrollers of the Currency, and every man here knows that the Comptroller of the Currency is the responsible official who has to deal with and supervise national banks and enforce the law. This is a list of those officers who have made their positions stepping-stones to employment, under the words of the resolution:

J. J. Knox, went out of Comptroller's Office in 1883 and became president of Bank of Republic, of New York.

H. W. Cannon, left Comptroller's Office in 1885 to become president of Chase National Bank, of New York.

W. L. Trenholm, left Comptroller's Office in 1888 to become president of American Surety Company, then North American Trust Company, of New York.

E. S. Lacey, left Comptroller's Office in 1891 to become president of Bankers' National Bank, of Chicago.

A. B. Hepburn, left Comptroller's Office in 1892 to become the president of the Chase National Bank, of New York.

J. H. Eckels, left Comptroller's Office in 1897 and became president Commercial National Bank, of Chicago.

C. G. Dawes, left Comptroller's Office in 1899 and became president of Central Trust Company, at Chicago, Ill.

Democrats and Republicans alike, all of them, apparently neglected their duty, their sworn duty, and ran the Treasury Department in the interest of the national banks, with the view, certainly with the result, that they are carefully taken care of for the balance of their lives; at least as long as they can make themselves useful to their employees. The United States Treasury has become an adjunct and an annex to Wall street. Its hundreds and hundreds of millions are poured over there when an emergency arises and deposited with the favorites of those in power, and as long as this Congress sits quiet and permits the laws to be trampled under foot by the national banks and permits the officers of the Government to prostitute their offices by encouraging gambling in violation of the law the President need not ask us for more legislation. He should turn his eye eastward from his office or send across the White House lawn to the Comptroller's office, read sections 5200 and 5208 and 5239 and the statute I read, enacted in 1882, and say, "Gentlemen, I am informed by a former official of the Government, at present a bank officer in New York, that if you will enforce these statutes you can stop stock gambling." Let him do that before he comes to the Senate with the information through the newspapers that some of his understrappers and flatterers—Neill, Garfield, and company—are going to write bills to be sent here for us to enact. Let him clean up before one door. Let the Executive make himself felt by enforcing one law before he asks for so many that are dangerous and radical.

Another one of these resolutions, Mr. President——

Mr. BEVERIDGE. Mr. President——

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

Mr. TILLMAN. Certainly.

Mr. BEVERIDGE. Would the Senator mind naming some of the laws which the President recommends that the Senator regards as radical and dangerous and with which he disagrees?

Mr. TILLMAN. I disagree wholly with the doctrine that we should permit the railroads to pool.

Mr. BEVERIDGE. Will the Senator name another with which he does not agree, and which he regards as radical and dangerous?

Mr. TILLMAN. Well, for a man who is high-horsing all over the land, hurrahing about what he is going to do to predatory wealth, to have a conference with Morgan et al., ignoring the grave and reverend seigniors who were leaders of the Republican party when he was in his swaddling clothes, forgetting the men who made it what it is, kicking some of them out of office—let him carry out some of the laws on the statute books as a guaranty of good faith.

Mr. BEVERIDGE. The Senator has spoken of the President recommending so many laws which he regarded as radical and dangerous.

Mr. TILLMAN. I can not read all of this message.

Mr. BEVERIDGE. No; but in that message there is recommended an employers' liability bill. Does the Senator regard that as dangerous and radical?

Mr. TILLMAN. It would depend entirely on the phraseology of it. I think the Senator from Indiana might possibly frame one for which I would vote, although I would expect to find a rabbit's foot in it somewhere in favor of railroads, or trusts, or corporations. [Applause in the galleries.]

Mr. BEVERIDGE. If such crept in, I could depend upon the Senator from South Carolina finding it.

The VICE-PRESIDENT. The Senator from Indiana will suspend. The Chair will advise the occupants of the galleries that under the rules of the Senate applause is not permitted.

Mr. BEVERIDGE. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. BEVERIDGE. Then the Senator agrees with the proposition that there should be an adequate employers' liability law. That is one of the chief recommendations of the President. Then, again, the President recommends a reasonable anti-injunction law. Does the Senator disagree with that?

Mr. TILLMAN. What is reasonable?

Mr. BEVERIDGE. Such as the President recommends.

Mr. TILLMAN. I do not know whether the President's recommendation is reasonable or unreasonable till I see it in print.

Mr. BEVERIDGE. Does the Senator regard any of the President's recommendations concerning labor legislation as radical and dangerous?

Mr. TILLMAN. Mr. President——

Mr. BEVERIDGE. I ask the Senator——

Mr. TILLMAN. Wait a minute, if you please. I believe labor has the right to organize, and I favor the recognition of that right, and I would if necessary fight to have it enjoy that right, and at the same time, while I believe that the laborers who are organized have a right to demand the power to jointly use their influence and votes to get redress and protect themselves, I will never yield, except with my life, to the doctrine that one man shall say to another, "You shall not work."

Mr. BEVERIDGE. I asked these questions—and I shall not pursue them further—because two or three times in his address the Senator had spoken about the many laws recommended by the President which were radical and dangerous and which, therefore, we were to infer, the Senator would disagree with. Yet, with the message before him, when he is asked to name the laws which are radical and dangerous, the Senator does not do it, but when two are mentioned that are thus recommended, the Senator agrees with the general principles.

Mr. TILLMAN. I just called attention in the preceding part of my speech to the fact that I thought the question of capitalization is one of the most vital in all the railroad-rate regulation. But the President was as dumb as an oyster when we might have done something with his help. Now he comes forward with a how-not-to-do-it programme, except to drum up votes?

Mr. BEVERIDGE. Does the Senator think that a how-not-to-do-it programme would drum up votes?

Mr. TILLMAN. The Senator from Indiana can ask more questions possibly than I could answer in a year.

Mr. BEVERIDGE. At this rate, I think so.

Mr. TILLMAN. Will the Senator point to anything in this message which is intended not to drum up votes?

Mr. BEVERIDGE. In the sense that the recommendations of the message are for the welfare of the American people, the help of American business, and the relief of American labor, of course they appeal to the people, and therefore get votes.

Mr. TILLMAN. And why has not the Republican Congress put these laws on the statute books heretofore?

Mr. BEVERIDGE. Will the Senator agree not to obstruct any attempt to put those laws on the statute books?

Mr. TILLMAN. It depends on which one you pick out. I am not going to give to a wild and radical man like the Senator from Indiana, who gets up here and gravely contends for the doctrine that Congress can regulate child labor in the States, the right to say what I shall vote for. I am a cornfield lawyer, but I have more sense than that. [Laughter.]

I was proceeding, Mr. President, to call attention to the fifth resolution, which we have under consideration:

Fifth. Whether national banks are using trust companies or other financial associations as agencies through which to transact business forbidden by the law governing national banks, and what legislation is necessary to prevent such an evasion of the statutes.

I hold in my hand a clipping from the New York Sun of February 25. I will read the headlines. "First National's new plan. To organize the First Security Company. Capital $10,000,000." I will ask to have it read from the desk, and let my friend, the Senator from Indiana, see what is going on. He is so busy looking out for vote getting just now that he is not paying any attention to the deviltry which is going on in New York under the laws we already have.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

The First National Bank has formulated a plan for the organization of a security company to be known as the First Security Company, with a capital of $10,000,000. On receipt of the assent of its stockholders to the plan, the bank proposes to declare a special dividend of 100 per cent, amounting in the aggregate to $10,000,000, the dividend to be turned over to trustees and to supply the capital of the security company. The trustees will hold for the stockholders of the bank all the stock of the security company. The trustees are to be George F. Baker, president of the bank; the vice-presidents, and the cashier. A circular to stockholders explains the plan as follows:

"It is deemed to be for the interests of stockholders of this bank that a security company, such as has proved advantageous in the case of several other banks, should be organized for the purpose, in part, of transacting for its patrons *certain lines of profitable business which, though often transacted by bankers, are not expressly included within the corporate powers of national banks.* Among these are the *acquiring* and holding of *real estate, securities, stocks,* and other property.

"To this end it is desired to secure the assent in writing of our stockholders to a plan of organizing a security company under the name of the First Security Company, with a paid up capital of $10,000,000, the stock to be issued to and held by six trustees, who shall be the president, vice-presidents, and the cashier of the bank. These trustees *shall exercise* the powers of ownership of the stock, *shall elect* the same board of directors as that of the bank, *shall collect* all dividends, *and pay the same over to the bank for immediate distribution to its shareholders who have assented to this plan.*

"Upon receiving the assent of the stockholders, the bank purposes to make *a special dividend of 100 per cent ($10,000,000)*, to be received by the trustees and *to be* applied to the payment of the capital stock of the security company, which stock shall be held by the trustees for the benefit of the shareholders of the bank assenting to this plan."

The First National in its December report to the Comptroller of the Currency showed *$19,553,900 undivided profits.* The capital of the bank is $10,000,000. Practically, accordingly, the plan consists in a segregation of half of the undivided profits in a company with greater powers than are conferred on the national banks. A similar plan was carried out by the First National Bank of Chicago in the organization of the First Trust and Savings Bank.

The circular also says that the First Security Company will be organized in pursuance of an agreement between George F. Baker and other trustees and J. Pierpont Morgan and other stockholders. In this agreement it is provided that the directors of the security company shall be the same as the directors of the bank and that the dividends and other earnings of the security company shall be paid over to the bank for distribution among the stockholders of the bank. The stock in the security company is to change ownership only with a transfer of bank stock, so that at all times the interests of stockholders in the bank and stockholders in the security company will be identical. (The New York Sun.)

Mr. TILLMAN. It will be seen that one of these gigantic national banks in New York cold-bloodedly announces through the newspapers that it is organizing the trust company, the officers of the trust company to be the same as those of the bank, in order to have the trust company do things that the bank can not do, although it is the bank's own money. What are you going to do about that, you, Senator from Indiana, who is so anxious to know what is the matter here?

Mr. BEVERIDGE. What does the Senator from South Carolina propose to do about it?

Mr. TILLMAN. I have asked time and again that the Committee on Finance shall investigate these matters, and I can rely upon the great experience and wisdom of the members of that committee to propose some regulation which will prevent it, if they want to prevent it.

Mr. BEVERIDGE. Then the Senator——

Mr. TILLMAN. But the enforcement of the law as it is now would prevent it.

Mr. BEVERIDGE. Then the Senator complaining, himself proposes no regulation. He refers it to a committee in control of those on this side of the Chamber.

Mr. TILLMAN. The Senator from South Carolina has introduced too many resolutions and bills which have died stillborn in the pigeonholes of the Republican chairman of the committee, for him to undertake to worry his brains about providing brains for you. [Laughter.] But the enforcement of the law, as we now have it, will stop this deviltry.

Mr. OWEN. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. OWEN. Mr. President, I suggest to the Senator from South Carolina that an amendment to the finance bill submitted for the express purpose of preventing national banks from using their deposits for gambling purposes would effectually meet the case.

Mr. TILLMAN. We will vote on all those amendments some time in the near future, and I will be prepared to back up my friend, the Senator from Oklahoma, in any constructive legislation which will stop those devils from stealing all the money that the South has and nearly all that the West can get.

I want to return to that stock-gambling feature, however, because I have some facts and some observations which I had prepared, but in the confusion of my manuscript and data here I did not use them a while ago.

My attention was called in connection with this recent panic to preceding panics and money stringencies, and, comparing the panic of 1907 with others, I find that in 1907, in October, only one small bank in Chicago failed, because there was no stock gambling going on there, while fifteen banking institutions in New York City, with an aggregate of over two hundred million dollars of deposits, either closed their doors or sustained very serious runs as the result of the loss of confidence in their management.

I have here a table of those banks from official reports, which I shall ask to insert at the proper place.

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

Statement showing deposits of national banks, State banks, and trust companies in Greater New York which either failed or sustained serious runs about October 1, 1907.

National banks.	Net deposits Oct. 5, 1907.	Remarks.	Total.
National Bank of North America	$13,539,000	Failed	$34,172,600
New Amsterdam National Bank	5,086,000	do	
First National Bank (Brooklyn)	3,451,000	do	
Mercantile National Bank	12,096,600	Serious run	
State banks.	**Net deposits Sept. 29, 1907.**	**Remarks.**	**Total.**
Mechanics and Traders'	$18,779,000	Failed	$45,934,800
Oriental	10,685,000	do	
Hamilton	7,117,800	do	
Twelfth Ward	2,853,000	do	
Borough	4,143,000	do	
Brooklyn	2,357,000	do	
Trust companies.	**Net deposits June 27, 1907.**	**Remarks.**	**Total.**
Knickerbocker	$64,920,000	Failed	$172,681,000
Jenkins	3,422,000	do	
Williamsburg	8,325,000	do	
Lincoln	24,778,000	Serious run	
Trust Company of America	71,236,000	do	

Total deposits, $252,788,400.

Aggregate deposits, banks and trust companies, New York City, $2,000,000,000.

Mr. TILLMAN. Again these failures and runs caused the New York banks to issue clearing-house certificates and to suspend currency payments, and this action within twenty-four hours caused the clearing-house banks all over the country to follow the same course to prevent the withdrawal of the cash for shipment to New York, where currency commanded a heavy premium.

A friend has sent me an exhibit of clearing-house certificates of various shapes and characters and sizes and denominations. Of course I could not ask the Government Printing Office to incorporate them in my speech, but the curious on the other side who want to get acquainted with clearing-hosue certificates and the subterfuges to which the national banking system lends itself can examine these.

Mr. OVERMAN. Turn it around so that we can see.

Mr. TILLMAN. You are not interested. At least you are interested, but you are like bumps on a log sitting here and taking wisdom from Indiana and elsewhere. There is sheet after sheet, clearing-house certificate after clearing-house certificate, some of them with pigs behind them and every imaginable scheme of shinplaster money. These were dumped on the people of the country in place of good honest greenbacks, and then you call that fiat money. What is this? Pass it along among the brethren on your side [handing exhibit to Mr. BEVERIDGE]. The Senator from Indiana and his colleagues absolutely refuse to recognize their own offspring. [Laughter.]

The Senator from Rhode Island informed us the other day, with that snap of the lip which we all have learned to recognize as meaning business, that this would "never be tolerated again." Does the Senator mean there will be a President some time or other who will enforce the 10 per cent tax against State banks of issue or illegal issues or anything of that sort? I should like to have an answer.

Mr. ALDRICH. Mr. President——

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

Mr. TILLMAN. Certainly.

Mr. ALDRICH. I assume that the officers of the law will do their duty. I think they will. That is the reason why I undertook to make that suggestion. In this particular case there was a suspension not only of payments, but a suspension of law, a suspension of law, perhaps, that was justified by the crisis in which the country found itself.

Mr. TILLMAN. The suspension of law by the banks, followed by the suspension of law by the Secretary of the Treasury in issuing the bonds contrary to law. I will ask the Senator, if he will permit me, whether he is willing to commit himself to the assertion that the issue of Panama bonds and the 3 per cent certificates are both legal?

Mr. ALDRICH. Mr. President, the Committee on Finance, recognizing the things that have been done in the past which were only justified by the occasion, have presented to the Senate and to the country a measure which they believe will stop such transactions in the future.

Mr. TILLMAN. I am glad the Senator from Rhode Island has hopes. "Hope springs eternal in the human breast." While we have no assurance other than the word of the Senator from Rhode Island that this will never be tolerated again, I believe if the Senator will consent to the incorporation in his bill of some amendments which would seek to keep the reserves of the country banks in their own vaults, not send them to New York to be used by the national banks there as a basis for stock gambling, he will contribute very largely to a cessation of these evils and to providing a remedy which will be actual.

Here is what Comptroller Ridgely says with regard to this on page 70 of his 1907 report:

> On October 26 the New York clearing-house banks decided to issue clearing-house certificates for use in the payment of balances and to limit, if not suspend, the shipment of currency to out-of-town banks. In this the New York banks were followed by those of the other central reserve cities and most of the reserve cities. The result was at once to precipitate a most serious bank crisis and a famine of currency for pay rolls and other necessary cash transactions.

The Comptroller's report shows that on August 22, 1907, just preceding the New York panic, the national banks in that city held deposits made by other banking institutions to the great amount of $465,000,000, of which $259,000,000 belonged to out-of-town national banks.

At the same time New York banks had loaned out on stocks and bonds about $400,000,000, an amount nearly equal to what they owed to banks which were unable to draw out this money when they needed it to move the crops, because it was invested on the stock exchange.

The country banks had sent their money to New York; New York had loaned it to the brokers on these illegal certification schemes, and when the country banks said "We want our money," New York lifted its voice and said to the country people, "Issue your certificates or any other old thing; the emergency is here; and unless you will come to our help down we will go."

The Senator from Rhode Island said the emergency was so great that it was permissible to evade the law, to break the law, fail to enforce it, or whatever you call it.

History repeated itself, according to Comptroller Ridgely, who, in speaking of other panics on page 64 of his 1907 report, quotes from the Comptroller's report of 1884 in connection with the panic of that year as follows:

> There is little doubt that one of the causes which led to the local disturbances among the banks, national and State and private bankers of the city of New York, was their intimate relation in many instances with the New York Stock Exchange, and the fact that a large portion of the loans made by the banks and bankers of New York were based on the security of stocks and bonds, often speculative in their character, which are dealt in and regularly called at the stock board.

This unholy alliance between the banks and the New York Stock Exchange is as strong or stronger than it was in 1884, for, besides lending the reserve funds of out-of-town banks intrusted to their keeping on stocks and bonds, these national banks lend their credit besides to stock brokers often in violation of law.

Nearly one-half of the exchanges for the clearing-house banks in New York City consists of checks certified by stockbrokers,

and their published reports on August 22, 1907, show that ten national banks in New York with individual deposits amounting to $225,000,000 certified checks on that day to the amount of $121,000,000.

TABLE 1.

List of ten national banks in New York City which certify checks for stockbrokers, showing the "individual deposits" and "certified checks" of these banks on June 18, 1906, and May 22, 1907, dates of their reports to the Comptroller.

Name of bank.	June 18, 1906.		May 22, 1907.	
	Individual deposits.	Certified checks.	Individual deposits.	Certified checks.
Bank of New York	$12,206,000	$13,939,000	$12,332,000	$8,659,000
Mechanics National Bank of America	12,611,000	9,187,000	15,663,000	6,118,000
Phenix	4,124,000	3,022,000	6,401,000	1,542,000
National City	88,781,000	17,974,000	83,658,000	11,614,000
Gallatin	4,699,000	6,498,000	5,255,000	5,283,000
National Bank of Commerce	58,885,000	37,465,000	62,190,000	18,251,000
National Bank of North America	8,175,000	3,976,000	9,936,000	2,751,000
Hanover	22,081,000	19,309,000	24,206,000	11,486,000
Fourth	7,655,000	4,104,000	8,676,000	1,716,000
Seaboard	6,295,000	5,790,000	7,271,000	3,404,000
Total	225,512,000	121,264,000	235,588,000	70,824,000

The certifications on May 22, 1907, were greatly less, because the stock market was much less active than on June 18, 1906.

Some of these banks go through the form of "accepting" these checks instead of certifying them, imagining this pretense enables them to evade the law.

Most of them also adopt the subterfuge of discounting the unsecured demand notes of brokers on which no interest is paid and placing the proceeds of these notes to the credit of these brokers, certifying their checks against the credits, although the law plainly says that the certification of checks is unlawful unless the party drawing the checks has on deposit "an amount of money equal to the amounts specified in such check."

And the proceeds of these brokers' unsecured notes, bearing no interest, are imagined to be "money" on deposit.

The national banks in this way in reality lend their credit to the brokers, which the courts have declared the banks have no power to do.

One way to stop this investment of reserve funds of out-of-town banks in stock-exchange securities is to change the law as to reserve against deposits so as to compel the out-of-town banks to keep all their reserve in cash in their own vaults, where they can get it when needed, instead of sending it to New York and other centers to feed and stimulate stock speculation.

This would work very little hardship on the banks in the South and West, for they receive, as a rule, only 2 per cent interest a year on the portion of their reserve they now deposit in reserve cities.

Another check on speculation will be to compel the national banks which violate section 5200 as to excessive loans in certifying checks to obey the law in this respect, and to amend the law so as to compel them to certify checks for brokers only against good and sufficient collateral security.

As the practice now stands, a bank which can not lawfully lend more than $100,000 on the best collateral security will frequently lend $200,000 or $300,000 or more to a broker on his note without any collateral whatsoever and without any criticism from the Comptroller's office.

This lavish use of bank resources and credit for years has borne fruit by enabling Napoleons of finance through the medium of the New York Stock Exchange to market billions of dollars of almost worthless stocks and to place these in the hands of helpless investors who have exchanged hard-earned money for them, which has thus been diverted from the channels of legitimate business.

Mr. HALE. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. HALE. Will the Senator address himself to the question of remedy? I admit—and the whole proposition that is before the Senate from the Committee on Finance is based upon the assumption—that the condition in New York, the action of the Government, everything that took place, is a thing to be regretted that it occurred. The action of the Government, the issuing of the Panama bonds, the deposits in the banks, were all unfortunate; possibly not legal, it may be not justifiable, but quite likely under the circumstances excusable.

The whole proposition of the Committee on Finance in the bill before the Senate, upon which the Senator is now addressing himself, is based upon the concession that all of these things, the resort to the clearing houses, the extra powers of the Government, were most unfortunate, and if to be made a precedent in the future, deplorable. The bill that is before the Senate is upon the basis of an attempt to prevent any such conditions hereafter. I do not know, nobody can tell, whether the bill is right, whether it will meet every emergency in the future, but the harangue of the Senator, the able speech of the Senator——

Mr. TILLMAN. Take the "harangue" back or take the last back, one or the other.

Mr. HALE. I used a word, Mr. President, which was not only in my mind, but I venture to say was in the mind of a great many other Senators. But I withdraw it.

Mr. TILLMAN. It is not objectionable to me at all. I do not mind it, but I just wanted you to stick to one form or the other, and not put up a mixture like that, for you split me in half. [Laughter.] Harangues can not be able speeches.

Mr. HALE. All of the portraiture and picturing of the condition in New York that the Senator and some other Senators have indulged in are in a degree justifiable, because they are unfortunate and to be lamented. Nobody realizes that so much as the Committee on Finance. Nobody recognized that situation more than the members of that committee in framing the bill.

While I do not of course expect that I can limit the Senator, and I do not want to, I wish he would address himself to some proposition that would be better to meet these very difficulties that the Senator encounters, and I encounter, that everybody encounters, and that the Committee on Finance encountered. The trial that the committee is making is to relieve not only the situation in the past, but to prevent it, so far as it can, in the future. Before the Senator closes I wish he would tell the Senate what he thinks would be a better bill than the one presented by the Committee on Finance.

Mr. TILLMAN. Mr. President, it would be very easy to do that. I will simply say the bill of the Senator from Texas [Mr. BAILEY] is a better bill than yours.

Mr. HALE. The Senator has plenty of time to do that.

Mr. TILLMAN. I say it is very easy to tell you what bill I think is better than yours. It is the bill introduced by the Senator from Texas; and there are various amendments pending introduced by one and another here on both sides which would improve the Aldrich bill vastly. I had the honor to introduce one to prevent the retirement of all the bank currency of the country at the will of speculators in New York in a night if they saw fit. You could get together and work on a scheme of limiting their retirement to $9,000,000 in one month. The Senator from Rhode Island has agreed to some modification or acceptance of that principle, with some modification, I suppose, which will bear on the emergency currency, if it shall be issued.

The Senator did not ask me to give my reasons for objecting to the Aldrich bill, but to suggest a better one. I have already pointed out in general phrase that I think the bill of the Senator from Texas is better. We can very often decide what ought not to be done, although we may not be so ready to suggest what ought to be done.

I have been trying to point out that the gambling in stocks and bonds by overriding the law by the national banks with the knowledge and consent of the Comptroller of the Currency and the President, too, should be stopped. That is a thing that would help the cause wonderfully.

As far as the issue of notes during an emergency is concerned, I have not given the subject very much consideration, because I have no responsibility in it except to criticise the work of gentleman on the other side. I have not devoted very much study to it, but I have an idea in my head that a scheme of interchangeable bonds, the Government issuing a bond which should bear on its face the proposition that whenever the holder of that bond sees fit to deposit it in the Treasury he shall be allowed to draw its face value in greenbacks, would be far better than this. Interchangeable bonds, I say, would be better than the Aldrich bill. Instead of having the banks use the bonds which they have bought, railroad bonds included, municipal and State bonds included, as a basis for deposit in the Treasury and drawing out the money of the United States from the Treasury guaranteed by this Government, why do you not let all the money bear the imprint of the Government? If the promise to pay, a bond, bearing 2 or 3 per cent interest is so good that it commands a high premium, why should not the promise to pay in gold on demand not be good for money? When you can answer satisfactorily why the one promise is good and the other not, it will be worth while to consider some other suggestions. But I throw it out as a suggestion that the most promising scheme to me to enable us to get more money

when we need it is to have an interchangeable bond, so that whenever any man who wants more greenbacks, and they are at a premium by reason of speculation or otherwise, he can go to the Treasury and deposit bonds and draw greenbacks on them.

Mr. ALDRICH. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. ALDRICH. Does the Senator think it desirable to increase the public debt of the United States for that purpose?

Mr. TILLMAN. No, indeed.

Mr. ALDRICH. How does the Senator propose to issue bonds, and for what?

Mr. TILLMAN. If we have not got money enough, let us issue the greenback, and let the people get them in the order of business and then use them in banking. I do not see why we should be compelled to pay interest for the benefit of the bankers by issuing interest-bearing securities and then turn around and when the people have this one promise of the Government say you can not give them another promise of the Government. Call me greenbacker or fiat-money advocate, or whatever you see fit; the promise of the Government with the green on the back of it or the yellow or any other color you see fit on the front of it, with a promise to pay, is good enough for me. I do not care whether you like it or not.

Speaking about stock gambling and the profits of it and the men who have made great fortunes at it, we have had a remarkable exhibition here. It is a very remarkable thing in one sense. Before I go to that, the bankers, who are supposed to be in constant telephonic communication with the Senator from Rhode Island and in a way to dictate and boss his actions, object to his bill. I presented a letter from Mr. Forgan the other day, the high muck-a-muck of the Chicago clearing house, in which he objects, and there are other banking associations and high financiers who object to it. Why? They want asset currency. They are not satisfied with the half loaf which the Aldrich bill gives them, but they want the whole cake.

I, for one, believe that the holder of any type of bond which the Senator from Rhode Island says shall be security for emergency currency, whether he is a banker or a private citizen, should have the same right to go to the Treasury and deposit that bond and get those notes that any national bank has. What good excuse can you give to limiting this privilege to a few national banks? Nothing except the desire to further the interests of special classes who are the pets of the Government.

The VICE-PRESIDENT. The Senator from South Carolina will kindly suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 3023) to amend the national banking laws.

Mr. TILLMAN. Mr. President, I have just a little more to say, and then I am through.

I was just alluding to the attitude of one of the most famous financiers in this country, a man of wonderful genius in raking together millions and who during this panic is said to have "saved the country." His praises have been sung by magazine writers and others, and we have been told that but for his magnificent generalship and management the catastrophe would have been a thousandfold worse. I allude to Mr. J. Pierpont Morgan.

Mr. President, it is a notorious fact that Mr. Morgan has been a greater beneficiary of this system of gambling and stock watering than any other man in the world, perhaps, and when men come forward and press him to the front as being such a benefactor to the human family, and especially to the American people in the recent crisis, I simply get disgusted; that is all. I can not help myself, because I know he has been the beneficiary of these schemes over there and of this system and he is the head of institutions which have profited by it. He himself participated, through his brokers, in this rounding up of the lambs and shearing them. I will give you a few instances of some of his work.

The profits of this nefarious stock mongering have found their way into the pockets of the very men who, when the evil results of their fraud manifested itself, posed as "saviors" and "uncrowned kings," and are lauded to the skies when they were really trying to save themselves from the disasters which threatened to overwhelm them along with their deluded victims. One of these "saviors" had done more than any other of the money kings to deluge the stock market with watered stock. As far back as 1894 he had floated $120,000,000 of railroad stock, which, while freely bought and sold on the New York Stock Exchange, has never paid a dividend. In 1895 he floated $113,000,000 more railroad stock, which has never paid a dividend, and in 1902, in an effort to monopolize the ocean steamship trade, floated $100,000,000 more of the same kind of stock. These are only a few of the achievements of this "uncrowned king." With others of his kind he has created a Frankenstein monster, which, unsatiated by the blood of suicides and tears of heartbroken women, threatened to devour and consume his creators, who were able to quench his thirst only by torrents of gold poured out by the Federal Treasury. Morgan himself was in the deep water swimming when Cortelyou went to the rescue.

Now, Mr. President, in conclusion I want to ask the Senator from Rhode Island to remember that a year or more ago I tried to get him to investigate the Chicago situation, and pointed out the absolute disregard of law in the dealings of the Walsh bank and of Walsh himself. Mr. Walsh has since been tried and convicted, which indicates that he had broken the law. But he had absolution in one sense, because other thousands of them had broken the law, and Comptroller after Comptroller of the Currency had called attention to these shortcomings of the various national banks and bankers, and Walsh was made the scapegoat, so to speak, of the system, which is pernicious and dangerous and devilish, and ought to be stopped.

Mr. ALDRICH. Mr. President——

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

Mr. TILLMAN. With pleasure.

Mr. ALDRICH. I suppose the Senator from South Carolina will remember that the reasons given for not entering upon a Congressional investigation were that the question and all the transactions were pending before the grand jury in Chicago. Since that time Mr. Walsh has been indicted and convicted. It certainly is no part of the business of the Senate to take up a criminal case which is pending before a court and undertake to adjudicate it.

Mr. TILLMAN. Mr. President, the Senator will also recollect that the action of the clearing house in taking over the Walsh assets and settling with his depositors, involving a direct violation of the law, was the subject I asked to be investigated, not Walsh's own transgressions. It was with a view to having such remedial legislation, if it is required, or having attention directed to the fact that the laws as they are are not enforced, that I sought to have the Senate Committee on Finance act then.

Mr. ALDRICH. It was apparent to every intelligent man, I think, who investigated or considered the question of the Chicago clearing house that that transaction, instead of being discreditable, was very creditable to the banks in Chicago, and that it saved a financial crisis, not only in that city but in the country. I believe it was not only justified by but entirely within the provisions of the law.

Mr. HOPKINS. Mr. President——

Mr. TILLMAN. If the Senator's opinions are so pronounced and he is——

Mr. HOPKINS. Will the Senator allow me just a word?

Mr. TILLMAN. With pleasure.

Mr. HOPKINS. With reference to the action of the clearing house in Chicago and the aid that they rendered to the City National Bank, there is no person who is familiar with the facts and has a knowledge of the law who has ever contended that those banks violated the law. The subsequent events have shown that they did not lose a dollar. The money they advanced they took absolute security for and received the regular rates of interest. As I have stated, it has never been contended by those familiar with the facts that any bank in Chicago in coming to the rescue of Mr. Walsh's bank did, as stated by the Senator from Rhode Island, other than a patriotic and a just act.

Mr. TILLMAN. Mr. President, the Senator from Illinois has said all that once or twice before, and it was not worth while for him to come in now. I am not trying to hit a man who is down. Walsh is simply, as I said, a victim of a system which has grown up under the lax administration of the Treasury Department. He did what hundreds of other national bankers are doing every day in the year. I am only directing the attention of the Senator from Rhode Island, as the Senator who is the responsible head of the financial legislation of this body, to these facts and calling his attention to the iniquity and evils of stock gambling and lending money to one's self as a director, and other things, in violation of section 5208, and asking him to investigate and report what legislation, if any, is necessary to stop these things. If he finds that no legislation is necessary and the Senate shall adopt a resolution coming from his committee calling attention to the sections already on the statute

books which provide a remedy if the President would see that they are enforced, I will have accomplished my purpose; and that was all I had in view in undertaking to bring up the facts in regard to the Comptroller's office.

Now, I want to ask the Senator from Rhode Island, in conclusion, if he will not agree to let this resolution be passed by the Senate and go to his committee rather than have it referred to the committee, for I know when things are referred there it means that they are going to be laid out and buried.

Mr. ALDRICH. Speaking for myself, I shall not resist the passage of the resolution submitted by the Senator from South Carolina; and the committee, I have no doubt, if they are so instructed, will investigate to the best of their ability the subjects to which the Senator has alluded.

Mr. TILLMAN. I thank the Senator from Rhode Island; I thank the Senate; and apologize for my "harangue," or whatever you call it. If I shall have succeeded in directing attention to a very serious and grave condition in our financial matters, which is not considered in the Aldrich bill and to which we should direct ourselves in order to get a remedy, I will be content, and I hope that the next time somebody else gives us an "harangue" he will give as much good sense along with it.

Mr. BEVERIDGE obtained the floor.

Mr. TILLMAN. I ask, if the Senator from Indiana will permit me——

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. Although the morning hour has expired and the resolution has gone to the Calendar, I ask unanimous consent that it may be considered at this time.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent that the resolution submitted by him may be considered. Is there objection? The Chair hears none.

Mr. BEVERIDGE. Mr. President——

Mr. TILLMAN. If the Senator wants to address himself to the resolution, all right.

Mr. BEVERIDGE. No; I merely want to make some observations on the unfinished business.

Mr. TILLMAN. Then, let the resolution pass before it gets lost in the shuffle.

Mr. BEVERIDGE. I am heartily in favor of it.

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

The resolution was agreed to.

AMENDMENT OF NATIONAL BANKING LAWS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 3023) to amend the national banking laws.

Mr. BEVERIDGE. Mr. President, I am very glad indeed that the resolution has passed, and I am in hearty sympathy with it and every other resolution that has for its purpose the finding out of any facts upon any subject with which this body must deal.

I have been, as indeed the entire Senate has been, rarely entertained, as we always are, by the Senator from South Carolina, whose picturesque phrases and Carlylean diction make him one of the most attractive debaters in either House of Congress.

However, it was not alone to pay him this heartfelt tribute that I rose, but to note, Mr. President, a curious change in the Senator's state of mind. There is, perhaps, no study so engaging as the transformation of the opinions of public men forced by the exigencies of politics. Gladstone, it is said, went into public life as a High-churchman and ended as the advocate of church disestablishment.

He began his public career as an ultraconservative and ended as an ultraradical. He began as the defender of vested interests and closed his career in his last great speech in the Midlothian campaign by declaring that in forty years of public life he had always found vested interests wrong, although he started out in their behalf.

All these things we may expect as men progress in their public duties. But hardly anybody could have prophesied the change that has occurred in the Senator from South Carolina. Above all men in either party he has been considered the especial and particular tribune of the people. He came here in that capacity, and he has maintained his title. If anything was dear to him, it was "the masses."

And yet we find this apostle of the populace referring in his brilliant address to "the ignorant masses"—"the ignorant masses," those were his very words. He spoke of the people as "poor, simple souls"—"poor, simple souls," those were his words. Great heavens!——

Mr. TILLMAN. Republican people.

Mr. BEVERIDGE. What will be the consequence when that speech appears in South Carolina? [Laughter.]

Of course, Mr. President, I do not intimate that the heart of the Senator does not beat as true to "the ignorant masses," as he calls them now, as it ever beat; or that he is to-day less faithful to the soil than when he came here directly from it. Nor do I charge him, or any other Senator on either side, and especially upon that side, as a Presidential election approaches, with the motive of "playing politics." Oh, no; far be it from the minority to make an appeal to votes; far be it from the minority to "play politics" that may capture votes, although they need them badly now, and will need them worse in November.

But, Mr. President, assuming that this is upon the broader grounds, perhaps, of higher politics, the change is explained in the Senator's own language. It has become the fashion upon that side of the Chamber, as well as by a certain class, among whom are the stock gamblers of whom the Senator speaks, to denounce the President. The President, says the Senator from South Carolina, appeals to "the ignorant masses." The President, he asserts, talks to these "poor, simple souls;" and he resents either the President appealing to the people, whose Chief Magistrate he is, on the one hand, or his sending messages to Congress, which the Constitution commands him to send to the people's representatives, upon the other hand. What the Senator apparently would have the President of the United States do, if a Republican President, is to do nothing at all.

No doubt that would play in with the programme which the minority would like the President and the Republican party to map out.

The Senator from South Carolina compared the speeches of the President—with not one of which in their substance and ideas the Senator himself will disagree—to the speeches of Andrew Johnson. Why, Mr. President, every schoolboy, much more every informed man, knows that there is no comparison, but only contrast. One presented the grievances that he imagined he himself had sustained; the other denounces grievances which the people have really sustained; one were personal defenses of a discredited politician; the other are the appeals of a great publicist; one were the transient and evanescent utterances of a man who got nothing done, and the other are the great addresses of a statesman who has got more things done in his Administration than has any President since the civil war.

Mr. TILLMAN. Mr. President——

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

Mr. BEVERIDGE. I yield to the Senator.

Mr. TILLMAN. The Senator from Indiana listened to me with very little profit if he supposes for a moment that in my comparison of the speeches of those two Presidents I had any other motive than to draw attention to the subserviency of the Republican Senate now and the aggressive and tyrannical action of the Republican Senate then; to the cowardice of the present Senate and to the tyranny of the old Senate.

Mr. BEVERIDGE. And that is precisely the point to which I was coming.

Mr. President, why was it that Andrew Johnson had no influence with Congress and that Theodore Roosevelt has infinite influence with Congress? It is because one of them had not the confidence of the people, and the other one has the entire confidence of the people. It is one of the most beautiful, as well as one of the most beneficent workings of our popular form of government, that any branch of it that at any particular period best represents the people has the confidence of the people.

Why was it that in the last Democratic Administration its President lost the control of Congress almost as completely as did Andrew Johnson, and that the Senator's own party, together with his colleagues upon this side, had the confidence of the people? It was because they more accurately represented the people's thoughts, needs, demands, and aspirations. There is no subserviency upon this side of the Chamber to any power on earth, except to the public opinion of the American people. What the Senator thinks is subserviency to the demands of the President is only our Republican harmony with those demands which are nothing more than the demands of the American people.

Mr. President, strange to say, the Senator indulges—as politicians in search of an issue, no matter how able they are, must unfailingly indulge—in a paradox, one side of which destroys the other. The Senator described the President's power as coming from his appeals to "the ignorant masses," and in the same breath said that that power comes from his use of patronage. Was it the use of patronage, Mr. President, that impressed

Congress with the necessity of a single law that the President has recommended in the last seven historic years, the passage of which his recommendation helped to secure?

Was it the use of patronage that got through the law establishing the Department of Commerce and Labor, perhaps the greatest and most important piece of legislation that has been passed by an American Congress since the Constitution was adopted, with perhaps the single exception of the Platt amendment? The Senator denounces us for voting for the very laws which the Senator and his colleagues, seeking every excuse they could find for not voting for, yet were compelled to vote for?

Take all of these great laws, which are a part of this mighty structure of righteousness which the wisdom of the American people as voiced by the President has enacted into statutes by this Congress on both sides—does the Senator disagree with one of them? Would he repeal a single line of any of them? Does the Senator, speaking for his side, propose to go before the American people with the proposition to abolish the Department of Commerce and Labor? No. To repeal the railway-rate law? No. To repeal the pure-food law? No. To repeal the meat-inspection law? No. To repeal the irrigation law? No. To repeal or mangle a single one of those great laws which constitute the Republican legislative record, every one of which was passed upon the recommendation of the President made in his messages?

Mr. President, the Senator not only denounces the President of the American people for frankly speaking to the American people—although what harm there could be in that has not been suggested now and was never suggested before—but, following the lead of the distinguished Senator from Georgia [Mr. BACON], the President is denounced for sending messages to Congress. The President, it appears, must be denounced for something or other. The Senator from Georgia denounces him for holding conferences with experts in order that he may intelligently recommend legislation to us; the Senator from South Carolina denounces him for making appeals to "the ignorant masses" on the one hand, and sending messages to us on the other hand; the gamblers of Wall street to a man also denounce the President for that very law enforcement of which the Senator from South Carolina says the President has been neglectful of; and every man who has been guilty of unrighteousness throughout this whole country in one common chorus denounces the President for having caused the recent panic. So the Senator will see the company in which his words have placed him.

Why, Mr. President, I was not present in the Chamber the other day when the Senator from Georgia made his denunciation of the President for consulting with men who could inform him, who had studied the question, before he sent a message to Congress; but I heard the same thing voiced to-day with that peculiar vividness which characterizes the language of the Senator from South Carolina, and I wondered to what a desperate pass the Democratic party had come in the search of a campaign cry when they would abuse the President for informing himself before he makes recommendations and then denounce him for making recommendations after he has informed himself?

We hear, Mr. President, and justly hear, of the great constitutional learning of the Senator from Georgia, and the Senator from South Carolina has said that he is a corn-field lawyer; but nevertheless he understands the Constitution, and in my opinion the common people understand it better than some "constitutional lawyers;" but whether a "constitutional lawyer" or a "corn-field lawyer," no person can fail to understand this provision of the Constitution:

SEC. 3. He [the President] shall from time to time give to the Congress information of the state of the Union, and *recommend to their consideration such measures as he shall judge necessary and expedient.*

So we see that, in sending his messages to Congress as to what he deems necessary and expedient, the President has done only the duty which he gave his sacred oath to do when he became President of the Republic; and in consulting the men whose business it is to study the question about which he is sending his message to Congress, he is following that practical common sense about which the Senator from South Carolina talks so much. It would appear that the Senator is not a monopolist of that.

Why, if the President is going to inform us concerning the state of the Union, if he is going to recommend to our attention measures which he believes we should pass, it is not only the President's privilege but it is his bounden duty to consult every man whom he thinks can give him light upon the subject.

Does the Senator from Georgia or the Senator from South Carolina criticise the President for seeking information and wisdom from every source upon a grave matter of legislation which he is going to ask Congress to enact? Surely not, Mr. President, on second thought; not even in the passion of partisan bewilderment caused by the fact that Congress, under the lead of the President, is doing things which meet the approval of the American people, and therefore which those Senators know are going to capture the votes of the American people at the next election.

Mr. President, I referred a moment ago to the measures we have passed. They are so great, they are so permanent, they are so harmonious that they constitute a historic body of laws to which the man who writes the remainder of Von Holst's Constitutional History will give an entire volume. So great was their importance and so wise were they, Mr. President, that although every one of them was a Republican measure recommended by a Republican President, the other side was forced to give to every one of those measures their votes.

Mr. TILLMAN. He stole them from our platform. [Laughter.]

Mr. BEVERIDGE. Well, Mr. President, the Senator from South Carolina ratified the theft [laughter] instead of objecting to it. Of course, the Senator says now they were stolen from his platform. He must say something and what else is left for him to say? The Senator's charge of "theft" is an echo of the Senator's "peerless leader," to whom I shall come in a single moment. The Senator himself could not get those laws passed when the last Democratic Administration was in power.

Mr. TILLMAN. We have not had any.

Mr. BEVERIDGE. Was not Mr. Cleveland President?

Mr. TILLMAN. He was not a Democrat.

Mr. BEVERIDGE. What was he—a mugwump President?

Mr. TILLMAN. He was some kind of a thing; I do not know what. [Laughter.]

Mr. BEVERIDGE. Ah, Mr. President, if the Senator from South Carolina will not approve of a Republican President and denounces the only Democratic President his party has had since Buchanan, he is in a political predicament which calls for our sympathy, which he has. [Laughter.]

Again, not only does the Senator, or any other man upon the other side in either House of Congress, not disagree with or propose to repeal a single line of those great epoch-making laws that we have passed on the recommendation of Theodore Roosevelt, but he can not tell us of a single recommendation which the President now makes with which he disagrees. So, Mr. President, we see the attitude of the Senator, for which we all have pity.

He is in the painful position of belonging to a party that is about to go into a campaign and face the American people at an election where the Senator and his party have not one single proposition of the Republican party which they denounce to-day or against which they voted in the past. In that situation, Mr. President, we can not blame the Senator from South Carolina [Mr. TILLMAN] or the Senator from Georgia [Mr. BACON] or any Senator in search of an issue for opposing the President upon any pretext whatever.

Mr. President, the Senator from South Carolina tells us—and I think the American people will be rather interested to hear it—that Theodore Roosevelt is not only to be blamed for appealing to "the ignorant masses;" not only to be blamed for doing his constitutional duty and sending messages recommending laws to the Congress; not only to be blamed for consulting the most experienced and best-read and most competent advisers before he sends those messages, but he is actually to be blamed for the nonenforcement of the laws. The Administration of Theodore Roosevelt an Administration of nonenforcement of laws! Let the Senator ask the Wall street gamblers, of whom he talks so much, what they think about Theodore Roosevelt as to his nonenforcement of the laws.

Let him ask the Standard Oil officials what they think about Theodore Roosevelt as a nonenforcer of the laws. Let him ask the furious heads of the ruthless corporations that came to the point where they regarded themselves as above the laws of the Nation what they think about Theodore Roosevelt as a nonenforcer of the laws of the Republic. They will tell him that in all their lives they never had the statutes so rigidly enforced as they have been since Theodore Roosevelt became President; and it is a literal fact upon record that since he became President more suits have been brought under the Elkins law, more cases have been brought under the Sherman antitrust law, more actions have been commenced by the Department of Justice to dissolve trusts and overturn all villainous business than in any three former Administrations put together. That does not reflect upon former Administrations, because then the country was busy with different things. But the period arrived—and with it the man—which began the moral regeneration of American business and the writing into law of those statutes of common honesty on the one hand and their enforcement upon the other hand.

The Senator cited certain lands that the President might get for the American people; but he did not tell us how those lands should be gotten. Does the Senator expect us to spoliate property? What has been the actual fact concerning public lands? Since Theodore Roosevelt became President we have recovered for the American people, we have gathered into great reserves more of the public possessions, and, having done that, we have more completely secured them to the uses of the public than ever before in our history. If the Senator does not believe that, let him ask the land thieves of the Northwest. If he does not believe that, let him ask the timber robbers of the West. If he does not believe that, let him ask all those who are now compelled to pay for the use of the public domain, who before used it for nothing.

The fact is that the President has been criticised for his extreme severity in that matter by able and honest men who thought that in that particular he was going too far; and yet we are told by the Senator from South Carolina that one of the things for which the President can be criticised and denounced on the floor of the American Senate is not only that he has not enforced the laws against wrongdoers, but that he has left the public domain, of which he has recovered more than any other President, in the hands of the spoilers.

Mr. TILLMAN. Will the Senator from Indiana permit me?

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

Mr. BEVERIDGE. Certainly, I do.

Mr. TILLMAN. Of course the Senator from Indiana chooses to garble and distort what I said, to ignore some points and put interpretations on others that are entirely foreign to their meaning; but in this matter of the public domain, I call his attention to the fact that the laying out of forest reserves and setting aside millions and millions of acres of land in those reserves is about the sum and substance of the President's exploits in regard to the public domain. There have been a few——

Mr. BEVERIDGE. What about the prosecution of the land thieves of the Northwest?

Mr. TILLMAN. How many of them have been prosecuted?

Mr. BEVERIDGE. Every one of them against whom the Government could find evidence to prosecute. The difference between the Senator and the President is that the President will prosecute anybody when he has the evidence to do so and the Senator would prosecute everybody, regardless of the evidence.

Mr. TILLMAN. The Senator would search for some evidence, which is on the statute books plain and clear, to the effect that these lands were granted to these railroads upon condition that they should be sold to actual settlers in area not exceeding 160 acres at $2.50 an acre. The President has known that, and never has made a move, never has written a message, never has recommended this servile Senate and House to do a thing to restore those lands to the public domain, notwithstanding the fact that for years and years during his entire term they have been withheld from sale by these railroad corporations, and people out there can not get any homes because the monopolists seized them from the Congressional grant.

Mr. BEVERIDGE. Mr. President, in the cataract of resolutions which the Senator has poured upon this Senate, why has he not included one upon that subject?

Mr. TILLMAN. The Senator has included one, and the Senate adopted it and brought the only information in here in regard to the public domain held by the railroads that has ever come here since I have been on this floor.

Mr. BEVERIDGE. Then, why has the Senator not introduced another resolution demanding of the Department of Justice that it shall proceed? It seems to me, Mr. President, that the Senator's rôle—and it is one which he occupies with great ability, and brilliancy, and entire honor—is the rôle of a complainer, the rôle of an objector, a man most essential in all Governments, it is true; but the chronic critic never builds, never gets.

Mr. TILLMAN. If anybody wants any more in the way of criticism than I have indulged in this session, he is a very big glutton. That is all I have to say. [Laughter.]

Mr. BEVERIDGE. But, Mr. President, it is not such criticism which could surfeit us; it is not profitless complaint that the Senator should give us. We are not gluttons for that. Let him once give us a resolution or information which constitutes real food for legislation, and he will find this side greedy for all he can supply. But the Senator throws in things that nobody can do anything with, and then occupies the time, most profitably to his party and the country, in being a general objector to everything that is done, no matter whether it is right or whether it is wrong.

Mr. TILLMAN. Mr. President——

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

Mr. BEVERIDGE. I do; certainly.

Mr. TILLMAN. The joint resolution instructing the Department of Justice to take such steps as in its judgment are necessary and desirable to protect the rights of the United States in the public domain, or in the land granted to the railroads in Oregon, is the work of the Senator from South Carolina, and the Senate adopted it.

Mr. BEVERIDGE. I congratulate the Senator upon it. Now, let him put one in directing the Department of Justice to proceed, and I will support him. That is the trouble. The Senator does not go far enough.

Mr. TILLMAN. Well, will the Senator get the Committee on Public Lands or the Committee on the Judiciary to support it? I do not want his individual vote. It is not worth a snap of beans. [Laughter.]

Mr. BEVERIDGE. It is worth one vote.

Mr. TILLMAN. With a two-thirds vote on that side, you know that the minority is powerless except to criticise.

Mr. BEVERIDGE. I do not object to the Senator's criticism. What I ask is that the Senator's criticism shall be fruitful. I have pointed out that the Senator has denounced the President for the very things for which the stock gamblers and wrongdoers of this country denounce him; on the other hand, I have pointed out that the Senator has complained of the President as a nonenforcer of laws, when he has enforced them more than any President that we have ever had; and I have pointed out that the Senator blames and attacks the President for sending to this Congress messages commending to the Senator laws which he approves, messages which the Constitution commands him to send to us, but which the Senator denounces him for sending.

Mr. TILLMAN. I have not attacked the President for anything of that kind. I was attacking the President for the statement in a newspaper yesterday that he had ordered bills drawn by some of his underlings up there to submit to us to pass. I want to know the spaniel Senator who will bring them in.

Mr. BEVERIDGE. Well, Mr. President, that term "spaniel Senator" has rolled three times from the tongue of the Senator from South Carolina. It is a Carlylean and Tillmanesque term, and I have no doubt that for several days the Senator has been concocting it. So let us watch for the "spaniel Senator" who shall dare to introduce a great measure of legislation demanded for the welfare of American business. Of course we can not expect the Senator from South Carolina to support it, because his attitude unfortunately seems to be, much as I admire and like him, that when the word "business" is mentioned, right or wrong, the Senator is up in arms against it. [Laughter.] Business is to the Senator a baneful word.

Mr. President, about the criticisms of the President, we have all read American history—not one of us perhaps more than another—and this one thing we know, that every great President this country has ever had, that every great leader of the American people who has made an assault upon intrenched privilege and insisted upon the rights of the American masses has been attacked. It was so with Washington. They charged him with wanting to become a king. They assailed him so that that great soul, who felt for nothing but for the welfare of the country in whose liberation he had led, actually said, "I wish to God I were dead and in my grave." They attacked him so that resolutions were passed when he ceased to be President, thanking God that George Washington no longer afflicted the country.

Then came the next great heroic figure among American Presidents, the greatest Democrat, excepting only Jefferson, the nation ever produced—a Democrat in name only, however, but in everything that constitutes the substance of Republican principles one of the first of great Republicans—Andrew Jackson. He was a despot, his maligners said; he was going to crush the liberties of the country, they declared. Last year I read, with that thrilling interest which such a perusal always inspires, of the attack upon that great popular leader made in this Chamber by Henry Clay; and later, another one made by Daniel Webster; and I could put them side by side in parallel columns with the attacks that are to-day made upon Theodore Roosevelt, and you would not have to change a word. "Jackson," said Clay, just as the Senator from Georgia and the Senator from South Carolina say of the President, "is usurping all the prerogatives of the legislative department." "Jackson," they declared, "is ruining American liberty." "Jackson," they said, "is paving the way for a despotism, and will ultimately seat himself upon the throne of kingly power." Does that sound familiar to gentlemen who are rehearsing, in rather fainter

echoes, the thunders of that great eloquence directed against Andrew Jackson years and years ago?

Then we come to Lincoln. Lincoln! What was the familiar name applied to him, who, his critics said, overrode the Constitution, and who, his maligners declared, was destroying the permanent liberty of the American people in trying to strike the shackles from the black slaves and to save the Union intact and unimpaired? The word, with its malignant echoes, still lingers in the atmosphere. "Tyrant" was the title that they pinned upon the breast of the great martyr, and finally, when Booth struck him down, the words upon the lips of the assassin were "Sic semper tyrannis"—Thus always to tyrants.

So, Mr. President, in these latter-day and feebler attacks upon Theodore Roosevelt we have seen no new spectacle; we are beholding no new drama. It is not an original production. Senators are reciting ancient rhetoric when they denounce that great man, who gathers into his breast the thoughts, the purposes, the hopes, the rightousness and aspirations of the American people—Theodore Roosevelt. All your speeches, gentlemen, have been made before—against Washington, against your own great leader, Jackson, and against Lincoln, that greatest humanist but One mankind has ever known. Mr. President, this is an old story. There is no veteran Senator here who has not heard it with his own ears.

But if we want to come to an autocrat; if we really wish to discuss kinship and subserviency, the Senator's own side furnishes an example of both, and a recent illustration illuminates that example. If there has ever been an intellectual tyrant, if there has ever been an autocrat of will, it is the man who twice was the Senator's candidate for President, and twice defeated, and is soon again to be the Senator's candidate for President, and again defeated—"the peerless one," William Jennings Bryan. He yields nothing in his opinions, even when events have proved him wrong. He announced himself in favor of free silver coinage at the ratio of 16 to 1, without the consent of any other nation in the world, and although this country and the whole earth have long since passed that curious episode in economics, still the Senator's leader clings to it with the stubbornness of a heroic morality, but with the fatuity of mistaken fanaticism.

Mr. Bryan, the Senator's political master, yields nothing with reference to any position he ever takes. I admire his courage. I like his humanity. But when the Senator talks of the autocracy of a man who never consults with anybody, who never yields to anything, not even to events, and who conquers all of his opponents in his own party with the force of his overwhelming and juggernaut will, he could have really had in mind only the candidate of his own party for President, Mr. Bryan, who in his overpowering determination is a righteous Abdul Hamid, a humanity-loving Ghengis Khan. Mr. Bryan is the best illustration of autocracy—let the Senator address himself, upon that subject, to his political captain and master.

We have heard about conferences at the White House. We have heard that the President of the United States actually had the audacity to inform himself from any source he could before making a recommendation to the Senate; and when, because they are wise for the whole people, we support measures that are thus well digested, we are called spineless and subservient.

Washington itself has recently witnessed a real example of subserviency in the Senator's own ranks, without any of the perfect reasons we have for harmony with the President. Recently the papers have been full of the fact that William J. Bryan was a burden upon the shoulders of the Democratic party; he was "the old man of the sea," whom even the broad shoulders of the Senator from South Carolina were unable to dislodge; and in the absence of the peerless one, Senators got together—so the newspapers informed us—and said, "Ah, wait until we see Bryan. We will tell him not to run." And then, feeding upon itself, this resolution grew.

The Senator from Rhode Island will remember that just before the last campaign there was a conference of certain plutocrats from New York, who financed the last Democratic campaign, in the office of a Senator on the other side, the purpose of which was to lay plans to rid the Democratic party of the peerless leader; and they did. They did, and it came to naught. With Parker, the "safe and sane" candidate of reaction, Democracy met its worst defeat. I would not, under any circumstances, do Mr. Bryan an injustice, pure and brave as I believe him to be; and as between Bryan and Parker, if I had to choose, I would either leave the country or take Bryan.

But Senators on the other side met gravely. The cares of state sat upon their brows. Their hairs grew grayer thinking of that tremendous moment when in their patriotic resolution and the fealty to their party they should meet this man and tell him not to run.

Mr. TILLMAN. The Senator seems to have ascertained about it.

Mr. BEVERIDGE. I know only what the newspapers said, just as the Senator from South Carolina knows from the newspapers about Roosevelt. I will give the Senator a chance to testify, because he was there. These men were there, and they were going to dispose of Mr. Bryan.

Mr. TILLMAN. I never attended—— [Laughter.]

Mr. BEVERIDGE. And he came; and everybody waited with bated breath to see this man, who so often had led to defeat the Senators who were so anxious to get a chance at the public trough. We waited with bated breath to see them unhorse him. We waited to see the spectacle of that proud leader prostrate, his sword broken, giving his surrender to the Senator from South Carolina, the Senator from Georgia, the Senator from Mississippi, and the other cohorts of wisdom who wanted to save the Democratic party by getting hold of that man who had been their leader and forcing him to yield. And Mr. Bryan came.

Mr. TILLMAN. Mr. President—— [Laughter.]

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

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. Unless the Senator will stand sponsor for the story that the Senator from South Carolina attended a conference of that sort, he has no right to assert it.

Mr. BEVERIDGE. The only right I have——

Mr. TILLMAN. You have used my name. I stand here and tell you to your teeth that I have never attended any conference against Mr. Bryan.

Mr. BEVERIDGE. The Senator need not tell me to my teeth. He can tell me to my ears. [Laughter.] That is sufficient. I acquit the Senator.

Mr. TILLMAN. I do not believe any such conference was ever held.

Mr. BEVERIDGE. I do not know whether the Senator attended this conference or not. Let me describe it.

Mr. McLAURIN. Mr. President——

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

Mr. BEVERIDGE. Certainly.

Mr. McLAURIN. My name has been mentioned as one of the Senators who attended a conference of that kind. [Laughter.] I neither attended it nor did I know that there was such a conference held until the Senator from Indiana stated it. And while this is a beautiful speech he is making and I am enjoying it very much, I want to know what that has to do with the late panic we had, and how is it going to remove the danger of another panic?

Mr. BEVERIDGE. Oh, no! What the Senator really wants to know is what that has to do with money based upon cotton as security? [Laughter.] I know what is in the Senator's mind. We have two Senators issuing a general denial. "One by one the sparrows fall." [Laughter.]

Mr. McLAURIN. Money based upon cotton would be far better than the clearing-house certificates of the last panic.

Mr. BEVERIDGE. I think the Senator will agree with me that there is a form of currency better than both. But I would not rob the Senator of a single intellectual laurel which is rightly his as the originator of the novel scheme of having the American people issue their currency on what he says is that indestructible and indispensable necessity of civilization—the cotton of the South. He is entitled to the credit.

Mr. McLAURIN. I should like to know how my proposition to issue money on cotton in preference to money on railroad bonds has anything to do with proving that there was a conference between Colonel Bryan and certain Senators.

Mr. BEVERIDGE. I will come to that in a moment. I will put the Senator upon the witness stand. I am perfectly willing to receive, one by one, the general denial of every Senator upon the other side. It only shows that the fright they actually received when the "peerless one" got here still lingers with them.

I have no authority except the authority that the Senator from South Carolina says he has for criticising the White House conference. I have only the authority of the newspapers. But the facts are—and if they are not the Senators can deny them; I do not blame them for denying them, in view of coming events. The Senators want "to stand in." They want to be on harmonious terms with their candidate for the Presidency.

Mr. TILLMAN. Mr. President——

Mr. BEVERIDGE. If I had anticipated that this reference to the dinner at Newlands would have caused all this disturbance on the Democratic side, I never would have mentioned it. [Laughter.]

Mr. McLAURIN. Mr. President——

Mr. TILLMAN. I want to call the attention of the Senator

to the fact that in undertaking to place us in the attitude of currying favor with the man whom the Senator has already doomed to defeat his logic is fearful.

Mr. BEVERIDGE. No more fearful than the Senator's criticism.

Mr. McLAURIN. I want to say, with reference to my denial of the Senator's charge that I was in a conference the purpose of which was to dissuade Colonel Bryan from becoming the candidate of the Democratic party at the next election, had I sat still in my seat and permitted that to go unchallenged, it might have been taken as an admission on my part that it was true.

Mr. BEVERIDGE. I acquit the Senator——

Mr. McLAURIN. I deny it for that reason.

Mr. BEVERIDGE. I see from the book the Senator has in his hand that he has kept a diary upon this subject. [Laughter.]

Mr. McLAURIN. No, sir; I have no diary. I have a diary of the Republican party.

Mr. BEVERIDGE. The Senator would have to have an American history to have a diary of the Republican party.

Mr. McLAURIN. Let me get through with that reference to the diary. I have no diary here except the diary of the Republican party. I have the platform of the Republican party. In 1904 the Republican platform said:

The Democratic party during the same period—

That is, since the war—

has had complete control [of the Government] for only two years.

If that be true, as they claim, and I take it from their own testimony, then while they are claiming whatever of good things have happened under Republican administrations, may they not also be charged with the bad things that have occurred, including the recent panic?

Mr. BEVERIDGE. I will depend upon the Senator to charge the Republican party with anything and everything, whether there is foundation for it or not.

But since the Senator has read from the diary in my time, referring to the historic Belshazzar feast, when they saw the handwriting on the wall, will he kindly rise and take my time and tell the Senate and the American people what they did even during those two years? I wait for an answer.

Mr. McLAURIN. Mr. President——

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

Mr. BEVERIDGE. The only thing the Senator's party did during those two years that has become historic was the pulling down of the American flag in Hawaii, which a Republican President had to restore.

Mr. McLAURIN. I do not desire to take the Senator's time for anything. Whenever I desire to speak of the Democratic administration or the Republican administration I can speak of them in my own time.

Mr. BEVERIDGE. The Senator is welcome to mine if he can name a single thing during those years which the Democratic party did.

Mr. McLAURIN. I will say this, if it will satisfy the Senator from Indiana—keeping the Republican party out of control and out of graft for two years was worth something. [Applause in the galleries.]

Mr. BEVERIDGE. During those two years, such graft as Roosevelt exposed and punished in this Government existed then, and not one movement was made by the only Democratic President we have had since the civil war either to probe the graft, discover the grafters, or put them in prison, whereas during the present Administration, beginning with Machen clear down, the Republican Administration has pursued one undeviating policy—the pursuit of wrongdoers, no matter to what party or to what class they belonged; and when the Senator can show such a record as that he can go with more reason and hope for success before the masses of the American people.

The Senator certainly has learned through these long years of defeat that mere witticism, mere unfounded charges, mere rhetoric without facts back of them, without reason back of them, without laws passed, are not sufficient to secure the suffrages of the American people; and that is just what is the matter with the Senator's party.

But I am not going to be diverted, although I know the Senator would like to divert me, from what occurred in Washington at the Belshazzar feast. And I am speaking on the question of subserviency raised by the Senator from South Carolina. What happened when the great leader, the peerless one, the next candidate of the Democratic party, whom the Senators, as the newspapers said, wanted to get rid of, arrived in town?

It was common talk. All the correspondents had the story. They could not all be wrong at the same time about the same thing without being corrected about it. It was the subject of cartoons in the Washington papers. You were all going to tell Mr. Bryan to get out of it and save the Democratic party. He came. A dinner was given by one of the most charming hosts that Washington affords, the Senator from Nevada [Mr. NEWLANDS]. His beautiful home overlooking that splendid landscape was to be the scene of this sacrifice. That was to be the conference room where it was to be imparted to Mr. Bryan that, in the interest of the Democratic party, he must not run. We waited. We watched the papers. We wanted to see the outcome. And when Mr. Bryan arrived in town the double-barreled dinner of discontent was held and not one barrel went off. [Laughter.]

There was something the matter with the Senators. Their courage oozed. Why did it ooze? Talk about autocracy! Talk about subserviency! It oozed because they were not able to stand up against that really mighty will that for twelve years has dominated them, that man who has held them all in the hollow of his hand. Subserviency! What was the attitude of those Democratic counselors who, when he was absent, were going to dispose of Mr. Bryan when they finally found him present? Subserviency, Mr. President——

Mr. RAYNER. Mr. President——

Mr. BEVERIDGE. I am very glad to hear from the Senator from Maryland, who, I think, would be an excellent running mate with Mr. Bryan, and add very great weight to the ticket of Bryan and Rayner.

Mr. RAYNER. I decline the honor so unanimously tendered me. [Laughter.] I only want to say to the Senator from Indiana that I happened to be at this meeting, which he calls a "conference," and there is not a word of truth—not referring to his recital—in the statement that any one ever intended to ask Mr. Bryan to decline. There is not a single word of truth in it. If he builds his contention upon that foundation, the whole thing falls to the ground.

Mr. BEVERIDGE. It is the same kind of foundation that the Senator from South Carolina built his on.

Mr. RAYNER. If the Senator from South Carolina said what is inaccurate, that does not justify the Senator from Indiana in another inaccuracy.

Mr. BEVERIDGE. I quoted from the newspapers, and so did the Senator from South Carolina.

Mr. RAYNER. The principal thing that took place in that conference was a discussion between Mr. Bryan and myself—and the Senator from Indiana agrees with him fully on that—in regard to the child-labor bill.

Mr. BEVERIDGE. It is one great thing to the credit of Mr. Bryan, and I never have, even in the heat of the campaign when he first ran for the Presidency, denounced Mr. Bryan as unrighteous or insincere. He occasionally gets right, and when he gets right I believe in giving him credit for it. The human heart of that man wants to end the murder and ruin of tens of thousands of American children. He deserves the applause and not the condemnation of the American people for that. If he went to the country upon other planks as righteous as that, planks that would appeal to the hearts and firesides of the nation, he would stand a much better chance of carrying the next election than he ever will.

Mr. RAYNER. And pass an absolutely unconstitutional measure for the purpose of accomplishing that object?

Mr. BEVERIDGE. We will have that question up when we get to it, and if I am not able to show by the decisions of the Supreme Court the entire constitutionality of that measure, as well as by the laws now on the statute books, which even a corn-fed lawyer——

Mr. TILLMAN. Corn-field lawyer. [Laughter.] The Senator from Indiana has advertised himself through the magazines, or some of his overzealous friends have, as having been acquainted once with a yoke of oxen, having driven lumber wagons, and all that kind of thing. For a man who pretends to have been born on a farm to come here and talk about a corn-fed lawyer, when I said a corn-field lawyer, is simply a disgrace to his claim to be kin to the farm.

Mr. BEVERIDGE. Undoubtedly that was a slip of the tongue, but, since I have come to think about it, a slip of the tongue undoubtedly subconsciously suggested by the entire appropriateness of the title. [Laughter.]

Mr. TILLMAN. Undoubtedly; and I love corn bread immensely. [Laughter.]

Mr. BEVERIDGE. So it is all right. In any event I pay tribute to the Senator's common sense. That is what the term "corn-field lawyer" means—common sense.

I want to say to the Senator from Maryland—whose great learning no man, even among his constituents, respects more

than I do, but who sometimes takes a position so often taken by "constitutional lawyers"—where the word "constitutional" has quotation marks around it—that the Constitution is not a mysterious instrument, designed to prevent any human reform and all the progress of the people. It was not adopted by "constitutional" lawyers, but it was adopted by the people directly, and the so-called "cornfield lawyer" had more to do with it than all the "constitutional lawyers" who ever existed.

The Constitution is our fundamental law. It is what Marshall called it—not a contract between the States, but an ordinance of immortal national life marking out the great outlines of a government in terms so simple and so clear that the commonest of the common people for whom the Constitution was made can understand it. It is just this attitude of regarding the Constitution as some mysterious thing which is always being put up as a shield behind which some human wrong can hide that has brought the Constitution into all the disrespect that it has ever had at the hands of the American people.

Now, I come back to the Newlands dinner. The day came; the dinner was held; held in two sections, like a Pullman train. Whether or not the Senators—I take their word for it—had any intention of telling Mr. Bryan to retire, it was not carried out. However that may have been, however in complete error the newspaper correspondents of the Capital may have been about it, however wrong the whole country was about that, we must accept, and do accept, as they are, one by one filed in public in the Senate, the general denial of all the Senators upon the other side.

But, Mr. President, does any Senator upon the other side deny that, despite the constant counselings of the conservative and wise in their party, Mr. Bryan nevertheless will be their nominee? Would one of them dare question a single plank in his recent platform? No matter what may be their intellectual attitude, every one of them will follow that masterful will like good soldiers—I had almost said like subservient slaves.

Mr. TILLMAN. The Senator had better wait until after the Denver convention.

Mr. BEVERIDGE. Does the Senator doubt it?

Mr. TILLMAN. What?

Mr. BEVERIDGE. The outcome of that convention.

Mr. TILLMAN. Mr. Bryan may be the nominee, because I see nobody else in sight just now; but that does not mean that he is going to dictate the platform.

Mr. BEVERIDGE. Think of the distress of a party numbering millions that sees no man in sight big enough to be President except a man who has twice been nominated and twice defeated for the Presidency. [Laughter.]

Mr. TILLMAN. Whose platform has been stolen by the god or demigod whom the Senator from Indiana worships.

Mr. BEVERIDGE. There again is that question about the Democratic platform. The only complaint that the Senator from South Carolina really makes of us is that we have enacted into law something that they only talked about.

Mr. TILLMAN. We could not when the people would not give us the power.

Mr. BEVERIDGE. Why would the people not give you the power?

Mr. TILLMAN. Because you had debauched them with your special class legislation.

Mr. BEVERIDGE. Oh, then the most of the American people, according to the Senator's logic, are well affected and their prosperity helped by special class legislation.

Mr. TILLMAN. Of course.

Mr. BEVERIDGE. If that is the case, does not the Senator think the American people know what is good for them?

Mr. TILLMAN. Yes; and the American people are going to turn you and your gang out. [Applause in the galleries.]

Mr. BEVERIDGE. The Senator has repeated that prophecy for long years——

The VICE-PRESIDENT. The Senator from Indiana will suspend. The Chair will again admonish the occupants of the galleries that applause is forbidden under the rules of the Senate; and it is the duty of the Chair to enforce the Senate rules.

Mr. BEVERIDGE. I was just going to say that the Senator has made that prophecy heretofore. It puts me in mind of that famous poem of Poe's, you know—

Quoth the raven, "Nevermore."

Quoth the Senator, "Nevermore."

And not once has the prophecy come true. A prophet who has been discredited, notwithstanding the earnestness and multitude of his prophecies for eight long years, does not have much terror for us to-day.

The Senator said a curious thing, one upon which we can easily base the prophecy of the Senator that we are going to be turned out of power. He said nothing would be so good for the American people as the election of a Democratic President and House of Representatives, and then he gave the reason. The Senator will find it in the RECORD. He said, "because you Republicans have the Senate; and with a Democratic President and House of Representatives you Republican Senators will prevent any 'wild legislation'"—"wild legislation," the Senator said. "Wild legislation" proposed, I suppose, by the Democratic President whom the Senator foretells. The safety of the country, then, according to the Senator from South Carolina, consists exclusively in the fact that if they elect a Democratic President and House there still is, thank God, the Republican Senate to prevent them passing what the Senator calls "wild legislation."

Mr. TILLMAN. What does the Senator say about the other part of that statement?

Mr. BEVERIDGE. What was the other part of it?

Mr. TILLMAN. That it would give an opportunity for a backbone to grow up the spinal cord of those on the other side who now have nothing but cotton strings.

Mr. BEVERIDGE. The Senator used that term before; but I have just shown him what kind of backbone Senators on that side had when Mr. Bryan confronted them.

But harmony on this side with the President is not subservience. Agreement upon that side to Mr. Bryan when you really do not want him is subservience. What would the Senator have? Would he have the Republican Senate and House at war with the Republican President? That is what he would have as a partisan leader. But what he would have as an American patriot is that harmony between the Republican Senate and House and the Republican President which really exists. If the Senator thinks we are going into the next campaign or any campaign divided he is mistaken. We will rally around a single standard bearer and march, with the ranks closed, to victory, appealing to the people upon the record of laws passed and deeds done for the welfare of the people.

Mr. President, the Senator from South Carolina said what a splendid thing it would be for the American people if the Democrats were to elect the President and House. As he spoke I just thought of what would happen to the country. First of all, the Senator said the country would be safe, because we Republican Senators would prevent "wild legislation," and so the country would be safe. The inference from that is that the Democratic President would propose nothing but "wild legislation," and therefore, you proposing and we opposing, the country for four long years would have nothing done at all.

Mr. TILLMAN. Except the execution of the laws.

Mr. BEVERIDGE. Except the execution of the laws, which were never before in our history executed better, according to the records and by the number of suits brought and the convictions had. Does that appeal very well as a campaign cry to the American people? Four years with nothing done, with no legislation passed to help business, and nothing at all done except "wild legislation," to use the term of the Senator, proposed by the Democratic President and killed by the Republican Senate. If the Senator thinks he can go to the American people upon that platform I wish him joy of journey.

Mr. TILLMAN. Mr. President—— [Laughter.]

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

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. Is it within the comprehension of the Senator from Indiana that in commonwealths like his own used to be, where the parties are so evenly balanced, both have to be on their good behavior and nominate none but clean, honorable men for office? Is it within the purview of his comprehension that with a divided Congress, one-half acting as a holdback, so to speak, and the other trying to press forward, a condition of compromise might be reached which would be wise and for the best interests of the country? Is that beyond his comprehension?

Mr. BEVERIDGE. Ah, Mr. President, then the Senator's platform in one brief hour has shifted. First, it was nothing doing, because "wild legislation" would be proposed which we would defeat; and, second, it is "compromise." If those two words emblazoned upon the Democratic banner will cheer his hosts to victory, I think it will be the first time that ever such a motto was put forth with such a result.

The Senator spoke about States being evenly divided and all that sort of thing. Is it not curious how States have ceased to be evenly divided? Is it not strange how the Republican majorities have rolled up, increasing year by year, in spite of the Senator's prophecy of defeat for us? Why, Mr. President, the people who gave those votes were what the Senator from South Carolina calls "ignorant masses," very "poor, simple souls," according to the Senator.

But, as a matter of fact, the American people are not the "ignorant masses," as the Senator now calls them. The combined intelligence and massed morality of the American people is the greatest force for wisdom and righteousness in all the world to-day or that history ever saw. I never shall forget when that man whose memory we all hold dear, and whom I regard as the greatest constructive legislator of the last half century, Senator Platt of Connecticut, told me this concerning these American masses. He said: "I can always rise in the American Senate and I can speak without faltering or fear; but whenever I rise to speak to an audience of American farmers, I never speak without hesitation and trembling."

They are not the "ignorant masses." They read and think, and they know what is best for them; and reading, thinking, and knowing what is best for them, they have for eight long years rolled up Republican majorities that have swept States out of the doubtful column and placed them permanently in the Republican ranks. It is the wisdom of the American people. it is the righteousness of the Senator's so-called "ignorant masses," it is their information that has given us the victory in the past, and it is those great qualities of popular virtue that will give us victory in the future.

Picture the Cabinet, Mr. President, if the Senator from South Carolina could have his wish. President, Mr. Bryan. Cabinet: Secretary of the Treasury, BENJAMIN R. TILLMAN, of South Carolina; Attorney-General, George Fred Williams, of Massachusetts; Secretary of War and Secretary of State, anybody who would take the job, with nothing to do. [Laughter.] Motto of the Administration: "Pull down business at home and pull down the flag abroad." [Laughter.] Because that is the sum and substance of the platform of the peerless one as recently announced in Nebraska, and to which the Senator subscribes.

Well, Mr. President, the country will have to face no such catastrophe. No; the people will continue marching forward, under Republican leadership, upon that ever-ascending path of wisdom, honesty, and righteousness which Theodore Roosevelt has marked out for them, and marching so they will march to victory. The Senator must postpone his prophecy for at least twelve years.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I call up the conference report on the Indian appropriation bill.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909.

Mr. HEYBURN. Mr. President, I desire to call attention to two provisions in the report of the conference committee and to ask their consideration at this time before the adoption of the report. The Senate adopted what is designated in the reprint of the bill as amendment No. 59, which is found in the print of the bill on page 48.

Mr. CLAPP. Will the Senator kindly call attention to the page of the RECORD?

Mr. HEYBURN. The report not having been printed, I am obliged to refer to the CONGRESSIONAL RECORD.

Mr. CLAPP. But I ask what page of the RECORD?

Mr. HEYBURN. Page 3253. It is amendment No. 59, on page 48 of the bill as printed when it left the Senate.

Mr. CLAPP. I did not hear the number of the page of the RECORD.

Mr. HEYBURN. Page 3253, near the top of the second column.

Mr. CLAPP. I have it now.

Mr. HEYBURN. Mr. President, as the amendment left the Senate it provided, among other things, that the Secretary of the Interior should make the same arrangement with the Indians in regard to the irrigation of the land that he made with other persons. I desire to direct the attention of Senators to the change made in the conference report in this provision, as I regard it as very important in the interest of the Indians that they should be treated the same as white people are treated under the same circumstances.

Mr. CLAPP. There is such confusion in the Chamber I will ask the Senator again to state the number of the amendment.

Mr. HEYBURN. It is the fifty-ninth amendment. If the Senator has a copy of the print of the bill as it left the Senate it affords a more ready reference. The conference committee have added certain words to the amendment as it left the Senate which, in my judgment, would very seriously militate against the interests of these Indians and place them at the mercy of uncertain and unvarying conditions.

Mr. TELLER. It is the fifty-ninth amendment?

Mr. HEYBURN. Yes, the fifty-ninth, on page 48. The conferees have added the words that I shall read. After the word "make," which is said to be in line 10, but in the print of the bill as it left the Senate it is in line 20——

Mr. CLAPP. I think that is correct. It should be line 10, as the reference is to the line of the amendment, and not to the page of the bill.

Mr. HEYBURN. I understand; but I was making an explanation in order that Senators who have the RECORD before them could find it. In lieu of the provision that the Senate agreed upon, that these Indians should be treated as other people, the conferees propose to insert the words that the Secretary shall make—

Such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians.

Those words embody the very principle that the Senate expressed when it struck out the language which was stricken from the bill when it was up for consideration. In other words, it cuts the Indian out of consideration entirely. He is left with nothing to say but to acccept the judgment of the Secretary of the Interior.

I desire to recall to the attention of Senators the fact that this is dealing with allotted and patented lands belonging to the Indians. The bill, as it came from the committee and from the House, did exactly what the conference committee have done in effect—it left the Indians with nothing to say. But the bill as it came from the House did provide that these holdings should be cut down from 160 acres to 10 acres, then leaving the manner of the application of the water to the Department. However, the Senate struck out that provision, leaving the Indian allotments to stand as they were patented to them—at 160 acres—and allowing them to participate in the making of the contract or arrangement under which water should be furnished to the lands.

In proposing the amendment which the Senate adopted I considered it of very great importance that these Indians should have some say and be consulted as to the terms and conditions upon which the water of this reclamation project would be applied to their lands. I did not expect them not to contribute toward the exepense. In the amendment which we adopted it was provided that they should be dealt with just as other people were; if the application of water created a burden of $30 an acre upon the lands of the white man it would create a burden of $30 an acre upon the lands of the Indian. Whatever the terms might be, they should be the same because the title of the Indian is a fee-simple title just as is the title of the white man, and because the Government comes and forces (if I may use that term, which is a little strong) this improvement upon the Indian, and they should not be allowed to improve him out of his estate.

The original bill undertook to place the price of the application of the water at 150 acres out of 160 acres of land; in other words, to take all of the Indian's land but 10 acres. The Senate disagreed to that and amended the bill so that the Indian retained his 160 acres of land on the same terms and conditions as the white man retained his. That is justice, and it has met with the approval of this body, and it would meet with the approval of all fair-minded men.

The conference committee proposes to give the Indian no definite right, no right to participate in the determination of this question at all. It does not provide that it shall be upon such terms as the Secretary of the Interior and the Indians may agree upon, but it confines it to the Secretary of the Interior. That is not fair. If you treat the Indians in this way, Mr. President, you set an example for the Indians that would eventually result in their absolute destitution. That is what it would amount to, because they are not personally capable of managing themselves such matters of large business scope. It would be a shame to send a bill out of Congress that would refuse to recognize their right even to be consulted in dealing with this subject. The Secretary of the Interior might conclude that the measure which met his approval, taking 150 out of the 160 acres, was a fair way to deal with it. I do not propose to leave it to him to do it.

Mr. TELLER. Are not the 160 acres still left to the Indian in the bill?

Mr. HEYBURN. No; it gives the Secretary of the Interior the power, without consulting the Indians at all, to place any condition in land or dollars that he may choose. That is what I object to.

Mr. CLAPP. If the Senator will pardon me a moment, I think this matter can be very easily straightened out.

The bill as it came from the Committee on Indian Affairs provided that the Secretary could cancel allotments. There was a question whether it attempted to clothe him with that authority independent of the willingness of the Indian to consent to the cancellation.

Associated with that thought was the question of the area of the land which the Indian should retain. Under the irrigation law the land may be reduced by agreement to 10 acres, which is the lowest area permitted. The Senate amended the committee report so as to leave it a matter of agreement between the Indian and the Department, eliminating what I understood at the time and what I think the Senate generally understood was the objectionable feature, which sought to clothe the Secretary with the power to cancel these allotments irrespective of the wish of the Indian.

Mr. HEYBURN. May I ask the Senator a question here, because it is applicable at this point?

Mr. CLAPP. Certainly.

Mr. HEYBURN. Under the general irrigation law the Secretary of the Interior is given power to cut what are called the "units of land" down even to 10 acres. The Senator from Colorado has suggested to me that this would still prevent the Secretary from cutting down the area of the Indian, but I have in mind the general power which the Secretary possesses under the provisions of the reclamation act to cut these units down to 10 acres. I do not believe that in the case of these Indians he should be given that power, and it was with the reclamation act in view that I proposed the amendment originally.

Mr. CLAPP. Then, Mr. President, if we have not taken that power from him by our conference report, it is because we are unable to employ language that would take it from him. Under the bill as reported by the committee the question might have arisen, Was it not attempted to give him the power to do this as he saw fit? But in the amendment which is reported back in the agreement of the conferees it reads that he is authorized to make "such arrangement and agreement in reference thereto."

Mr. HEYBURN. "Thereto" relates back.

Mr. CLAPP. To the question of irrigation.

No authority is given the Secretary here, nor would we for one moment contemplate giving him the authority on his own part, without agreement with the Indians to say how much of the Indians' land should be taken in lieu of irrigation being placed upon the balance. But the language is—

Such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians.

Now, that involves, first, the consent of the Indian to the agreement, and leaves it optional with the Secretary to ignore the ordinary rule in regard to irrigation and agree to any amount that shall be left as the irrigable land of the Indian which the Indian is willing to agree to, whether it is 10 acres or the entire 160 acres. Instead of limiting the right of the Indian to contract it recognizes his right to contract; but as a matter of law the authority to the Secretary must come from Congress, and it is so framed.

Mr. HEYBURN. If the Senator will pardon me, the word "thereto," as I understand it, is the dangerous word in that sentence—

Such arrangement and agreement in reference thereto.

That refers back to the provision of this section contained in lines 14, 15, 16, and 17, which relate in express terms to the reclamation act and would carry the provisions of the reclamation act into this amendment. That is what I am afraid of.

Mr. CLAPP. No; it would if this clause were not in, but this leaves a latitude to the Secretary in dealing with Indian lands for irrigation that he does not have in dealing with the white man—to still protect the Indian so far as the Indian's consent must be obtained to the arrangement.

Mr. TELLER. To all parts of the arrangement?

Mr. CLAPP. To all parts of the arrangement.

Now, one step farther. It may be said that when an Indian takes his allotment and takes his right of citizenship he should be placed on the same plane with the white man. But the committee, out of extra caution, recognizing that it takes some time for the Indian to learn to safeguard against the demands upon his lands, took out of the $200,000 which is otherwise appropriated by the bill for the irrigation of Indian lands and gave the authority to the Secretary to use $12,000 a year of that sum for the purpose of aiding these Indians in the irrigation of their land.

It seems to me that from the Senator's own standpoint of safeguarding the interests of the Indian instead of leaving him and leaving the Secretary to the ironclad law that now exists we have still preserved to the Indian the right that no condition can be imposed except by his agreement. We have enlarged the right of the Secretary, and have for the time being safeguarded the Indian against losing his land by his inability to meet the demands upon it coming from the increased cost by reason of the irrigation.

Mr. HEYBURN. Mr. President, the Senator has said much to satisfy my mind as to the intent of the committee. Of course it will be admitted that this will repeal the restrictive clause in the bill providing for the allotment of lands against alienation by the Indian.

Mr. CLAPP. To the extent that the Secretary and the Indian make this agreement.

Mr. HEYBURN. It gives the Secretary the absolute power to repeal in effect the restriction against alienation by the Indian.

Mr. CLAPP. Could the Senator imagine any provision which would allow of an arrangement to take allotted land that is simply held at present under the trust allotment, not yet patented, and subject it to irrigation that would not involve a release of the restriction upon alienation as to the land in excess of that which the Indian retains?

Mr. HEYBURN. Yes.

Mr. CLAPP. I can not.

Mr. HEYBURN. I do not mean by that that I can. I understand what the Senator says in regard to it. I merely want it made clear in the RECORD here so there may be no question, if it comes up for subsequent consideration, as to the position of the Senate in regard to the bill. It does in effect to the extent that the size of the allotment may be cut down, repeal the prohibitive clause against alienation by the Indians, because it would give the Indian the right, through an arrangement with the Secretary of the Interior, to dispose of an unlimited proportion of this land. It is quite important in the enactment of this class of legislation that in the discussion of it it be made plain as to what the intent of the legislation was.

Mr. CLAPP. Mr. President——

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

Mr. HEYBURN. Certainly.

Mr. CLAPP. I wish to call the Senator's attention to the fact that under the existing allotment law that power is vested in the Secretary.

Mr. HEYBURN. Not as to Indian lands.

Mr. CLAPP. As to allotments.

Mr. HEYBURN. Under the allotment law that power is vested in the Secretary except within the limitations expressed in the law itself.

Mr. CLAPP. But he is the judge of the limitation absolutely.

Mr. HEYBURN. But the Secretary may not, under the existing allotment law, allot 10 acres to an Indian.

Mr. CLAPP. Not to the extent of releasing restrictions upon any allotments as to alienation.

Mr. HEYBURN. That is, of course, upon conditions.

Mr. CLAPP. No; the only condition is the condition which the Secretary of the Interior himself determines.

Mr. HEYBURN. Well, the condition is in consideration of the act, and if the Secretary of the Interior finds that the condition exists he may do it.

Mr. CLAPP. Yes. The amendment which the Senate passed in express terms contemplated the exercise of this same power, because you can not work out an irrigation scheme or plan—I prefer to use that word—you can not work out an irrigation plan with allotted lands held in trust, unless it involves the release of that portion of those lands which no longer remain the property of the allottee. Under the amendment as it passed the Senate the Secretary is authorized to make the same agreement with such allottees as he makes with other persons. Unless that amendment carried authority to the Secretary to allow the Indian whose allotment of 160 acres was to become a part of the irrigation project to alienate that portion of it which he did not retain, it would be absolutely void.

Mr. HEYBURN. Mr. President, I had it in mind, in drawing that amendment, that the Indian should be allowed to release a certain portion of his land, but I wanted to place the limitation at the area that a white man retains. That was all. In using that language I meant that the Indian should have the same rights. I think myself that if the white people within that reclamation project are allowed but 80 acres, it would be fair enough to allow the Indian the same. I do not, however, want the Indian limited to 10 acres and the white man limited to 80 acres or to any greater area.

Mr. CLAPP. You can not limit it unless they agree to it.

Mr. HEYBURN. Well, they are fixing the units where the

land is to be taken up for reclamation where the title has not passed. Of course a great deal of this land is in that position, and land that will be taken up by the white man within this reclamation project will be taken up without any restriction as to units other than those which the law fixes.

With these explanations and with this consideration of record, I am not disposed to press an objection here that would send this bill back to the committee of conference for further consideration so far as this amendment is concerned.

Mr. TELLER. Mr. President, I believe the proper construction to be put upon this amendment is that put upon it by the chairman of the committee, and I wish to commit myself to that. I believe that is what is intended, and that is the way I hope the Department will rule.

Mr. HEYBURN. Mr. President, resting in that assurance, I have no further objection to make to the report of the conference committee in regard to that amendment; but the amendment found on page 3253 of the CONGRESSIONAL RECORD which pertains to the creation of the national park in the Coeur d'Alene Indian Reservation is of more importance, because there the conference committee have changed——

Mr. TELLER. What is the number of that amendment, I will ask the Senator?

Mr. HEYBURN. It is No. 35.

Mr. CLAPP. At the foot of page 22 of the bill.

Mr. HEYBURN. Yes. There the Senate adopted an amendment creating a national park of about 7,000 acres in north Idaho, covering a point particularly adapted for park purposes. The Senate amendment provided that the Indians should be paid a dollar and a quarter an acre for that land, which would amount to a comparatively small sum, but it left the title to that park in the Government of the United States. It is conceded both by the conference committee and by the Senate that that park is a proper subject of legislation, and that it is wise to have a park there. It covers three lakes, part of a mountain, and a part of a river, and its establishment is conceded everywhere to be a very desirable thing.

Mr. President, the conference committee have substituted a provision that the State may buy this land for a park. That would require action by the legislature of the State, and it would raise the question of whether the State may appropriate money for that purpose. When the constitution of Idaho was adopted it was intended to so frame it that the State could not engage in that kind of business; that money might not be appropriated for such a purpose. This would require a construction of the constitution of the State of Idaho that would allow the legislature to appropriate a sum of money for the purpose of purchasing from the Government of the United States this park. In the first place, I do not care to embarrass the acquisition of that park by any such question. In the second place, I do not believe in creating a park that shall be the property of the State. We have all had some experience, not only in those Western States but elsewhere, with parks and enterprises of that kind that belong to a State or are under the control of a State, as to the effect they have upon the internal affairs and management, political and otherwise, of the State. They are always a subject of political embarrassment. A park of 8,000 acres would call for administration and protection. Every legislature would be required to consider it, and the determination of the class of amusements and the manner of the use of such a park are often embarrassing questions. I want in Idaho one United States park.

Mr. TELLER. I do not want any in Colorado.

Mr. HEYBURN. You have one in Colorado.

Mr. CLAPP. Mr. President——

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

Mr. HEYBURN. For a moment.

Mr. CLAPP. Mr. President, I think the Senator from Idaho has completely answered his own position in his statement here as to the power of the State under the Constitution. The conferees were confronted by this situation: Here was a proposition to buy a park and pay for it out of the Treasury of the United States. The conferees—without going into the details of the conference—could not maintain that provision in the bill. It being a Senate amendment, the Senate conferees, of course, could not of their own motion do that. It was suggested that we put the provision in this form, and then the Senators from the State of Idaho, if they saw fit to avail themselves of it, could do so; and, if they did not—we were not in a position to consult with the Senator at the time, he being out of town, for I myself made inquiry as to his whereabouts—and if they did not, all they would have to do would be for the State to decline to act under this provision, and the Senator then can try to get a bill passed creating a national park at national expense.

Mr. HEYBURN. We have already passed such a bill in the Senate.

Mr. CLAPP. As an amendment to this bill.

Mr. HEYBURN. We also passed it as an independent measure.

Mr. CLAPP. Well, Mr. President——

Mr. HEYBURN. If the Senator will permit me to interrupt him there——

Mr. CLAPP. Certainly.

Mr. HEYBURN. The question as to whether this is to be a national park or a State park is an important question; but it is also important that it be decided quickly, because I am advised by a letter to-day that the allotment of land to these Indians will commence on the ground not later than the 1st of April, which is only about two weeks off.

Mr. TELLER. They will not take this park, will they?

Mr. HEYBURN. The Indians are entitled now to locate their lands anywhere. Of course there is a large excess of land in this reservation. This is not a large band, and the Indian allotments will probably not exceed ten or eleven hundred. There is plenty of extra land, but some of the Indians might want to take allotments on the land on which it is proposed to locate this park. You can not control the selection of the Indian in taking his allotment, unless the law shall have segregated a portion of the land.

Mr. CLAPP. Mr. President——

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

Mr. HEYBURN. Certainly.

Mr. CLAPP. The Senator certainly is no worse off than if the Senate conferees had receded from this amendment, which they would have been obliged to do under the circumstances. With this provision in the bill, they would hardly proceed to allotment, as the Senator from Colorado [Mr. TELLER] suggests. If we had simply receded, the case would have been no different practically from what it is now, without the power on the part of Idaho to act, except that this does temporarily suspend, or I think it would suspend, the allotment of those lands.

Mr. HEYBURN. Mr. President, I would inquire of the Senator from Minnesota whether or not, in his judgment, the adoption of this provision in this report would not stay action on the independent bill which we passed in the Senate and which is pending before the other House?

Mr. CLAPP. Supposing it would, if the Senate had receded from its amendment but one of two things could have resulted. We could have come back here for instructions, which would have delayed this matter, pending which allotments might have been taken, or we could have simply adopted the report on our receding from the amendment, which would have left the matter entirely out of the pale of this bill.

I tried to reach the Senator from Idaho [Mr. HEYBURN], as I always do a Senator from any State whose local interests are being affected in conference or in the preparation of a bill, but was unable to reach him, he being out of town.

Mr. HEYBURN. I was not in town on that day.

Mr. CLAPP. No; the Senator was out of town.

Mr. HEYBURN. I had gone to a neighboring city.

Mr. CLAPP. It seemed to me, then, that rather than recede it would be better to put this provision in; to suspend, so far as it would, operations there, leaving the representatives of that State, if they can, to secure the passage of such a bill as they desire through the other House.

Mr. HEYBURN. Then, Mr. President, I am not disposed to prolong this discussion under the statement made by the chairman of the committee. I am pleased to have made a record that will explain the reason the bill reached this position, because I had undertaken to secure legislation that would give us a national park in North Idaho. This provision would give us a State park, and we may get a national park through the bill which is pending in the other House.

Mr. DIXON. Mr. President, my attention has just been called to the fact that two or three items affecting the Indians in my State, which were inserted in the Senate as amendments, have been left out of the bill by the conferees; or, in other words, the amendments have been receded from. I do not know what the formal motion for me to make would be, but I apprehend it would be to disagree to the report of the Senate conferees as to certain amendments.

The VICE-PRESIDENT. The form of the question is, Shall the Senate agree to the conference report? And, of course, the negative of that would defeat the report.

Mr. CLAPP. Of course the Senator is aware—and I presume the same rule obtains in the other House—that no matter what may prompt a motion, it has to be as to the entire report. The amendments can not be separated.

Mr. DIXON. They can not be separated?

Mr. CLAPP. No; and I do not suppose that can be done in the House.

The VICE-PRESIDENT. The only question before the Senate upon the conference report is, Will the Senate agree to the report?

Mr. DIXON. And not to an individual amendment?

The VICE-PRESIDENT. Not to an individual amendment, or to any specific item.

Mr. DIXON. Then, Mr. President, I certainly am opposed at this time to agreeing to the conference report on this bill, especially directing my objection to the report as to Senate amendments numbered 49, 52, and 53.

Mr. CLAPP. Mr. President——

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

Mr. DIXON. Certainly.

Mr. CLAPP. Before the Senator takes that position I want to suggest that our Calendar every morning here shows the announcement of some Senator who has given notice that he desires to speak. That forces me practically, out of courtesy, to defer action upon this report until after the speech or speeches of the day have been made. This matter has now lain over for several days and I fear that a roll call might disclose the want of a quorum. I certainly hope the Senator will not press the question under these circumstances.

Mr. DIXON. I would not press the question except for the reason that I think the entire report submitted by the Interior Department in reference to these matters has been overlooked in the preparation of the report of the conferees. Here are three different items especially recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior, reported unanimously from the Indian Committee, and not a question raised on the floor of the Senate regarding them; and yet I find for the first time they have been disagreed to in conference.

Mr. CLAPP. As to the amendment providing for the employment of "line riders" in the Northern Cheyenne Indian Reservation, there is no impropriety in my stating that the Commissioner of Indian Affairs was present and furnished a written statement concerning all these items; but, notwithstanding his presence, it was impossible for the Senate conferees to retain them. The same is true as to the amendment increasing the salary of the agent at the Flathead Agency.

Mr. DIXON. As to the Flathead Agency I find that other amendments of similar nature have been retained by the conferees, especially those pertaining to agencies in South Dakota, in one instance the salary of the agent being raised from $1,800 to $2,200. Here is an agent in my State, in charge of one of the five most important agencies in Montana, receiving the pitiful compensation of $1,500.

Mr. TELLER. On what page is the amendment?

Mr. DIXON. It is Senate amendment No. 49 on page 35. The agent is stationed at a reservation that is just being opened, where there are 2,200 Indians with their land allotted and with property amounting to six or seven million dollars held in trust, with this man as the fiscal agent. There is a very strong recommendation for the adoption of the amendment and commendation of it from the Commissioner of Indian Affairs. The amendment only proposes to increase the agent's salary to $1,800.

Mr. CLAPP. Mr. President, in answer to that I will say that the Senate put an amendment on this bill which provides that the Government shall pay the cost of the bond which the Indian agent gives. The salaries of two or three agents had been raised prior to the adoption of that amendment, but after its adoption the conferees decided to take out amendments increasing the salaries of agents, as they figured that the difference in the cost of the bond would about equal the proposed increase of salary.

Mr. DIXON. I want to say in this connection that an amendment has been retained in the bill increasing the salary of an agent in South Dakota from $1,800 to $2,200 without any question being raised. In this case the agent has absolute charge of 2,200 Indians and their families and a trust fund of $8,000,000. All four of the Montana amendments, except the one in regard to the Fort Belknap Indians, have been stricken from the bill.

Mr. TELLER. They are all legislation.

Mr. DIXON. I do not think they are all legislation.

Mr. CLAPP. The Senator will bear in mind that one of the four was very probably legislation, although I was very favorable to it getting through on the appropriation bill because of the difficulty of passing it as a separate measure. But the conferees did the best they possibly could.

Mr. DIXON. Here is another item appropriating $30,000 for the purchasing of lands for a roving band of homeless Chippewa Indians known as "Rocky Boy's band." Both the Secretary of the Interior and the Commissioner of Indian Affairs submitted favorable reports on this item, but it has been stricken from the bill, and in lieu thereof the Secretary has been instructed to investigate the matter. I want to say in that regard that the report from the Secretary of the Interior, covering five or six pages, especially recited the fact that this matter had been investigated two or three years ago by a special agent of the Department, and that this very recommendation was made by the special agent and concurred in by the Secretary of the Interior. Now, the conference report proposes to strike out that amendment, which is No. 53, and to refer the matter back to the Secretary—to ask him to do what has already been done and what his report shows was done two or three years ago.

Mr. CLAPP. Mr. President, that is undoubtedly true from the standpoint of the Senator, but, unfortunately, the evidence before the committee rendered it somewhat difficult for the Senate conferees to make the point perhaps as strong as they might otherwise have made it. It was very incomplete, and failed to show the number of these Indians, as I recall; and, above all, while there was a recommendation that this money was to be appropriated, it failed to show any tentative proposition as to where these Indians could be placed. It was thought best by the House conferees to send this matter to the Secretary of the Interior for a complete report. With a tentative arrangement, then the money could be appropriated.

Mr. DIXON. But, if the Senator will permit me the suggestion, Senate amendment No. 53 makes the appropriation and instructs the Secretary. It authorizes him to locate these Indians wherever he can find convenient land and water, either on the reservation or off. It gives him carte blanche. As this investigation has already been made, I can not see what can be gained by again referring it to the Secretary.

I will not insist upon the amendment No. 54, relating to the Flathead Agency, because it contains matters of legislation; but the other three amendments, while they may appear to most Senators to involve but little, I assure you are each and every one important as regards the welfare of the Indians of my State.

I do not like to delay action on the report. I know we are getting crowded; but as to these three amendments my conscience would not be clear if I did not at this time move to nonconcur in the conference report and ask for further conference.

Mr. TELLER. I should like to suggest to the Senator from Montana that he will not accomplish anything by sending the report back now after the action the House has already taken. At least I have never known such an operation to succeed. I am very sure that he had better let the matter go and attempt to secure it in some other way. I think, so far as the salary of the agent on the Flathead Reservation goes, that that can be attended to in another bill. Of course, as to the wandering Indians of Rocky Boy's band it is very important to know where they are to be located. That is left to the judgment of the Secretary. He can locate them where he ses fit.

Mr. BURKETT. Mr. President, there is one class of amendments to which I should like to call the chairman's attention and ask for something of an explanation. I refer especially to amendment No. 57, known as the "amendment to capitalize the fund of the Winnebago tribes of Indians." I think perhaps there may be in the bill other amendments of the same character. This amendment was put in by the Senate. It speaks for itself. It is merely to pay some Indians what we owe them by treaty, and I should like to have the chairman explain, if it will not take too much time, why it is that we can not have retained in the bill an amendment so just in its nature and so necessary. Why are such amendments rejected? What is the reason for it? Are we to go year by year and simply have them turned down on the statement that the conferees could not agree, and therefore the Indian can not get his money? As a matter of fact, it simply means that the United States is repudiating its debts. That is all it means in plain, simple language. I want to know if we have got to continue that course. I presume, of course, the conference committee has done its full duty, but it does seem to me that we ought to know if we are going to have the matter go along here year after year and be put in the position of having the Government repudiate what is not only a just debt, but a debt toward its wards. If the Senator will explain the matter, I shall be very glad to know what the status of the amendment is and what we are to look for in the future.

Mr. CLAPP. Mr. President, I can not prognosticate what can be hoped for in the future. I am in favor of capitalizing these funds, and I do not think a dollar is any more this year than it will be next year; but, unfortunately in the exigencies of leg-

islation, we encounter those who do regard a dollar as larger to-day than perhaps it may be a year from now. One difficulty conferees always have to encounter is that a great many of these matters, if they are ever put on the bill have to be put on in the Senate; which leaves a great many amendments for the Senate conferees to defend.

I doubt whether the Senator meant that this amendment involved the payment of a debt. Instead of continuing the payment of interest it simply provides for the capitalizing of what we recognize every year in the payment of the interest. It must be said for our coconferees that where a matter came up—and there were two or three in the bill, I think—involving the honor of the Government in the recognition of a debt, notwithstanding this plea of postponing the capitalization of these funds, such items were very promptly accorded a place on the bill.

Mr. BURKETT. I do not think, Mr. President, that I misstated the facts about the matter.

Mr. CLAPP. What amendment is it?

Mr. BURKETT. It is amendment No. 57. The Senator seems to make a distinction between being willing to pay interest on a debt and paying the debt itself. I have had some debtors in my life that seemed to be willing to pay interest forever, but never pay the principal; and that is the position of the Government in this case. For half a century we have owed these Indians the money by treaty and we have been paying them the interest on it. The Indian has got to a place where he wants his principal, and he is entitled to have that principal. The Government has said by solemn decree that that Indian is a competent Indian; he is a citizen of the United States; he is able to handle his own business, and, as a matter of fact, many of the Winnebago Indinas are handling their own business.

There is one who is, I think, trying a case in the Supreme Court of the United States to-day—an Indian worth an eighth as much as all this fund of the Winnebago Indians, and he himself, by his own endeavors, has made it. I know another one of these Indians who is drawing a salary of $7,000 a year as manager of a manufacturing concern in Philadelphia. Perhaps the Senator says those Indians do not need the money proposed to be appropriated, but they are entitled to it whether they need it or not. For half a century or more the Government has owed the Indians this money.

Mr. CLAPP. The Senator will pardon me one question, because, if he states the matter correctly, I certainly do not understand the treaty. I do not understand that to-day we owe this money as a debt that is due. We have agreed to pay the Indians this interest from year to year. Now, as a matter of governmental policy, some of us are in favor of taking up those treaties and, instead of continuing the interest on them, to get the Indians to agree to accept the principal and close the treaty.

Mr. BURKETT. If the Senator will just read the amendment the Senate put in the bill it will show exactly what this proposition is.

Mr. HEYBURN. Mr. President, I should like to ask a question.

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

Mr. BURKETT. Certainly.

Mr. HEYBURN. Senators are using the term "interest." Is it not a fact that this is an annuity, and that there is no principal behind it?

Mr. CLAPP. No, sir.

Mr. HEYBURN. Then there was a principal sum upon which interest was to be paid?

Mr. CLAPP. In this particular case $883,249.58.

Mr. HEYBURN. When was it to become due?

Mr. CLAPP. I do not recall.

Mr. CURTIS. If I may be permitted to interrupt, in the treaty with the Winnebago Indians of 1837 there is the following provision:

> Ninth. To invest the balance of the proceeds of the lands ceded in the first article of the treaty, amounting to $1,100,000, and to guarantee to them an interest of not less than 5 per cent.

Mr. HEYBURN. Then there is a large principal, and now you are going to capitalize the interest and discard the principal?

Mr. CLAPP. No; we are going to capitalize the principal and pay it, if we can; but we are unable to get the necessary legislation.

Mr. CURTIS. If the Senator will allow me——

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

Mr. HEYBURN. Certainly.

Mr. CURTIS. The point is this: The Indians now have a paper credit; the Government of the United States owes them so much money, on which it pays interest at 5 per cent annually. Now, if this item goes through, instead of having a paper credit, there will be in the Treasury of the United States this amount of money to their credit, upon which we will appropriate no more interest in the annual appropriation bill, but upon which interest will be paid by the Government at 5 per cent until the debt to the Indians is discharged.

Mr. BURKETT. There is another provision, I will say to the Senator——

Mr. CURTIS. Then there is a provision here that upon application of any individual member of this tribe the Secretary of the Interior, if he deems the Indian competent to transact his own business, may pay to him his proportionate share of the tribal funds.

Mr. HEYBURN. I was looking at the amount of this item, to wit, $804,909.17. Is the $800,000 principal or interest?

Mr. CLAPP. It is principal.

Mr. HEYBURN. It is due these Indians?

Mr. CLAPP. No, sir; it is not due them as of this particular time. We are simply carrying it for them for an unlimited time. That is why I called the attention of the Senator from Nebraska——

Mr. McLAURIN. It is owing, but not due?

Mr. CLAPP. It is owing, but not due.

Mr. HEYBURN. I want to get at the status of this.

> Eighth. To set apart the sum of $10,000 to defray contingent and incidental expenses in the execution of this treaty, and the expenses of an exploring party, when the said Indians shall express a willingness to send one to the country southwest of the Missouri river.
>
> Ninth. To invest the balance of the proceeds of the lands ceded in the first article of the treaty, amounting to $1,100,000 and to guarantee to them an interest of not less than 5 per cent.

To invest the proceeds of the land. I do not suppose the Government of the United States invests it in anything. The Government does not invest money on interest. I suppose we owe the eleven hundred thousand dollars, and I suppose the interest has been kept up by the Government. So that this proposition here is to appropriate the sum of $804,909.17 by virtue of the act to which I have just called attention. There seems to be some discrepancy in the amounts.

Mr. CLAPP. If the Senator will turn to the top of this page, he will find that the House item, being the interest on $78,340.41, and over on the other page the interest on $804,909.17, at 5 per cent, were stricken out by the Senate, and in place of them we put in amendment 57, authorizing the Secretary of the Treasury to place this amount to their credit on the books.

Mr. HEYBURN. I had noticed that.

Mr. CLAPP. There is no discrepancy.

Mr. HEYBURN. The provisions of the House are stricken out and the Senate amendment is substituted. But it seems to me singular that we should quibble about the transfer of this money. The Government owes it. No time is fixed for its payment. But we are paying interest on the principal, and the principal is eleven hundred thousand dollars, and this is something less than $900,000. It occurred to me that there must be some way of accounting for the difference between those two sums.

Mr. McLAURIN. Mr. President, I desire to ask a question. If the Senate should disagree to the conference report, what would be the attitude of the matter then? Would it go back to another conference?

Mr. CLAPP. I do not know. It would depend upon what the House does, I suppose.

Mr. McLAURIN. Is there any probability of the Senate getting what it desires, if it should desire to change the report, by sending the report back to another conference? If not, then I want to say that all this debate as to what we want about it will accomplish nothing if the House will not agree to it.

Mr. DIXON. Will the Senator from Mississippi yield to me for a moment?

Mr. McLAURIN. Certainly.

Mr. DIXON. I do not know what the Senate has done on similar occasions, but I know in the House repeatedly we used to disagree to a conference report and send it back with instructions to the House conferees to insist on House amendment numbered so-and-so; and we as frequently got it as we lost it. I am so convinced that in this case two or three of these items have been merely overlooked——

Mr. CLAPP. I want to assure the Senator that those items were not overlooked. They were carefully gone over, and one of them with the Commissioner present urging the item.

Mr. DIXON. But will the chairman of the committee permit me to ask, How could it have been otherwise than overlooked, when the South Dakota agent is raised from eighteen hundred to twenty-two hundred, with the Flathead agent drawing only

fifteen hundred, three hundred less than any other agent in the Northwest in that Department, when the committee's report shows that he has more property and more Indians, outside of the Sioux in South Dakota, than any agent in the service? The miserable pittance of $300 is not added to his salary of $1,500.

Mr. CLAPP. That is very easily explained. The Senate conferees would hardly on their own motion recede from a Senate amendment, and if the House conferees made no objection to a Senate amendment, that amendment would be reported back here as agreed to, as a matter of course, while if the House conferees objected to another amendment and we had to encounter their objection and attempt to overcome it, we of course could only do that by indefinite postponement, and then perhaps not succeed. That accounts for the fact that one amendment may be rejected while another amendment, perhaps no more meritorious, or possibly even less meritorious, remains in the bill. We did not ourselves seek to strike out any of the Senate amendments.

Mr. DIXON. I would not for one moment say that.

Mr. CLAPP. We only yielded on those amendments where the House conferees did object to them. If they made no objection to the South Dakota amendment, very naturally it would remain in the bill.

Mr. McLAURIN. What I wish to say is that if there is no probability of a change being made in the report (I take it that the conferees did all they could to sustain the amendments put on the bill by the Senate) it is useless to discuss what we should like to have, because we have to take what results from the conference.

Mr. CLAPP. I suggest that the Senate conferees would not be in position to make a very strenuous fight in behalf of these amendments. Of course, what may be the result I can not foresee. I should regret to see the report go back, because every day I have had to postpone this matter out of courtesy to Senators who wished to speak. It would require a great deal of time.

Mr. CARTER. Mr. President, it is true the amount involved in the amendments about which disagreement has occurred in the conference is not in the aggregate large, but I think there is a principle involved in this proceeding which we can not well disregard.

In the first place, it appears amendments have been agreed to which set out this disagreement in bold lines of discrimination. All these amendments were recommended by the Department. Some were adopted, and others more meritorious, of the exact class, rejected. My colleague is a member of the Committee on Indian Affairs and seeks but a privilege which I think every Senator should have who is interested in an amendment, before it is disagreed to, if he shall elect to demand the privilege, to wit, to make a statement before the committee of conference. That is not a right.

Mr. TELLER. That is not a right.

Mr. CARTER. I do not assert it as a right, but I say it is a privilege which I think should be accorded to any Senator upon mere request. My colleague insists that these amendments have been regularly recommended; that there is nothing to investigate; that the amendment proposing further investigation as a substitute for the one rejected is but asking the Department to do again that which it has heretofore done, a mere repetition of proceeding. Therefore the substitute is of no virtue at all.

Now, my colleague insists that he be heard upon these amendments before the committee of conference, and I think the chairman will agree with me that that request is entitled to consideration. I believe upon a statement of the facts before the conferees they will agree to one, if not all, of these amendments as to which disagreement has been entered. There is one amendment involving a considerable amount of legislation upon which my colleague does not insist, but as to those not obnoxious to the rule of new legislation, merely involving matters recommended by the Department, I think there should be no question at all, and I believe the Senator in charge of the bill, the chairman of the committee, will agree that the request of my colleague is entirely reasonable and ought to be acceded to.

This session is yet young. We are not in the closing days. The Committee on Indian Affairs has but one great duty to perform in the course of a session, and that is to scrutinize, prepare, and secure the passage of this appropriation bill. There are yet sixty days remaining of the session——

Mr. CLAPP. Will the Senator pardon an interruption? That is true as to the committee, but the members of the committee have some work to do here, and this idea of sitting day after day waiting until the closing hours of each day is the matter I was referring to.

Mr. CARTER. I think this report can be disposed of within an hour if the matter is given a hearing.

Mr. TELLER. Mr. President, I will say to the Senators from Montana that I should have been very glad to have seen these amendments maintained, but I can not allow the statement made by the senior Senator from Montana to go unquestioned that it is a right, or even a custom, of Senators to appear before conference committees.

Mr. CARTER. I used the word "privilege."

Mr. TELLER. It is not a privilege. There are some conference committees which absolutely decline to hear anyone when they get into conference. My experience has been that very rarely indeed is anyone heard before a committee of conference. There may have been exceptions, and I think there have been, but they are very rare.

I am not going to object to the Senator from Montana appearing before the conference, because that is a question I do not have anything to do with. I do not wish to have it established here that anyone has a right to go before a conference committee. That the conference committee must settle for itself.

Mr. DIXON. Mr. President, just a word in support of what I apprehended was, in the press of business before the conferees, an oversight. Here is $30,000 for the Wandering band of Chippewa Indians. I personally know their condition. The matter was investigated two or three years ago. I know they are starving and hungry, dying by the score every year. It is merely a matter of humanity to purchase land for these one hundred Indians who were West from the reservation when the lands were allotted. How can I on this floor, or my colleague from Montana, consistently agree to this report when we know the bill carries $50,000 for the homeless Indians in California. The bill last year carried $50,000, if I recall it, for the homeless Indians in California. There is $50,000 in this bill——

Mr. CLAPP. The Senator will pardon me. The bill last year carried a hundred thousand dollars.

Mr. DIXON. A hundred thousand dollars, or whatever it was, and $50,000 this year.

Mr. CLAPP. But there was an incompleted plant that had been inaugurated, and the plea was made, and I think it a strong one, that a large amount of the money spent would be lost unless enough was appropriated to complete the plant.

Mr. CURTIS. The land had already been picked out.

Mr. CLAPP. The land had already been picked out and partly bought.

Mr. DIXON. I have on my desk a letter from, written within the last ten days, Chief Rocky Boy, of the Wandering band of Chippewas; and we are to buy the land for him and his children; about one hundred of them. The old man thinks this bill has already passed Congress, because I wrote him that it had passed the Senate, and that the item had gone into the Indian appropriation bill as an amendment, and I apprehended that no question would be raised about it. He said "But for this, I and my children, some of them, would be dead before snow flies this fall."

It is an emergency case, and I do believe, if the conferees had at least accorded some one the privilege of merely explaining the condition, there would have been no question by any gentleman either of the House or of the Senate as to amendment 53 remaining in the bill. I think it no more than right.

Mr. CLAPP. In view of the possible result of a call of the Senate, I will ask to have the matter passed over for the day.

Mr. DIXON. I will say to the Senator from Minnesota that, without comparing proceedings in the House and in the Senate—and I confess I know very little about the method of procedure here—I know in the House many times we have instructed the conferees as to matters in conference. Would it be anything out of the ordinary at this time for the Senate to insist upon the amendment and let us have one more conference with the House conferees and see if this amendment can not remain in the bill? It would take but a few minutes to do it.

I assure the Senators present that, than item No. 53, no more important provision for a band of a hundred homeless, illiterate people has been before the Senate in the Sixtieth Congress.

Mr. CLAPP. I did not want to cut off the matter by that suggestion, but I simply made it as a safeguard against any tendency of that kind. I have said all I care to say. It is for the Senate to determine. Occasionally conference reports are sent back for further conference.

Mr. McLAURIN. Mr. President, some days ago, upon the report of Senate bill 1036——

The VICE-PRESIDENT. Does the Senator from Mississippi rise to the pending report?

Mr. McLAURIN. I understood it had gone over.

Mr. CLAPP. No; I withdraw that suggestion.

Mr. McLAURIN. I did not observe that it had been withdrawn. I thought the matter had gone over until morning.

Mr. CLAPP. I suppose the parliamentary situation would require a vote on the report.

Mr. LODGE. Let the report go over.

Mr. CLAPP. That would not in the meantime make it the subject of further conference, which Senators desire.

Mr. LODGE. Oh, no. There has to be a vote to disagree to make it the subject of further conference. All the Senator has to do is to withdraw the report and let it go over until to-morrow, when there will be a full attendance of the Senate, and he can then dispose of it.

Mr. CLAPP. It might be disagreed to under present conditions.

Mr. LODGE. That is a different proposition. I did not understand that the Senator proposed that the Senate should disagree.

Mr. CLAPP. No; I do not.

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

Mr. DIXON. Is there any reason why we should not pro forma disagree to the report and then bring it up to-morrow.

Mr. CARTER. I will say to my colleague that I think the matter can be disposed of now and a disagreement reached. I believe it is the present temper of the Senate to disagree to the report if the question is put.

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

The report was not agreed to.

Mr. CLAPP. I move that the Senate insist upon its amendments, and request a further conference with the House, the conferees on the part of the Senate to be appointed by the Vice-President.

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

PATENTS FOR CERTAIN PUBLIC LANDS.

Mr. McLAURIN. Mr. President, some days ago I asked for the immediate consideration of the bill (S. 1036) for the relief of locators of military bounty land warrants and surveyor-general's certificates, and the Senator from Colorado [Mr. TELLER] asked that it go over until the printing of the report. I understand that Senator now has no objection to the consideration of the bill.

Mr. TELLER. I have not any objection.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all of the bill and insert:

Be it enacted, etc., That all patents heretofore issued on applications made for title to public lands between June 5, 1901, and June 20, 1907, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, be, and the same are hereby, declared valid; and that all such locations, where the applications to locate were made between June 5, 1901, and June 20, 1907, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, and upon which patents have not been issued, are hereby declared legal, and the Commissioner of the General Land Office is hereby authorized and directed to issue patents on all such locations: *Provided*, That they are otherwise in accordance with the rules and regulations in such cases made and provided.

The amendment was agreed to.

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

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

The Committee on Public Lands reported an amendment to strike out the preamble and to insert in lieu thereof the following:

Whereas by the act of Congress of March 2, 1889 (25 Stats., p. 854), the lands of the United States, except in the State of Missouri, were withdrawn from sale by private entry; and

Whereas the Secretary of the Interior, on June 5, 1901 (Victor H. Provensal, 30 Land Dec., p. 616), and February 5, 1902 (Charles P. Maginnis, 31 Land Dec., p. 222), promulgated decisions authorizing the location of surveyor-general's certificates, agricultural college land scrip, and military bounty land warrants upon lands that had theretofore been offered at private sale, and therefore were subject to location with such certificates and warrants, notwithstanding the said act of March 2, 1889; and

Whereas the honorable Secretary of the Interior, on June 20, 1907 (Lawrence W. Simpson, 35 Land Dec., pp. 399 to 609), reversed the two decisions of his Department thus previously promulgated by it and rendered a new decision in which he stated "That there can be no property rights acquired in defiance of law. The only power of the Land Department to dispose of public lands * * * is by act of Congress. When it develops that a departmental construction is erroneous, the improper construction can not be further allowed and the will of Congress further overborne by the Executive;" and

Whereas on the 21st day of December, 1907, in the Roy McDonald land warrant test case, the ruling in said Simpson case was further modified so as to authorize the patenting of all entries and locations made with and under the warrants and scrip above described, the said opinion concluding as follows:

"In the light of the decisions above quoted I am fully impressed that my plain duty under the circumstances presented requires that recognition be given to all locations completed under the faith of, and in the light of, the holding of this Department, where the lands located had not been at the time of said locations reserved or appropriated to any particular purpose, and in which no question as to the right under the location is raised, except that the land located is without the limits of the State of Missouri. There should be included within this protection those who, prior to the decision of June 20, 1907, entered or located lands under the paragraph in the original Simpson decision, hereinbefore quoted, and you will give such orders or directions as will carry into effect the conclusions herein reached;" and

Whereas by reason of said respective decisions of the Interior Department many locations have been made and patents issued upon the faith of the rulings in the Provensal and Maginnis cases, and substantial rights and equities have accrued to the patentees and entrymen, which have been recognized and upheld by the latest ruling in the McDonald case supra; and

Whereas by reason of the diversity and conflict of the various rulings above recited, it is equitable and proper that the titles acquired under the decisions above referred to should be quieted and confirmed as against any future change in decision, or collateral attack: Now, therefore,

Mr. KEAN. I should like to ask why any preamble is necessary?

Mr. McLAURIN. I do not see any necessity for a preamble, but I do not see that it can do any harm.

Mr. KEAN. It seems to me to be most of the bill.

Mr. McLAURIN. Yes; it was most of the original bill, and a new preamble was put in by the Committee on Public Lands. As I said, I do not see any necessity for the preamble, but I can not see that it can do any harm.

Mr. KEAN. I ask that the preamble be stricken out.

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

The preamble was rejected.

The title was amended so as to read: "A bill for the relief of patentees and locators of military bounty land warrants, agricultural college land scrip, and surveyor-general's certificates."

CLAIMS OF ROMAN CATHOLIC CHURCH IN PHILIPPINE ISLANDS.

Mr. LODGE. I ask for the present consideration of the bill (H. R. 16143) to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $403,030.19, to be paid to the Archbishop of Manila, in the Philippine Islands, as the representative (and trustee) of the Roman Catholic Church in the islands; and the acceptance of this sum to be in full satisfaction of all claims for use and occupation of the property of that church in the islands and for damages done thereto by the military forces of the United States prior to January 15, 1906.

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

LETTERS PATENT.

Mr. SMOOT. I am directed by the Committee on Patents, to whom was referred the bill (H. R. 15841) to amend section 4896 of the Revised Statutes, to report it with an amendment in the nature of a substitute, and I ask that it be substituted for the bill (S. 3971) to amend section 4896 of the Revised Statutes, being Order of Business 321 on the Calendar.

The committee amendment is in conformity with the wishes of the Senate in regard to a similar bill.

The VICE-PRESIDENT. Without objection, Senate bill 3971 will be indefinitely postponed and the House bill just reported will take the place of the Senate bill on the Calendar.

Mr. SMOOT. I ask for the present consideration of the House bill just reported by me. As I stated, the amendment conforms to the wishes of the Senate in a similar case.

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

Mr. KEAN. Do I understand that this is a substitute bill?

Mr. SMOOT. It is exactly the same bill as the House bill with the exception of striking out the objectionable part to which the Senate objected the other day.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. The committee proposes to strike out all after the enacting clause and to insert:

That section 4896 of the Revised Statutes be, and the same is hereby, amended so that the section shall read as follows:

"SEC. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before the patent is granted the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs

at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the same, then in trust for his devisees in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when any person having made any new invention or discovery for which a patent might have been granted becomes insane before a patent is granted the right of applying for and obtaining the patent shall devolve on his legally appointed guardian, conservator, or representative in trust for his estate in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him while sane; and when the application is made by such legal representative the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States.

"The foregoing section, as to insane persons, is to cover all applications now on file in the Patent Office or which may be hereafter made."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

LANDS IN IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of joint resolution (S. R. 68) providing for additional lands for Idaho under the provisions of the Carey Act.

The Secretary read the joint resolution and, there being no objection, the Senate as in Committee of the Whole proceeded to its consideration. It proposes to make available an additional 1,000,000 acres of arid lands within the State of Idaho, to be subject to the terms of the act of August 18, 1894, commonly known as the "Carey Act" as amended by the act of June 11, 1896, and the act approved March 3, 1901, and allows the State of Idaho, under the provisions of these acts, this additional area, or so much thereof as may be necessary, for the purposes and under the provisions of these acts.

Mr. McLAURIN. I should like to have the Senator from Idaho explain the purposes of the joint resolution.

Mr. HEYBURN. The joint resolution was unanimously reported from the Committee on Public Lands. I have here a telegram from the governor of Idaho, which, perhaps, will explain it as quickly as could be done in any other way. The telegram reads:

BOISE, IDAHO, *March 14, 1908.*

Hon. W. B. HEYBURN, *Washington, D. C.*

Map was filed and request made yesterday for segregation of 800,000 acres of Carey Act land in Owyhee County. This land is all unsurveyed. It is important that your bill providing for survey of all unsurveyed lands in Idaho should become law. Survey of lands in Snake River Valley should be given immediate attention or development and settlement will be greatly retarded.

F. R. GOODING.

I can make the measure plain in a moment. It does not grant anything to the State, except as a medium for the settlement of the land. The Carey Act is the name given to an act of Congress which provided that upon water being brought upon land, on an arrangement satisfactory to the State, the Government would deed the land to the State, to be disposed of to actual settlers only, in tracts not to exceed 160 acres to each settler. The Carey Act has been one of the best land acts ever passed, and I do not except the homestead act. In our State we have already settled up more than a million acres of land under the Carey Act. The other day the Senate granted us another million. That makes the second million. It is all practically ready to be taken up now. This is an application for the third million acres, and there are the business enterprise and the money behind this third million to settle it up. The Government of the United States is interested in the settlement of the land.

Mr. TELLER. It is more hopeful than the Reclamation Service.

Mr. HEYBURN. Yes; it is the best land act ever passed. It means actual settlement and speedy settlement.

Mr. SMOOT. Did I understand the Senator to say that this is the second million during the present session?

Mr. HEYBURN. Yes.

Mr. SMOOT. Unless I am mistaken, it was not passed at the last Wednesday meeting of the Committee on Public Lands.

Mr. HEYBURN. It was the unanimous report of the Committee on Public Lands, and it was thoroughly considered. I made quite a lengthy statement as to the conditions and circumstances before the Committee on Public Lands, and the joint resolution was unanimously reported.

Mr. SMOOT. Then I am mistaken, if that is the case. I understood that the question on the second million acres was under discussion before the Committee on Public Lands, but was not finally decided. But I may be mistaken as to that.

Mr. HEYBURN. The Senator is mistaken. Of course I should not have reported it unless I was instructed to do so. The report came up to me from the clerk of the committee in the usual way, and it was reported.

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

PUBLIC BUILDING AT OKLAHOMA CITY, OKLA.

Mr. GORE. I ask unanimous consent for the present consideration of the bill (S. 3530) to provide for the erection of a public building at Oklahoma City, Okla.

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

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, page 1, line 11, after the word "dollars," to strike out "For the purpose aforesaid the sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed on the site heretofore acquired for that purpose a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office, court, and other offices of the Government at Oklahoma City, Okla., the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $500,000.

SEC. 2. That said Secretary of the Treasury is authorized and directed to acquire, by purchase, condemnation, or otherwise, any additional grounds for the site of said building which, in his judgment, may be necessary and desirable.

The amendment was agreed to.

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

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

PUBLIC BUILDING AT FREMONT, NEBR.

Mr. BURKETT. I ask unanimous consent for the present consideration of the bill (S. 1072) to authorize the extension and enlargement of the post-office building at Fremont, Nebr.

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

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, page 1, line 7, before the word "thousand," to strike out "seventy-five" and insert "fifty," so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the post-office building in the city of Fremont, Nebr., to be extended and enlarged at a total cost to the United States of not to exceed $50,000, including all necessary changes in, additions thereto, alterations of, and repairs to the present building, and of the heating and plumbing systems therein, and drainage and approaches thereto, which may be incident to such extension and enlargement of said building.

The amendment was agreed to.

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

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

SURVEY OF GALVESTON HARBOR, TEXAS.

Mr. BAILEY. I ask unanimous consent for the present consideration of Senate concurrent resolution No. 46.

There being no objection, 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 to be made an examination and survey of Galveston Harbor, as a whole, including Galveston Harbor, Galveston channel, Texas City channel, and Port Bolivar channel, in the State of Texas, for the purpose of establishing a broad, comprehensive, and systematic plan for the future extension, enlargement, and deepening of said harbor, so as to meet the growing needs of commerce, and to estimate the probable cost thereof.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 17, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 16, 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 Saturday, March 14, was read and approved.

RESTORATION OF MOTTO TO COINS.

Mr. MCKINLEY of Illinois. Mr. Speaker, I ask unanimous consent for the consideration of the bill H. R. 17296, and that twenty minutes of debate be allowed on each side, and the previous question called at the end of forty minutes.

The SPEAKER. The gentleman from Illinois [Mr. MCKINLEY] asks unanimous consent for the present consideration of the bill H. R. 17296, that there shall be twenty minutes of debate on a side, and that the previous question shall be considered as ordered to the final passage of the bill. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the motto "In God we trust," heretofore inscribed on certain denominations of the gold and silver coins of the United States of America, shall hereafter be inscribed upon all such gold and silver coins of said denominations as heretofore.

SEC. 2. That this act shall take effect thirty days after its approval by the President.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I suggest that the time be allowed to the gentleman from Illinois [Mr. MCKINLEY] on this side and to the gentleman from Tennessee [Mr. GAINES] on the other side, and that the request also include that the bill shall not be subject to be recommitted as would be the case in a motion to suspend.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois [Mr. MCKINLEY] is entitled to twenty minutes, and the gentleman from Tennessee [Mr. GAINES] to twenty minutes.

Mr. GAINES of Tennessee. Pending that, I ask unanimous consent that general leave to print on this bill for five legislative days be granted to all Members.

The SPEAKER. The gentleman from Tennessee [Mr. GAINES] asks unanimous consent that general leave to print shall be granted upon this bill for five legislative days.

Mr. PAYNE. Mr. Speaker, I have no objection to that if the debate is confined to this bill.

Mr. GAINES of Tennessee. That is my motion—confined to this subject.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection.

Mr. GAINES of Tennessee. Mr. Speaker, I yield ten minutes to the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. Mr. Speaker, I rise in advocacy of the adoption of the committee's report recommending the passage of the bill providing for the restoration of the motto "In God we trust" to the coins of the United States. I congratulate the country and the committee upon the fact that this report comes to this House from the Committee on Coinage, Weights, and Measures by the vote of every Republican and Democrat of that committee. Immediately upon the assembling of the committee, after its appointment, I gave notice that I would press for legislation accomplishing this result. A subcommittee was appointed, consisting of Representatives PEARRE, WOOD, and myself. The subcommittee considered all of the various bills which were introduced, all aiming at the same object, and differing only in some minor details. The report of the subcommittee was unanimous for the restoration of the motto, and, as previously stated, so was the action of the full committee in adopting the report of the subcommittee. It is fair to state that from the very beginning of the consideration of the subject to the final conclusion of the committee there was never any difference of opinion. This action upon the part of the committee furnishes a lesson to the country and the world to the effect that this is a Christian nation, and that this body is composed of patriotic Americans who, regardless of party affiliations, fearlessly discharge a public duty when they are once convinced there is a duty to be discharged.

The President of the United States, in my judgment, acted not only unwisely in ordering that this motto be stricken from the coins but, I think, acted in violation of the spirit of the law as it was written; but be it said to his credit that he has in no way interfered with the action of the committee in the consideration of this question, but has left them free to exercise their own judgment in the discharge of their duty as they saw it.

I believe that the world already understands that we are a Christian, God-fearing, God-loving people, and it was not necessary to emphasize this fact by the statute which originally allowed this motto to be placed upon our coins. But it was done at a time when civil war was upon us; when the hand of brother was turned against brother; when the minds of men were enraged, and the settlement of problems was submitted to the arbitrament of arms, the result of which no man could at that time foretell. The battle of Manassas had been fought; the pride of the nation in its various sections had been aroused; the North and the South were arrayed against each other in bloody warfare; the stars and bars were floating over one section of the country, while the Stars and Stripes waved in another. The blood of America was boiling; cruel war had possession of the land.

It was at this time, viz, November, 1861, that a Pennsylvania minister advised the Secretary of the Treasury, Mr. Salmon P. Chase, "that this nation might perish and that there should be some evidence of the religious faith of its inhabitants preserved upon its coins." Adopting the suggestion of this divine, in April, 1864, in March, 1865, and in February, 1873, Congress enacted laws providing, in substance, that the words "In God we trust" might, at the discretion of the Secretary of the Treasury, be inscribed upon such coins as would admit of the motto.

We can not claim any unique distinction for having pointed, by the use of a motto, to the faith of our fathers. We were not the first nation to adopt a motto emphasizing its religious faith or belief, for with the establishment of Christianity as the Roman religion in A. D. 312, we are told that Constantine, in his march against Maxentius, claimed to have seen on October 12, A. D. 312, a vision of the cross in the sky. In order to perpetuate this vision he caused to be placed upon his coins the labarum, which was his military standard, the labarum representing the cross which was the monogram of Christ. Long before the establishment of Christianity as the Roman religion the pagan types had been for years reproduced upon the coins.

The Byzantine coins bore a cross, and afterwards other Christian designs were employed, among them Christ or the Virgin Mary, the latter being represented as upholding the walls of Constantinople.

History also records the fact that in 143 B. C. the Hebrews had a silver coin showing thereon a cup or chalice, meaning "A pot of manna." A year or so afterwards they issued a coin bearing a triple lily or hyacinth, which is supposed to have signified "Aaron's rod." There were also coins bearing the words "Jerusalem the Holy," which name came from the decree of Dentrius Soter, King of Syria, when he decreed in 162 B. C. that the city should be "holy and free." In the Gospel of Matthew it is called the Holy City, and we are told that the Arabs to this day call it by the name "El Kuds," meaning "The Holy."

A few years thereafter the Jews used upon their coins such reverential mottoes as "The redemption of Zion," "Eleazar, the High Priest," "First Year of the Redemption of Israel," "The Deliverence of Jerusalem," the series of ancient Jewish coins ending with the copper money struck at Jerusalem by the conquering Arabs. The latter issued coins at Jerusalem, bearing such inscription as "Mohammed, Apostle of God," and "Palestine." These are probably the first coins ever made that bore the sacred word "God" inscribed thereon.

The first silver groats of England were coined during the reign of Edward I, in 1273–1307, bearing the inscription, "Edward, by the grace of God," etc.

In 1344, Edward III of England caused to be coined the Florin, which bore in Latin the inscription "He shall be exalted in glory," and also the words "By the grace of God," etc. His son, the Black Prince, the Prince of Aquitane, issued a coin on which was the inscription "God the Just, Powerful, and Patient Judge."

James I of England issued the sovereign with this inscription in Latin: "Let God arise, let his enemies be scattered."

The unhappy Mary Stuart used upon her coin the motto, "By the grace of God." Upon her marriage with Henry, Lord Darnley, 1565, which step had been violently opposed by her ministers, Mary had struck a coin which bore in Latin, the following legend: "Whom God has united, no one shall separate." Darnley was afterwards murdered.

The virgin Queen, Elizabeth, used this motto upon her coins: "Elizabeth, by the grace of God, the rose without a thorn."

James VI of Scotland, in 1567 and 1625, inscribed upon his coins the motto: "Save thy people, oh Lord."

George III had the motto inscribed upon his coins: "By the grace of God," etc. Queen Victoria had placed upon her coins the mottoes: "God guides my steps," and also "Victoria, by the grace of God," etc.

In 1670 Louis XIV, King of France, ordered the coinage of

a large sum of money, on which coins was inscribed: "Louis XIV, by the grace of God King of France and Navarre, King."

Upon the coins of Portugal, as early as 1750, there was raised upon the same a cross, beneath which was the inscription "In hoc signo vinces."

As early as 1732 there appeared upon the coins of Russia the motto: "By the grace of God," etc.

The coins of Switzerland bore reverential mottoes as early as 1741.

In 1773 the coins of Bavaria bore reverential mottoes such as "By the grace of God," etc., and so it was with the 10-thaler piece of George IV of Hanover and of Charles William of Brunswick in 1805. On the coins of 1734, issued by the Duke of Brunswick and Luneburg, we find the same inscription.

Prussia, as far back as 1701, had inscribed upon its coins the motto, "By the grace of God," etc., and the coins issued by the Duke of Saxony in 1784 also bore an inscription with the same words.

In 1621 Johann, George II of Wettin and Saxony, put upon his coins the words "God and Fatherland." In 1686 his successor used upon his coins the motto: "By the grace of God," etc. One hundred years later, in 1790, we find Frederick Augustus III of Saxony using the same inscription upon his coins. In 1751 Wurttemburg had gold coins bearing the legend "With God and Time."

Upon the coins of Austria there were the words "By the Grace of God Emperor of Austria," etc. The Brabant sovereign of 1783 was inscribed "Charles VI by the grace of God," and so forth.

The double ducat of Hungary, issued in 1765, bore the inscription, "Maria Theresia by the grace of God," etc. On the ducat of Kremnitz of 1835 we find "Saint Maria, Mother of God, Patron of Hungaria."

From 1786 to 1792 the French coins bore the words, "By the Grace of God," etc. On a French silver coin of 1690 we find the same inscription, and also the words, "Christ reigns, conquers, governs." In the time of Louis XIV we find "Blessed be the name of the Lord" and "Oh Lord save the King" upon the coins of France. One of the French coins of 1643 was inscribed "Sit nomen Domini benedictum."

In 1789 the word "God" appeared upon the coins of Mogul Shah Allam, one of the princes of India.

After the Belgian revolution in 1790 Belgium issued a gold coin with the words, "Domini est Regnum," meaning "The Kingdom is the Lord's." In 1835 Belgium had a coin which bore the inscription, "God Protects Belgium."

In 1734 we find "By the grace of God," etc., upon the coins of Charles, King of Naples, and also upon those of Charles, King of Sicily, in 1738. On the coins of Italy in 1805–1814 appeared the words, "God Protects Italy."

Denmark, as far back as 1694, in the reign of Christian V, had the words, "By the grace of God," etc., inscribed upon the national coins. Christian VIII issued a coin in 1813 with the same inscription.

In 1824 and 1832 Brazil had coins which showed thereon a cross with the words, "In hoc signo vinces." A gold coin of Brazil of 1824 bore the words, "By the grace of God," etc.

It will be seen from the above that the Western Hemisphere had almost from the beginning of time represented upon its coins its faith in the Supreme Ruler of the Universe. The coins of this country do not seem, however, to have been a medium of giving expression to religious belief. The first appearance of any evidence of religious faith upon the coins in America seems to have been in 1682, when the colony of New Jersey adopted the coins of Mark Newby, which he had brought over from Dublin. On these coins was represented St. Patrick, the patron saint of the Emerald Isle, with the trefoil in his right hand and a crozier in his left hand, with the motto "Ecce Grex." Another one of these coins showed St. Patrick, his right hand outstretched, banishing serpents and reptiles, which are shown on the ground with the legend "Quiescat plebs."

During the reign of William and Mary there appeared the Carolina cent, which bore the inscription "God preserve Carolina and the Lords proprietors, 1694."

The New England token of the same year had thereon the words "God preserve New England."

In 1721–22 and 1767 the Louisiana cent was coined, bearing the inscription "Sit nomen Domini benedictum."

In my own State the Virginia half-penny of 1774 bore in Latin the inscription "George III, by the grace of God." From this time, covering a period of nearly one hundred years, during which period the independence of the colonies had been achieved, and, although religious freedom and human liberty had been established in what was destined to be the greatest nation of the earth, there does not seem to have appeared upon any of the money issued within this country any reference to a Supreme Being or to the fact that we are a Christian nation. It remained for Mormon Utah to make the first reference upon a coin to the existence of an Omnipotent Being. This was done in 1849, when Utah issued gold pieces in the denominations of $2.50, $5, $10, and $20, bearing the inscription "Holiness to the Lord." It was fifteen years thereafter, viz, in 1864, under the conditions which I have referred to, that the United States Government had inscribed upon its issue of 2-cent bronze pieces the motto "In God we trust."

In 1866 it was placed on the five, ten, and twenty dollar gold pieces, and on the 25-cent, 50-cent, and one-dollar silver pieces, and 5-cent nickel pieces. In 1873 it was placed on the trade dollar. It continued to be inscribed upon most of our coins until, by the recent order of President Roosevelt, it was stricken therefrom, and we come now, to-day, asking, by the passage of the bill under consideration, that this motto be restored. The demand for its restoration comes from every section of our land. In every Christian heart there beats the hope that you will by your action determine that the circulating coin of this country shall carry the knowledge that we are a Christian people; that we believe that, however strong men may grow, however powerful nations may become, there is a just, merciful, and eternal God, in whom the civilized world can faithfully and implicitly put its trust.

Mr. Chairman, we are a united people; civil war and strife are forever banished from our land; eternal peace on earth and good will toward men is the hope of every patriotic citizen. This is and will be as long as we are firm and steadfast in the teachings of the God of Israel, and I entertain the hope and belief that before the world has seen another century, Christian thought and Christian ideas will control the hearts and minds of all men and upon the wall of every home throughout the universe there will hang, for the enlightenment and encouragement of all who may follow, the sacred motto, "In God we trust." [Loud applause.]

Mr. GAINES of Tennessee. I yield five minutes to the gentleman from Kentucky [Mr. OLLIE M. JAMES.] [Loud applause.]

Mr. OLLIE M. JAMES. Mr. Speaker, the country is to be congratulated that our trust is again to be restored in God. The President of the United States made a great mistake in the judgment of the Christian people of this Republic, when, by order, he directed that the motto "In God we trust" should be removed from our coins. This country is not only a Christian nation, but we are engaged in sending to foreign countries and to distant people our missionaries to preach the religions of Jesus Christ, and we want our money so that when this gold that you say is so good goes across the ocean and is held in the hands of those who do not know of the existence of the Saviour of the world, we can say: "Here are the dollars of the greatest nation on earth, one that does not put its trust in floating navies or in marching armies, but places its trust in God." [Loud applause.]

It was said that there was fun made of this motto; that some men would take a dollar up and make fun of it because it had upon it "In God we trust." Two thousand years ago the Bible said there would be such men, because "The fool hath said in his heart 'there is no God.'" [Applause.] But that argument carried to the ultimatum, that evidences of Christianity must be removed because some people would make fun of them, would tear down every church in the land and pull up every altar in this Republic. [Applause.] I say that I congratulate the committee. It is not a political question, thank God, for us to admit that our trust as well as our treasure should be in Heaven.

I had the pleasure of introducing the first bill to restore this motto which has so long adorned our money. And I most heartily congratulate the Committee on Coinage, Weights, and Measures that they report unanimously in favor of restoring this motto. Mr. Speaker, the Christian legions of this nation will hail with delight favorable action upon this bill. "In God we trust" speaks the language of the fathers. Belief in a Supreme Being is breathed in the Declaration of Independence, lives in the Constitution, hallows the oath we take at the bar of this House. It inspired our soldiers to fight at Bunker Hill, to suffer at Valley Forge, to triumph at Yorktown. Mr. Speaker, this trust in God is the one trust in this land in which the poor are stockholders. Mr. Speaker and gentlemen, let us vote this motto back and we shall not have to rewrite the Star Spangled Banner. For we again can say with Francis Scott Key:

Then conquer we must,
Since our cause it is just,
And this be our motto—
"In God is our trust."
And the Star Spangled Banner
Forever shall wave
O'er the land of the free
And the home of the brave.

[Loud applause.]

Mr. McKINLEY of Illinois. I yield ten minutes to the gentleman from Wisconsin [Mr. KÜSTERMANN].

Mr. KÜSTERMANN. Mr. Speaker, I am against replacing the motto "In God we trust" on our coins, because I do not believe in any religion that in order to thrive needs *advertising*, nor do I believe in any person that always hangs out his shingle "I am a Christian."

My dear mother was very religious, and planted true religious principles into the hearts of her children; also taught us to always confide in God. But at the same time she warned us against those who always have religion on their tongue, very frequently expecting to gain some advantage thereby. Thus I have no love for the man who has always one eye turned skyward while the other one is seeking his neighbor's pocketbook. [Laughter.]

I despise the hypocrite, the policy man, the man who has no conviction of his own and is always afraid to tread on somebody's toes. I fully indorse every word contained in that beautiful prayer, lately offered by our worthy Chaplain:

Good Lord, deliver us, we beseech Thee, from the jingo, the demagogue, the bigot, and all other undesirable citizens, and give us instead the patriot, the statesman, the broad-minded, generous-hearted, manly man.

The good book does not seem to favor the advertising of one's religion. Let me read you the following Scriptural text:

Seventh Matthew, twenty-first verse:
"Not everyone that saith unto me, 'Lord, Lord,' shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven."

And again:

Sixth Matthew, fifth and sixth verses:
"And when thou prayest thou shalt not be as the hypocrites are; for they love to pray standing in the synagogues and in the corners of the street that they may be seen of men. Verily I say unto you, they shall have their reward.
"But thou, when thou prayest, enter into thy closet, and when thou hast shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly."

Those who have coins in their pockets bearing the inscription thereon "In God we trust," and then by their dealings show that they trust more in the almighty dollar and rely upon their shrewdness to get it from others, honestly if they can, "but get it anyway," as the Quaker said to his son, are not true Christians.

Now, if the advocates in favor of this motto on our coins of higher denomination actually believe that it will improve our people and make better Christians of them, then, to be consistent, let us also put "In God we trust" on our 1, 5, and 10 cent pieces, so as to extend the helpful influence of Christianity to the poor newsboy, the bootblack, and to all of those who are not as fortunate as those who possess the larger coins. [Laughter and applause.] And we might also put on the bills of large denomination, particularly the thousand-dollar bills, "Honesty is the best policy."

I fully indorse every single word our highly esteemed President has uttered in defending his action in this matter.

His religious tendencies have never been questioned, and as to his character the following beautiful lines of Pope seem to me very applicable:

Statesman—yet friend to truth! Of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, served no private end,
Ennobled by himself, by all approv'd.

[Applause.]

The President says:

My own feeling in the matter is due to my very firm conviction that to put such a motto on coins or to use it in any kindred manner *not only does no good, but does positive harm*, and is in effect irreverence, which comes dangerously close to sacrilege.
A beautiful and solemn sentence such as the one in question should be treated and uttered only with that fine reverence which necessarily implies a certain exaltation of spirit.

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

Mr. KÜSTERMANN. You may.

Mr. SHEPPARD. Has not the President said that he would not resent the restoration of the motto?

Mr. KÜSTERMANN. Not to me, sir. [Great laughter.]

Mr. SHEPPARD. The President has stated that he would not object to the restoration of the motto.

Mr. MOORE of Pennsylvania. Will the gentleman yield to me for a question?

Mr. KÜSTERMANN. Why, with the greatest pleasure. The gentleman from Pennsylvania is one of my dearest friends.

Mr. MOORE of Pennsylvania. The gentleman, being quick on the trigger, answered that the President did not say so to him; but if the gentleman will accept my word for it, the President has said that if this House passed this bill restoring the motto on the coins he will not veto that bill, believing as he does that the wholesome, moral, religious sentiment of the country is behind it.

Mr. KÜSTERMANN. The gentleman from Pennsylvania can best be answered by the closing words of the President on this subject:

He says:

If Congress alters the law and directs me to replace on the coins the sentence in question, the direction will be immediately put into effect; but I very earnestly trust that the religious sentiment of the country, the spirit of reverence in the country will prevent any such action being taken.

Mr. Speaker, we can all afford to stand up and be counted in favor of such true religious sentiment. Instead of having that motto on the coins, let the people show through their acts that deeply embedded in their hearts can be found that beautiful motto "In God we trust." [Great applause.]

Mr. McKINLEY of Illinois. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, understanding that there was to be no discussion on this report, but having presented earlier in the session a bill to restore the motto to the coin, I submitted a few remarks on Friday last bearing upon this subject. In view of what has transpired this morning and the opportunity offered me by the chairman of the Committee on Coinage, Weights, and Measures to say a few words, I desire, particularly as bearing upon what has been said by my colleague from Wisconsin [Mr. KÜSTERMANN], to say that the President of the United States is a religious, God-fearing man, and that there was no intent on his part to shock the moral sentiment of the community in the order which removed the motto from the coin. Further than that, if, in the wisdom of this House, the motto shall be ordered back upon the coin, I feel entirely warranted in saying that the President will accept the dictum of this House and will not veto the bill.

I listened with interest to the remarks of my colleague from Wisconsin [Mr. KÜSTERMANN]. He trenches upon the ground that the average man in politics hesitates to enter. I did not introduce my bill for the purpose of currying favor with any religious sect, but because in my community there was a desire that it should be made known to the world generally that in this country we do trust in God. Since that bill was introduced and others have been introduced by gentlemen from various sections of the country regardless of politics, I have been impressed with the comments that have followed the discussion of the question. Men have been emboldened to write in defiance of all religious sentiment. They have hailed the removal of the motto as a revolt against the wholesome teachings of the ages. This we should not tolerate.

In the remarks submitted by me on Friday, I quoted from a newspaper editorial that takes a startling view of this question. Listen as I read this unsavory extract, seeking to make capital of the order of the President:

Those who do not believe in God in this country look upon his removal of that unconstitutional, untruthful, and unwarranted deific motto from our coinage as one of the most sensible acts ever performed by the President. They do not trust in God, they know that nobody else does who is sane, and, therefore, they do not see why every coin issuing from our mints should carry forth to the world an unofficial lie.

I am making no pretense in supporting this measure. I have my own views upon public questions; but when such a challenge is put forth, a challenge that enters into every home and fireside, which confronts you and me as we go into our closet in secret to perform that one act of humility which makes worth in man, then I feel it is time to rise and declare, even by law, that this is a God-fearing nation, and that Congress can do no harm in making that declaration emphatic.

Mr. Speaker, there is one thing in the lives of most of us in this House that is impressive. As we enter upon the important duties devolving upon us here as the representatives of the people, and listen to the words uttered by the blind Chaplain each morning, I question whether we do not feel better during the whole of the day for even that brief testimony of our dependence upon the Higher Power. If it is good for us to so humble ourselves as we enter upon the duties of the day, what harm can we possibly do by acknowledging to the world that God has a place in our institutions? It can hurt none; it will console and comfort many. [Applause.]

Mr. GAINES of Tennessee. I now yield two minutes to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Speaker, I have but little to add to what I have said on a former occasion on this subject. I desire merely to call attention to the fact that almost every infidel in the country has openly rejoiced over the removal of this

motto. Frequently Congress has been flooded with circulars from infidel societies, protesting against the restoration of this legend. It was recommended for the coins during the Administration of Abraham Lincoln, doubtless with his knowledge and approval. The fact that the infidels openly object to their restoration, the fact that their removal would be used as an argument to destroy reverence rather than to inculcate it, ought to prompt Congress unanimously to restore the words, "In God we trust." [Applause.]

Mr. GAINES of Tennessee. I now yield to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS of Georgia. Mr. Speaker, it is with pleasure that I rise to express my approval of the work of the Committee on Coinage, Weights, and Measures in unanimously reporting the following bill:

[H. R. 17296, 60th Congress, 1st session.]

Report No. 1106. In the House of Representatives, February 17, 1908. Mr. MCKINLEY of Illinois, introduced the following bill, which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed. February 26, 1908. Referred to the House Calendar and ordered to be printed.

A bill providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States.

Be it enacted, etc., That the motto "In God we trust," heretofore inscribed on certain denominations of the gold and silver coins of the United States of America, shall hereafter be inscribed upon all such gold and silver coins of said denominations as heretofore.

SEC. 2. That this act shall take effect thirty days after its approval by the President.

The committee in this instance is to be congratulated upon its good work; and the whole country is to be congratulated upon the fact that the motto, "In God we trust," which was recently removed from certain of our gold coins, is so soon to be restored. I am glad that this motto, which has graced our coins for so long, is again to have its place upon the nation's money, for I am confident that this bill will pass the House by an almost unanimous vote. [Applause.]

This is no party measure. We may differ among ourselves upon party issues; there may be division of opinion among us as to great governmental questions; but there is no division here to-day upon this bill. We are united as one party, all favoring the return of this lofty sentiment to our coins. [Applause.]

The President made a great mistake in ordering the words stricken from our money. I do not charge, as some do, that the President is an infidel. Such charges are wrong and without foundation. I simply say that our President erred, as all men are likely to do. He has seen his mistake and like a fearless and courageous man, he has virtually admitted his mistake, and says if this bill is passed, he will not veto it. I think the President is a God-fearing man. I think in this matter he made a mistake and is now willing to help undo what he has done.

This is no sectarian question. The Methodist, the Baptist, the Presbyterian, the Catholic, the Hebrews, the Episcopal, in fact all churches, all creeds, who have a belief in God, are as one in the opinion that it was a great mistake to ever have removed this motto from our coins, and they are one in the sentiment that this motto shall be restored. [Applause.]

When it was announced, through the newspapers a few months ago, that this motto had been left off of our coins, I wrote an article criticising it that appeared in many of the papers of my State. I spoke my honest convictions then, and I speak them now. I am not ashamed to proclaim my faith in God. We need God-fearing men in all public positions. A man who is not sound in his belief in God has no right in high office, which is the gift of a God-fearing people. We represent God-fearing people, and we, their representatives, should be God-fearing representatives.

There has gone up a demand from the people of this great country that this mistake of our President shall be corrected, and these simple words with lofty meaning and sentiment shall be restored to our coins.

There is no reason why the late Augustus St. Gaudens should have stricken this striking sentence, so expressive of American reverence and faith, from the gold coins designed by him, and it is regrettable, indeed, that the President of this great God-fearing nation should have permitted it. There is, on the contrary, every reason why it should not have been stricken from our money. There is certainly no harm in having the motto on our money. It is a sentiment that the people love. It is a declaration not only to our people at home, but to all peoples, and to all nations, all over the world, that ours is a nation with a firm and steadfast faith in God. [Applause.]

That infidels all over the country openly rejoiced in the fact that the word "God" was stricken from our money is now a well-known fact. Certain societies, known to be infidelic, have been protesting by mail to Congressmen and Senators against the restoration of this sentence. The removal of this sentence from our coin did not depreciate its monetary value, but it depreciated its sentimental value. The removal of these words was a victory for infidelity. The restoration of them to our coin will be a blow to infidelity and a victory for the God-fearing people of this great nation. [Applause.]

Mr. Speaker, it will not be amiss for me to refer briefly to the circumstances under which the motto was first inscribed upon our coinage. In November, 1861, when one great section of this country was bitterly arrayed against another in war, a minister of Pennsylvania suggested to the Secretary of the Treasury that if the nation should perish no evidence of the religious faith of its inhabitants would be preserved upon its coins. This impressed the Secretary of the Treasury, Hon. Salmon P. Chase, and believing that no nation is strong, except in the strength of God, or safe except in His defense, and that the trust of the American people in God should be declared on the national coin, he requested the Director of the Mint to prepare a device with a motto, tersely expressing, in the fewest words possible, this national recognition. Legislation was necessary, as the mottoes and devices of our coins had been prescribed by the act of January, 1837, so in April, 1864, March, 1865, and February, 1873, Congress enacted laws providing in substance that "In God we trust" might be inscribed upon such coins as would admit of it. The motto thus had its origin and thus came to us upon our coins.

Thus the sentiment was born when we were a divided people. To-day, thank God! we are a reunited people forever. We are but one people, with but one country and one God, with an undying patriotism for our country and a steadfast faith in God. The American people are glad to honor themselves and their country by having God's name upon their coins. "We are fundamentally a religious people. We are distinguished by our devotion to religious and civil freedom." I dare say that every form of religious thought is represented in America, and yet we are one in the recognition of a supreme and all-wise God.

Early in January of this year I listened to an eloquent and impressive speech delivered by my friend from Texas. He so beautifully and ably said then just what I feel now and what I would like to say, had I the gift and ability to put it as he did; I am therefore going to quote from his words.

The opportunity to worship the omnipotent Father according to the conscience of the individual is the basis of American history, the corner stone of the American Commonwealth. There is an essential relation between God and freedom. Liberty as a permanent prerogative of the people was for all practical purposes an impossible conception before Abraham's proclamation of the one all-seeing God. After this proclamation men who had worshiped kings and idols came soon to realize that the God of the spirit was the only rightful sovereign. They came soon to understand that with the same spiritual Father men were brothers both here and hereafter. It followed immediately that men were spiritual and political equals, and liberty, equality, fraternity, dawned upon the human race. Thus God is the source of liberty and religious freedom the basis of political independence. Voltaire, the scoffer, the satirist, but above all the analyst profound, expressed this truth with evident application to the American Republic when, raising his withered hands above the grandson of Benjamin Franklin who had besought for the youth the aged philosopher's benediction, he whispered, "God and Liberty." It was the idea of the one God and the resultant conception of human brotherhood that made the Hebrew nation the world's first self-governing commonwealth and enabled it to embody the highest religious and civic ideals six centuries before Greece knew an alphabet and more than a thousand years before the Latins founded Rome.

These principles were the basis of the Mosaic code, a code which is to-day the framework of civilization and government, a code which enters elementally into the civil and criminal codes of all modern states, a code which taught the elevation of woman, the love of home, the sanctity of property and life, the observance of the Sabbath, charity, fraternity, representative government, systematic education, contempt for luxury and extravagance, equal rights, and rigid justice. These principles have made the Hebrew commonwealth a model and a light in the reformations, awakenings, and revolutions of the world. In the American Revolution arguments in behalf of independence and against all despotism were liberally drawn from Judaic literature and teaching. Throughout the colonies the Hebrew nation was cited as the ideal republic. On the day the Continental Congress declared our independence Franklin, Adams, and Jefferson were appointed to prepare a seal for the United States and for a device they selected a representation of Moses watching the Red Sea as it enveloped Pharaoh, adding beneath the picture the words, "Resistance to tyrants is obedience to God." It is of more than human import that the Hebrew commonwealth, embodying the ideas of God and liberty, was the chief example of the American patriots and that the United States, representing in the spirit underlying its institutions the Hebrew nation more closely than does any other country, was the first government since the final destruction of Jerusalem, seventeen hundred years before, under which the Hebrew people were admitted to unrestricted and coequal citizenship.

The beginnings of the United States were essentially religious, and a divine purpose may be seen in the events which made possible our country and its institutions. Surely there was omnipotent design in the fact that the invention of printing, the discovery of America, and the European Reformation took place within the same century. The printing press brought the Bible to the people, and they rose from the

serfdom of ages to stand before God as untrammeled children; before each other as brothers and as equals. With the Reformation began the movement to free the soul, the brain, the arm of man—a movement which culminated on this hemisphere in the Declaration of Independence and the Constitution of the United States. Despotism was assailed, and wars, commotions, persecutions raged through Europe. That this movement might reach fruition in a new world undisturbed by the errors and oppressions of the old, God pointed the frail caravels of Columbus to these virgin shores. It was of more significance than even Columbus dreamed that on landing at Salvador his first act was to kneel upon the soil and dedicate the infant continent to the King of Kings. Thus under the especial favor of Providence America began. I now propose to show that the finger of God may be traced in every crisis of American history and that the dominant note of American character has been an unfaltering trust in the wisdom and the justice of Omnipotence. [Applause.]

It is worthy of remark that every effort to exploit this country for sordid ends failed utterly; the adventurers in search of gold and notoriety came to grief. On the contrary, the valiant spirits who braved the trackless tides, the storms, the savages, the snows to establish in America a government of the free, who fled religious and political oppression to erect upon these shores the altars of religious and political liberty—the Puritan, the Huguenot, the Catholic, the Quaker, the Walloon, the Waldensian, the Covenanter, the Lutheran, the Cavalier, the Dissenter, the Highlander, the Moravian, the Jew—in fact, the hosts of earth's exiled and earth's wronged—flourished here under difficulties so tremendous, such pestilences, famines, massacres, and dissensions that their preservation and advancement can be attributed to no other source than the God whose worship they came to maintain in its original purity, whose freedom they were to transmit to posterity and eternity. [Applause.] Before commencing each day's work the colonists at Jamestown assembled in the little church to invoke the blessings of Jehovah. "Doubt not," they wrote their friends at home, "God will raise our state and build His church in this excellent clime." When, in 1619, the House of Burgesses, the first legislative body in America, was established in this colony one of its first resolutions was a recognition of God. When the little congregation of John Robinson in the north of England was driven by the minions and measures of intolerance to Holland to become immortal pilgrims in the cause of liberty and truth, they were animated by a deathless trust in God. Before landing on Massachusetts soil, after leaving Holland, they paused to compose upon the *Mayflower* our first written Constitution, and they began that remarkable document in the name of God. The first sentence summarizes the doctrines of God and freedom on which American institutions rest. Throughout colonial times the fires of faith and brotherhood were kept ablaze by Higginson, Hooker, Eliot, Mayhew, Williams, Davenport, Fox, Penn, Barclay, Keith, Whitfield, the Wesleys, Edwards, and other champions of an unshackled gospel, an unshackled manhood. They originated the religious revivals which have become so splendid a feature of American life. The first work of the first printing press in America, established in 1639, was a metrical version of the Psalms.

The life of Washington, the buttress of the Republic in its most perilous emergencies, shows instance after instance of divine intervention. One of the most notable of these was his preservation during the slaughter of Braddock's troops on the Monongahela in the French and Indian war. So marvelous was his escape that he at once accredited it to the Almighty. Writing his brother, Augustine, he said: "By the all-powerful dispensation of Providence, I have been protected beyond all human probability or expectation; for I had four bullets through my coat, two horses shot under me, yet escaped unhurt, though death was leveling my companions on every side around me." Indeed, his survival excited universal comment. One of the foremost clergymen of the time, Rev. Samuel Davis, voiced the general opinion when he referred to Washington, in a sermon shortly after Braddock's defeat, as "that heroic youth, Colonel Washington, whom I can not but hope Providence has hitherto preserved in so signal a manner for some important service to his country." [Applause.]

The first Continental Congress, with the assembling of which the Revolution morally began, was opened with prayer. On the second day the distinguished body met under the disturbing influence of a rumored bombardment of Boston. Indignation was on every brow, sympathy in every heart. The thirty-fifth Psalm, wherein David recites his wrongs and cries out for the shield and buckler of the Lord, was read by the Chaplain with such fervor and such effect that he broke into a thrilling prayer for the colonists and that John Adams afterwards expressed the belief that Heaven had ordained this passage to be read that morning. When the Chaplain concluded there was the silence of death. Then rose Patrick Henry, and, under the impulse of that tremendous moment exclaimed in part: "The distinction between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more. I am not a Virginian, but an American." [Applause.] With that sentence, inspired by more than human surroundings, the birth of American citizenship was complete, the germ of the American Republic was in flower. During the following year Henry expressed a similar sentiment when in his memorable address before the Virginia Revolutionary convention he said that there was a just God who would raise up friends to fight the battles of the colonists and welcomed liberty or death.

Ethan Allen crowded American history into a single sentence when he demanded the surrender of Ticonderoga in the name of the Great Jehovah and the Continental Congress. On Cambridge Common, the day before Bunker Hill, we see the president of Harvard praying among our troops. The colonists began the American Revolution with prayer, and before the war was over the British, too, had learned to pray. [Applause.] On assuming command of the Continental Armies, Washington expressed the most unqualified confidence in the Deity. So desperate was the situation at the outset of a struggle between a fledgling nation and one of the foremost powers of the earth, such the destitution, lack of discipline, lack of numbers among the colonials, that Washington wrote a friend in confidence: "We are now left with a good deal less than half-raised regiments and about 5,000 militia. * * * If I shall be able to rise superior to these and many other difficulties which might be enumerated, I shall most religiously believe that the finger of Providence is in it to blind the eyes of our enemies." Can we doubt the partiality of the Creator when we recall the unspeakable suffering, the disparity of strength, the bitter winters, the ragged uniforms, the bloody prints of shoeless feet, the poverty of state and individual, the inherent weakness of government, the treacheries and intrigues through which the patriot cause ascended to consummate victory?

Can we question the especial aid of the Ruler of all Worlds when we see the fog refuse to rise that August morning in 1776 until our Army had retreated from almost certain annihilation on Long Island, and then some five years later observe the dawning daylight drive the escaping Cornwallis back to Yorktown and surrender? Can we deny the interposition of divinity when in the gloomiest hours of the conflict we see the tattered Continentals retreat barefooted over frozen roads, crossing, when almost overtaken, the Catawba and the Yadkin, whose waters successively rose to delay their pursuers? Is it strange that after the decisive victory of Yorktown the Continental Congress immediately proceeded to a church and, after expressing public thanks to God, proclaimed a day of national thanksgiving, in which the entire country joined most fervently? Is it strange that Washington, on surrendering his commission, deemed it an imperative duty to commend the nation to the continued protection of Omniscience?

As the first act of Columbus on American soil was a recognition of Providence, it was remarkably fitting that nearly three centuries later the first act of the First Congress under the present system, after hearing the inaugural address of Washington, which glowed with expressions of gratitude to Heaven, was to assemble in a church and there unite in supplication to the Lord of all. Before the adjournment of that initial session Congress requested the President to recommend a "day of public thanksgiving and prayer, in acknowledgment of the many signal favors of Almighty God, and especially His affording the people an opportunity peaceably to establish a constitutional government for their safety and happiness." De Tocqueville, the great French historian and philosopher, who wrote the most accurate and remarkable analysis of American character yet given to mankind, observed after visiting the United States in the first half of the last century: "It never must be forgotten that religion gave birth to Anglo-American society." It is hardly possible to dissociate the miraculous growth of the American Republic in population, in territory, in material and spiritual strength, in world influence, and importance from the cooperation of an agency more than mortal. Especially is this true when we consider the questions of internal policy which, after threatening the existence of the country for seventy years, were not permanently settled until the altars of a reunited country had been christened in the blood of brothers.

When in the exciting hours of the Clay compromise of 1850 the strife of contending factions was angriest, Benton, his turbulence for once subdued, said, concerning the solution of the pending problem: "It seems to be above human reason. But there is a wisdom above human, and to that we must look." On leaving his home at Springfield, in February, 1861, for the assumption of the Presidency, when the signs of the storm through which he was to guide the imperiled nation were everywhere apparent, Lincoln voiced the traditional American trust in God when he said to the neighbors who had come to say farewell:

"My friends, no one not in my position can appreciate the sadness I feel at this parting. A duty devolves upon me which is perhaps greater than that which has devolved upon any other man since the days of Washington. He never would have succeeded except for the aid of Divine Providence, upon which at all times he relied. I feel that I can not succeed without the same divine aid which sustained him. I hope you, my friends, will all pray that I may receive the same divine assistance, with which success is certain."

Both sides in the appalling conflict which ensued, leaders and followers alike, Lincoln, Davis, Grant, Lee, McClellan, Jackson, and other mighty figures, exhibited a heroism in march and charge, in camp and Cabinet, a devotion to truth as each conceived it, that could proceed only from the most unlimited faith in the Infinite Preserver. [Applause.]

Both sides achieved eternal victories, the one having preserved the nation, the other having defied annihilation and challenged death for its conception of the right. [Applause.] When the assassination of Lincoln in April, 1865, had filled the world with gloom and dread and disturbances more violent than those of war seemed imminent, we hear the voice of Garfield as he lifted the American flag above the rioters in New York, "God reigns and the Government at Washington still lives." Immediately the country caught the spirit of this matchless appeal, and another crisis had been mastered. It was about this time, at the culmination of the period which established the unity and permanency of the Republic that Congress, as if by inspiration, ordered the sentence "In God we trust," a sentence summarizing the history and reflecting the character of the American people, to be inscribed upon the nation's coinage. For more than forty years it has there remained to remind us of our origin and the world of our faith. Who can doubt that its educational and ethical value has been immense? Who will not regret its displacement on certain coins to make way for the Gaudens design, a design which shows on one side a woman in savage headdress, on the other a Roman eagle in predatory flight—the one side a degradation of woman, the other a eulogy of war? [Applause.]

It is particularly appropriate that the inscription "In God we trust" should appear upon our national moneys. The coinage of a country is the most concrete and universal evidence of its sovereignty. Is it not fitting that this most elemental expression of government should contain a recognition of the power to which the Government owes its foundation, its growth, its glory? Again, the coinage is, as a rule, the first and most general token of government with which American children and foreigners seeking our citizenship become familiar. It enters fundamentally into the people's lives and thoughts and hopes. It is the vitalizing element in commerce, society, and government. Bearing the words "In God we trust," it would suggest to every child and every citizen the genius of American institutions; it would lead every foreigner to study American ideals in the light of a proper philosophy. [Applause.] It is a poor time to remove this motto when economic disaster shrouds the land, when the successful and the rich of yesterday are the suicides and paupers of to-day. For the reasons enumerated, I believe, Mr. Chairman, that the beautiful and stately sentence "In God we trust," so symbolic of American history, American aspiration, American faith, should be permanently inscribed upon the coinage of the United States. [Applause.]

God has undoubtedly watched over us and directed us to national greatness, and I firmly believe that it is because we are a God-fearing nation. We enjoy freedom's blessings at home, and through the work of Almighty God our blessings are going out to bless others in every land and in every clime. He has given it to us to be the miracle workers of the world's history. Rome's development and decline stretched through a period of twenty centuries, but Rome, when she was mistress of the world, was insignificant as compared with the United States of to-day.

The great powers of Europe have had fourteen or fifteen centuries of development, and even at the period which we fix as

their beginning their territory was inhabited. We are only one hundred years from the uninhabited wilderness, and are greater than any of them.

Our wealth is greater than that of the world was two generations ago. Some of us here to-day were alive when the combined world's wealth was not as great as that of this country is now.

In production and consumption we far surpass any other nation, and are gaining so rapidly that the children of to-day will live to see the United States produce and consume more than all the balance of the world produces and consumes now.

And all the balance of the world is rushing forward far more rapidly than ever before, the impetus being given largely by American invention and American example. It was a quiet old world when the new Republic was born a century and a third ago; but the infant, as it grew in strength, set new examples and circulated new ideas that have put the whole world in motion.

Our people have worked miracles at home and their influence has wrought them abroad. What did the world know of the rights of man until we taught them? Little Switzerland was pursuing her quiet way before American ideas attracted attention; and Poland, which was in some respects an elective government, seemed to exist only to show that an elective government was the worst possible kind. Great Britain was a limited monarchy, but everywhere else in Europe was complete despotism.

Now France is a Republic, and the power of the people is felt in every nation of Europe except Turkey. Even the autocrat of Russia has surrendered much of his power to a congress elected by the people; and, across the line in Asia, Persia has come into the family of nations that acknowledge the rights of the governed.

Japan proudly proclaims her indebtedness to the United States. Washington Irving represents Rip Van Winkle as sleeping twenty years. Japan had slept as many centuries when America bade her awake. She is now one of the powers of the earth, improving on her borrowed civilization until she stands abreast with the first. The torch that was lighted in America a century and a third ago has lighted others and still others until the whole world is aglow.

We are passing away, and some who are here now must pass without seeing the wonders of the future. The world has advanced more during the last three-quarters of a century than during the six thousand years of its previous history, and the forward impetus is greater than it ever was before. Our country leads and has contributed more than any other to the civilization of the present day. Other nations have produced as great thinkers; we have applied the ideas. While others theorize, we put their theories into practice. What the next fifty years will show no man can conceive, as no man fifty years ago could have conceived the wonders the last half century has brought to life.

We can not forecast invention, but we can form some idea of our nation's growth. We can judge it by the past. If our rate of gain in population during the last half of the nineteenth century should continue through the first half of the twentieth, more than a quarter of a billion people will live in the United States forty-two years hence. The South alone will then be more populous than any nation of Europe is now, except Russia, and as populous as any two nations of Europe, except Russia and Germany combined.

Our wealth in fifty years will be greater than the present combined wealth of the world, and our power will be beyond comparison with that of any other nation.

But if our successors should prove worthy of our predecessors this vast power will be a security instead of a danger to the balance of the world. The spirit of peace and justice has been the crowning glory of our Republic. No nation is so powerful as to inspire our fear; no nation so weak as to invite oppression from us. Our nation has been more forbearing to the weak than to the strong.

In its early youth our Republic assumed the duty of protecting its younger sisters on this continent. It was a nation or only 10,000,000 people that was back of President Monroe's declaration to the world that the powers of Europe must not extend their territory in this hemisphere. The 10,000,000 were enough to secure respect for the Monroe doctrine, but for which South America and Mexico and the West Indies would probably now be dependencies of European nations.

Let other nations glory in the wars they have fought and won. America's glory is in the wars she has prevented. Let others boast of the nations they have overcome. America can boast of the nations she has protected. Let other nations exert their influence through the crash of firearms and the gleam of steel; America wields a far more powerful influence by her appeals to reason and justice. She has force to use in self-defense if necessary, but as the years add to her strength the possibility of a need of defense becomes more and more remote.

Free men will often differ in opinions. No two will always agree. The differences between Americans resulted once in war. Considering the differences between the conditions, North and South, that war was inevitable from the beginning. The only wonder is that it was so long delayed. It has been fought, and it has resulted in a unification of conditions that leaves no further possibility of conflict.

The war is now remembered as a test of American manhood, and neither side need feel ashamed of the result. In fact, all Americans can share in the honor won on both sides, for it was won by Americans. Our Northern-born President never neglects an opportunity of claiming kinship to the men who wore the gray, and the only rivalry between the North and South now is as to which would be readiest to respond to the nation's call.

As a nation we have reason to feel proud of our past and satisfied with our present, and we can look forward to the future with a confidence that the realization of our national destiny will be far beyond the brightest dreams of the men who staked their all on the effort to found a government attributing its powers to the consent of the governed.

If we would continue as the greatest of the nations of the world we must continue our faith in God. The history of the nation that forgets God is sooner or later written in ruin. Let us therefore fight infidelity until it is literally stamped out of our country. Let us not retrograde, but rather let us go forward. Let us do nothing that smacks of national infidelity. Let us not put an "infidel money" out upon the world, but let us put out the coin that says to all the world "Americans are a God-fearing and God-loving people." I hope this bill will pass by a unanimous vote.

Mr. GAINES of Tennessee. Mr. Speaker, I now yield to the gentleman from South Carolina [Mr. ELLERBE].

Mr. ELLERBE. Mr. Speaker, it is not my purpose to make a speech, but I simply desire to read to the House a few lines, and every Member of the House will soon discover that I am not the author of them.

They are as follows:

A RECESSIONAL.

[After Kipling.]

God of the nation, known of old,
  Supreme, all-powerful, and just,
No longer on our coins of gold
  Dare we inscribe: "In Thee we trust."
    Lord God of Hosts, forsake us not;
    We have forgot, we have forgot!

Our fathers did not ask in vain
  When, unashamed, they sought Thine aid;
Now, in our day of stress and strain,
  We falter in our faith—afraid.
    God of our country, long forgot,
    Forsake us not, forsake us not!

We bowed before the shrine of wealth
  And, drunk with riches, went astray;
Restore, O God, the nation's health
  And lead it in the old true way.
    In sorrow, shame, and vain regret
    We plead that Thou will spare us yet.

Forgive our willful waste, our pride,
  Our foolish pomp and wicked lust;
Once more be Thou the nation's guide
  That we may say, "In God we trust,"
    For thoughtless act and idle word,
    Thy mercy on Thy people, Lord!

[Applause.]

Mr. GORDON. Mr. Speaker, it is, I trust, with no feeling of irreverence that I rise to oppose the restoration of the motto under discussion to our national coin. If you will place that motto over there in this Chamber so that every Member of this House can daily see and read it, if you will place it over here where the Speaker can see and read it [laughter and applause], if you will inscribe it over every door of the Capitol and over the entrance to every public building in this city, I will gladly support and commend your action. [Laughter and applause.] But when you inscribe it upon our coins it seems to me rather a show of conventional hypocrisy than of patriotic reverence. Who considers in his business dealing with his fellow-men whether God is approving or disapproving his act? Does he look at that motto on the coin and consider its sacred meaning as he takes money, by fair or foul means, from the pockets of his fellow-men? What is our coin but a medium of commerce? And what is commerce and what is business but the irrepressible and eternal conflict of human interests? It is a medium of secular, and not sacred, transactions. It is human interests of a severely material kind that we are dealing with in this dis-

cussion. [Applause.] Are financiers, speculators, and business men generally, impressed with the reverential sentiment contained in the words "In God we trust," inscribed on the coin they are handling? Is there one in every thousand who stops to read it, or who wants to read it, especially if he is contemplating a financial coup? Who considers its sacred significance in a business transaction? No one. And if so, does it not seem rather a device of hypocrisy and irreverence than of sincerity and veneration?

I repeat, if you will inscribe this motto above the Speaker's chair, where every Member of this House may see it from day to day, and over here on this side where the Speaker may see it, and upon the architrave of every public building in the country, upon the front of every church, and above the door of every schoolhouse throughout the land, we will say "Amen" and support you in that, but not in placing it upon what our Bible calls "filthy lucre," where it seems to me more of an irreverent conventionality than a genuine sentiment of devotional sincerity. If I believed it made men more reverent and honest by being on our coin, then I would say by all means restore it, not only to the coin, but inscribe it on our paper currency, for I do not know of anything that we need more of just now than reverence and honesty. Let us have less of empty pretense and more of solid sincerity. It thus appears to me to be a useless if not an irreverent ostentation upon our coin, and I agree with the President that this motto should be omitted therefrom.

Mr. McKINLEY of Illinois. I now yield to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, having had the honor of being chairman of the subcommittee which prepared the minority report, which was unanimously adopted by the whole committee, I felt that it would not be necessary to add anything to what I said in that report. But there are one or two things to which I desire to advert which have been stated in the debate. Some gentlemen on the other side seem to take exception to what the President did, and find fault with the President by reason of the issuance of an order by which this motto was dropped from certain denominations of coin upon which it had previously been inscribed.

Now, Mr. Speaker, the President of the United States, in connection with that order, has given his reasons, and there is nothing in that order showing anything that partisanship or any hypercritical or hypocritical criticism can pervert, and I find nothing in that order which would indicate any suggestion of irreverence or lack of Christian spirit upon the part of the President when he took that action.

The President of the United States then and there registered not only his approval of the sentiment "In God we trust," not alone as an individual and personally, but also as a great public servant. He is a Christian man in every relation of life; and not only a Christian man, but a practical Christian man, both as an individual and as a public servant, and he has endeavored to impress Christian principles upon public affairs. To such an extent has he done this, Mr. Speaker, that some of his critics have suggested or pretended to think that the President of the United States had gone too far in trying to impress the Ten Commandments upon the legislation of this country. So much, Mr. Speaker, for the criticism which has been made upon the President of the United States for the order that he has issued. Thank God he has, Mr. Speaker, and in doing so has had the courage to declare for moral reform in the face of the most powerful interests.

There is another matter to which I wish to advert, which has arisen in this debate, and it is to this effect: The gentleman from Wisconsin [Mr. KÜSTERMANN] says, Why put it only upon certain denominations of the coinage; why not put this glorious motto, "In God we trust," upon the pennies and the dimes and the nickels, which are in the hands of the bootblacks and those who are poor and humble and unable to have large denominations of money?

He also suggests that upon the very large denominations of our paper money we should impress it—especially should we print it in large and glaring letters upon the thousand and ten thousand dollar bills, in order that those who in their greed for gold, in the struggle for wealth, have been trampling upon their fellow-men and forgetting the rights of the individuals and the duty of man to God, may have it brought to their attention. There is another objection to this bill, Mr. Speaker, which has been suggested—that made by the gentleman from Tennessee [Mr. GORDON]. He suggests that we should not impress this motto upon these various denominations of the coinage, but that we should emblazon it above the Speaker's desk, so that the Members of this House could see it, and that we should put it yonder before the Speaker, so that the Speaker may see it; and he says that if we will put it over our churches and our places of public business, then he will vote for it.

These gentlemen, therefore, favor the use of this motto to even a greater extent than proposed by this bill. It can be no real objection to this bill that it does not go far enough. This bill simply restores this law and the practice under the law as it obtained before the President's order was issued, and yet we are told certain gentlemen oppose this bill because it does not go far enough. The President's record, Mr. Speaker, on moral or Christian questions needs no defense at my hands. He has urged the incorporation of Christian principles in all legislation and in the administration of the laws. Under his great Administration there has been a wonderful moral regeneration in this land. How vain the effort, therefore, to attempt to squeeze partisan advantage out of this strictly nonpartisan matter. Restore the motto "In God we trust," so beautifully phrased by Maryland's patriot son, Francis Scott Key, who, in concluding his wonderful apostrophe to "The Star-Spangled Banner," the words and music of which thrill the blood of all true Americans in every clime, said: "And this be our motto, 'In God is our trust.'"

Mr. McKINLEY of Illinois. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Speaker, in the recent successful efforts of the police of Chicago to ferret out the nesting places of anarchy in that city it was found that in the literature from which their children were taught there was an avowed purpose to banish God from the minds of the rising generation. Sir, I want to put myself on record as against the purpose of the anarchists in this as in all other respects. [Applause.]

The teaching influence and the rallying power of emblems and mottoes have been recognized in all ages and by all nations. As a rule, they concrete in material form or express in briefest language some great thought or purpose or movement until they become dear to the people adopting them. The origin of these mottoes and emblems is often of greatest interest and lends enduring influence and value.

The ignominious cross upon which was consummated the sublimest sacrifice in human history is to-day the emblem of hope to unnumbered millions of men in every quarter of the earth. The sacrificial wood upon which was pinioned the body of the Nazarene has been glorified by his followers, and the "*In hoc signo vinces*" moves in resistless march to the conquest of the world.

The flag of our country is emblematical of all we hold dear in our national life. Floating as it does over the halls of legislation, over the garrisons of our soldiers, the battle ships of our sailors, and the schoolhouses of our children, it is a constant reminder not only of a glorious past, but an inspiration to a still more glorious future, because it speaks the language of patriotic devotion and sacrifice to our common country.

The motto, "In God we trust," had its origin during the civil war. It is one of the heritages of that gigantic struggle, between two sections of a great people reading the same Bible and praying to the same God. Happily now we are a reunited country, and the heart of the people still goes out to the God of nations as of individuals. We of the North join hands with you of the South and say, your God is our God, as your people are our people. [Applause.]

The fathers who founded this nation had faith in God. It ill becomes their sons to even appear to turn back the hand upon the dial plate of time. Were it a question *de novo*, it would present a different aspect. But we can not now afford to have the childhood and youth of the nation infer, however erroneous that inference might be, that the Congress had repudiated the faith of the fathers or attempted to becloud that of their children. [Applause.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question now is on the passage of the bill.

Mr. GAINES of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

Mr. HEFLIN. Mr. Speaker, let us have the yeas and nays.

The SPEAKER. As many as are in favor of having the yeas and nays will rise and stand in their places until counted. [After counting.] Thirty-eight gentlemen have arisen.

Mr. SHACKLEFORD. Mr. Speaker, I ask for the other side.

The SPEAKER. The gentleman demands the other side. As many as are opposed will rise and stand until counted. [After counting.] One hundred and thirty-five gentlemen have arisen. On this question the ayes are 38 and the noes are 135, a sufficient number, and the yeas and nays are ordered.

The question was taken, and there were—yeas 259, nays 5, answering "present" 4, not voting 120, as follows:

YEAS—259.

Adair	Douglas	Hughes, N. J.	Payne
Adamson	Draper	Hull, Iowa	Pearre
Aiken	Dwight	Hull, Tenn.	Peters
Alexander, Mo.	Edwards, Ga.	Humphrey, Wash.	Pollard
Alexander, N. Y.	Edwards, Ky.	Humphreys, Miss.	Pray
Allen	Ellerbe	James, Addison D.	Prince
Anthony	Ellis, Mo.	James, Ollie M.	Pujo
Ashbrook	Ellis, Oreg.	Johnson, Ky.	Rainey
Barclay	Englebright	Jones, Va.	Randell, Tex.
Bartlett, Ga.	Esch	Jones, Wash.	Ransdell, La.
Bartlett, Nev.	Favrot	Keifer	Rauch
Bates	Ferris	Kellher	Reeder
Beall, Tex.	Finley	Kennedy, Iowa	Reid
Bell, Ga.	Fitzgerald	Kennedy, Ohio	Reynolds
Bennet, N. Y.	Flood	Kinkaid	Richardson
Bennett, Ky.	Floyd	Kipp	Roberts
Bonynge	Fordney	Kitchin, Claude	Rucker
Booher	Foss	Knowland	Russell, Mo.
Bowers	Foster, Ill.	Lamar, Mo.	Russell, Tex.
Boyd	Foster, Vt.	Lamb	Ryan
Bradley	Fowler	Landis	Saunders
Brantley	French	Laning	Scott
Brick	Fuller	Lassiter	Shackleford
Brownlow	Fulton	Lawrence	Sheppard
Brundidge	Gaines, Tenn.	Leake	Sherley
Burgess	Gaines, W. Va.	Lenahan	Sherwood
Burleigh	Gardner, Mich.	Lever	Sims
Burleson	Gardner, N. J.	Lindbergh	Slemp
Burnett	Garner	Loud	Small
Burton, Del.	Garrett	Lovering	Smith, Cal.
Burton, Ohio	Gillespie	McCall	Smith, Iowa
Byrd	Glass	McDermott	Smith, Mich.
Calderhead	Goebel	McGavin	Smith, Mo.
Caldwell	Goulden	McGuire	Smith, Tex.
Campbell	Graff	McKinlay, Cal.	Southwick
Candler	Granger	McKinley, Ill.	Sparkman
Capron	Gronna	McKinney	Sperry
Carlin	Hackney	McMillan	Spight
Carter	Haggott	McMorran	Stafford
Caulfield	Hale	Madden	Stanley
Chaney	Hall	Madison	Steenerson
Chapman	Hamill	Malby	Stephens, Tex.
Clark, Fla.	Hamilton, Iowa	Mann	Sterling
Clark, Mo.	Hamilton, Mich.	Marshall	Sturgiss
Clayton	Hammond	Miller	Sulloway
Cole	Harding	Moon, Pa.	Sulzer
Cook, Colo.	Hardwick	Moon, Tenn.	Tawney
Cousins	Hardy	Moore, Pa.	Taylor, Ohio
Cox, Ind.	Harrison	Moore, Tex.	Thistlewood
Craig	Haskins	Morse	Thomas, N. C.
Cravens	Haugen	Mouser	Thomas, Ohio
Crawford	Hawley	Mudd	Tirrell
Crumpacker	Hay	Murdock	Tou Velle
Cushman	Hayes	Murphy	Townsend
Dalzell	Heflin	Needham	Volstead
Darragh	Henry, Tex.	Nelson	Vreeland
Davenport	Higgins	Norris	Waldo
Davidson	Hill, Miss.	Nye	Wanger
Davis, Minn.	Hinshaw	Olcott	Washburn
Dawson	Hitchcock	Overstreet	Weeks
De Armond	Houston	Padgett	Wheeler
Denby	Howell, N. J.	Page	Williams
Denver	Howland	Parker, S. Dak.	Wilson, Ill.
Diekema	Hubbard, Iowa	Parsons	Young
Dixon	Hubbard, W. Va.	Patterson	

NAYS—5.

Bartholdt	Gordon	Küstermann	Slayden
Cooper, Tex.			

ANSWERED "PRESENT"—4.

Jenkins	Longworth	Sabath	Weisse

NOT VOTING—120.

Acheson	Durey	Johnson, S. C.	O'Connell
Ames	Fairchild	Kahn	Olmsted
Andrus	Fassett	Kimball	Parker, N. J.
Ansberry	Focht	Kitchin, Wm. W.	Perkins
Bannon	Fornes	Knapp	Porter
Barchfeld	Foster, Ind.	Knopf	Pou
Beale, Pa.	Foulkrod	Lafean	Powers
Bede	Gardner, Mass.	Lamar, Fla.	Pratt
Bingham	Gilhams	Langley	Rhinock
Birdsall	Gill	Law	Riordan
Boutell	Gillett	Lee	Robinson
Brodhead	Godwin	Legare	Rodenberg
Broussard	Goldfogle	Lewis	Rothermel
Brumm	Graham	Lilley	Sherman
Burke	Greene	Lindsay	Snapp
Butler	Gregg	Littlefield	Stevens, Minn.
Calder	Griggs	Livingston	Talbott
Cary	Hackett	Lloyd	Taylor, Ala.
Cockran	Hamlin	Lorimer	Underwood
Cocks, N. Y.	Helm	Loudenslager	Wallace
Conner	Henry, Conn.	Lowden	Watkins
Cook, Pa.	Hepburn	McCreary	Watson
Cooper, Pa.	Hill, Conn.	McHenry	Webb
Cooper, Wis.	Hobson	McLachlan, Cal.	Weems
Coudrey	Holliday	McLain	Wiley
Currier	Howard	McLaughlin, Mich.	Willett
Davey, La.	Howell, Utah	Macon	Wilson, Pa.
Dawes	Huff	Maynard	Wolf
Driscoll	Hughes, W. Va.	Mondell	Wood
Dunwell	Jackson	Nicholls	Woodyard

So the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. KNOPF with Mr. WEISSE.

Mr. FOSTER of Vermont with Mr. POU.

Mr. BOUTELL with Mr. GRIGGS.

Until further notice:

Mr. HILL of Connecticut with Mr. HOWARD.

Until Friday, March 20:

Mr. HOWLAND with Mr. ANSBERRY.

For the day:

Mr. KAHN with Mr. ROTHERMEL.

Mr. ACHESON with Mr. NICHOLLS.

Mr. BARCHFELD with Mr. CALDWELL.

Mr. CURRIER with Mr. JOHNSON of South Carolina.

Mr. CARY with Mr. DAVEY of Louisiana.

Mr. COOPER of Pennsylvania with Mr. TALBOTT.

Mr. HUFF with Mr. RHINOCK.

Mr. BINGHAM with Mr. LEGARE.

Mr. KNAPP with Mr. MCLAIN.

Mr. BIRDSALL with Mr. MCHENRY.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. RODENBERG with Mr. WEBB.

Mr. POWERS with Mr. PRATT.

Mr. CONNER with Mr. SABATH.

Mr. COUDREY with Mr. WOLF.

Mr. DAWES with Mr. MAYNARD.

Mr. MCLAUGHLIN of Michigan with Mr. MACON.

Mr. MCCREARY with Mr. LEE.

Mr. LOWDEN with Mr. LEWIS.

Mr. FOSTER of Indiana with Mr. O'CONNELL.

Mr. LOUDENSLAGER with Mr. LAMAR of Florida.

Mr. LAW with Mr. KIMBALL.

Mr. LANGLEY with Mr. HELM.

Mr. LAFEAN with Mr. HAMLIN.

Mr. JENKINS with Mr. LINDSAY.

Mr. HUGHES of West Virginia with Mr. HOBSON.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. GREENE with Mr. HACKETT.

Mr. WATSON with Mr. LLOYD.

Mr. WOODYARD with Mr. GREGG.

Mr. GRAHAM with Mr. WILSON of Pennsylvania.

Mr. GILLETT with Mr. WILLIAM W. KITCHIN.

Mr. FOULKROD with Mr. WILLETT.

Mr. FASSETT with Mr. WILEY.

Mr. FAIRCHILD with Mr. UNDERWOOD.

Mr. DUREY with Mr. WALLACE.

Mr. DUNWELL with Mr. WATKINS.

Mr. HENRY of Connecticut with Mr. TAYLOR of Alabama.

Mr. COOK of Pennsylvania with Mr. ROBINSON.

Mr. CALDER with Mr. GODWIN.

Mr. BUTLER with Mr. GOLDFOGLE.

Mr. BEALE of Pennsylvania with Mr. GILL.

Mr. BANNON with Mr. FORNES.

Mr. ANDRUS with Mr. COCKRAN.

Mr. OLMSTED with Mr. BROUSSARD.

Mr. AMES with Mr. BRODHEAD.

The result of the vote was then announced as above recorded.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa, by direction of the Committee on Appropriations reported the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

Mr. SULZER. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

CASES ON APPEAL FROM ALASKA.

Mr. ALEXANDER of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

Be it enacted, etc., That hereafter all appeals, writs of error, and other cases coming from the district court for the district of Alaska to the circuit court of appeals for the ninth circuit shall be entered upon the docket and heard at San Francisco, in the State of California, or at Portland, in the State of Oregon, or at Seattle, in the State of Washington, as the trial court before whom the case was tried below shall fix and determine: *Provided, however*, That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there.

The SPEAKER. Is there objection?

Mr. SULZER. Reserving the right to object——

Mr. HAYES. I object.

Mr. ALEXANDER of New York. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. KAHN. I demand a second.

Mr. ALEXANDER of New York. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York [Mr. ALEXANDER] is entitled to twenty minutes and the gentleman from California [Mr. KAHN] is entitled to twenty minutes. The gentleman from New York.

Mr. ALEXANDER of New York. I yield so much of the twenty minutes as he desires to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, the purpose of this bill is to provide that appeals from the district court of Alaska may be heard either at Seattle, Portland, or San Francisco, as the trial court in which the case is tried may fix or determine, unless it is stipulated to the contrary. The parties may agree to hear it at either one of the places. As the law exists to-day all these cases are heard in San Francisco, and the Alaskan litigants are compelled to pass through Seattle to San Francisco and return, a distance of about 2,000 miles, in order to present their cases. This bill is to make it so that appeals may be heard where it is to the best interests of and most convenient to the litigants. Every person coming from Alaska passes through Seattle. There is no direct connection between San Francisco and Alaska. The committee unanimously reported this bill this session and unanimously reported it at last session. It does seem to me there can be no objection on the part of anyone to the Alaskan litigants having their cases heard where it will be most advantageous for them. I yield back the time to the gentleman.

Mr. MANN. Will the gentleman yield to a question?

Mr. HUMPHREY of Washington. Certainly.

Mr. MANN. Is the effect of this bill simply to permit the trial court in the district of Alaska to designate either the United States circuit court at Seattle or San Francisco to hear the appeals?

Mr. HUMPHREY of Washington. Or Portland. I want to state this for the benefit of the House, that I negleced to state before that the circuit court holds a session at Seattle and Portland. They already go there, and it is no inconvenience to them to hear these appeals in either of those cities?

Mr. KEIFER. They are the same judges?

Mr. HUMPHREY of Washington. The same judges hold terms there.

Mr. MANN. And the same circuit, as I understand it?

Mr. HUMPHREY of Washington. The same circuit and the same judges.

Mr. KEIFER. The only difference is they do not pay their board in San Francisco if they go to Portland?

Mr. HUMPHREY of Washington. That is the only difference, except that San Francisco attorneys might not be represented when the appeals are heard in Seattle and Portland. That is all there is in the question.

Mr. STEPHENS of Texas. I desire to ask what the difference will be in the expense to the litigants in coming down from Alaska and stopping at Seattle or Portland rather than going to San Francisco?

Mr. HUMPHREY of Washington. It is a good deal. That is a matter you can not say definitely. I have received letters from attorneys who state it will amount to $1,500 to $3,000 a case.

Mr. SULZER. Will the gentleman yield to me for a question? I understand this bill has the approval of the leading members of the bar of Alaska?

Mr. HUMPHREY of Washington. It has met the approval of the members of the bar generally in Alaska and has met with the approval of the Alaska Club. I had letters on file with the Judiciary Committee from practically every attorney in Alaska approving this bill, but, unfortunately, those papers have been lost.

Mr. SULZER. Just another question. This bill also has the approval of the Delegate from Alaska [Mr. CALE], has it not?

Mr. HUMPHREY of Washington. Yes, sir.

Mr. SULZER. And it had been unanimously reported from the committee?

Mr. HUMPHREY of Washington. Twice.

Mr. SULZER. I understand it passed the House last session of Congress.

Mr. HUMPHREY of Washington. It passed the House by unanimous consent a year ago.

Mr. SULZER. Mr. Speaker, in my opinion this bill should pass. I am informed the legal fraternity, and the people generally, of Alaska favor it, and anything I can do in Congress to carry out their wishes I shall always be glad to do. As a matter of fact, at present practically all appeals from the district court of Alaska must be heard at San Francisco. There is no direct communication between San Francisco and Alaska, so that the litigant in Alaska, in order to attend the court of appeals in San Francisco, must pass through Seattle, both going and on his return, and travel at a considerable expense about 2,000 miles farther than if the case were heard at Seattle. There is now annually held at Seattle a term of the circuit court, and to hear such appeals there, as the best interests of the Alaska litigants might require, would be of little inconvenience to the court. It is the desire of the members of the bar and of the business interests of Alaska, I am informed, that some provision be made so that Alaska appeals need not be heard in San Francisco except in cases where the circumstances justify it. This desire of the people of Alaska was strongly urged before the committee by the Hon. THOMAS CALE, Delegate from that Territory. It is claimed by the attorneys of Alaska that if their appeals could be heard in Seattle it would enable them in many cases to attend to them in person, whereas at present they are compelled to employ San Francisco attorneys to represent them in the court of appeals. This is all I care to say, and I hope the bill will be passed.

Mr. KAHN. Mr. Speaker, it is true that this bill did pass the House at the last Congress, and it was reported unanimously from the Committee on the Judiciary. But the members of the California delegation at that time, not being fully informed upon the subject, made no objection. The situation is this: There are three terms of the circuit court of appeals in the city of San Francisco, and there is one term in Seattle and one term in the city of Portland.

The term in the city of Seattle is held in September, and I think continues for about two weeks. Then the court goes to Portland, and I think it holds a term there for two weeks; but its records, its library, and its principal place of business are in the city of San Francisco.

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

Mr. KAHN. Certainly.

Mr. MANN. Have they a library in San Francisco since the earthquake and fire?

Mr. KAHN. They have one, but it is not as good as the one that was destroyed by the fire.

Mr. MANN. I thought the gentleman was claiming a few days ago that the library was gone; that there was nothing but a few old text-books left.

Mr. KAHN. I stated that they have a library there, but it is not as good as the one that was destroyed by the fire.

Mr. DOUGLAS. Is there not a good law library in Seattle and another one in Portland?

Mr. KAHN. There is no doubt about that, but the court has its library in San Francisco.

Mr. DOUGLAS. I do not suppose the law in that library differs any from that in the Portland and Seattle libraries?

Mr. KAHN. It certainly does not. But the court has its offices in San Francisco. It goes up to Seattle once a year for a few days, and goes to Portland once a year. Its headquarters are in San Francisco.

The entire court is opposed to this legislation. The governor of Alaska told me personally that there was no demand from the bar of Alaska for this legislation.

Mr. HUMPHREY of Washington. He did not appear before the committee.

Mr. KAHN. But the governor told me that I might make the statement, that there was no demand for it from the bar of Alaska, and quote him to that effect. As far as the expense to litigants is concerned, it is practically insignificant, for this reason: The men who practice law in Alaska before the Federal courts there have their correspondents in Seattle, in Portland, in San Francisco, and in practically all the cities of the Pacific coast. They do not go down to those cities themselves, as a rule, but they send their papers to their correspondents. The questions heard before the circuit court of appeals are upon points of law raised at the trial of the case. It does not require the presence of the litigants when those questions come up in the circuit court of appeals. I say the lawyers in Alaska have their correspondents in San Francisco, and these latter argue the cases in the appellate court. Now, there is nothing in existing law to prevent a man having his case heard in Seattle. All that is required is to have the lawyers in the case stipulate that it may be heard in Seattle, and the court under existing law and existing regulations is bound to hear the case there. The gentleman will probably say that the lawyers do not stipulate to that effect. That is not the fault of the law. It is not the fault of the regulations. In conclusion, I submit

that it is unnecessary to pass this bill at this time. There is no demand for it from Alaska, so far as I have been able to hear, and I think the existing law meets existing conditions as well as might be expected.

I yield five minutes to my colleague [Mr. HAYES].

Mr. HAYES. Mr. Speaker, the gentleman from Washington [Mr. HUMPHREY] makes a great deal of the point of the expense to litigants going from Alaska via Seattle to San Francisco to have their appeals heard. Every lawyer knows that in a case of this kind the litigants do not attend the court. The questions that arise on these appeals are questions of law, and therefore the litigant does not go at all. This whole matter is nothing but an effort on the part of the attorneys of Seattle to get into a position where they can have a larger proportion of the business that comes from Alaska than they get now. That is all there is to it. It is not a question of the interest of the litigants. It is merely a question of the interest of the lawyers of Seattle.

Mr. DOUGLAS. If the court now sat in Los Angeles, would not the gentleman be in favor of moving it to San Francisco?

Mr. HAYES. I should not, under the circumstances.

Mr. DOUGLAS. It would be that much nearer.

Mr. HAYES. I will explain why I should not. If there was any hardship to litigants, if there was any extra expense attending this matter, then I should say there was a reason why this law should be changed, but there is nothing of that kind. It is only a question of whether the attorneys in Seattle shall get a larger proportion of the business than they get now or whether they shall not. That is all there is to it.

The reason why I say it should not be changed is the reason stated by my colleague. The court sits, as a rule, in San Francisco, and not in Seattle and not in Portland. Those are only side terms, and only held a few days once a year. So the court itself is greatly opposed to this. I have had personal letters from the judges of the court of appeals of our circuit, and they object to the passage of this legislation because it will be inconvenient for them. They have their offices in San Francisco, they have their records there, they have their library there, and not in Seattle or Portland.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. HAYES. Certainly.

Mr. STEPHENS of Texas. How is it that San Francisco has the trial of these cases instead of Sitka or some other place in Alaska?

Mr. HAYES. Because there is no term of the circuit court of appeals in Alaska.

Mr. STEPHENS of Texas. Would the gentleman object to a change in the law so as to give them a term in Alaska?

Mr. HAYES. I think it would be a great waste of public funds to send the judges up there.

Mr. STEPHENS of Texas. This is a court of appeals and it would be competent for Congress to authorize a term there.

Mr. HAYES. Oh, absolutely competent.

Mr. STEPHENS of Texas. If the business is sufficient, why should not there be a term there as well as at Seattle?

Mr. HAYES. There should be a term there if the business is sufficient to warrant it, but business is not sufficient to warrant it, in my judgment.

Mr. STEPHENS of Texas. How many cases are there from Alaska heard in San Francisco?

Mr. HAYES. I do not know, but it is not a very large number. The number of cases is not large, but they are often very important; they often involve great interests.

Mr. STEPHENS of Texas. What benefit is it to San Francisco not to have the court held at Seattle and Portland?

Mr. HAYES. The only benefit is that our attorneys get a larger proportion of business than they would if the cases were heard in Seattle.

Mr. STEPHENS of Texas. The hotels get the benefit of it.

Mr. HAYES. That is a very small matter.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. HAYES. Certainly.

Mr. PARKER of New Jersey. Will it not be possible for the court of appeals to expedite appeals if they can order them heard in one place or the other where the next session is to be held?

Mr. HAYES. That is not the proposition here. The proposition is to give the trial courts the right to say where the appeal shall be heard. I would have no objection to letting the court of appeals decide where the Alaska appeals should be heard.

Mr. PARKER of New Jersey. Is it not right that the trial court should order the appeal to be heard where it can be heard the quickest, and that is what the bill provides?

Mr. HAYES. It can be heard the quickest in San Francisco, because the court is sitting there nearly all the time.

Mr. PARKER of New Jersey. Not always.

Mr. LAWRENCE. Will the gentleman yield?

Mr. HAYES. Certainly.

Mr. LAWRENCE. If this bill is to be passed by the House, I should say such action will be taken because the Members believe that it is for the benefit of the people of Alaska and because their interests require it. The gentleman from Washington, in commenting upon that line, said he had received letters or that letters were on file with the Committee on the Judiciary from practically every attorney in Alaska favoring the bill. I would like to ask the gentleman whether there is an almost universal desire on the part of the people of Alaska for this legislation? If so, I think their wishes should be heeded.

Mr. HAYES. In reply to the gentleman from Massachusetts I can only say that I do not want to dispute the word of the gentleman from Washington, but I can say that there are no letters on file with the Judiciary Committee now.

Mr. HUMPHREY of Washington. The gentleman will not say that there have not been those letters on file?

Mr. HAYES. No; but there are none there now. I can repeat what the governor of Alaska said to me—that there was no demand on the part of the attorneys or any other interest in Alaska for this legislation.

Mr. LAWRENCE. The gentleman from California has never seen any of these letters?

Mr. HAYES. I have not, and they are not on file with the committee.

Mr. WILSON of Illinois. Do I understand the gentleman from California to say that the court is in session in San Francisco oftener and longer than it is in Seattle?

Mr. HAYES. I say there are three terms in San Francisco and one of two weeks in Seattle and one of two weeks in Portland. The rest of the time the court is in session in San Francisco.

Mr. WILSON of Illinois. The court is in session in the three places all the time?

Mr. HAYES. Yes; practically.

Mr. WILSON of Illinois. And only four weeks out of the entire year in the other two States—Washington and Oregon?

Mr. HAYES. That is right; and therefore the appeals can be heard with more expedition and to much better advantage to the litigants in San Francisco than they can as an ordinary proposition in Seattle or Portland.

I say that instead of being a benefit to the litigant, it would be the reverse, if the trial court is allowed to fix the place where these appeals are to be heard.

The SPEAKER. The time of the gentleman has expired.

Mr. ALEXANDER of New York. Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, in reference to the question whether the people of Alaska desire this bill to pass or not, I simply desire to say this, that on yesterday I was talking with an attorney from Alaska whom I have known for a great many years. He stated that practically all of the interests and the attorneys in Alaska were in favor of this bill, except those having connections at San Francisco, and he stated that he was very anxious that a measure of this kind should pass, because very frequently attorneys there, and himself included, had to go to represent their clients at the court of appeals. It is true they might have their correspondents at San Francisco, but every lawyer knows that the attorney who tries a case in the trial court is better prepared to submit that case to a higher court than the man who knows nothing about the facts in the case. For that reason these people are very anxious for it.

This gentleman advised me that he expects to remain in Seattle until along about June, when he is going to San Francisco to the court of appeals to look after some cases for his clients. If those cases could be heard in Seattle, of course his clients would not have to go to the expense of that. It is true that clients do not have to go to San Francisco, but they have to pay the expenses of the attorneys, as every attorney knows, and that, it seems to me, would be a considerable item. It seems to me the only question is a question of convenience and economy to the people of Alaska, and giving permission to the trial court to say if these parties can not agree where it shall be heard, that it may be heard in Seattle or Portland, where these gentlemen admit the court holds a term of court. Sup-

pose a case is heard in Alaska. The time when the court of appeals will be at Seattle is known, of course, and if the trial court knows that it will be held there as soon as briefs can be prepared, he can designate that it be tried there, and this will expedite the transaction of business as well as save to the clients and attorneys considerable expense. It seems to me that there can not be any question about the justice of this legislation, and that it should pass, authorizing the court that tries the case, if the attorneys can not agree where it shall be held on appeal, to designate the place where the appeal may be held. This bill is not in the interest of Seattle or Seattle attorneys, but it is in the interest of the people of Alaska and for the convenience and economy of litigation.

The SPEAKER. The time of the gentleman has expired.

Mr. ALEXANDER of New York. I yield three minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, this bill has had consideration before the Committee on the Judiciary in this Congress and in the last Congress. Both sides to the controversy were heard very fully by the committee recently, and the Committee on the Judiciary unanimously reached the conclusion that the bill as reported ought to pass. They have rather a strange condition of affairs regulating the appeals from the courts in Alaska. As the law now is, a party litigant who has lost his case in an Alaskan court can go to an attorney upon the other side and ask him to permit him to take his case—or rather he must go to him and confer with him about where to appeal his case. This gives the absolute power on the part of the attorney residing in San Francisco to have every appeal from Alaska taken for trial to San Francisco. This bill seeks to remedy that situation, and it does so in this way: When a party to the litigation desires to appeal, he can confer with the attorney on the opposite side of the controversy, and they can agree possibly which court to take the appeal to; but in case the lawyers can not agree, then the judge who heard the case certifies to which court of appeals the case shall go. In other words, it takes this arbitrary one-man power out of the hands of the San Francisco lawyer and gives some power back to the lawyers in Alaska and to the lawyers elsewhere in that circuit, and gives power to the judge who tried the case to say where the appeal shall go in the event the attorneys do not agree. I think the bill ought to pass.

Mr. ALEXANDER of New York. I yield two minutes to the gentleman from Oregon [Mr. ELLIS].

Mr. ELLIS of Oregon. Mr. Speaker, I think the House understands this bill. It has been clearly stated by the gentleman who last spoke, the gentleman from Alabama [Mr. CLAYTON]. Terms of the United States circuit court are held in both Seattle and Portland. The situation at present is a matter much the same as a question coming up here for unanimous consent. If the attorneys on either side refuse to stipulate that the case go to Seattle or Portland, it necessarily goes to San Francisco. The large corporations in Alaska almost universally have retained lawyers in San Francisco, where the court is more often in session, and therefore if they lose a case in the Alaska courts they will object to its going either to Portland or Seattle simply by refusing to so stipulate, and compel the litigants to go to San Francisco for, or send, counsel there to contest the case. There are libraries in Seattle and in Portland, probably as good as any in San Francisco. As suggested by the gentleman from Ohio [Mr. DOUGLAS] a moment ago, they comprise the law books used in the courts of the United States and the reports of all the States. Therefore all the precedents are in either of those cities. If a client in Alaska is in litigation, his attorney, if from Alaska, must go to Portland or Seattle, and when he reaches Seattle he must go 800 miles farther to San Francisco, or from Portland 600 miles and that can be used as an excuse for adding a very material sum to the attorney fees. While it is not necessary for the client to be present during the hearing in the appellate court, most, if not all, litigants desire to have their case presented on appeal by one or more of the lawyers who tried the case in the trial court and who know something about the material facts involved, as it will the better qualify the attorney to present the points of law the court is to consider. It is nothing more than just and right that this bill should pass.

Mr. ALEXANDER of New York. Mr. Speaker, I reserve the balance of my time.

Mr. KAHN. Mr. Speaker, how much time have I?

The SPEAKER. Six minutes.

Mr. KAHN. I yield three minutes to my colleague [Mr. NEEDHAM].

Mr. NEEDHAM. Mr. Speaker, I think that every member of the California delegation has received communications from the United States judges at San Francisco protesting against this legislation, and it seems to me that they are entitled to be heard as much as anybody else in this matter, as they are perhaps interested as much as anybody else.

This bill, if it passes, puts it in the hands of litigants to stipulate where the case shall be heard, notwithstanding the convenience of the judges who are to hear the case upon appeal; and it seems to me that that is not a good practice. These cases should be heard in most instances where the judges reside, and the judges who are to pass upon these cases, as has been stated, reside in the city of San Francisco.

Now, in this report the Committee on the Judiciary make the statement, which is an absurd one, if I may denominate it as such, that there is no communication between San Francisco and Alaska. Now, if their knowledge of affairs upon the Pacific coast is not better than that——

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. NEEDHAM. Yes, sir.

Mr. HUMPHREY of Washington. I made the statement that there is no direct communication between San Francisco and Alaska, and I repeat that statement. There is occasionally a fishing boat that runs between San Francisco and Alaska.

Mr. NEEDHAM. There is a regular line of steamers between Nome and San Francisco, and steamers from Nome come direct to San Francisco.

Mr. HUMPHREY of Washington. Only fishing boats.

Mr. NEEDHAM. The gentleman is entirely mistaken about that.

Mr. HUMPHREY of Washington. I am not mistaken. There has not been a regular passenger vessel running between San Francisco and Nome in the last three years.

Mr. NEEDHAM. As a matter of fact, there are a number of vessels that come directly from Nome to the city of San Francisco, and most of this litigation comes from the city of Nome. The most important litigation we have had has come directly from the Nome region, and I take the floor, Mr. Speaker, in behalf of these judges who, it seems to me, should be heard and whose wishes should receive from this House some consideration.

I am sorry to be in the attitude of opposing our friends from Oregon and Washington in this respect. We have usually stood together on all matters of this kind affecting the Pacific coast; but, as I have said, it seems to me that the wishes of the judges should be respected in this particular matter.

I yield back the balance of my time.

Mr. KAHN. I yield two minutes to my colleague [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I do not think it will take two minutes to say what I want to say in connection with the bill. The thing that impresses me most is this: That you are giving to the trial judge the right to say how the appellate court shall manage its business. I doubt whether that can be done. Let us say now, for instance, a case is tried in the district court of Alaska. That ends the jurisdiction and the control of the case so far as that judge is concerned. The minute the notice of appeal is filed, in all of the cases I have ever heard of, the trial court has absolutely nothing more to do. How can it be clothed with authority to say where the appellate court is going to hear the case after it has entirely lost jurisdiction of the matter? It is stated here that attorneys may often step in and regulate the affairs of the appellate court and say where it shall transact its business. I submit that is not the usual nor is it a very orderly nor a very dignified way for the business of the appellate court to be transacted to allow it to be ordered here and there and elsewhere as a judge who has lost jurisdiction over the case may say, or as the attorneys in the case may stipulate.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, how much time have I left?

The SPEAKER. One minute.

Mr. KAHN. The statement that has been made here about attorneys from San Francisco going to Alaska to try cases will, I think, upon investigation be found erroneous. As a matter of fact, the Alaska attorneys try all these cases in the district courts of Alaska. When an appeal is taken on questions of law, they send the papers in the case to their correspondents. They have their correspondents in all of the cities where the circuit court of appeals sits. As I have heretofore stated, the correspondent almost invariably argues the case before the circuit court of appeals. The attorney of record seldom appears before that court, so that there is not a particle of expense to speak of to a single litigant in Alaska. As a matter of fact, most of the litigation that is heard in the courts of Alaska arises out of disputes in which San Francisco parties are interested. They have much capital invested up there. It seems to me that it is only fair that the causes on appeal that come from there

should be heard in San Francisco. Now, the circuit court of appeals is made up of three circuit court judges; one resides in Portland, one resides in Los Angeles, and the third resides in San Francisco. The court goes to Seattle and Portland for a few days only to hear the causes there. All the rest of the time, practically eleven months in the year, it sits in San Francisco for the hearing of these causes, and they can better be heard there than anywhere else.

Mr. ALEXANDER of New York. I yield the balance of my time to the gentleman from Washington.

Mr. HUMPHREY of Washington. Mr. Speaker, the question has been asked about the attitude of the people of Alaska toward this bill. I hold in my hand a telegram from Ketchikan and another from Valdez, Alaska. The one from Valdez is signed by the judge of the court, the United States district attorney, many other officials, and almost the entire business interests of Valdez; the other, from Ketchikan, says, "All the members of the bar and the business interests indorse your bill." I have here a resolution passed by the Alaskan Club unanimously indorsing the bill. Just one word more about this bill. The trial court can fix the hearing of the appeal where it will be most convenient to the litigants. What objection can my friends from San Francisco have to that, if they want to do what is fair. If it is a contest between the lawyers of Seattle and San Francisco, as they assert, do those gentlemen want something that does not belong to them?

Mr. KAHN. Will the gentleman yield?

Mr. HUMPHREY of Washington. I can not; I have only one minute. I want to add that I have never received a letter from but one Seattle attorney in regard to this bill. It is not from the lawyers of Seattle, but the people of Alaska, that I have received indorsements of this bill, and it has been almost unanimously indorsed by the bar of Alaska, who say that it is desirable to have this bill enacted into law that they may have an opportunity for their appeals to be heard where it is most convenient to the litigants. I do not see how anybody can object. My friends from California have seen a new light on the subject. The gentleman from California [Mr. KAHN] one year ago, after this bill had been discussed before the committee and the same questions were presented, placed his "O. K." on it, and it was afterwards passed without objection.

The SPEAKER. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. I ask unanimous consent to print these telegrams and resolutions in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The telegrams and resolutions are as follows:

SEATTLE, *February 7, 1908.*

W. H. HUMPHREY, M. C., *Washington, D. C.:*

All members of bar, official, and business interests here heartily indorse your bill for the hearing of appeals from Alaska at Seattle or Portland instead of San Francisco. Suggest you wire Juneau, where court is in session.

C. H. COSGROVE,
GEORGE IRVING,
J. R. HECKMAN & Co.,
A. P. SWINEFORD,
TONGASS TRADING Co.,
S. A. PLUMLEY (and many others).

SEATTLE, *February 7, 1908.*

W. H. HUMPHREY, M. C., *Washington, D. C.:*

Members of bar, judges, and other officials and business men join in indorsement of your bill to have Alaska appeals heard at Seattle or Portland instead of San Francisco. Have procured signed telegram of all officials, including district judge, and all business men recommending bill. Will send same by mail, or wire if desired.

W. T. SCOTT.

VIA SEATTLE, *February 8, 1908.*

W. E. HUMPHREY, M. C., *Washington, D. C.:*

We, members of the bar, officials, and business men of Valdez, heartily indorse your bill providing for Alaska appeals to be heard at Seattle or Portland instead of at San Francisco:

N. V. Harlan, United States district attorney; W. T. Scott, assistant United States attorney; L. V. Ray, assistant United States attorney; J. M. Lathrop, deputy United States marshal; O. A. Wells, clerk United States court; J. Y. Oystrander, attorney at law; T. J. Donohoe, attorney at law; Edmund Smith, attorney at law; Silas H. Reid, judge of third division, Alaska; J. A. Goodwin, attorney at law; W. T. Beeks, attorney at law; Harry R. Brown & Co., real estate; John H. Burton, druggist; J. A. Gerow, miner; A. E. Grigsby, steamship agent; E. D. S. Orr, mail contractor; J. A. Wilson, miner; P. G. Charles, transportation agent; R. P. Ferguson, manager Valdez Bank and Mercantile Company; Hand & Cooper, restaurant; S. A. Hemple, president Valdez Bank and Mercantile Company; Thomas Scott, assistant cashier Valdez Bank and Mercantile Company; John L. Hanson, Valdez Bank and Mercantile Company; John Lyons, attorney at law; John A. Casson, lawyer, Salem, Oreg.; Austin E. Lathrop, mine owner; A. C. Dowling, superintendent Rhode Island Consolidated Copper Company; Charles Hopper, mine owner; George J. Love, attorney at law; N. R. King, manager Red Cross Company; Mrs. C. M. King, Manager Red Cross Drug Company; Louis Schaeffer, bookkeeper; John Miller, miner; E. R. Gray, Kenai Lumber and Fuel Company; F. M. Brown, attorney at law; A. Watkins, jr., bookkeeper; J. C. Martin, merchant; S. A. Crandall, United States Commissioner; W. A. Johnson, miner and prospector; Julius Singer, manager Happy Jack Copper Mining Company; E. A. Ames, merchant; Adam Swan, real estate; Edwood Transfer Company; H. W. Miller, accountant; P. S. Hunt, photographer; Leslie & Panter Transfer Company; A. L. Levy & Co., bankers and merchants; Dan S. Kain, Oregon Susitna Mining Company; James Fish, contractor; A. G. Baker, public accountant; Simeon Pool, hotelkeeper; William H. Casewell, mine superintendent; F. M. Kelly, miner; E. E. Richie, attorney; J. A. Westmen, miner; Tom A. Parker, miner; J. R. Crittenden, contractor; J. H. Chaffee, cook; William H. Whittelsey, attorney; H. H. Hildreth, miner; G. A. Chandler, druggist; H. S. Waterman, assayer; F. J. Cameron, barber; C. H. Golden, barber; S. W. Mazur, barber; H. T. Whitley, merchant; J. A. Crawford, merchant; Danz Brothers, merchants; J. E. Wolf, merchant; R. H. Parker, miner; T. E. Dougherty, merchant; T. D. Winter, jeweler; J. G. Snyder, merchant; H. P. Whybrant, deputy United States marshal; W. T. Scott.

JUNEAU, ALASKA, *January 21, 1908.*

Congressman HUMPHREY.

DEAR SIR: Let me add my voice in support of your measure to have Alaska appeal cases heard in Seattle or Portland.

I am a San Francisco man, but in the interest of my Alaska clients, and in the interest of all Alaska, I urge this, the almost prohibitive expense, both in time and money, of going to San Francisco to try our appeal cases should be stopped. I feel satisfied could an expression of Alaskans be obtained it would be almost universally like my wish.

Yours, truly,

E. M. BARNES.

ALASKA CLUB.

This is to certify that at a special meeting of the Alaska Club, properly called and held at 12 o'clock noon on February 12, 1908, at the club rooms of said club, in the city of Seattle, Wash., and presided over by J. E. Chilberg, as president of said club, and at which W. M. Sheffield, secretary, officiated as such, the following resolutions were presented and unanimously adopted:

"*Resolved*, That this club, which is composed of Alaskans and those having interests in Alaska, and who are familiar with the conditions and needs of Alaska, does hereby unanimously indorse, approve, and recommend for passage H. R. 13649, introduced by Mr. HUMPHREY of Washington, and now pending before the first session of the Sixtieth Congress of the United States, entitled "A bill providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit," and we indorse as correct the statements in the report from the Committee on the Judiciary in favor of said bill, and earnestly request its enactment into law; and it is further

Resolved, That copies of this resolution, properly certified and attested under the corporate seal of this club, be transmitted to the Hon. THOMAS CALE, Delegate from Alaska, to the Hon. WILL E. HUMPHREY, Member of Congress from Washington, who introduced said bill, and to any other officials, Senators or Representatives in Congress who may be interested in the same.

In witness whereof, we have hereunto set our hands and affixed the seal of this club at Seattle, Wash., this 13th day of February, A. D. 1908.

J. E. CHILBERG, *President.*

Attest:
[SEAL.] WM. SHEFFIELD, *Secretary.*

The question was taken, and (in the opinion of the Chair), two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

STEAMBOAT CREWS.

Mr. GOULDEN. Mr. Speaker, I request unanimous consent for the present consideration of the bill H. R. 225. I ask that debate be limited to not exceed forty minutes, and at the end of that time the previous question be considered as ordered.

Mr. MANN. I think the gentleman better move to make his motion to suspend the rules.

The SPEAKER. The gentleman from Illinois objects. The gentleman from New York moves to suspend the rules and pass the following bill:

The Clerk read as follows:

Strike out all after the enactment clause and insert:

"That section 4463 of the Revised Statutes of the United States be amended so as to read:

"SEC. 4463. Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor, to the supervising inspector and from him to the supervising inspector-general, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

"If any such vessel is deprived of the services of any member of the crew without the consent, fault, or collusion of the master, owner,

or any persons interested in the vessel, the vessel may proceed on her voyage, if in the judgment of the master she is sufficiently manned for such voyage.

"If the master shall fail to explain in writing such deficiency in the crew to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of $50. If the vessel shall have been insufficiently manned in the judgment of the local inspectors, the master shall be liable to a penalty of $100, or in case of an insufficient number of licensed officers to a penalty of $500.

"SEC. 2. That this act shall take effect on July 1, 1908."

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I think we better have a second, and I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York [Mr. GOULDEN] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. MANN. I just demanded a second so that the gentleman might explain his bill, which has only recently been reported. I think no one knows anything about it except the gentleman and his committee.

Mr. GOULDEN. Mr. Speaker, House bill 225, accompanied by report 1226, amends section 4463 of the Revised Statutes, relating to the complement of crews of vessels and for the better protection of life.

That statute as it now exists is practically null and void, as the courts and the Department of Justice have declared it invalid. In 1892 this question came up in Norfolk, Va., as to the tug *Piermont*, before Judge Hughes, then sitting in the United States district court for the eastern district of Virginia. He ruled that the board of inspectors could not delegate its power to the local inspectors to fix the matter of crews of vessels. In 1903 a similar case arose and was referred to the Attorney-General, who gave an opinion practically upholding Judge Hughes. Hence the section 4463 could not be enforced and all fines on appeal had to be remitted. The proposed amendment unanimously reported from the Committee on Merchant Marine and Fisheries will make the statute a legal one, give the inspection service of the Government authority and make them responsible for the safety of passengers and property on the steamships of the country. The ill-fated *General Slocum*, in which more than a thousand lives were lost in 1904, and which occurred in the waters of my district, first called the attention of the country to this matter. As a member of the coroners' inquest, which sat for six days, I heard evidence showing the grossest criminal negligence of the officers and the board of directors of the Knickerbocker Steamship Company and the inefficiency and lack of knowledge of the officers and crews of the boats of that line, carrying from twenty-five hundred to three thousand passengers each. The mate on the *Slocum* was an unlicensed man and the crew roustabouts and loafers, picked up on the wharf, totally inadequate in number and without experience or character. When the vessel was beached on North Brothers Island they all jumped overboard and escaped, except the engineer, who stood by his post. Captain Van Schaick did the best he could with the poor crew, but he was made to suffer for the mean, miserly, incompetent management of the company, and is now serving a term of ten years in Sing Sing prison—that, too, at the age of 72. True, he was to blame for not insisting on a competent and efficient crew and proper devices for fighting fire and saving life. While the proposed bill does not, in my judgment, go far enough to safeguard human life on passenger vessels of the United States, it is a distinctive advance along right lines. Of necessity all legislation is more or less of a compromise; so it was with this measure. This is practically the fourth bill introduced by myself, and includes the one presented by my colleague from New York [Mr. RYAN], to whom the committee acknowledged their indebtedness. The salient features of that bill are engrafted in the pending measure.

This measure as now drawn meets with the approval of Mr. H. B. Walker, the president of all the Altantic coastwise and Gulf lines; of Capt. L. C. Nickerson, of the National Board of Steam Navigation; of Luther B. Dow, esq., general counsel of the American Association of Master Pilots; of Harvey D. Goulder, esq., counsel for the Lake Passenger Association; of Capt. William Livingston, president of the Lake Carriers' Association; of Mr. T. V. O'Connor, president of the licensed Tug Men's Association; of C. L. Warwick, national secretary of the American Association of Masters and Mates and Pilots; of Mr. J. J. Waters, of the Marine Engineers' Society; of the Commissioner of Navigation; of the Supervising Inspector-general, and others.

I would ask to have the report 1226 accompanying the bill read for the information of the Members of the House.

The Clerk read as follows:

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 225) amending section 4463 of the Revised Statutes of the United States, having considered the same, report thereon with a recommendation that it pass with the following amendments:

Strike out all after the enacting clause and substitute the bill printed in italics.

The bill is reported after investigations by the committee covering three months, during which many representatives of steamship and steamboat companies and of organizations of licensed officers, engineers, seamen, and tug men of the seaboard, Great Lakes, and rivers were heard at length and questioned.

It is of the first importance that a bill shall pass at the present session of Congress fixing the number of licensed officers and crew necessary to the safe navigation of inspected vessels, and to secure that result the committee has confined itself to that subject. For this reason it was deemed best not to incorporate in the bill extraneous suggestions such as a statutory definition of "able seaman," somewhat after the British fashion, and similar matters not essential to this legislation, on which an expression of opinion is reserved.

The bill is approved by the Department of Commerce and Labor.

The bill is an affirmation of the principle of Federal control of navigation in an important respect, in which such control has been lacking, although essential, in the judgment of the committee and the Department of Commerce and Labor. Hitherto the laws have provided for the inspection of hulls, boilers, and engines, for life-saving and fire-fighting appliances, and for many of the mechanical details of a vessel. They have failed to provide adequately for the officers and crew necessary to man the vessel and to work its machinery and appliances. Section 4463 of the Revised Statutes, for which this bill is a comprehensive substitute, was enacted thirty-seven years ago, and imperfectly attempted to fix the number of officers and crews of passenger vessels. The Steamboat-Inspection Service has endeavored to supplement that law by regulations in the interest of safety, but these regulations have been declared invalid by the courts and by the Department of Justice.

The bill empowers the board of local inspectors of hulls and boilers to fix the complement of licensed officers and crew necessary for the safe navigation of each vessel of the United States, subject to Federal inspection, whatever be its type—freight, passenger, towing vessel, etc. Vessels under 5 net register tons are usually outside the statutory definition of a vessel of the United States, are too small to require Federal prescription of the crew, and are accordingly exempt from the requirement proposed.

The local inspectors are the officers who inspect annually, and oftener if need be, the hull, boilers, machinery, and equipment of each vessel subject to the inspection laws. They have an intimate acquaintance with the details of all inspected vessels in their respective districts, the trade in which they are employed, the hours of their navigation, the nature of the waters they traverse, and the amount of work on board. These local inspectors, accordingly, are the most competent Federal authorities to determine at all times the number of officers and men required on any given vessel.

The power bestowed by the bill upon the local inspectors is a large power, but the committee does not deem it practicable so to classify vessels by statute that the number of officers and crew could be fixed intelligently by act of Congress. To be just and practicable, such a general statute would have to be accompanied by a long list of statutory exceptions and special rules, which would have to be modified or added to, perhaps, at every session of Congress. In fact, the committee was requested to include in the bill special exemptions for freight vessels, a special twelve-hour rule for certain lake tugs, a rule for certain towboats on the Ohio, and other propositions were alluded to. Doubtless there was merit in some or all of these special suggestions, but the committee decided that such details can better be determined by local administrative officers knowing all the facts than by a committee of Congress. The powers vested in the local inspectors are safeguarded by an appeal from their determinations, first to the supervising inspector, and, if necessary, to the supervising inspector-general.

The bill, by bestowing upon local inspectors the power to fix the complement of officers and crew necessary to the safe navigation of any vessel, thereby also bestows in effect the power to regulate the number of hours of labor on shipboard. The bestowal of such a power of regulation, adapted to varying conditions as they exist on various types of vessels, in various positions on board such vessels, and on various waters, the sea, the lakes, and the rivers, marks a distinct advance in legislation in the interest of labor. Safeguarded, as proposed by the bill, that power can be exercised to secure justice both to labor and capital.

After a vessel has been inspected and the number of her officers and crew fixed, it is sometimes desirable by reason of change of conditions or employment to change the number of the crew. To meet such situations the bill provides that the change in the number of the crew may be made by indorsement on the certificate without requiring a new certificate and a new inspection throughout. Local inspectors may make this indorsement at other ports where a vessel may change her employment, as well as the local inspectors at the port of original inspection.

If for any cause a vessel about to depart is deprived of the services of an officer or other member of the crew without the fault of the master or owner, the vessel may proceed. The master, however, is required under penalty of $50 to report such shortage of officers or crew as soon as practicable. If on such a voyage the vessel be insufficiently manned for safe navigation as to licensed officers, the master becomes liable to a penalty of $500, or to a penalty of $100 if insufficiently manned as to others of the crew. By a general provision of law (sec. 5294, as amended by the acts of December 15, 1894; March 2, 1896, and February 14, 1903) the Secretary of Commerce and Labor is empowered to remit or mitigate such penalties in meritorious cases.

Section 4463 of the Revised Statutes now reads:

"No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel on her voyage is deprived of the services of any licensed officer without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained."

Mr. GOULDEN. I yield to my colleague from New York.

Mr. RYAN. I want to ask the gentleman a question, and before I do that I want to read a paragraph or provision in a

bill I introduced on January 13 at the request of Mr. T. V. O'Connor, president of the Licensed Tugmen's Protective Association (H. R. 13463). It is as follows:

Local inspectors shall, when issuing a certificate, specify therein or thereon the number, class, or kind of officers and crew required to navigate the vessel with safety at all times, but should the master or owner desiring to operate the vessel not more than twelve hours out of twenty-four in any one day, the local inspectors shall indorse on the certificate of inspection the number and class or kind of licensed officers and crew that are necessary for such reduced period of navigation.

Now, my question is this: Whether or not the bill as reported authorizes the local inspectors to give a certificate to the owner of a vessel who desires to operate it twelve hours out of the twenty-four in any one day as to the crew and the character of licensed officers provided for in the section I have read?

Mr. GOULDEN. In reply to the gentleman, I refer him to page 3, line 9, of the pending bill, which reads:

The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment.

That covers it, does it not?

Mr. RYAN. But you do not mention there the case of where an owner of a vessel desires to operate it but twelve hours out of twenty-four in any one day. Now, why was not that provision made? I want to say that I favor this bill, but I trust the language of it will cover the point I make, which I consider one of the most important provisions of the bill.

Mr. GOULDEN. That is covered in the clause I read a moment ago, which gives the local inspectors the right and power to make that change and to define the number of hours they shall be on duty.

Mr. THOMAS of North Carolina. May I ask the gentleman a few questions?

Mr. GOULDEN. With pleasure.

Mr. THOMAS of North Carolina. In the first place, is this bill unanimously reported from the Committee on the Merchant Marine and Fisheries?

Mr. GOULDEN. Yes; unanimously reported from the committee.

Mr. THOMAS of North Carolina. Does this bill include vessels under 5 tons?

Mr. GOULDEN. No, sir.

Mr. THOMAS of North Carolina. They are exempted?

Mr. GOULDEN. Yes.

Mr. THOMAS of North Carolina. As I understand it, the bill provides that the local inspectors shall have the absolute power and right to say just how many officers and how many men in the crew a vessel over 5 tons shall carry.

Mr. GOULDEN. That is correct.

Mr. THOMAS of North Carolina. Does not the gentleman think possibly that is putting too much power in the hands of the local inspectors?

Mr. GOULDEN. No; as there is the right of appeal.

Mr. THOMAS of North Carolina. To whom?

Mr. GOULDEN. To the inspector-general, finally.

Mr. THOMAS of North Carolina. But even with the right of appeal, I want to ask the gentleman from New York—of course I am interested in the matter, because I represent in part a coast district—does not the gentleman think we are giving too much power to the local inspectors, who already have a great deal of power?

Mr. GOULDEN. No; I think not. You must place the power and the responsibility somewhere, and there is only one place to put it, and that is in the administrative department of the Government which has control of the matter. Some one must have the authority, and I know of no other place to put it.

Mr. THOMAS of North Carolina. Does the gentleman think this bill is in the interest of commerce and navigation, for the protection of life and property?

Mr. GOULDEN. Absolutely so; it admits of no question.

Mr. THOMAS of North Carolina. Is that the idea?

Mr. GOULDEN. That is the idea upon which this bill was framed and finally passed by the committee after a full consideration of the subject.

Mr. THOMAS of North Carolina. I had been a little apprehensive in reading it that possibly it conferred too much power upon the local inspectors.

Mr. GOULDEN. No; I think not.

Mr. DOUGLAS. It is better to have the power in the hands of public inspectors than to have it nowhere, or in the hands only of the owner and master.

Mr. THOMAS of North Carolina. I think there is a great deal in that, but as the gentleman can see, and as we all see who have read this bill, it puts a great deal of power in the hands of these local inspectors, and they already have a great deal of power. It may be a very good bill. This is the first opportunity I have had to examine it, coming up as it does in this way this morning.

Mr. GOULDEN. After giving it very careful attention, I will say to my distinguished colleague from North Carolina that I believe the bill is all right.

Mr. STAFFORD. Following the inquiry suggested by the gentleman from North Carolina [Mr. THOMAS], I should like to ask whether the committee gave any consideration to the proposition to vest the preparation of the regulations in the Secretary of Commerce and Labor, based upon the character of the vessel, so as not to vest this autocratic power in one individual and so as to provide more uniformity of regulation?

Mr. MANN. I have no doubt this is a very interesting conversation over there, but I am very much interested in this bill, and I should like to have the gentleman from Wisconsin come back on this side, so that we may hear what is being said.

The SPEAKER. The House is in exceptionally good order.

Mr. MANN. That is true.

Mr. STAFFORD. My question is whether the committee gave any consideration to vesting in the Secretary of Commerce and Labor the authority to compile regulations so as to have more uniformity? Under the provisions carried in the bill I can see nothing but a confusion in regulations, a difference in compliance with the law by reason of varying determinations by the local inspectors.

Mr. GOULDEN. We did give that serious consideration. We had four or five hearings by the committee, and gentlemen from all over the United States were heard, including gentlemen from the Lakes, and they favored this bill as finally agreed on by the committee. This is what they have suggested and recommended.

Mr. STAFFORD. Did the committee give any consideration to the question of having the Secretary of Commerce and Labor determine the smallest complement of men that would be required on a merchant vessel, rather than leaving it to the haphazard judgment of the local inspectors, who may have different views as to the needs of vessels and as to the safety which vessels require?

Mr. GOULDEN. The number of inspectors and the regulations would be fixed by the board.

Mr. STAFFORD. The board of inspectors have nothing to do with the fixing of these matters, the local inspectors fix them.

Mr. GOULDEN. The board of inspectors must prescribe rules and regulations. In my judgment, the bill puts the power and responsibility where it properly belongs.

Mr. STAFFORD. The local inspector has the right to determine the number of men required, and he prescribes the minimum number of crew and officers that must be on the vessel for the full protection of the lives of the persons and the vessel. I am seeking to ascertain whether the committee gave any consideration to the fact that the Secretary should compile some regulations making a minimum requirement according to the character of the vessel. I can not see why there should be the varying regulations in different ports of the country for vessels of the same character and tonnage. Under this bill you leave it to the varying judgment of the different local inspectors, and you will have no uniformity at all. The inspectors of each different port will be the determiner according to his individual ideas.

Mr. MANN. Mr. Speaker, I do not seem to have been able to get an explanation of what the bill will do, or a comparison between existing law and what the bill proposes in the time which has been occupied by the gentleman in charge of the bill. And now in the hope that I may get an explanation of that sort so that we may know what the bill is, I yield to the gentleman from Ohio [Mr. DOUGLAS] who has agreed to say what the bill will accomplish.

Mr. DOUGLAS. Mr. Speaker, I do not profess to be able to give to the House any very technical information in regard to this bill, but I listened to the hearings before the committee with a great deal of interest, and I felt convinced then that the bill was an entirely meritorious one, and I took considerable interest in a professional way in helping to lick it into shape.

Now, the statute of which this is an amendment by way of substitute provides that—

No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel, on her voyage, is deprived of the services of any licensed officer, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained.

Mr. THOMAS of South Carolina. Will the gentleman from Ohio yield?

Mr. DOUGLAS. Certainly.

Mr. THOMAS of North Carolina. The statute which the gentleman has read says "no steamer carrying passengers," and so forth, and this bill uses the words "no vessel." Now, does not the bill give the right to local inspectors to say how many licensed officers and how many men in a crew you shall put on a sail vessel as well as a steamer, while the old law applied only to steamers?

Mr. DOUGLAS. I will answer the gentleman in the same way that the Commissioner of Navigation answered me when I put the query. His reply was that any vessel of the United States subject to the provisions of this title—that is, title in the Revised Statutes in which this section was found and to the inspection laws of the United States, was an expression that was perfectly well known and recognized in the Department and among navigators as one defining all steam vessels above 5 tons burden.

Mr. THOMAS of North Carolina. In other words, the bill only applies to steam vessels, and this language, "any vessel," would only apply to steam vessels?

Mr. DOUGLAS. Yes; subject to the inspection laws.

Mr. COX of Indiana. Mr. Speaker, I want to ask the gentleman this question, whether or not it is not a legal fact that inspectors have no control over sailing vessels at all?

Mr. DOUGLAS. None at all. The provisions of this title, being the language used in this bill, do not apply to sailing vessels at all.

Mr. COX of Indiana. I would like to ask another question, whether or not under the old law, section 4463, as it now exists, there is absolutely no power whatever in that section of the statute that enables the inspectors to insert in the certificate anything about the complement of officers?

Mr. DOUGLAS. That is exactly, Mr. Speaker, what this bill does. As the author of the bill said before the committee and as he said upon the floor of the House, the bill, in my judgment, does not go far enough, but it certainly is a step in the right direction, because it seems to me that the language of the old bill, simply that they should have a full complement of licensed officers and crew, was insufficient. Who was to decide what a full complement meant? Now, we take it out of the power of the owners to say what a full complement shall be and put it into the hands of an inspector of the Government.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, before yielding any further time I would like to call the attention of some gentlemen upon the committee who reported this bill to this fact: As the law now provides—I believe that law is held invalid—the number of the crew may be fixed by the regulations of the board. Is not that the case?

Mr. DOUGLAS. I have not been able to find any such law.

Mr. MANN. This bill proposes to leave to the local inspectors in the different districts the full authority to declare the number of licensed officers and the number of the crew. It may be one thing in one place and another thing in another place. The local inspectors may give preference to this or that man as to the number upon his vessel, for a consideration, and that is not an unheard-of anomaly in public affairs. He may put a captain out of business against whom he has any grudge.

Mr. COX of Indiana. I would like to ask the gentleman a question.

Mr. MANN. Oh, let me talk for just a minute. That side of the House has been talking now for twenty-five minutes, and we have gotten no information from them. I do not expect that you will get anything from me, but I hope that what I say may draw some information from somebody else on this bill. Here is a proposition permitting the local inspectors to fine a vessel as he pleases—$100 if the vessel shall have been insufficiently manned in the judgment of the local inspector. The master shall be liable to a penalty of $100, or a penalty of $500 in reference to the officers. That is conferring a bureaucratic power which does not exist, I dare say, anywhere else in the Government. It proposes to extend bureaucracy beyond the most imaginative conception of it in the past.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. MANN. In a second. Now, if the gentlemen who have reported this bill can explain in what way the interests of the master, the interests of the owner, are guarded against the unlawful control by inspectors, who may or not be after graft, I would like to have some of them explain it, and I would be glad to yield some time for that purpose.

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

Mr. MANN. Yes.

Mr. FITZGERALD. This bill provides there may be an appeal from the inspector when he fixes the number of licensed officers and crew that a vessel may have. Is there any provision that the gentleman has been able to find which provides for an appeal from the determination of the inspector fixing the penalty if the vessel comes in to a port and is, in the opinion of the inspector, inadequately manned?

Mr. MANN. Why, there is no appeal under this bill. Not only that, but the gentleman reminds me that the bill provides that the number of licensed officers and crew is to be fixed as may suit the judgment of the local inspectors. I do not know whether there are any licensed crews now or not. The gentleman from New York, in charge of the bill, complained that the *Slocum* was manned by roustabouts and that this bill would cure that trouble. I take it from that that this bill proposes that the crew shall be licensed. In that respect it is a change of existing law. They have changed the language of the law. The law as it now reads provides for licensed officers and a full crew. Perhaps the gentleman wants to get rid of the words "full crew," and therefore leaves out that term.

Mr. STAFFORD. What is in the law which would correct the conditions that were present in the case of the *Slocum* disaster, in case there was graft on the part of the owner or the master, as the gentleman suggests might happen, in collusion with the local inspector?

Mr. MANN. In order that that question might be answered, I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. DOUGLAS. Before the gentleman yields let me ask him a question. Does not the gentleman's whole argument depend upon the assertion that there is somewhere now in the statute a board provided for which shall make this regulation? The gentleman is misinformed. There is no such statute that I have been able to find. In other words, it is left now to the master.

Mr. MANN. I yielded to the gentleman four minutes of my time on that side, and now he wants to give the information which he did not give in his four minutes. I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. The object of this bill can be stated in two or three sentences. Heretofore the board in Washington, the supervising board of inspectors, had power to fix the numbers of the crew that a vessel shall carry. They delegated that power to the local inspector. The courts have recently decided that they could not delegate that power, and this bill is to give the local inspectors the power that they have been exercising for many years, that was attempted to be delegated to them by this supervising board. Now that is all there is to this bill. If any man feels himself aggrieved by the act of these inspectors he has the right to appeal to this board and from there to the Secretary of Commerce and Labor.

Mr. COX of Indiana. Does not this proposed bill try to give the identical relief that the local inspectors have been trying to give heretofore for the last ten or twelve years without any statute to back it up?

Mr. HUMPHREY of Washington. That is the object of this bill, namely, to enact into law what has been the custom for many years. Replying to the inquiry of the gentleman, and to the inquiry of the gentleman from Wisconsin [Mr. STAFFORD] also, in regard to the fixing of this power with the local inspector, I will say that it is impossible for the supervising board to sit here in Washington and tell how many men shall make a crew on a certain vessel out on Puget Sound, for instance, or down on the Gulf of Mexico. Each vessel varies according to conditions, according to the service, according to the run, and the local inspector is the one who fixes it. He is the only person that has sufficient knowledge to fix it, and he is the person that has been fixing it for many years.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Six minutes.

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. Mr. Speaker, as has already been stated by the gentleman from Ohio [Mr. DOUGLAS], and by the gentleman from Washington [Mr. HUMPHREY], for the past number of years there has been the lack of a proper statute to enforce this matter. The local inspectors have been undertaking, by rule or custom, as it were, to insert in the certificate of inspection the proper number or complement of officers and men. But it has been determined by the courts—by one Federal court, I believe, in the State of Virginia—and by the Attorney-General of the United States in an opinion, and possibly by the Secretary of the Treasury of the United States, that that could not be enforced because there was no statute that would compel or permit the local inspectors to insert the complement of men named in the certificate of inspection.

Mr. OLCOTT. Mr. Speaker, will the gentleman yield for only a moment?

Mr. COX of Indiana. Yes, sir.

Mr. OLCOTT. I would like to ask if the local inspectors have not now a right to inspect vessels that come to their particular jurisdiction?

Mr. COX of Indiana. I did not understand the question.

Mr. OLCOTT. Have not the local inspectors now the right to inspect vessels coming within their jurisdiction?

Mr. COX of Indiana. Surely. They have a right to do that, but they can not enforce any penalty.

Mr. OLCOTT. Does the gentleman mean to say that they have not any right to enforce the rules that they make on vessels now?

Mr. COX of Indiana. Exactly, because there is no statute now. They are powerless.

Mr. OLCOTT. Can not they compel a vessel to put a certain number of a crew on that vessel?

Mr. COX of Indiana. No; not under section 4463 as it now exists.

Mr. OLCOTT. I understand this bill is only to correct that condition of affairs?

Mr. COX of Indiana. Absolutely.

Mr. BENNET of New York. Is not the distinction this, that now there is an exact penalty fixed by statute that they can impose themselves, and under this bill the inspectors, if they find a vessel is not properly equipped, can say "You are fined," and then the Department can get it?

Mr. COX of Indiana. That is the fact.

Mr. BENNET of New York. Is not the same provision about fines in practically every section of the statute relative to navigation?

Mr. COX of Indiana. I understand so; yes, sir.

Mr. BENNET of New York. It is no new departure in that line at all.

Mr. FITZGERALD. Does the gentleman yield?

Mr. COX of Indiana. Yes.

Mr. FITZGERALD. The present statute provides the crews of these different vessels shall be well disciplined. Why is that language eliminated from this bill?

Mr. COX of Indiana. It was the opinion of the Inspector-General that it did not add anything or take anything from the bill. The bill, as prepared, has been passed by the committee and reported to the House, and has the approval of the Inspector-General.

Mr. FITZGERALD. This bill, as reported, merely forces the inspector and fixes the number of the crew, as it now exists. Why should not that crew be a well-disciplined crew? Why should not that language be in? The *Slocum* disaster would have been avoided if the crew on that vessel had been a well-disciplined crew. Under this bill there is no such requirement. It will be presumed that the owners and masters of vessels will employ only well-disciplined officers and men on the vessels. The local inspectors for years have been attempting to do just what this bill proposes; in other words, it proposes by law to give the local inspectors power to do that which they are now attempting to do by rules. The bill is a good, wise, sound measure, and ought to pass.

Mr. MANN. I yield two minutes to the gentleman from North Carolina.

Mr. THOMAS of North Carolina. I want to ask the gentleman in charge of the bill if this bill applies to motor boats?

Mr. COX of Indiana. It applies to all classes of steam vessels upward of 5 tons.

Mr. THOMAS of North Carolina. Then it would not apply to gasoline motor boats?

Mr. COX of Indiana. I do not know; I do not think it would.

Mr. THOMAS of North Carolina. Mr. Speaker, I have read this bill through as carefully as I could, and still think it puts entirely too much power in the hands of the local inspectors. Under the existing law no steamer can leave a port unless she has a full complement of officers and crew. The language used in the existing law is "steamer."

The committee's bill is very broad and very sweeping, applying to all vessels, large or small, and providing they shall have such a crew as the local inspectors determine. In other words, the local inspectors, when a steam vessel is sailing out of any port, may determine the number of officers and men, and it is left absolutely to the arbitrary power of these local inspectors. They pass also upon the number of men and not upon the qualifications of the men. No appeal, as I understand it, is given to the Secretary of Commerce and Labor. And the number of the crew is fixed by the inspectors in any port of the United States. I fear the bill goes too far, although I have confidence in the committee.

Mr. GOULDEN. It does not go far enough, in my judgment. The bill was a compromise measure, as stated before.

Mr. MANN. Mr. Speaker, after a fuller consideration of the bill, and recognizing, as has been brought out, without the passage of this law there is no law at present upon the subject; realizing, as I understand, that the opposition to the provisions came from the river-boat interests, and that that opposition has been withdrawn, it seems to me that the bill ought to pass. [Laughter and applause.]

The SPEAKER. The question is on the motion to suspend the rules and pass the bill with an amendment.

The question was taken, and (in the opinion of the Chair), two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONSULAR READJUSTMENT.

Mr. COUSINS. Mr. Speaker, by direction of the Committee on Foreign Affairs, I move to suspend the rules and pass the Senate bill S. 4112 with the amendments recommended by the committee.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the following bill with amendments:

An act (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

Be it enacted, etc., That the classification of consuls-general and consuls in section 2 of an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, be, and the same is hereby, amended so as to read as follows:

"CONSULS-GENERAL.

"Class 1, $12,000: London, Paris.

"Class 2, $8,000: Berlin, Habana, Hongkong, Hamburg, Rio de Janeiro, Shanghai.

"Class 3, $6,000: Calcutta, Cape Town, Constantinople, Mexico City, Montreal, Ottawa, Vienna, Yokohama.

"Class 4, $5,500: Antwerp, Barcelona, Brussels, Canton, Frankfort, Marseilles, Moscow, Panama, Rotterdam, Seoul, Sydney (Australia), Tientsin.

"Class 5, $4,500: Auckland, Beirut, Boma, Buenos Ayres, Callao, Coburg, Dresden, Genoa, Guayaquil, Halifax, Hankau, Mukden, Munich, Singapore, Vancouver, Winnipeg, Zurich.

"Class 6, $3,500: Adis Ababa, Bogota, Budapest, Guatemala, Lisbon, Monterey, San Salvador, Smyrna, Stockholm, Tangier.

"Class 7, $3,000: Athens, Christiania, Copenhagen.

"CONSULS.

"Class 1, $8,000: Liverpool.

"Class 2, $6,000: Manchester.

"Class 3, $5,000: Amsterdam, Bremen, Dawson, Belfast, Havre, Johannesburg, Kobe, Lourenço Marquez, Lyon.

"Class 4, $4,500: Amoy, Birmingham, Chefoo, Cienfuegos, Fuchau, Glasgow, Kingston (Jamaica) Newchwang, Nottingham, St. Gall, Santiago, Southampton, Veracruz, Valparaso.

"Class 5, $4,000: Bahia, Bombay, Bordeaux, Colon, Dublin, Dundee, Harbin, Leipzig, Milan, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Reichenberg, Santos, Stuttgart, Toronto, Tsingtau, Victoria, Warsaw.

"Class 6, $3,500: Alexandria, Apia, Barmen, Barranquilla, Basel, Berne, Bluefields, Bradford, Chemnitz, Chunking, Cologne, Dalny, Durban, Edinburgh, Fiume, Geneva, Georgetown, Guadelajara, Mannheim, Montevideo, Nagasaki, Odessa, Palermo, Port Elizabeth, Prague, Quebec, Rangoon, Rheims, Rimouski, Rome, St. Petersburg, Saloniki, Sherbrooke, Vladivostok.

"Class 7, $3,000: Aix la Chapelle, Aleppo, Barbados, Batavia, Belgrade, Burslem, Calais, Calgary, Carlsbad, Colombo, Corinto, Dunfermline, Florence, Frontera, Ghent, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquitos, Iquique, Jerusalem, Karachi, Kehl, La Guaira, Leghorn, Liege, Madras, Malaga, Managua, Melbourne, Nantes, Nassau, Newcastle (New South Wales), Newcastle (England), Port Antonio, Punta Arenas, Port au Prince, Riga, Sandakan, Progreso, Seville, St. John (New Brunswick), St. Michaels, St. Thomas (West Indies), San Jose, Sheffield, Swansea, Sydney (Nova Scotia), Tabriz, Tampico, Tamsui, Trieste, Trinidad.

"Class 8, $2,500: Acapulco, Aden, Algiers, Antung, Batum, Belize, Bergen, Breslau, Brunswick, Cardiff, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Cognac, Cork, Curaçao, Erfurt, Gothenburg, Hamilton (Bermuda), Hull, Jerez de la Frontera, Kingston (Ontario), Leeds, Madrid, Magdeburg, Malta, Maracaibo, Martinique, Matamoros, Mazatlan, Mersine, Nice, Nogales, Nuevo Leredo, Orillia, Owen Sound, Plymouth, Port Limon, Prescott, Puerto Cortez, Rosario, Roubaix, St. Johns (Newfoundland), St. Etienne, San Luis Potosi, Sarnia, Sault Ste Marie, Stettin, Swatow, Tamatave, Tegucigalpa, Teneriffe, Trebizond, Tripoli, Valencia, Windsor (Ontario), Yarmouth, Zanzibar.

"Class 9, $2,000: Aguascalientes, Asuncion, Bagdad, Bristol, Campbellton, Cape Gracias, Cape Haitien, Cartagena, Ceiba, Charlottetown, Cornwall, Durango, Ensenada, Fernie, Fort Erie, Gibraltar, Gorée-Dakar, Grenobel, Guadeloupe, Hermosillo, Hobart, La Paz, Limoges, Manzanillo, Maskat, Messina, Moncton, Niagara Falls, Patras, Port Louis, Puerto Cabello, Puerto Plata, Rouen, Saigon, St. Johns (Quebec), St. Pierre, St. Stephen, Salina Cruz, Saltillo, Sierra Leone, Sivas, Stavanger, Suva, Tahita, Tapachula, Turin, Turks Island, Venice."

SEC. 2. This act shall take effect on the 1st day of July, 1908.

Mr. HARRISON. I demand a second.

Mr. MANN. I demand a second. The gentleman from New York, I understand, is in favor of the bill.

Mr. HARRISON. As I am in favor of the bill, I yield to the gentleman from Illinois, who is opposed to it, I suppose.

Mr. COUSINS. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa is entitled to twenty minutes, and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. COUSINS. Mr. Speaker, this measure contemplates the abolition of twenty-eight consulates that are thought to be unnecessary now, at a saving of $65,500, and the establishment of seventeen new consulates, at a cost of $49,500; also thirteen offices to be changed in grade, eleven officers at an increase in salary, making $64,500. The whole amount of the expense of this readjustment will be $64,500, a saving of $1,000 a year to the Government. The changes that are proposed to be made are fully discussed in the letter of transmittal of the State Department, and the reasons given seemed to your committee sufficient, and it is believed the service will be thereby greatly benefited. It will be remembered that a couple of years ago, when the so-called "consular reform bill" was passed, there were abolished several consulates deemed not then to be necessary, and there was also the abolition of the fee system; and I am pleased to say to the committee that as a result of that legislation an increase of more than $500,000 has been brought to the Government by return of fees. It is believed that this adjustment now proposed will very greatly improve the service, as well as amount to a saving, as I have said, of a thousand dollars a year in the total appropriation.

I reserve the balance of my time for the present.

Mr. MANN. Mr. Speaker, two years ago I demanded a second on a bill to reorganize the consular service. The gentleman then in charge of the bill informed the House that after a most careful consideration and long and exhaustive hearings, both on this side of the Capitol and the other side of the Capitol, and after long consideration by the State Department, they had ascertained just exactly how to classify the service. Thereupon the House passed the bill. That was two years ago. I do not know whether conditions have so changed throughout the world as to make necessary these proposed changes, or whether the committee two years ago was mistaken, but I notice that this bill passes the Senate with Melbourne in class 3, at $5,000. I suppose that was put in there on the recommendation of the State Department, which is consulted about these bills. But as it comes into the House, Melbourne is dropped from class 3 at $5,000 to class 7 at $3,000; and other changes of that sort are made here. I should like to inquire of the gentleman whether this bill meets with the full approval of the State Department, or whether they make recommendations along the lines now proposed.

Mr. COUSINS. Concerning Melbourne, I will say to the gentleman that it is proposed to have the principal office at Sydney, where the chief business is done, therefore leaving no necessity for an office of the $5,000 class at Melbourne.

Mr. MANN. And was that conclusion reached by the State Department since this bill passed the Senate?

Mr. COUSINS. Oh, no; we have had this proposition in the House ever since January, and have received no additional advice from the State Department as to Melbourne, Gibraltar, or Limoges, the three amendments that were put in by the Senate. They were not included in the letter of transmittal from the State Department, and it is not thought by the Committee that these amendments should now obtain.

Mr. MANN. Then the bill reported by the House, as I understand it, conforms with the recommendations of the State Department.

Mr. COUSINS. It is identical.

Mr. MANN. And the items inserted in the Senate in the way they were did not conform with the recommendations of the State Department.

Mr. COUSINS. I do not know what anyone in the State Department may have said to any member of that body.

Mr. MANN. But I mean the written recommendations.

Mr. COUSINS. No, not with the recommendations to the House Committee on Foreign Affairs.

Mr. MANN. Of course we understand that sometimes certain consuls have friendly relations with gentlemen who have influence on legislation at the other end of the Capitol.

Mr. HULL of Iowa. Is that desirable?

Mr. MANN. Sometimes desirable, not always. I yield ten minutes to the gentleman from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, this is a bill for the readjustment of the consular service. By the bill twenty-eight useless consulates are closed, seventeen new offices are established where they are much needed, seven offices are transferred to other places, thirteen consulates are changed in grade, and eleven offices are increased in salary, altogether at an actual saving of $1,000 a year to the Government. The gentleman from Illinois expresses surprise that now, after the lapse of two years, we are again attempting to reorganize the consular service. If the gentleman will investigate the question a little further, I think he will find that it will probably be some years yet before we have our consular service on a par with the consular service of some other countries. A great deal of reorganization is still necessary.

Mr. MANN. If the gentleman will permit me, I opposed the bill two years ago because it did not reorganize the consular service and put it upon the merit system, but I do not see any difference between this bill and that bill in that respect.

Mr. HARRISON. I think the gentleman's criticism is well founded, and I should like to see a more thorough reorganization of the consular service myself. I have introduced two bills at this session, which are before our committee, providing for the appointment of a commission to sit here in Washington and examine this subject. There are several other bills before the Congress for that purpose, but in a way, speaking for myself, I am satisfied that this bill now before the House affords so much progress that I am glad to support it and lend it all the aid that I can. It does accomplish a considerable improvement in the consular service. Let me tell you in a brief way in just what respects the consular service, in my opinion, needs reorganization.

In the first place, the test of the importance of a consulate should be the amount of business done there. The salary should be proportionate to that, and all other considerations should be subordinated. Our consular service, as at present constituted, is sadly out of joint in these respects. For example, here is a table of promotions.

Suppose a man is appointed consul at Rheims, France, in class 8. His salary is $2,500. The fees collected at that office were $4,481, and the business done in that consular district, in 1905, which is the last year for which we have specific figures, was $6,030,000. This man, we will assume, has done well in the profession and he is promoted to class 7. He gets a consulate at Nantes, also in France, at a salary of $3,000. The fees collected there are $531, and the business amounts to $250,000. Suppose this man again gets a promotion, and this time he goes to class 6 at Lucerne. There he gets a salary of $3,500, and the fees collected are $645, and the business done in 1905 was $76,000.

Now, in a way this shows how unequal and ridiculous the present working of the consular system is. In a certain sense it may be considered to be nobody's fault; it is the growth of our foreign trade which is unequal in different countries, and we are subjected as time goes on to new situations. This bill makes some attempt to remedy these inequalities. The table of promotions which I have just discussed has been rearranged. Our bill raises the salary of the consul at Rheims to $3,500, and entirely abolishes the useless consulate at Lucerne. There is no doubt that a great many consulates are perfectly unnecessary, places where there is no longer any need of a consulate, and other places where there is nowadays great need for the establishment of new consular offices.

This bill takes up the recommendations of a former consul of the United States, Mr. J. Martin Miller, who resigned his post at Rheims last year after very efficient service, and who, on his return to America, made a very lucid and interesting statement of the needs of the consular service, which have been practically recognized in this bill before us. I am glad to see that the Department of State has accepted his recommendations and made the report which assisted the Senate in the preparation of this bill.

Let me show you now our consular situation in two European countries. Here is Saxony, a constituent part of the German Empire. At the present day there are eight consulates in Saxony, and in Switzerland six. Saxony is one-eighth the size of Pennsylvania, and in that little country there are eight consulates. In Switzerland, which is a little bit larger, there are six consulates. This bill cuts out four of the consulates in Saxony—Annaberg, Eibenstock, Glauchau, and Zittau—and it takes out one—Lucerne—in Switzerland.

In former times it was necessary for a foreign merchant who desired to import goods from a foreign country into the United States to appear before the United States consul in person and take oath as to the value of the goods he was to import. An Executive order on the 1st of last June rendered this no longer necessary. Now in any foreign country a foreign merchant desiring to export goods to the United States may send his invoice by letter or by messenger to the United States consul, and that is considered as a satisfactory appearance before him.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HARRISON. Certainly.

Mr. FITZGERALD. Does not the law now provide that the exporter shall appear in person before the United States consul?

Mr. HARRISON. That was the interpretation of the law before the 1st of last June.

Mr. FITZGERALD. It is not the law now, but has been superseded by an Executive order.

Mr. HARRISON. It has been superseded by an Executive order, which is being followed by our consuls throughout all the countries. The result is to dispense with the necessity of more than one consulate in any small country. This bill does not go far enough. What is the use of leaving four consulates in Saxony when one will do? What is the use of leaving five in Switzerland when one will do?

A debate arose in the Committee on Foreign Affairs as to the consul at Lucerne. This post has been stricken out by the bill, but the Secretary of State in testifying before the Committee on Foreign Affairs said that this consulate and some others like it were necessary, because there were so many American tourists over there; that the consulate did practically no business, but it was necessary to be obliging and considerate and helpful to the American tourists.

Well, if that were to be the rule, we might as well have a consul posted like a policeman at every street corner in Paris and London, because there are American tourists in difficulties everywhere; but it is not intended that the consular system of this country shall be used for the purpose of helping out American tourists who want to know the address of the nearest place to get stockings or hats. The consular service is solely for the purpose of the promotion of the business interests of the United States and has nothing to do with social affairs.

The consuls of the United States, under the so-called "improvement of the consular system," are supposed to be blazing the trail of American manufacturers. In my humble opinion they have very little to do with blazing such a trail. American business firms who contemplate exporting to foreign countries do not consult our consuls in the well settled and established countries, but send their own agents over there to promote their own trade.

In fact, I think they are apt very often to avoid the American consulates, because of the fact that many of them have vice-consuls who are foreigners, who pry into our trade secrets and use them to the disadvantage of the American business man. Therefore, it is something of a humbug to say that consuls are blazing a trail for American business men, although I think that much good is being accomplished by our system of daily consular reports. The consuls are mere invoicing machines in many countries, but we are obliged to have an invoicing machine in every country, and therefore we have to have one consulate there. But we are not obliged under the new Executive order to have more than one consulate in each one of these countries. Let us take once more the case of Switzerland. Imports into the United States from Switzerland last year were nearly twenty-seven million of dollars. Exports from the United States to Switzerland were $612,000. It does not look as if those six consuls were blazing much of a trail for American commerce. What they are doing is to invoice for Swiss merchants who have goods sent to the United States.

There is another matter touched on in this bill which should be brought to the consideration of the House, and that is the question of the consuls-general. As the term now exists, the consul-general does not mean anything. He is a sort of grand panjandrum, with a little round button on top of his head, but for all practical intents and purposes his title means nothing. In each country we should have only one consul-general, who ought to be dignified with that title and occupy a position superior to the other consuls. In China we have about twelve consulates, and six of them are consuls-general. In Germany we have something like seven consuls-general. The Secretary of State in explaining this matter said that in some of the petty courts of the small German States, like Munich, it was advisable to have a consul-general, because he could more readily gain access to the court and could secure presentation for American citizens. That seems to me to be about as sensible, considering the present historical situation of the German Empire, as for foreign nations to have consuls-general at Albany and Harrisburg to secure introductions for foreigners to the governors of New York and Pennsylvania.

In my opinion the consular service should be so reorganized that only one consul-general should be in each country, and that one consul-general should have the supervision over the others. The commercial capital of each country should be the seat of our consul-general. However, this is not a matter to get excited about. If all these men want to wear feathers in their hats, let them wear them; but I think that more good could be accomplished in the service by reorganization along these lines.

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. I ask the gentleman to yield me five minutes more.

Mr. MANN. How much time have I remaining?

The SPEAKER. Six minutes.

Mr. MANN. I yield three minutes to the gentleman from New York.

Mr. HARRISON. Mr. Speaker, I had occasion when the legislative appropriation bill was before the House to call attention of the committee at that time to a conflict of authority in the three Departments of this Government dealing with the development of our business interests abroad. The Department of Commerce and Labor has special agents abroad; the Treasury Department has special inspectors traveling in foreign countries; the State Department has five consuls-general at large, inspectors of the consular service, traveling all over the world, and rendering excellent service. They ought to have ten or fifteen. Just think what one of these men has to do. The consul-general at large who is at work in the continent of Europe to-day is obliged to inspect every consulate in Europe once every two years. For that purpose this leaves time enough for three days to each consulate, so that, on an average, he has to do all his traveling and his inspection of each consulate in Europe in only three days. The traveling alone is enough to exhaust any man. It is largely due to the work of these consuls-general at large that recommendations have been made for the abolition of the twenty-eight useless consulates which we wipe out by this bill. Therefore, I think that they are more than earning their salt. But, Mr. Speaker, these three Departments of our Government, the State, the Treasury, and Commerce and Labor should not be asking us for three separate appropriations for agents abroad. Consolidation of these various officials should be effected, both in the interests of economy and of efficiency.

Now, just one more point, Mr. Speaker. I would suggest a reorganization of the consular service, so that those who go into the service should be appointed not to specific posts, but to grades. This would not interfere with the Senatorial prerogatives of appointment, but would make it possible to send individuals to the posts for which they were personally fitted. It would also render possible a service based strictly upon merit, where patronage would play a less conspicuous part. New appointees should first take a course of instruction in the State Department, in the Department of Commerce and Labor, or in the Department of the Treasury. Men who are to be consuls should have the benefit of such instruction in our own country. They should then go abroad as vice-consuls, thereby displacing all foreigners who now hold those positions, and in the course of time they should become full-fledged consuls. They would thereby have the practical training in the Departments at home; they would have served their apprenticeship as vice-consuls before they were called upon to handle the great questions that may appear at any moment before a consul of the United States, and in the course of time, through merit solely, they would be promoted as consuls and eventually perhaps as consuls-general.

This would do away, moreover, with one of the worst features of our present system. I refer to the vice-consular evil. To-day the vice-consul belongs to either one of two classes: (1) A clerk in the office who is probably not good enough to be a consul, or (2) a merchant in the place where he is serving. In the latter event he is usually a native of the country where we employ him or a naturalized American citizen who has returned to the country of his birth to stay for good. He has secured appointment as vice-consul usually for the social prestige it gives him and works without salary. Under this system he can hardly be expected to serve our country as faithfully or efficiently as an American citizen, and too often he uses his position to discover American trade secrets and use them for his own benefit or that of his own fellow-countrymen.

Now, these suggestions are made, of course, not with the expectation that they will be acted upon by the House at this time, but since we are reorganizing the consular service we should do it with an eye to future possibilities of improvement. What we are doing to-day is an earnest of hope for the future, and I believe in a very short time the American consular system will rank with the American business intelligence as the most perfect and the most efficient in the civilized world. [Applause.]

Mr. MANN. Mr. Speaker, I yield the balance of the time to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I desire to point out the fact that if the State Department had properly investigated the offices to be changed or abolished before the House passed the bill two years ago, this bill would probably be unnecessary. It is true that the Secretary of State says that the changes that have occured in the last year and a half have made this legislation necessary. Yet I desire to call the attention of the

House to three places, and they are selected at random, mentioned in the report which show that the changes have not taken place during the past year and a half; but the conditions existed when the bill two years ago was passed, as they exist now.

In Alexandretta, in Syria, "the work is inconsiderable," the Department says, "and the opportunities for advancing American trade from this place are small. As the business of the district is not done there," much could be accomplished by moving the office to another place. At Port Rowan, Ontario, the salary is $2,000 a year. Last year the office collected but $266, and the cost of maintaining the office was $2,199. At Utila, Honduras, the salary is $2,000, and there was collected last year $190. The Department says that there is no opportunity for consular work other than of a purely routine character, and no chance for the furtherance of American trade and interest. My opinion, Mr. Speaker, is that the Secretary of State in his letter gives the reasons why it is possible at this time, perhaps, to secure favorable action on this bill. He states:

I may add also that the changes suggested are not made with any intention or desire to legislate out of office any of the incumbents of the consulates listed for closing. The office recommended herein, together with several existing vacancies, will make it possible to transfer these officers to other posts and in many cases, where the records of the officers justify that course, to promote them to more important and higher grade offices.

In other words, everybody now in the service can be taken care of even if this bill be passed. I suppose one feature of the bill that should commend itself to the House is the fact that there is a saving of $1,000 a year in the amount of salaries paid. But, Mr. Speaker, in connection with the statement made by my colleague from New York [Mr. HARRISON] that the President by Executive order has superseded four sections of the Revised Statutes covering what is required of persons exporting from other countries to this country, and so that there might be no question whatever that the Revised Statutes require persons signing invoices to appear in person before United States consuls or consuls-general——

Mr. HARRISON. It is an interpretation of the law.

Mr. FITZGERALD. It is not, because section 1715 says:

No consular officer shall certify any invoice unless he is satisfied that the person making the oath thereto was the person he represents himself to be, that he is a creditable person, and that the statements made under such oath are true; and he shall thereupon, by his certificate, state that he was so satisfied.

In view of the statement that the President has issued an order that the person so signing these certificates shall not appear before the consuls, I shall ask permission to insert the three sections of the Revised Statutes that cover this point, so that it can be made apparent that the President has usurped power by declaring by Executive order that it shall be unnecessary to do what the statutes of the country require.

The SPEAKER. Is there objection?

There was no objection.

The statutes referred to are as follows:

SEC. 2853. All invoices of merchandise imported from any foreign country shall be made in triplicate, and signed by the person owning or shipping such merchandise, if the same has actually been purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner.

SEC. 2854. All such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States nearest the place of shipment, for the use of the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects true; that it contains, if the merchandise mentioned therein is subject to ad valorem duty, and was obtained by purchase, a true and full statement of the time when and the place where the same was purchased, and the actual cost thereof, and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have actually been allowed thereon; and when obtained in any other manner than by purchase, the actual market value thereof at the time and place when and where the same was procured or manufactured; and, if subject to specific duty, the actual quantity thereof; and that no different invoice of the merchandise, mentioned in the invoice so produced, has been or will be furnished to anyone. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is the currency which was actually paid for the merchandise by the purchaser.

SEC. 2855. The person so producing such invoice shall at the same time declare to such consul, vice-consul, or commercial agent the port in the United States at which it is intended to make entry of merchandise; whereupon the consul, vice-consul, or commercial agent shall indorse upon each of the triplicates a certificate, under his hand and official seal, stating that the invoice has been produced to him, with the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the merchandise therein mentioned. The consul, vice-consul, or commercial agent shall then deliver to the person producing the same, one of the triplicates, to be used in making entry of the merchandise; shall file another in his office, to be there carefully preserved; and shall, as soon as practicable, transmit the remaining one to the collector of the port of the United States at which it shall be declared to be the intention to make entry of the merchandise.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken and (in the opinion of the Chair) two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MEDICAL DEPARTMENT, UNITED STATES ARMY.

Mr. YOUNG. Mr. Speaker, acting under the instruction of the Committee on Military Affairs, I move to suspend the rules and pass the bill (S. 1424) with the House committee amendments.

The SPEAKER. The gentleman from Michigan [Mr. YOUNG], by direction of the Committee on Military Affairs, moves to suspend the rules and pass the following bill, with the amendments reported by the commitee.

The Clerk will report the bill as amended.

The Clerk read as follows:

An act (S. 1424) to increase the efficiency of the Medical Department of the United States Army.

Be it enacted, etc., That from and after the approval of this act the Medical Department of the United States Army shall consist of a Medical Corps and a Medical Reserve Corps, as hereinafter provided; and the Hospital Corps, the nurse corps, and dental surgeons, as now authorized by law.

SEC. 2. That the Medical Corps shall consist of one Surgeon-General, with rank of brigadier-general, who shall be chief of the Medical Department; 14 colonels, 20 lieutenant-colonels, 100 majors, and 300 captains or first lieutenants, who shall have rank, pay, and allowances of officers of corresponding grades in the cavalry arm of the service. Immediately following the approval of this act all officers of the Medi- loss of relative rank in the Army, as follows: Assistant surgeons-general, shall be recommissioned in the corresponding grades in the Medical Corps established by this act in the order of their seniority and without loss of relative rank in the Army, as follows: Assistant surgeons-general, with the rank of colonel, as colonels; deputy surgeons-general, with rank of lieutenant-colonel, as lieutenant-colonels; surgeons, with the rank of major, as majors; assistant surgeons, who at the time of the approval of this act shall have served three years or more, as captains; and assistant surgeons, with the rank of first lieutenant, who at the time of the approval of this act shall have served less than three years as such, as first lieutenants; and hereafter first lieutenants shall be promoted to the grade of captain after three years' service in the Medical Corps.

SEC. 3. That promotions in the Medical Corps to fill vacancies in the several grades created or caused by this act, or hereafter occurring, shall be made according to seniority, but all such promotions and all appointments to the grade of first lieutenant in said corps shall be subject to examination as hereinafter provided: *Provided*, That the increase in grades of colonel, lieutenant-colonel, and major provided for in this act shall be filled by promotion each calendar year of not exceeding two lieutenant-colonels to be colonels, three majors to be lieutenant-colonels, fourteen captains to be majors, and of the increase in the grade of first lieutenant not more than 25 per cent of the total of such increase shall be appointed in any one calendar year: *Provided further*, That those assistant surgeons who at the time of the approval of this act shall have attained their captaincy by reason of service in the volunteer forces under the provisions of the act of February 2, 1901, section 18, or who will receive their captaincy upon the approval of this act by virtue of such service, shall take rank among the officers in or subsequently promoted to that grade, according to date of entrance into the Medical Department of the Army as commissioned officers.

SEC. 4. That no person shall receive an appointment as first lieutenant in the Medical Corps unless he shall have been examined and approved by an Army medical board consisting of not less than three officers of the Medical Corps, designated by the Secretary of War.

SEC. 5. That no officer of the Medical Corps below the rank of lieutenant-colonel shall be promoted therein until he shall have successfully passed an examination before an Army medical board consisting of not less than three officers of the Medical Corps, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service: *Provided*, That should any officer of the Medical Corps fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of three officers of the Medical Corps superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall, if a first lieutenant or captain, be honorably discharged from the service with one year's pay; and, if a major, shall be debarred from promotion and the officer next in rank found qualified shall be promoted to the vacancy. If the action of the examining board be disapproved by the board of review, the officer shall be considered qualified and shall be promoted.

SEC. 6. That nothing in this act shall be construed to legislate out of the service any officer now in the Medical Department of the Army, nor to affect the relative rank or promotion of any medical officer now in the service, or who may hereafter be appointed therein, as determined by the date of his appointment or commission, except as herein otherwise provided in section 3.

SEC. 7. That for the purpose of securing a reserve corps of medical officers available for military service, the President of the United States is authorized to issue commissions as first lieutenants therein to such graduates of reputable schools of medicine, citizens of the United States, as shall from time to time, upon examination to be prescribed by the Secretary of War, be found physically, mentally, and morally qualified to hold such commissions, the persons so commissioned to

constitute and be known as the Medical Reserve Corps. The commissions so given shall confer upon the holders all the authority, rights, and privileges of commissioned officers of the like grade in the Medical Corps of the United States Army, except promotions, but only when called into active duty, as hereinafter provided, and during the period of such active duty. Officers of the Medical Reserve Corps shall have rank in said corps according to date of their commissions therein, and when employed on active duty, as hereinafter provided, shall rank next below all other officers of like grade in the United States Army: *Provided*, That contract surgeons now in the military service who receive the favorable recommendation of the Surgeon-General of the Army shall be eligible for appointment in said reserve corps without further examination: *Provided further*, That any contract surgeon not over 29 years of age at date of his appointment as contract surgeon shall be eligible to appointment in the regular corps.

SEC. 8. That in emergencies the Secretary of War may order officers of the Medical Reserve Corps to active duty in the service of the United States in such numbers as the public interests may require, and may relieve them from such duty when their services are no longer necessary: *Provided*, That nothing in this act shall be construed as authorizing an officer of the Medical Reserve Corps to be ordered upon active duty as herein provided who is unwilling to accept such service, nor to prohibit an officer of the Medical Reserve Corps not designated for active duty from service with the militia, or with the volunteer troops of the United States, or in the service of the United States in any other capacity, but when so serving with the militia or with volunteer troops, or when employed in the service of the United States in any other capacity, an officer of the Medical Reserve Corps shall not be subject to call for duty under the terms of this section: *And provided further*, That the President is authorized to honorably discharge from the Medical Reserve Corps any officer thereof whose services are no longer required: *And provided further*, That officers of the Medical Reserve Corps who apply for appointment in the Medical Corps of the Army may, upon the recommendation of the Surgeon-General, be placed on active duty by the Secretary of War and ordered to the Army Medical School for instruction and further examination to determine their fitness for commission in the Medical Corps: *And provided further*, That any officer of the Medical Reserve Corps who is subject to call and who shall be ordered upon active duty as herein provided and who shall be unwilling and refuse to accept such service shall forfeit his commission.

SEC. 9. That officers of the Medical Reserve Corps when called upon active duty in the service of the United States, as provided in section 8 of this act, shall be subject to the laws, regulations, and orders for the government of the Regular Army, and during the period of such service shall be entitled to the pay and allowances of first lieutenants of the Medical Corps with increase for length of service now allowed by law, said increase to be computed only for time of active duty: *Provided*, That no officer of the Medical Reserve Corps shall be entitled to retirement or retirement pay, nor shall he be entitled to pension except for physical disability incurred in the line of duty while in active duty: *And provided further*, That nothing in this act shall be construed to prevent the appointment in time of war of medical officers of volunteers in such numbers and with such rank and pay as may be provided by law.

SEC. 10. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. YOUNG. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Michigan [Mr. YOUNG] is entitled to twenty minutes, and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. YOUNG. Mr. Speaker, this bill is entitled "An act to increase the efficiency of the Medical Corps of the United States Army." It proposes to do three things toward that end. In the first place, it gives a somewhat better flow of promotion than exists in the corps at present. It does this by increasing the number of officers of the higher grades in greater proportion than it does those of the lower grades. When the reorganization of the Army took place in 1901, an unintentional injustice was done to the Medical Corps of the Army. The same flow of promotion was not permitted there as existed in every other staff corps in the Army. Scarcely had that bill become a law when the effect became apparent. Officers, seeing that there was little chance of promotion in front of them, began to resign, and the resignations since the reorganization bill became a law have increased very largely over what they were previous to the passage of that law.

That is not the worst of it, because the men who resigned were the very best men in the corps. They were the class of men that is was most essential to retain. There was another thing about it. The Medical Corps in the Navy was so organized that there was a much better flow of promotion there, and there was a much better opportunity for promotion in that service than in the similar service of the Army. The result of it was that the Navy got all, or most, of the best men. The Army had to compete first with the Navy to get the kind of men it needed in the Medical Corps, and then, of course, it had to compete to some extent with the inducements of civil life. The result of that has been that the Medical Corps instead of improving as it ought to have improved has either stood still or gone backward.

Now, in order that the nation and the private soldier may receive the benefit of the increased inducements we have given here for a man to join the Medical Corps, and remain in it in better service, we have provided that examination upon promotion shall be carried clear up to the grade of lieutenant-colonel, so that the unfit may be eliminated. And I know it is the policy of the Medical Department to make these examinations more severe and exacting than they have ever been in the past. It is proposed, therefore, to give a better flow of promotion, so that better men may enter the Army, and then to see to it that the country gets the benefit of this better class of men. Then the other thing that the bill does of importance is to substitute for the present contract surgeons a reserve corps, into which men may go who are not in the Army upon passing an examination. They shall then be eligible to appointment in the Army upon passing another examination. It is believed that in this way interest can be created among the medical profession of the country to the peculiar advantage of the medical profession in the Army, and wherever you have these men upon the reserve corps little centers of influence will be created.

Now, the trouble in getting good service in the Army is not in obtaining good doctors. You may take from civil life physicians who can give medicine and diagnose a case just exactly as well as an officer of the Medical Corps of the Army. The difficulty is in finding men with the necessary knowledge of Army sanitation and of Army hygiene. The Army lives under such different conditions from those of men in civil life that where we have taken physicians from civil life and placed them in important positions in the Army the Medical Corps has almost always broken down. The service has broken down because of the want of knowledge of these men. They may be expert in their profession as to what is needed to preserve health, but they have not had experience in the Army. We had a conspicuous instance in the camp at Chickamauga during the Spanish-American war. You all know that a medical officer was in command there than whom perhaps no man stood higher in the medical profession of this country.

Yet, sir, the conduct of that camp in its sanitation could hardly have been worse. It was a disgrace to the American Army; it was a disgrace to the American nation. Many men died there whose lives ought to have been preserved. How much time have I used?

The SPEAKER pro tempore (Mr. DAVIDSON). The gentleman has twelve minutes remaining.

Mr. YOUNG. I will merely say that this bill increases to some extent the expense of the Medical Department. When it is in full operation it will increase that expense about $80,000 a year; but I believe it will actually be much cheaper for the people, because they will get much better service than under present conditions.

Mr. Speaker, I reserve the remainder of my time.

Mr. MANN. Mr. Speaker, I was in hope that the distinguished gentleman from Michigan [Mr. YOUNG] would be able to give a more full explanation of the bill, but I recognize the difficulties under which a gentleman labors when he calls up a bill like this for passage under suspension of the rules. This bill proposes to make the Medical Corps of the Army more top-heavy than any proposition that has every been offered up to date. It is proposed, with an Army now of less than 50,000 men——

Mr. HULL of Iowa. When it is recruited up, it will be 63,000 men.

Mr. MANN. And with a possible Army of how many men——

Mr. HULL of Iowa. A possible Army of 100,000 men.

Mr. MANN. With a possible Army of less than a hundred thousand men it is proposed to have 450 surgeons in the Army.

When the Committee on Appropriations last November was having a hearing in Panama, Colonel Gorgas, an Army officer detailed to the Canal Zone, made a comparison between the number of medical officers upon the Canal Zone and the number in the Army.

The Canal Zone is an unhealthy place. It requires a far higher degree of attention to secure good sanitation than do the Army headquarters in the United States. Colonel Gorgas testified that with a population which they serve, about equal to the Army of the United States, or more than the present Army, their entire medical corps was less than 100, and their efficiency is far greater than the efficiency in the Medical Corps of the Army has been. Yet here is a proposition to put into the Army 450 medical officers, 150 of whom will never have anything to do with the patients or the ill men in the Army; 150 men of high rank. It is a proposition merely to create 150 officers of high rank in order to have nice comfortable berths to which to promote men. Those are not the men who give medical attention. They are not the ones who wait upon the sick or take care of the men in time of war in the field. They are the places created above, to cause, as it is said, an incentive to men to come into the Army.

Mr. Speaker and gentlemen of the House—both sides of the

House—we have a great many propositions like this now pending before the House, a number of which have been reported. This is not the only bill of this character reported from the Committee on Military Affairs. Other bills of like character are reported from the Committee on Naval Affairs. The other day we passed in this body a bill to increase the pay of enlisted men in the Army. But if this bill now before us becomes a law, it is inevitable that the House will give the same degree of attention to the officers of the line in the Army that this gives to the officers of the medical staff, and we shall be forced to pass a bill which will give these other officers greater pay or greater chances for promotion.

Mr. YOUNG. Will the gentleman permit a question?

Mr. MANN. With pleasure.

Mr. YOUNG. Is not the gentleman aware that even with this change in the law there will be less chance of promotion in the Medical Corps than in any corps of the Army?

Mr. MANN. I do not so understand it. On the contrary, I am assured by officers of the line in the Army that this bill is notoriously unfair to them, and that if this bill goes through they will have the right to demand that they shall have increased pay or increased opportunities for promotion.

Mr. YOUNG. Then I wish to say to the gentleman that his information is absolutely misleading.

Mr. MANN. Well, I am not a member of the Committee on Military Affairs. I have always noticed that whenever any bill came before the House or before the committee, the men who were especially interested in that bill were active in pointing out why that bill should pass and some other bill should not pass; but I repeat what I have said, that I have been informed by officers of the line in the Army that the Medical Corps now have a better chance for promotion than the line officers; that promotion comes faster in the Medical Corps than it does in the line, and that if this bill passes they will ask, as they believe they have a right to demand, that other promotions shall be provided for them.

Mr. HULL of Iowa. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. HULL of Iowa. Is it not true that in all the staff corps of the Army promotion is better than in the line, in the permanent staff corps?

Mr. MANN. The gentleman from Michigan said it was not true about the medical staff, and now the chairman of the committee says it is true. That sustains my position. I think it is true.

Mr. HULL of Iowa. The gentleman is wrong in another proposition, that in the permanent staff corps it is better than the line, and always has been. In the Judge-Advocate's there is nobody starts there below major; and in the Inspector-General's nobody starts in below the grade of major. The same has been true in the Adjutant-General's corps. And yet the line does not start there. These men in the Medical Corps start below that grade.

Mr. MANN. These men start as first lieutenants.

Mr. HULL of Iowa. Take the Engineer Corps, they have a better promotion than the Medical Corps; so has the Judge-Advocate, and this largely equalizes the flow of promotions.

Mr. MANN. I do not know about that. This bill provides far greater promotions and more rapid promotions for the medical staff than now exists in the line. Not only that, it provides a far greater promotion of high officers than is provided for the line.

Mr. HULL of Iowa. That may be true.

Mr. MANN. It is true; the gentleman has not made the figures. There are under this bill 300 first lieutenants and captains, and there are half that number of majors and those having the rank of major. That is not true of the line of the Army. This bill proposes to give to the Medical Corps of the Army far greater advantage in the way of promotion and salaries than is given to the line. As far as I am concerned, I would always rather give promotion to the men who fight in the Army than to the men who talk and do staff duty.

Mr. YOUNG. Would not the gentleman like to give them a little protection from disease?

Mr. MANN. I would, but the 150 officers provided for in this bill who have the rank of captain will have mighty little to do with protection against disease. They are provided only to create places to promote to; they do not issue the medical prescriptions; they do not attend the patients in the Army; they do not do medical work; they are provided only for the purpose of having berths for other people to be promoted to.

Mr. PAYNE. And to make an easier flow of promotion.

Mr. MANN. That is exactly it. The whole object of it is the greater flow of people to the retired list. There is not a contract surgeon now who does not hope to get into the Army under this bill.

Mr. HULL of Iowa. There can not one get in under it unless he was under 29 years of age when he went in, and then he could only be commissioned a first lieutenant.

Mr. MANN. I will make an exception; there may be a few contract surgeons who do not expect to get in, but there are mighty few. The bill is drawn for the purpose of putting the contract surgeons into the Army, so as to put them on the retired list.

Mr. HULL of Iowa. Oh, no; oh, no.

Mr. MANN. The gentleman may say "Oh, no." I have examined the report and a large amount of literature that has been circulated in reference to it, and I have had, like the gentleman from Iowa and other gentlemen, letters from interested people on this bill which has been introduced. All the letters are from all the military hospitals in the country, and the patients in those military hospitals have been urged to write letters to Members of Congress in favor of this bill. They were written at the instance of medical officers, who ought to be attending to the patients, endeavoring to get them well. A greater lobby for a bill has not been seen around Washington for many years than has been in favor of this bill. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. HAY.]

Mr. HAY. Mr. Speaker, I could not attempt to speak on this bill in three minutes.

Mr. YOUNG. I yield five minutes.

Mr. HAY. Mr. Speaker, I have a great admiration for the gentleman from Illinois [Mr. MANN]. I think he does most excellent work in this House, but the speech he has just made demonstrates that it is impossible for him to know everything about every bill that comes up in the House. No one man can consider all the different bills that are reported from the different committees of this House and give fair consideration to those bills, and while the gentleman from Illinois is a great worker and does great good in the House, he has just demonstrated that he is ignorant in large measure of what he is talking about on the bill which is now being considered by the House. I am surprised that the gentleman from Illinois should cast a fling at the Medical Corps of the Army when he says that he wants to appropriate money for the men who fight.

That is a nice way to oppose a bill of this character. I venture to say that the medical profession has sacrificed more in lives and more fortunes than any other profession in this country for the benefit of the Army. I venture to say that they have shown themselves martyrs. I could recall, if I had the time, many men in the Medical Corps of the Army, notably that surgeon, Walter Reed, who gave his life that he might discover the way to properly treat yellow fever. These men never spare their lives on the firing line. In every battle of the great civil war men on both sides, Union and Confederate surgeons, were always found on the firing line. I have no time to go into details of this bill, but I say that this bill has been very carefully considered by the entire profession of the country, that it has the approval of that profession, that it has the approval of the Secretary of War and the approval of the President of the United States, that it has the approval of the Senate of the United States, that it has been considered by the Committee on Military Affairs in three separate Congresses and has been reported favorably each time, and I say that it is not for the gentleman from Illinois [Mr. MANN] in a short speech, in a space of ten minutes' time, to defeat its passage.

It certainly is beyond even his province to put forward arguments here against a measure which is intended for the benefit of the service of the Army of the United States, almost quite as much as it is intended for the Medical Corps itself. I want to call the attention of every Member of this House to the fact that the Ordnance Corps, the Engineer Corps, the Artillery Corps, have all been, since the Army organization act of 1901, increased in just this way—under a motion to suspend the rules. So I say, Mr. Speaker, that every reason demands the favorable consideration in this House of this bill, and I hope that the Members of the House will vote for a bill so meritorious in its terms and which has for its purposes the benefit of the American Army now and the American Army in the future if, unfortunately, we should have to go to war.

Mr. TAWNEY. Will the gentleman yield to a question?

Mr. HAY. Yes.

Mr. TAWNEY. Can the gentleman state to what extent this bill will increase the compensation of the Medical Corps of the Army?

Mr. HAY. About $40,000.

Mr. MANN. Mr. Speaker, I yield four minutes to the gentleman from Iowa [Mr. HULL.]

Mr. HULL of Iowa. Mr. Speaker, I want to say to the House that when the Committee on Military Affairs had up

the question of the reorganization of the Army in 1901 a majority of the committee insisted then that the Medical Corps was being discriminated against, and that it would be impossible to secure the right kind of young men in that corps unless they were given equal promotion with the other staff corps of the Army. At that time the Secretary of War insisted that we were mistaken. In less than a year after that time the Department admitted the Medical Corps should have better promotion. From that time to this we have tried to give a little promotion in order to induce the best class of young men to enter the Medical Corps. As it stands to-day the Navy doctor gets promoted from a lieutenant to a captain after three years' service; the Army after five years' service. That has caused Army surgeons to resign and enter the Navy within the last few years. We have a shortage in the Medical Corps to-day, because there are not sufficient inducements to enter that corps. We have to-day about 200 contract surgeons in the Army scattered all over the country. This bill abolishes the contract surgeons at $1,800 a year and puts in the first lieutenants at $1,500, so that there is a saving on that 200 of $300 each per year in the beginning. This is not an extravagant measure. The bill gives a flow of promotion, and I will state to my friend from Illinois [Mr. MANN] unless you do, you will never have your Medical Corps of the Army organized on the lines that will give the most effective service. This flow of promotions is not beyond the other staff corps. The gentleman is right when he says that it is a greater flow of promotion than the line, because they enter this as first lieutenants and in three years they are made captains, but from captain up they have to serve quite a long time before they get an additional promotion.

It is true that they get more rapid promotion, especially in the lower grades, but it is not as rapid promotion as has been given to other staff corps of the Army, and unless you do it and you should have another war you will suffer as we did before by not having the trained care of doctors understanding Army hygiene to care for the raw recruits when they are put into camp.

Mr. HITCHCOCK. Can the gentleman explain why it is that it is proposed to put contract surgeons upon the Army roll?

Mr. HULL of Iowa. It is not proposed unless they comply with the conditions. If a contract surgeon entered the Army before he is 29 years of age, which is the limit now, he can get into the Medical Corps, and if he has served ten years in there and passes his examination he is a better man to go into the lower grade and start up than any new man can possibly be, because he has had his ten years of training. An objection that one member of the Military Committee has to this bill is that it was not changed to provide the contract surgeon should be the nursery for the Medical Corps of the Army.

Mr. HITCHCOCK. I understand this bill is for the purpose of increasing the efficiency of the Medical Corps?

Mr. HULL of Iowa. Yes.

Mr. HITCHCOCK. And yet there seems to be a clause here providing for the retirement of contract surgeons.

Mr. HULL of Iowa. Not unless they entered the Army young enough and have given service enough so that they can be in the regular corps. It does not deal with the retirement of a contract surgeon as a contract surgeon. It only deals with him if he is commissioned in the Regular Army.

Mr. HITCHCOCK. Supposing that a contract surgeon, having served ten years in the Army and having entered before 29 years of age, he is eligible to appointment——

Mr. HULL of Iowa. As first lieutenant.

Mr. HITCHCOCK. Although he may expect to retire within six months?

Mr. HULL of Iowa. If he entered when he was 29 and served until he was 64, in my judgment you could not do an act of greater justice than to retire a contract surgeon who served that length of time.

Mr. HITCHCOCK. How many contract surgeons are there?

Mr. HULL of Iowa. One hundred and eighty-nine.

Mr. HITCHCOCK. And of that number many have been employed as contract surgeons for a great many years?

Mr. HULL of Iowa. No, sir. There is one that has been a contract surgeon for thirty-three years. I think there are not over eight or nine who have served over fifteen years.

Mr. HITCHCOCK. I thought this was partly for the purpose of stuffing the retired list.

Mr. HULL of Iowa. Not at all.

Mr. MANN. Mr. Speaker, it adds a great many in the end, as the gentlemen both know, to the retired list. The gentleman from Virginia [Mr. HAY], paying me a left-handed compliment, which I appreciate, said that I was ignorant of the provisions of this bill. Undoubtedly I think most everybody in the House is ignorant of most of the provisions of the bill, but, at least, I was not ignorant of one of the essential features of the bill, concerning which the gentleman must himself plead ignorance, because he was asked what would be the net increase of cost by this bill, and he replied $40,000 per annum.

Mr. HAY. I did not say that. I said $40,000 in the first year.

Mr. MANN. And on this occasion he must have been dealing in his vivid imagination. Why, the gentleman would not pretend, when asked a question as to how much this would increase the cost of the Army, the Medical Corps, to say what the increase would be merely the first year.

Mr. HAY. That is what I understood the gentleman from Minnesota [Mr. TAWNEY] to ask, and that is what I answered.

Mr. TAWNEY. I did not limit it to any year.

Mr. MANN. The gentleman from Minnesota [Mr. TAWNEY] did not mean that.

Mr. HAY. That is what I thought he meant.

Mr. MANN. The report itself does not indicate what it will cost. The report says for the year 1910 it will cost $80,000 more, but that will carry a large number of first lieutenants, all of whom in a short time, if they remain in the service, will have their salaries increased.

Mr. Speaker, we are met with a situation. We are going into a campaign. This side of the House will be charged with extravagance by the other side of the House. Times are hard. Hundreds of thousands of men in the country are out of work. Physicians and surgeons themselves will soon be suffering, if they are not now suffering.

I wonder whether this side of the House proposes to keep on increasing salaries and the retired list of the various branches of the Government; I wonder whether, if they do, that side of the House will be in a position where it can complain of the attitude of this side of the House. The charge will be made many times during the coming campaign that the Republicans control in Congress and in the Executive Office and have been grossly extravagant. But I notice that most propositions for what seems to me gross extravagance, as this one is, usually receive practically unanimous support from the Democratic side of the House. And I am going to watch with interest the rest of these bills as they come up to see whether gentlemen on the Democratic side, who always talk economy, will always vote for extravagant bills like this.

The SPEAKER. The time of the gentleman has expired. The gentleman from Michigan has five minutes remaining.

Mr. YOUNG. I yield two minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I regard this as one of the most important bills in the way of general legislation pending in the Congress of the United States. We are in a period of civilization where we are trying to build up something for humanity through medical science, and if we are going to discourage the medical branch of our Army we are going to do the worst possible thing, and we will do much to break down the great advancement in sanitation which we have entered upon and in which we have accomplished so much. The Medical Corps, under great embarrassments, have accomplished more in the last ten years in sanitation methods and discoveries in the United States than any other class of people in it, or than has been accomplished in any other country in all the ages past. It has done more to do away with hospitals and to keep people out of them in this country, by providing for sanitation, than any country in the world has ever done. The Army needs and deserves a compact, well-organized corps of medical officers. In my opinion this bill is fraught with great good for humanity and for the Army. [Applause.]

Mr. YOUNG. Mr. Speaker, the gentleman from Illinois has made a charge that this bill is top-heavy; that its only purpose was to give soft places to some of the favorites of the Department or of the committee. I wish to say——

Mr. MANN. I beg the gentleman's pardon. I did not make any such statement as that, that would reflect on the committee.

Mr. YOUNG. I withdraw that part of it if the gentleman does not want that inference drawn, although I think that was the only inference that could be drawn from the words he used. I wish to say that if the gentleman from Illinois is willing to take the responsibility—if he can influence this House—of leaving the Medical Corps of the Army in the condition that it is now in, I do not envy him that responsibility. Everyone who has studied this question at all knows that the losses from disease in the Army in time of war are very much greater than the losses from wounds. We have had it demonstrated in the war between Russia and Japan that such losses from disease are unnecessary.

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

Mr. YOUNG. I yield to the gentleman.

Mr. WEEKS. I understand this provides for 450 surgeons. How many are now in the Army—50,000?

Mr. YOUNG. Sixty-two thousand.

Mr. WEEKS. That is about seven surgeons to a regiment, is it not? Did you ever hear of a regiment that had seven surgeons?

Mr. YOUNG. These men are stationed at a number of posts. I have not time to go over the details of where these men will be stationed, but we are providing not only for the present, but for a nucleus for time of war. We know what a condition existed at the beginning of the Spanish war. Men died by hundreds who ought to have lived, and had they had adequate sanitary provision they would have lived. In the civil war the conditions were much worse; and I say, for one, I am not willing to take any part of the responsibility of perpetuating this condition any longer.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on agreeing to the motion and passing the bill with amendment.

The question was taken, and the Speaker announced that, in his opinion, two-thirds had voted in favor thereof.

Mr. MANN. Let us have a division, Mr. Speaker.

The House divided, and there were—ayes 126, noes 15.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PROTECTION OF GAME IN ALASKA.

Mr. HIGGINS. Mr. Speaker, I move to suspend the rules and pass the following bill, with amendment.

The Clerk read as follows:

A bill (H. R. 14789) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902.

Be it enacted, etc., That an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, be amended to read as follows:

"From and after the passage of this act the wanton destruction of wild game animals or wild birds, except eagles, ravens, and cormorants, the destruction of nests and eggs of such birds, or the killing of any wild birds, other than game birds, except eagles, for the purposes of selling the same or the skins or any part thereof, except as hereinafter provided, is hereby prohibited.

"Game defined: The term 'game animals' shall include deer, moose, caribou, mountain sheep, mountain goats, brown bear, sea lions, and walrus. The term 'game birds' shall include waterfowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, snipe, and curlew, and the several species of grouse and ptarmigan.

"Exemptions: Nothing in this act shall affect any law now in force in Alaska relating to the fur seal, sea otter, or any fur-bearing animal or prevent the killing of any game animal or bird for food or clothing at any time by natives, or by miners or explorers, when in need of food; but the game animals or birds so killed during close season shall not be shipped or sold.

"SEC. 2. Season: That it shall be unlawful for any person in Alaska to kill any wild game animals or birds, except during the season hereinafter provided: North of latitude 62 degrees, brown bear may be killed at any time; moose, caribou, sheep, walrus, and sea lions from August 1 to December 10, both inclusive; south of latitude 62 degrees, moose, caribou, and mountain sheep from August 20 to December 31, both inclusive; brown bear from October 1 to July 1, both inclusive; deer and mountain goats from April 1 to February 1, both inclusive; grouse, ptarmigan, shore birds, and waterfowl from September 1 to March 1, both inclusive: *Provided,* That no caribou shall be killed on the Kenai Peninsula before August 20, 1912: *And provided further,* That the Secretary of Agriculture is hereby authorized, whenever he shall deem it necessary for the preservation of game animals or birds, to make and publish rules and regulations prohibiting the sale of any game in any locality modifying the close seasons hereinbefore established, providing different close seasons for different parts of Alaska, placing further restrictions and limitations on the killing of such animals or birds in any given locality, or prohibiting killing entirely for a period not exceeding two years in such locality.

"SEC. 3. Number: That it shall be unlawful for any person to kill any female or yearling moose or for any one person to kill in any one year more than the number specified of each of the following animals: Two moose, one walrus or sea lion, three caribou, three mountain sheep, three brown bear, or to kill or have in his possession in any one day more than twenty-five grouse or ptarmigan or twenty-five shore birds or waterfowl.

"Guns and boats: That it shall be unlawful for any person at any time to hunt with dogs any of the game animals specified in this act; to use a shotgun larger than No. 10 gauge, or any gun other than that which can be fired from the shoulder; or to use steam launches or any boats other than those propelled by oars or paddles in the pursuit of game animals or birds.

"SEC. 4. Sale: That it shall be unlawful for any person or persons at any time to sell or offer for sale any hides, skins, or heads of any game animals or game birds in Alaska, or to sell, offer for sale, or purchase, or offer to purchase, any game animals or game birds, or parts thereof, during the time when the killing of such animals or birds is prohibited: *Provided,* That it shall be lawful for dealers having in possession game animals or game birds legally killed during the open season to dispose of the same within fifteen days after the close of said season.

"SEC. 5. Licenses: That it shall be unlawful for any nonresident of Alaska to hunt any of the game animals protected by this act, except deer and goats, without first obtaining a hunting license, or to hunt on the Kenai Peninsula without a registered guide, and such license shall not be transferable and shall be valid only during the calendar year in which issued. Each applicant shall pay a fee of $100 for such license, unless he be a citizen of the United States, in which case he shall pay a fee of $50. Each license shall be accompanied by coupons authorizing the shipment of two moose if killed north of latitude 62°, four deer, three caribou, three mountain sheep, three goats, and three brown bear, or any part of said animals, but no more of any one kind.

"A resident of Alaska desiring to export heads or trophies of any of the game animals mentioned in this act shall first obtain a shipping license, for which he shall pay a fee of $40, permitting the shipment of heads or trophies of one moose, if killed north of latitude 62°, four deer, two caribou, two sheep, two goats, and two brown bear, but no more of any one kind; or a shipping license, for which he shall pay a fee of $10, permitting the shipment of a single head or trophy of caribou or sheep; or a shipping license, for which he shall pay a fee of $5, permitting the shipment of a single head or trophy of any goat, deer, or brown bear. Any person wishing to ship moose killed south of latitude 62° must first obtain a special shipping license, for which he shall pay a fee of $150, permitting the shipment of one moose or any part thereof. Not more than one general license and two special moose licenses shall be issued to any one person in one year: *Provided,* That before any trophy shall be shipped from Alaska under the provisions of this act the person desiring to make such shipment shall first make and file with the customs office at the port where such shipment is to be made an affidavit to the effect that he has not violated any of the provisions of this act; that the trophy which he desires to ship has not been bought or purchased and has not been sold and is not being shipped for the purpose of being sold, and that he is the owner of the trophy which he desires to ship, and if the trophy is that of moose, whether the animal from which it was taken was killed north or south of latitude 62°: *Provided further,* That any resident of Alaska prior to September 1, 1908, may without permit or license ship any head or trophy of any of the game animals herein mentioned upon filing an affidavit with the customs office at the port where such shipment is to be made that the animal from which said head or trophy was taken was killed prior to the passage of this act. Any affidavit required by the provisions of this act may be subscribed and sworn to before any customs officer or before any officer competent to administer an oath.

"The governor of Alaska is hereby authorized to issue licenses for hunting and shipping big game. On issuing a license he shall require the applicant to state whether the heads or trophies to be obtained or shipped under said license will pass through the ports of entry at Seattle, Wash., Portland, Oreg., or San Francisco, Cal., and he shall forthwith notify the collector of customs at the proper port of entry as to the name of the holder of the license and the name and address of the consignee. All proceeds from licenses, except $1 from each fee, which shall be retained by the clerk issuing the license to cover the cost of printing and issue, shall be paid into a game-protection fund and shall be expended under the direction of the governor for the employment of wardens or the payment of other expenses for the protection of game in Alaska. And the governor shall annually make a detailed and itemized report to the Secretary of Agriculture, in which he shall state the number and kind of licenses issued, the money received, and how the same was expended, which report shall also include a full statement of all trophies exported and all animals and birds exported for any purpose.

"And the governor of Alaska is further authorized to employ game wardens, to make regulations for the registration and employment of guides, and fix the rates for licensing guides and rates of compensation for guiding. Every person applying for a guide license shall, at the time of making such application, make and file with the person issuing such license an affidavit to the effect that he will obey all the conditions of this act and of the regulations thereunder, that he will not violate any of the game laws or regulations of Alaska, and that he will report all violations of such laws and regulations that come to his knowledge. Any American citizen or native of Alaska, of good character, upon compliance with the requirements of this act, shall be entitled to a guide license. Any guide who shall fail or refuse to report any violation of this act, or who shall himself violate any of the provisions of this act, shall have his license revoked, and in addition shall be liable to the penalty provided in section 7 of this act, and shall be ineligible to act as guide for a period of five years from the date of conviction.

"SEC. 6. That it shall be unlawful for any persons, firm, or corporation, or their officers or agents, to deliver to any common carrier, or for the owner, agent, or master of any vessel, or for any other person, to receive for shipment or have in possession with intent to ship out of Alaska, any wild birds, except eagles, or parts thereof, or any heads, hides, or carcasses of brown bear, caribou, deer, moose, mountain sheep, or mountain goats, or parts thereof, unless said heads, hides, or carcasses are accompanied by the required license or coupon and by a copy of the affidavit required by section 5 of this act: *Provided,* That nothing in this act shall be construed to prevent the collection of specimens for scientific purposes, the capture or shipment of live animals and birds for exhibition or propagation, or the export from Alaska of specimens under permit from the Secretary of Agriculture, and under such restrictions and limitations as he may prescribe and publish.

"It shall be the duty of the collector of customs at Seattle, Portland, and San Francisco to keep strict account of all consignments of game animals received from Alaska, and no consignment of game shall be entered until due notice thereof has been received from the governor of Alaska or the Secretary of Agriculture, and found to agree with the name and address on the shipment. In case consignments arrive without licenses they shall be detained for sixty days, and if a license be not then produced said consignment shall be forfeited to the United States and shall be delivered by the collector of customs to the United States marshal of the district for such disposition as the court may direct.

"SEC. 7. Penalties: That any person violating any of the provisions of this act or any of the regulations promulgated thereunder by the Secretary of Agriculture or the governor of Alaska shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all game or birds in his possession, and all guns, traps, nets, or boats used in killing or capturing said game or birds, and shall be punished for each offense by a fine of not more than $200 or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court. Any person making any false or untrue statements in any affidavit required by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all trophies in his possession, and shall be punished by a fine in any sum not more than $200 or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court.

"Enforcement: It is hereby made the duty of all marshals and deputy marshals, collectors or deputy collectors of customs, all officers of revenue cutters, and all game wardens to assist in the enforcement of this act. Any marshal, deputy marshal, or warden in or out of Alaska

may arrest without warrant any person found violating any of the provisions of this act or any of the regulations herein provided, and may seize any game, birds, or hides, and any traps, nets, guns, boats, or other paraphernalia used in the capture of such game or birds and found in the possession of said person in or out of Alaska, and any collector or deputy collector of customs, or warden, or licensed guide, or any person authorized in writing by a marshal shall have the power above provided to arrest persons found violating this act or said regulations and seize said property without warrant to keep and deliver the same to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury, upon request of the governor or Secretary of Agriculture, to aid in carrying out the provisions of this act.

"SEC. 8. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed."

With the following amendments:

Strike out lines 1, 2, 3, 4 and the words "of game in Alaska" in line 5, on page 7, and insert the following: "clerk issuing the license to cover the cost of printing and issue, shall be paid into the Treasury of the United States as miscellaneous receipts; the amount necessary for the enforcement of this act shall be estimated for annually by the Agricultural Department and appropriated for, including the employment and salaries to be paid to game wardens herein authorized."

Also, strike out the words "and how the same was expended," in line 8, page 7.

The SPEAKER. Is a second demanded?

Mr. PERKINS. Mr. Speaker, I demand a second.

Mr. HIGGINS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Connecticut [Mr. HIGGINS] is entitled to twenty minutes, and the gentleman from New York [Mr. PERKINS] is entitled to twenty minutes.

Mr. HIGGINS. Mr. Speaker, this bill amends the present game law of Alaska, which was passed in 1902. That law has been found to be very defective. Under it there has been no adequate protection of game and no diminution in the slaughter which has been going on. Under this bill a practical method is established for enforcing the law, for a report must be made to the Secretary of Agriculture as to the number of men who are employed as game wardens, the amount and kind of game that is killed, and a limit is placed upon the amount of game and the season in which that game may be killed.

So far as the seasons are concerned, this bill does not materially differ from the present law, and those seasons were agreed upon by the committee and reported upon in this bill upon the judgment of Doctor Merriam, Chief of the Biological Survey of the Department of Agriculture, than whom, I suppose, nobody has better information concerning the game in Alaska. The bill has been carefully considered and is unanimously reported by the Committee on Territories and, in our judgment, is an important measure to secure protection for the game in the greatest game preserve there is to-day on this continent, a matter in which, I am sure, we are all interested.

The revenue from the licenses will, in my judgment, be sufficient to more than carry out the provisions of this bill; but if not, the amendment offered makes it obligatory upon Congress to make the appropriation upon estimates furnished by the Secretary of Agriculture.

Mr. PERKINS. Mr. Speaker, I do not imagine that I shall at all oppose this bill. I am quite interested in the subject. I have not had an opportunity of reading the bill in advance, and I asked for a second in order that I might have a full explanation. With the permission of the gentleman, I should like to ask him several questions in regard to the bill.

Mr. HIGGINS. Certainly.

Mr. PERKINS. Glancing over the bill hastily, as I have, I could not fully grasp its provisions.

Mr. HIGGINS. The gentleman from Washington [Mr. HUMPHREY] introduced the bill, and he has been in Alaska and may be able to answer the questions more specifically than I can.

Mr. PERKINS. Then I will ask the gentleman from Washington, with his consent.

Mr. HUMPHREY of Washington. Certainly.

Mr. PERKINS. In the bill that was introduced last year, which did not become a law, there was a provision, as I remember, which seemed to be very objectionable, and which I think is not found in this bill. I think in that bill there was no attempt to impose any restrictions upon the natives. I do not find that provision in this bill, and I ask whether any such exception has been made.

Mr. HUMPHREY of Washington. I will say to the gentleman that there is no such provision in this bill. One of the reasons why I left it out was because of the knowledge I obtained last spring when I visited Alaska and was hunting there for about two months. I became thoroughly convinced that the game needed protection from the Indians, and that the Indians needed that protection for their own benefit. In other words, I found that the Indians were killing a great deal of game out of season, simply for the love of slaughter, and not using the game. Then when the time came when they needed it they found the game was very scarce. That is the reason there is no such provision in the bill now.

Mr. PERKINS. I am glad to have the gentleman's statement, because I suggested to the gentleman from Washington last year that the bill was deficient and that the greatest slaughterers of game to their own detriment were the Indians themselves. I am glad that the personal observation of my friend from Washington agrees with that view. I think that is the most important thing in the bill.

Now, I want to ask another question: This bill is general in its terms and restricts the amount of game that may be slaughtered by any one, whether he lives in Alaska or this country?

Mr. HUMPHREY of Washington. Yes; with one exception. The bill does provide that miners and prospectors may kill game for food. They will do it anyway, and no one wants to prohibit them.

Mr. PERKINS. In respect to the license, I do not exactly understand the provisions of the bill. Suppose an American not living in Alaska goes there and obtains his license upon the payment of $50, that allows him to kill a certain number of animals that are specified in the bill.

Mr. HUMPHREY of Washington. That is correct.

Mr. PERKINS. What portion of the animals can he export under that license, or must he have a separate license to take out any animals from that country?

Mr. HUMPHREY of Washington. He can bring out any except the heads of moose which are killed on the Kenai Peninsula.

Mr. PERKINS. By obtaining a $50 license he can bring out the head of a moose killed in the country except on the Kenai Peninsula.

Mr. HUMPHREY of Washington. Yes; except on the Kenai Peninsula.

Mr. PERKINS. And on that Kenai Peninsula nobody can kill moose until the year 1912?

Mr. HUMPHREY of Washington. No; no one can kill caribou until 1912, but they can kill moose; but they have to have a special license in order to bring out the head of a moose from there.

Mr. PERKINS. The provision as to close time until 1912 refers only to caribou?

Mr. HUMPHREY of Washington. Yes; and the reason of that is that there is a different variety of caribou on the Kenai Peninsula; they are almost extinct, and they want to stop the killing for a number of years.

Mr. PERKINS. In order for a person outside of Alaska to kill a moose on the Kenai Peninsula and bring out a head, he would have to take out a license of $50 and then a special license of $150.

Mr. HUMPHREY of Washington. That is correct.

Mr. PERKINS. Making a license in all of $200. But he could bring out the head of a mountain sheep or the head of a moose killed elsewhere for $50?

Mr. HUMPHREY of Washington. Yes.

Mr. PERKINS. Does not the gentleman think that a license of $200 for a moose killed on the Kenai Peninsula is too high?

Mr. HUMPHREY of Washington. I will tell the gentleman why that is done. The large moose is found only on the Kenai Peninsula, and it is quite a limited territory. If the gentleman will look on the map he will see that this peninsula is only about 100 miles square and deeply indented by various bays, so that you can get in by water very easily. And in addition to that they are building a railroad through the center of the peninsula, so that within a few years you can ride right into this great game country on the train. The great moose live only on this peninsula, and unless there are very strict laws in regard to it they will soon be exterminated. This moose is attracting sportsmen from all over the world. For that reason I think the law ought to be strict. One of the large heads of these moose will often bring $1,000.

Mr. PERKINS. The gentleman knows that in New Brunswick, where they have large moose, you can get a license for $50.

Mr. HUMPHREY of Washington. If the gentleman should go north of latitude 62, he can bring out under his general license the head of a moose. But there is no comparison between the moose on the Kenai Peninsula and those in New Brunswick.

Mr. PERKINS. Does the bill anywhere restrict the killing of the female game?

Mr. HUMPHREY of Washington. Yes.

Mr. PERKINS. What female?

Mr. HUMPHREY of Washington. You can not kill the female moose, but you can shoot the female caribou.

Mr. PERKINS. What is the reason of that?

Mr. HUMPHREY of Washington. The reason of that is that both males and females of the caribou have horns, and the hunter can not tell the male from the female.

Mr. PERKINS. He is not much of a hunter who can not tell the difference.

Mr. HUMPHREY of Washington. It takes a pretty good hunter unless you get close to them. Perhaps the gentleman gets closer to his game than the ordinary sportsman.

Mr. PERKINS. I get just as close as I can, always.

Mr. SULZER. Mr. Speaker, just an inquiry. Is there anything in the provisions of this bill that prevents a miner or a prospector or a native Indian of Alaska from killing game at any time for his food and maintenance?

Mr. HUMPHREY of Washington. No; it is specially provided in the bill that they may. There is a special provision in the bill to that effect—to kill it for food.

Mr. PERKINS. Can any resident kill it for food at any time?

Mr. HUMPHREY of Washington. No; not any resident, but any miner, prospector, or native.

Mr. PERKINS. I did not understand the gentleman to say that any Indian could kill game at any time of the year for food?

Mr. HUMPHREY of Washington. Yes.

Mr. SULZER. And he ought to have the right to do it.

Mr. PERKINS. The result is that very soon he will not have any food.

Mr. SULZER. Not at all. The Indians of Alaska would have ample food for hundreds of years to come if it were not for the white man coming in and killing the game.

Mr. PERKINS. My friend is not as familiar with the game situation as he is with other situations.

Mr. SULZER. I am very familiar with the game situation in Alaska. I have been there about a dozen times, and I have studied the conditions existing. I know what I am talking about.

Mr. PERKINS. I imagine the Indians up there are like the Indians in Wyoming.

Mr. SULZER. They are entirely different. Quite a different race.

Mr. PERKINS. I hope so.

Mr. HUMPHREY of Washington. I will read that provision in the bill. It says:

Nothing in this act shall affect any law now in force in Alaska relating to the fur seal, sea otter, or any fur-bearing animal to prevent the killing of any game animal or bird for food or clothing at any time by natives and miners or explorers when in need of food; but the game animals or birds so killed during close season shall not be shipped or sold.

I think that ought to be in there.

Mr. SULZER. Yes; and I am glad that provision is in there. Now, is there anything in this bill that prevents the people of Alaska from killing eagles and shipping the eagles out?

Mr. HUMPHREY of Washington. No.

Mr. SULZER. I am glad of that, because the eagles in Alaska are too numerous and many ought to be killed. They are very destructive. They destroy the young game birds and animals.

Mr. HUMPHREY of Washington. They can be killed under this bill, and it is the only bird that can be, without restriction.

Mr. PERKINS. Mr. Speaker, I wish to say further that though there is some question about the details of this bill, I want to express my approval of the bill, because it seems to me that the administration in reference to Alaska and its game has not been characterized by any very high degree of wisdom. Last autumn I was very desirous to go and spend a little money for the benefit of Americans in Alaska in hunting there. The provisions imposed by the Department were such, in refusing to allow anyone to bring out trophies of any sort, that any American sportsman, instead of spending his money where he would prefer, in his own country, was obliged to go to Canada and spend what little money he had to spend among Canadians, for the benefit of Canadian guides. This seemed to me a very injudicious attempt to protect American labor engaged in this branch of business which, while not very important, is still useful. I congratulate the gentleman in producing a bill under which a sportsman can spend his money in his own country, and not in Canada.

I now yield five minutes to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. Mr. Speaker, the general provisions of this bill are undoubtedly wise and proper. I do not profess to know anything about what the game laws should be in Alaska, and I am entirely willing to take the judgment of the Committee on Territories upon that proposition. But there are some provisions of this bill that I do most strenuously object to. In carrying out a good purpose it does not seem to me to be necessary that we should violate all of our preconceived ideas of what should constitute crime under the law. Under the provisions of this bill—and I am advised by the gentleman who presents it under the law as it exists to-day—it is possible to make a crime out of a violation of a regulation either by the governor of Alaska or the Secretary of Agriculture. If such a regulation is violated, under the provisions of this bill a United States marshal or deputy anywhere in the United States may without warrant arrest the violator, and the punishment is not only forfeiture of whatever game he may have in his possession but he may be sent to the penitentiary for a period of three months and fined a large sum of money.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. BONYNGE. Certainly.

Mr. TAWNEY. Do you know whether or not it is a fact that the Supreme Court of the United States has held that a man can not be tried and convicted for the violation of a regulation established or fixed by the head of the Department in pursuance of law?

Mr. BONYNGE. There was a case recently decided by the Supreme Court, and there seems to be some difference as to the proper interpretation to be placed on that opinion. There are those who contend that the court held that a violation of any regulation could not constitute a criminal offense. There are others who contend that if the regulation was made in pursuance of statute and in pursuance of the general provisions of law, that the violation of such a regulation might constitute a criminal offense. I have not personally examined the opinion, but whether we have the power to make such a law or not does not matter. Such a law is fundamentally wrong. This bill gives to the Secretary of Agriculture or to the governor of Alaska the right to make regulations with all the force of law, and to change them at his or their will. Consequently, what to-day may not constitute a crime may to-morrow constitute one, and by the violation of any such regulation you are permitting, by the terms of this bill, the marshal or a deputy marshal to arrest a man anywhere in the United States without a warrant.

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

Mr. BONYNGE. Certainly.

Mr. PERKINS. Does it not seem to the gentleman that perhaps his criticism is not just, because it says in section 7, "Any person violating any of the provisions of this act or any of the regulations promulgated thereunder?" Would it not necessarily be a regulation authorized by this act?

Mr. BONYNGE. Certainly; but I do not care whether it is authorized by the act or not, if the gentleman please. Here you are providing that the governor of Alaska or the Secretary of Agriculture may make regulations at will and change them as they see fit, making closed seasons in one portion of Alaska and open seasons in another portion of Alaska, changing those sections from time to time, just as the whim or the caprice of the Secretary of Agriculture or the governor of Alaska may prompt them to do; and for the violation of any such regulation, made either by the Secretary of Agriculture or the governor of Alaska, the man may be arrested anywhere in the United States without a warrant.

Now, no matter, gentlemen, how good the other provisions of this bill may be, how necessary they may be for the protection of game in Alaska, I submit to you that the rights of American citizens and the laws as they have come down to us ought not to be violated in regard to the personal liberty of citizens in this careless manner, even to protect the game of Alaska. There is something more involved in the passage of this bill with such provisions in it than the mere protection of game in Alaska. And if it be true that the law as it now stands contains such provisions as these, this is a good opportunity for us to say to the committee, that as you want to change the other provisions of the law regulating the killing of game in Alaska, see to it also that you change this vicious provision of the bill, and bring in a bill that not only protects the game in Alaska, but in doing so will not violate all of our ideas of what constitutes proper law for the protection of the liberty of citizens.

For the reasons I have suggested, Mr. Speaker, I am opposed to this bill in this form, and I trust that it may be defeated at this time, that it may go back to the committee and have this correction made before passing the House. [Applause.]

Mr. HIGGINS. Mr. Speaker, I have been very much interested in the gentleman's argument, and it would have come with better force if it was not that the present law has the same provision as that to which he refers. The existing law is not changed at all with respect to the criticism which the gentleman makes, and no good purpose can be served in defeating this bill for the reason that the gentleman so eloquently

gives. The nature of the matter herein legislated upon rather compels that the governor and the Secretary of Agriculture, who have the enforcement of this law, should have the power to make regulations.

I will now yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, just a word in relation to what the gentleman from Colorado [Mr. BONYNGE] has said. I think that the gentleman has grown eloquent over the liberty of the citizen quite unnecessarily. This has been the provision of the law for a good many years, and I have not heard of anybody being outraged yet by it. I have not heard of any citizen that has been prosecuted for the violation of this rule, and the fact about it is I do not believe that that section of the bill—and I never have believed—that it could be enforced. This legislation is greatly needed. All bills are in a certain sense a compromise, and I had to accept some of these things that I never was in favor of in order to get it passed. I attempted to get it through last session and it failed. And I want to say a word or two in connection with that provision providing for arrests "in or out of Alaska." It is not a new provision. There are many instances where men have gone to Alaska and brought the heads into some port and then had a vessel to bring them out. They come to Seattle, Tacoma, or San Francisco with these trophies. There is no way to reach those people unless you give some power to arrest them outside of Alaska. This is also to reach the taxidermists of Tacoma, Seattle, and San Francisco. They are the greatest offenders against the game laws. They hire Indians and natives—anyone they can get to secure these game trophies for them. They get them in in some manner. This part of the bill ought not to be stricken out. It should stay in order to reach these men. The law is already in this shape and contains that provision.

The Secretary of Agriculture wants that section relative to regulations. If the Secretary of Agriculture should change the closed season for the Kenai Peninsula for a period of two years, which is as long as he can make the change for, the men who go there and violate that provision ought to be prosecuted. They will have an opportunity to find it out about such change. It will be promulgated by the Secretary of Agriculture.

Mr. OLLIE M. JAMES. How are the people to know what the law is? Will they have to hunt up the governor and find it out from him or the Secretary of Agriculture?

Mr. HUMPHREY of Washington. They would have to get a license, and when the man applies for a license he undoubtedly would be informed.

Mr. OLLIE M. JAMES. He would be informed as to the regulation that was first announced; but suppose the governor or Secretary changed his regulation after the man gets the license?

Mr. HUMPHREY of Washington. It is not reasonable to suppose that in the short hunting season—it is only a few weeks—he would promulgate a new order after issuing the license. I do not believe that any governor of Alaska would do anything of the kind, or that any reasonable man would.

Mr. OLLIE M. JAMES. You tell us the reasons for incorporating this provision of the law which you say can not be carried into effect is because the Secretary of Agriculture wants it. Have you got no better reason than that the Secretary of Agriculture wants to make it to offer the House for its adoption?

Mr. HUMPHREY of Washington. One reason I said was because the Secretary of Agriculture wanted it in, and Doctor Merriam thought it ought to be in there; and if it can be enforced it ought to be. I do not believe, however, that a man can ever be punished criminally for a violation of a rule issued by a governor or the Secretary of Agriculture. But I do ask that the bill pass, inasmuch as it in no way changes the present law, in order to get it over to the Senate. One of the greatest necessities is to protect the natives in Alaska, as well as the game. In the southeastern part of Alaska the natives are being rapidly exterminated. I found out on my last visit last year that it was produced largely by starvation. During the winter time the natives of southeastern Alaska are not able to get sufficient food, and one of the reasons is the game is being rapidly exterminated. I went there and saw this condition, and I came back resolved to do everything possible to get a bill through to protect not only the game, but primarily to protect the natives by protecting the game. For that reason, above all others, I hope the House will pass this bill and let it go over into the Senate, and if there is anything so obnoxious or vicious as some of them seem to think, perhaps the Senate committee will strike out that particular part.

Mr. BONYNGE. The gentleman from New York has two minutes, if he will yield it to me.

Mr. PERKINS. If I have any more time, I will yield the gentleman two minutes.

The SPEAKER. The gentleman has two minutes remaining.

Mr. PERKINS. I yield it to the gentleman from Colorado.

Mr. BONYNGE. Mr. Speaker, the last argument of the gentleman from Washington has prompted me again to ask for more time. The gentleman says we ought to pass this bill containing a provision which he admits can not be enforced, which he says ought not to be in the law, and the only reason he says we ought to pass it is to send it over to the Senate and let the Senate do the legislating for us. The character of this measure——

Mr. HUMPHREY of Washington. Well, I did not say that was the only reason.

Mr. BONYNGE. The only reason you urged.

Mr. HUMPHREY of Washington. I did not say that at all. I said that was one reason. I said it was a bad law, and I would not put it in the law if I could help it.

Mr. PERKINS. You recognized it as the law now.

Mr. BONYNGE. I understand it is the law now, and that it probably passed under unanimous consent, when no attention was given, perhaps, to this provision in the bill. But now, when attention is called to it, it is the duty of the House to determine whether or not it will deliberately enact a law containing those provisions. The question is whether or not this House approves of legislation of that character. What does the gentleman say as to the reason why he accepts this provision, which even he says does not meet with his approval? It is that the Secretary of Agriculture asks that this provision be in the bill. Has it come to the point that this House is going to adopt legislation which upon the floor of the House Members say they do not believe can be enforced, which they admit they do not think ought to be in the law, simply because some member of the executive department has asked that it be in the law? [Applause.] I do not believe, Mr. Speaker, that this House wants to go upon record in favor of that proposition. Stop and think for one moment just what this law permits.

The governor of Alaska, an appointee of the President, not an elective officer, is authorized by the provisions of this bill to make laws, is authorized to determine what are crimes, and a citizen of the United States violating an edict of the governor of Alaska may be arrested anywhere in the United States without a warrant; and the question is further presented now to the Members of the House whether they approve of such a law as that. The game of Alaska can be protected without such a provision, and I hope it will be. [Applause.]

Mr. HIGGINS. I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I want to emphasize what the gentleman from Washington [Mr. HUMPHREY] has said regarding the necessity for the enactment of some legislation for the protection of the game in Alaska, and especially the necessity of amending existing law for the benefit of the natives.

The Indians of southeastern Alaska have been self-supporting ever since the Government of the United States purchased that district; but by reason of legislation enacted by Congress much of their employment has been taken away from them, and even the opportunity of supplying themselves with the necessaries of life, in so far as these necessaries are furnished by the game of Alaska, has been to a large extent taken away from them. The conditions as described by the gentleman from Washington have not been overdrawn in the least, as I can state from my own personal knowledge.

The objection raised by the gentleman from Colorado, if it was an original proposition, would be entirely valid. I do not believe that the Congress of the United States should delegate to any administrative officer, I care not who he may be, the power to enact criminal legislation; but, Mr. Speaker, the provision against which the gentleman from Colorado is complaining is the law now, and that same provision is not only in the law governing the killing of game, or controlling and regulating the killing of game in Alaska, but that provision abounds in a great many statutes enacted by Congress.

My information is that the Supreme Court of the United States has held provisions of this kind to be merely nugatory; that they can not be enforced, for the reason that the Congress of the United States can not delegate to any administrative office the power of enacting criminal laws in the form of regulations. Therefore we are not changing any existing law by this provision, and if this bill does not pass that provision of which the gentleman complains will remain in the law and continue to be the law until some other legislation is enacted.

But in view of the existing law, in view of the fact that this provision is nugatory in any event, I do not think we ought to hesitate longer to enact wise legislation for the benefit especially of the natives of southeastern Alaska, who are starving, or on the verge of starvation, in consequence of their not being able to kill the game that roams through their forests of that great district.

Mr. PAYNE. Why not strike out this objectionable clause by unanimous consent?

Mr. TAWNEY. I would be willing to do that.

Mr. PAYNE. I wish the gentleman from Washington would suggest that. I should like to have a vote on the bill, but I will not vote for any such provision as that.

Mr. TAWNEY. I would suggest to the gentleman to strike out all after the word "act," in line 11, down to and including the word Alaska," in line 13, page 9. I do not think that the gentleman from Connecticut or the gentleman from Washington ought to hesitate to do that, because it will improve the bill and insure its passage.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from Connecticut may modify his motion by an amendment striking out the lines indicated. The Clerk will report the amendment.

The Clerk read as follows:

On page 9, lines 11, 12, and 13, strike out the following words: "or any of the regulations promulgated thereunder by the Secretary of Agriculture or the governor of Alaska."

The SPEAKER. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Will the gentleman yield for an inquiry?

Mr. HUMPHREY of Washington. I have not the floor.

Mr. GAINES of Tennessee. The bill provides that the governor of Alaska shall issue the licenses. Why do you take it away from Secretary Wilson? The governor is away a great deal of time.

Mr. HUMPHREY of Washington. It is proposed that the governor's clerk can issue it. The governor has charge of this fund, and he looks after it and turns it in to the Secretary of Agriculture. I think it is better for the governor of Alaska to issue it.

Mr. GAINES of Tennessee. Does the law say that his clerk may issue it in the absence of the governor?

Mr. HUMPHREY of Washington. No; it says the governor shall do it; but I presume he will have a clerk to do it.

Mr. KENNEDY of Ohio. Will the gentleman yield?

Mr. HIGGINS. I will yield to the gentleman.

Mr. KENNEDY of Ohio. I understand it is moved to strike out language that makes reference to language on page 8.

Mr. TAWNEY. No; on page 9, from line 11 down to and including the word "Alaska," in line 13, "or any regulations promulgated thereunder by the Secretary of Agriculture or the governor of Alaska."

Mr. KENNEDY of Ohio. The only provision for regulation appears on page 8, where authority is granted the Secretary of Agriculture, as I understand it, to suspend these rules in the interest of collectors.

Mr. HIGGINS. I will say to the gentleman that it also provides that regulations may be made for restricting the employment of guides and fixing the rates of license, and there are other regulations aside from the license the gentleman refers to.

Mr. CUSHMAN. There is no objection to regulations being made if the violation of them is not made a crime or misdemeanor.

Mr. TAWNEY. These regulations can be enforced by withholding the license.

Mr. PERKINS. The regulations are mentioned on page 3, beginning at line 2.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendment.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill as amended was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. R. 40. Joint resolution to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17277. An act for the relief of George S. Patten, of Williams, Coconino County, Ariz.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. R. 40. Joint resolution to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

CUTTING TIMBER ON THE MENOMINEE INDIAN RESERVATION IN WISCONSIN.

Mr. MORSE. Mr. Speaker, by direction of the Committee on Indian Affairs, I move to suspend the rules and pass the bill (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin, with amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe in executing the intent and purposes of this act, to cause to be cut and manufactured into lumber the dead and down timber, and such fully matured and ripened green timber as the forestry service shall designate, upon the Menominee Indian Reservation in the State of Wisconsin.

SEC. 2. That the Secretary of the Interior shall, as soon as practicable, cause to be built, equipped, and operated suitable sawmills, equipment, and necessary buildings for manufacturing into lumber the timber cut under the provisions of this act, and there shall be employed such skilled foresters, superintendents, foremen, cruisers, rangers, guards, loggers, scalers, and such other labor, both in the woods and for operating sawmills, equipment, and necessary buildings, as may be necessary in cutting and manufacturing logs and lumber and in the protection of the forests upon said Indian reservation. The Secretary of the Interior in so far as practicable shall at all times employ none but Indians upon said reservation in forest protection, logging, driving, sawing, and manufacturing into lumber for the market such timber, and no contract for logging, driving, sawing timber, or conducting any lumber operations upon said reservation shall hereafter be let, sublet, or assigned to white men, nor shall any timber upon any such reservation be disposed of except under the provisions of this act. Whenever any Indian or Indians shall enter into any contract pursuant to this act, and shall seek by any agency, copartnership agreement, or otherwise to share in the same with any white man, or shall employ in its execution any labor or assistance other than the labor and assistance of Indians, such act or acts shall thereupon terminate such contract, and the same shall be annulled and canceled.

SEC. 3. That the lumber, lath, shingles, poles, posts, bolts, and pulp wood and other marketable materials so manufactured from the timber cut upon said reservation shall be sold to the highest and best bidder for cash, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of such lumber and other material shall be deposited in the Treasury of the United States to the credit of the tribe entitled to the same. Such proceeds shall bear interest at the rate of 4 per cent per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe.

SEC. 4. That the Secretary of the Interior is hereby authorized to pay, out of the funds of the tribe of Indians located upon said reservation, the necessary expenses of the lumber operations herein provided for, including the erection of sawmills, equipment and necessary buildings, logging camps, logging equipment, the building of roads, improvement of streams, and all other necessary expenses, including those for the protection, preservation, and harvest of the forest upon such reservation.

SEC. 5. That when the dead and down timber, and such fully matured and ripened green timber as the Forestry Service shall designate, shall have been converted into lumber, then the Secretary of the Interior is directed to make sale of such portions of the sawmill and manufacturing plant as will not, in his judgment, be needed for continuing operations on this reservation. The terms of these sales shall be fixed by the Secretary, and after the payment of the costs and charges of sale the net proceeds thereof shall be deposited in the same manner and for the same purposes as the net proceeds of the sale of the lumber aforesaid.

SEC. 6. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. FITZGERALD. Mr. Speaker, I demand a second.

Mr. MORSE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. MORSE. Mr. Speaker, there are several reasons for the passage of this bill. This is a small reservation in northern Wisconsin. There are only ten townships in it. It is composed of 22,680 acres, and no part of this reservation has been allotted. A large part of it is covered with heavy timber. For some years these Indians have been allowed to cut 20,000,000 feet of timber every year and float it down the stream and in that way market it. This timber has been cut back away from the stream. A large part of the pine has been cut. What remains is back a distance from the stream, and a large part of it is very valuable hard wood.

A bill was passed last year providing for the cutting of this timber and the erection of sawmills on the reservation by private individuals. The timber was to be cut at an expense not exceeding $3.50 per thousand feet. The Secretary of the In-

terior advertised for bids for the building of these sawmills on the reservation, but on account of the fact that there was no guaranty that there would be a continuance of the cutting and on account of the further fact that the price sought was too low, no contract could be let. I neglected to say that about three years ago a cyclone passed through this reservation, blowing down about fifty, or at least many million feet of the finest hard-wood timber in the world.

The Indians, believing that these sawmills were to be built there this coming year, commenced logging this down and dead timber. They have now on the skids there on the reservation piled at three mill sites, where there are no mills, where there is no way of getting it out, about 50,000,000 feet of timber in logs. Now, this bill provides that the Secretary of the Interior may cause to be erected, not with our money, but with the Indians' money, of which they have about two and one-half million dollars in the Treasury, some small sawmills on this reservation, in order that the Indians may cut their own lumber with their own money. The Indians there are governed in their tribal relations by what is known as a business committee, composed, I believe, of seventeen of the most intelligent members of this little tribe.

This tribe, remember, has only some 1,400 people. This business committee is in favor of the passage of this bill, for the reason that the Indians in this way will be able to get all that they can out of their timber, but for the greater reason that they will be given employment. Remember the conditions. This reservation is not allotted. It is not cut over, much of it. There is no farm land that is cleared up on the reservation. There has been no incentive to do any clearing, to build any good buildings, because no one knew, if the reservation was to be allotted, whether or not he would get the particular piece of land on which his house was built. They have absolutely nothing to do during the summer. They have had heretofore work in the winter. Under the provisions of this bill the men who wish to work will be given employment in the summer months as well as the winter months. More than that, the object of all Indian legislation, as I take it, is to educate the Indian toward citizenship, to give him a chance to be able to take care of himself.

That is just exactly what we are attempting to do in this bill. We are attempting to educate these Indians along the line of the preservation of their own forests. You will notice that the timber is to be cut under the supervision of the Forestry Department. Down and dead and matured green timber only are to be cut under the provisions of this bill. No timber is to be cut excepting that which is marked or pointed out by the Forestry Department. It is said that possibly this is a step in a new direction, but you will remember that we are not using the Government's money. We are using the Indians' own money. They have in the Treasury now from this log fund $2,315,000.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. MORSE. Yes.

Mr. GAINES of Tennessee. Will the gentleman tell us where this timber is?

Mr. MORSE. It is in Wisconsin, on the Menominee Reservation. The timber is hard wood, pine, and hemlock. I reserve the balance of my time.

Mr. SULZER. I would like to ask the gentleman a question. Have the Indians of this reservation consented to this?

Mr. MORSE. They have, through their business committee.

Mr. SULZER. What compensation does the bill provide that they shall receive?

Mr. MORSE. That is fixed by the Secretary of the Interior.

Mr. SULZER. He fixes the compensation, the price that the people shall pay these Indians?

Mr. MORSE. Yes.

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

Mr. MORSE. Yes.

Mr. MANN. Can the gentleman say how many sawmills there will be necessary?

Mr. MORSE. I will say that it is the intention of the Department to build one fair-sized sawmill and two little portable mills.

Mr. MANN. Can the gentleman say what those will cost?

Mr. MORSE. Not exactly, somewhere from $50,000 to $60,000. That is my estimate.

Mr. MANN. That is for the three?

Mr. MORSE. For the three.

Mr. MANN. What will the large sawmill probably cost?

Mr. MORSE. The estimate that I have received is $50,000 for the large sawmill.

Mr. MANN. Is my understanding correct that this bill proposes that the Government shall build the sawmill and then turn the timber into lumber?

Mr. MORSE. Yes.

Mr. MANN. Even the lath and shingles, and all that?

Mr. MORSE. Yes; it is necessary nowadays to do that in order to save the slab. You cut a slab off a log, and that slab is cut up into shingles or laths.

Mr. MANN. This proposes that the Government shall go into the business of manufacturing all kinds of lumber out of timber.

Mr. MORSE. This proposes that the Government shall allow the Indians to go into that business.

Mr. MANN. The gentleman may be correct, but as I read it the Secretary of the Interior was going to do it.

Mr. MORSE. With the Indians' money.

Mr. MANN. Well, that may all be. It is with somebody else's money. I have often heard of people engaging in speculative enterprises with somebody else's money, and sometimes they have more experience than money in the end.

Mr. MORSE. That may be true. I will say to the gentleman that there is a report on file from the superintendent of logging, and he says there is enough down and dead timber to keep two good mills of from 25,000 to 30,000 feet capacity per day in operation almost indefinitely—in other words, for a great many years.

Mr. MANN. Then, why does not the Government advertise this down and dead timber, and somebody build sawmills and make it into lumber instead of the Government going into an industrial enterprise?

Mr. MORSE. This is on the reservation, and they do not want a gang of drunken white men in there corrupting the morals of the Indians, both men and women.

Mr. MANN. Is that the only reason?

Mr. MORSE. That is one of the reasons. Another reason is to educate them and give them a chance to earn their own living—to make citizens of them, in other words.

Mr. MANN. And that therefore the Government shall go into an industrial pursuit?

Mr. MORSE. That therefore the Government shall allow the Indians to go into an industrial enterprise with their own money.

Mr. PAYNE. We have always done that in regard to the Indians?

Mr. MORSE. Certainly.

Mr. PAYNE. I want to know if I am correct about this. A bill passed the House a year ago, and an amendment was put into the bill putting the pay per thousand so low for sawing that no one could be induced to go out to the reservation and put up sawmills for the purpose of sawing this lumber.

Mr. MORSE. I will say that particular bill originated in the other House. The price set was the price fixed by the superintendent of logging, and it was supposed at the time in all fairness that the price was high enough. But the people did not realize that there was no guaranty that the Government would allow the Indians to keep on cutting this timber.

Therefore we could not get them to build sawmills for one, two, or three years. That is the reason. The price was not high enough. That bill failed. There are 50,000,000 feet of timber, or thereabouts, in the log, lying there now. Now, unless something is done, as soon as the hot sun of summer comes these logs will check or rot and become valueless in a short time.

Mr. PAYNE. And the only question is whether this is the best method of preserving that timber and getting it to market?

Mr. MORSE. Yes, sir.

Mr. GAINES of Tennessee. I would like to ask the gentleman who cut the trees down or made these logs, and who are going to saw the logs up? Who felled the trees?

Mr. MORSE. A large number of these were blown down by a cyclone, and the Indians with some white men, who are working with them at this time, have gotten those logs onto skids—piles of logs.

Mr. GAINES of Tennessee. Have gotten them where?

Mr. MORSE. Onto skids; piled up into log piles.

Mr. GAINES of Tennessee. Who is going to do the sawing?

Mr. MORSE. That is what we are trying to provide now in this bill.

Mr. GAINES of Tennessee. I understand, but who is going to furnish the mill?

Mr. MORSE. The Secretary of the Interior is to construct a mill with the Indians' money.

Mr. GAINES of Tennessee. It is going to be the Indians' mill, then, is it?

Mr. MORSE. Yes, sir.

Mr. GAINES of Tennessee. They are going to own it?

Mr. MORSE. Yes, sir.

Mr. MADDEN. How many acres of land are there in this reservation?

Mr. MORSE. There are exactly 231,680 acres.

Mr. MADDEN. What would be the area of that?

Mr. MORSE. That is the area.

Mr. MADDEN. I mean the number of miles.

Mr. MORSE. There are ten townships.

Mr. MADDEN. That would be practically 60 square miles.

Mr. MORSE. Yes; that is right.

Mr. MADDEN. Sixty square miles. Just a moment. I want to ask how many million feet of timber are there?

Mr. MORSE. The Department has not estimated.

Mr. MADDEN. How do they estimate it will take several years to cut it out?

Mr. MORSE. The superintendent of logging went over the reservation and made a sort of guess at it.

Mr. MADDEN. He does not know anything about it.

Mr. MORSE. Why, no; in a general way. He was a "cruiser."

I hope the gentleman on the other side will use some of his time at this time.

Mr. YOUNG. Will the gentleman permit a question before he yields?

Mr. MORSE. Yes, sir.

Mr. YOUNG. Who is to manage this business—the Government or the Indians?

Mr. MORSE. The management will be under the general supervision of the Commissioner of Indian Affairs.

Mr. YOUNG. Then, do I understand that the Commissioner of Indian Affairs takes the Indians' money and builds the mill and runs the logging business, and if it is a failure charges the losses to the Indians and gives the Indians the profits if it is successful?

Mr. MORSE. We are the guardians of the Indian. We are simply giving him a chance in this method to develop in citizenship and education. I reserve the balance of my time.

Mr. FITZGERALD. Mr. Speaker, I hope this House will not pass too hastily upon this bill. It is of much more importance than Members would think from the explanation given. It may not be known, but the fact is that probably the most valuable timber lands in the United States to-day are owned by the Indians of the States of Minnesota and Wisconsin. Previously there has been permission given to cut part of the timber upon the reservations of the Menominee Indians. These Indians, while their lands have not been allotted, have worked in the past in cutting timber, and have been self-supporting. In 1890 an act was passed authorizing the agent upon this reservation to arrange to permit the Indians to cut a certain amount of timber, but there was a limitation placed upon the amount of timber that could be cut in any one year. The act provided that not to exceed 20,000,000 feet of timber should be logged and sold in any one year. Last year the Congress, upon the representation that there had been a severe wind storm which swept through the reservation, and as a result a large amount of timber was blown down in certain portions of the reservation, passed an act, chapter 3578, which authorized the cutting of the dead and down timber in certain townships in the reservation. It authorized the Secretary of the Interior to permit private individuals to go in and erect portable mills for the purpose of cutting the dead and down timber that was found in these certain townships. The bill that is now before the House is not at all akin to the legislation that has been had previously. This bill as it came from the Senate provided for the cutting of timber without any limitation upon every Indian reservation in the State of Wisconsin—without any limitation whatever, either as to the amount or character, and not limited to the dead and down timber or to the timber that was supposed to be dangerous if it were not taken out.

Mr. PAYNE. Does the gentleman refer to the bill pending now?

Mr. FITZGERALD. That was the bill that came from the Senate. The committee has changed it so as to make it apply only to the reservation of the Menominee Indians; and it is upon that reservation that most of the valuable timber of all the timber on the Indian reservations in the State of Wisconsin is to be found.

It is a little more frank in its declaration than the bill as it came from the Senate. This bill does what? It repeals the limitation of 20,000,000 feet of timber that may be cut and logged and sold in any year. It permits the cutting, logging, and sale of the dead and down timber not only in those townships upon the reservation through which this great wind storm swept and put down a number of valuable trees, but it permits the sale not only of the dead and down timber but the ripe, green timber in all parts of the reservation. It does more than that. It provides something which has never heretofore been done by Congress. It authorizes the Secretary of the Interior not only to erect sawmills but pulp works, and the Members of this House know that they do not make paper pulp out of dead and down timber that is suitable for timber.

Mr. MORSE. Will the gentleman yield for a question? Where does it say erect pulp mills?

Mr. FITZGERALD. In a moment I will read the gentleman's bill and then he will know what is in it. In section 3, on page 3, it says: "That the lumber, laths, shingles, poles, posts, bolts, and pulp wood."

Mr. MORSE. Pulp wood!

Mr. FITZGERALD. Pulp wood. I am aware of what pulp wood is made. All the young trees that can not be used for logging is usually cut for pulp. All the young trees that can not be cut into logs are cut down and made into pulp wood. It is said to be necessary to take out such trees in order to get at the trees that can be cut into logs.

The provision regarding pulp is an amendment of the House committee. The Senate did not go quite that far. This bill, in my opinion, is one of the most vicious of the many that I have seen affecting the cutting of timber upon Indian reservations. I know, as do other Members of the House who have served on the Committee on Indian Affairs, that the eyes of the lumbermen of this country have been fastened for years upon the timber growing upon the Indian reservations in the States of Minnesota and Wisconsin.

Mr. HACKNEY. Would not your proposition have this turned over to the lumber companies instead of having the Indians do it themselves?

Mr. FITZGERALD. I have not stated my proposition at all. I am just opposing this very vicious proposition.

Mr. STEPHENS of Texas. Is not the gentleman mistaken in his statement about the sale of wood pulp? Does it not say pulp wood?

Mr. FITZGERALD. Yes.

Mr. MANN. And other marketable materials?

Mr. FITZGERALD. Yes.

Mr. STEPHENS of Texas. Does not the gentleman favor the sale of pulp wood that otherwise would be wasted.

Mr. FITZGERALD. Yes; I favor the sale of pulp wood. But the legislation that has been had before has been careful to limit the amount of timber that could be cut and sold. In the act of 1900 it was limited to 20,000,000 feet a year. In the act of 1907 it was permitted to cut and log the dead and down timber in the townships that were struck by the cyclone, in addition to the 20,000,000 feet a year; but in this bill there is no restriction whatever, either upon the amount of timber that can be cut and sold, or the townships in which the dead and down timber and the matured, ripe, and green timber can be cut.

Mr. STEPHENS of Texas. Has the gentleman any objection to the manufacture of the dead and down timber by the Indians?

Mr. FITZGERALD. I should like to see the form in which the committee puts the bill.

Mr. STEPHENS of Texas. Would the gentleman rather let the timber lie on the ground and rot?

Mr. FITZGERALD. That depends. These Indians have had no trouble in cutting the 20,000,000 feet of timber a year on the reservation, and last year the only reason the law was changed was because in a few townships a great cyclone had swept over the reservation, and it was believed desirable that portable sawmills should be erected there in order to cut and log that timber and take it out, but that is not what is suggested here. It is suggested here to permit the cutting of timber without restriction. The experience of those who have watched these operations has been that once authority is given in that way the land in a short time will be swept clean by the lumbering operations and will be left fit for nothing at all.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. STEPHENS of Texas. I desire to ask the gentleman if there can be any loss in using up the dead and down timber and putting it on the market, for pulp or otherwise, or the matured timber? Is it not a fact that when timber is matured if not used it will degenerate and become worthless?

Mr. FITZGERALD. I should like to hear what the Department says on this bill. In the report it says that the Department favors the bill, but it is a remarkable thing, which rarely happens, that the report of the Department is not quoted.

When the Committee on Indian Affairs report a bill they rarely fail to print the recommendation of the Department upon the bill. Whenever that happens I wish to say——

Mr. STEPHENS of Texas. The gentleman is mistaken as to the fact about that.

Mr. FITZGERALD. No; I am not. If I am I have the wrong report.

Mr. HACKNEY. If the gentlemen would look at the Senate report he would know what he was talking about.

Mr. FITZGERALD. I did not look at the Senate report. I looked at the report made by the House Committee and I was unable to find therein the report made by the Department of the Interior.

Mr. GAINES of Tennessee. Can the gentleman tell the House how much of the lumber cut on these reservations is shipped abroad and how much is shipped abroad generally from the United States?

Mr. FITZGERALD. No; I have no knowledge about that.

Mr. GAINES of Tennessee. It is a tremendous amount, I understand.

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

Mr. FITZGERALD. Yes.

Mr. ESCH. The gentleman stated that there was no restriction in the bill as to the amount that could be cut. Does not section 1, where it says, "Such fully matured and ripened green timber as the Forestry Service shall designate," limit and restrict the amount?

Mr. FITZGERALD. There is no limitation. The act of 1890 provides that not more than 20,000,000 feet shall be cut, logged, and sold in any one year. I am unable to say whether there is information that would make it necessary that more should be cut.

Mr. STEPHENS of Texas. If there was 40,000,000 feet, would you let 20,000,000 feet be destroyed?

Mr. FITZGERALD. The gentleman knows too much about lumber to claim that if the timber were standing it would be destroyed, or, even if it were down, unless it were down for a considerable time. The dead and down timber, as a result of the cyclone, has been down nearly four years now. Nobody seems to be worrying that that will be destroyed. Everybody knows that it will not be destroyed. This is one of the places where prime timber is found, and I hope the House will not show any unusual haste in passing bills of this character unless the explanation is more satisfactory than the report shows. Mr. Speaker, I reserve the balance of my time.

Mr. MORSE. I yield two minutes to the gentleman from Missouri [Mr. HACKNEY].

Mr. HACKNEY. Mr. Speaker, I am very sorry to hear my friend from New York [Mr. FITZGERALD] criticise this bill the way he does. There can only be one of two things in his mind; if his ideas are followed out you either turn this timber over to the lumber companies, or you sit supinely by while the timber rots. That was the matter put before the committee and considered by the Indian Commissioner, and had the gentleman from New York been fair he would have looked at the Senate report and found a letter from the Secretary of the Interior——

Mr. FITZGERALD. If the gentleman will pardon me, I said that the report of the committee said that, while the Department favored the bill, the Department's report was not printed with the committee's report. The Members of the House should not be expected to look at reports of the Senate to find out what the House thinks of the bill.

Mr. HACKNEY. The gentleman made the statement only to reflect on the Indian Affairs Committee, and for no other purpose, because when I started to hand the gentleman the report he said he didn't want to see it. The fact of the matter is, this proposition comes here as a business proposition. Are we to allow the timber to rot? Are we to let the lumber companies go in and devastate these forests, or are we to take hold of it in a business way and take down the timber and such matured timber as shall be designated by the Forestry Service and manufacture and take care of it?

I was on the subcommittee that investigated this matter. I know that this is a good proposition. They have done good work in the past, and under the contract system, under the limitation that the gentleman speaks of; but the existing law is inadequate to meet the conditions confronting us. They have the down timber there now, and that must rot unless we allow the Government to take hold of it in a business way. Again, the Indian Commissioner wants to put these Indians to work instead of having the white men come in and do the work; he wants the Indians to have something to do. This matter has been handled in a business way and will be handled in a business way, and I say that is shown by the fact that they have over $2,000,000 to the credit of these Indians from sales of logs that might have been wasted in the past. The forests are in good condition and they will not be devastated if the plan of this bill is adopted, for in section 1 it is provided that they are to cut only such matured green timber as the Forestry Service may designate.

Mr. MORSE. I now yield two minutes to the gentleman from Wisconsin [Mr. DAVIDSON].

Mr. DAVIDSON. Mr. Speaker, just a word. This is purely a business proposition, as the gentleman from Missouri [Mr. HACKNEY] has just stated. Over $600,000 worth of timber, in the log, is in piles. It is exposed to fire, and if it remains in the pile during summer, through the hot season, it will not be worth the saw bill in the fall. Any man who knows anything about elm, basswood, birch, and maple logs knows that you can not leave them out of the water in the pile through the hot season and save anything out of them. Now, are you going to allow $600,000 worth of lumber, belonging to the Indians, to go to waste after $250,000 has been expended in cutting and piling it up? This territory had from 50,000,000 to 60,000,000 feet of timber blown down by a cyclone. There has been expended $250,000 under the law for cutting it and putting it in the pile, and that has come out of the Indian fund.

The law authorized the erection of sawmills under contract, the logs to be sawed at a price not exceeding $3.50 per thousand.

Owing, however, to labor conditions, the location of the timber, and the fact that the logs from this "blown-down" section would furnish employment for but two years, after which the mills would have to be removed, no contracts could be made for the erection of sawmills. Now, what is the result? Unless legislation of this kind is enacted soon—and it is an emergency matter—fifteen to twenty million feet of the logs now in piles, 8 to 10 miles from a railroad, will be lost. Unless boilers and other equipment of mills can be gotten in there while the ground is hard, it will be almost impossible to cut that lumber this summer. I hope the bill will pass.

Mr. MORSE. Mr. Speaker, I reserve the balance of my time.

Mr. FITZGERALD. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it is always urged in the passage of a bill that is of doubtful propriety that somebody is going to suffer if it is not passed at once. Whose fault is that, if that be the case? Not the fault of Congress. Not the fault of the House. Not the fault of the Government. I do not believe anybody will suffer if this bill does not pass. This bill proposes an absolutely new departure in the theory of government. It came to the House in the form wherein it provides that the Secretary of the Interior shall erect sawmills upon all the Indian reservations in Wisconsin. If it shall apply to all the Indian reservations in Wisconsin, why not to all the Indian reservations throughout the country? If it shall apply to Indian reservations, why not apply it to everything that the Forestry Service advocates this bill for—to put sawmills in every national forest reserve? That is the proposition that is before the House in this bill. This bill is amended in the House so as to take in only the Menominee Reservation, but the gentlemen are so anxious in this House—the gentlemen who will be the conferees—or will be so anxious, to take in the Menominee Reservation that when the bill comes back from conference it will come out including all the Indian reservations in Wisconsin; and then next session, or at a soon session, gentlemen in Minnesota or elsewhere will urge that the Government of the United States shall engage in industrial occupations in their State. Everybody in the House who is familiar with the national forest reserves knows that that Service is extremely anxious that they shall be permitted to say what timber shall be cut on the forest reserves; that they shall be permitted to cut it, to erect sawmills to convert it into lumber, and they want to go so far as that they may take the money in and pay the money out, as is now the case in the Reclamation Service.

Now, it seems to me that the House ought to vote understandingly on a proposition of this nature. If it were merely a matter for this Indian reservation, no one would care. If it were even necessary for the preservation of the lumber on this Indian reservation, it would be different. Why does not the Government in advertising make the same proposition to the private parties, to convert this timber into lumber, that it makes to itself? If the private parties can not afford to erect sawmills on this reservations, how can the Government afford to do it—at somebody else's expense, it is true. If the Government proposes to cut the matured timber on this reservation, why not make that proposition to private parties, and then they can have sawmills enough erected? The whole purpose

of this bill upon the part of the gentlemen in the Department—it is not the purpose of the gentleman advocating it on the floor, because the matter relates to his district—but the whole purpose of this bill is to get the Government committed to the proposition that the Government shall engage in industrial pursuits, that it shall make lumber out of timber that it owns, and commencing upon the Indian reservations on the ground that it is with the Indians' money that the Government commences it, as a sort of trustee, to follow it up with the proposition, which is a natural corollary, that the Government shall follow the lumber business on the national forest reserves. Now, if the House wants to engage in that, very well, but people ought to know what they are doing.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GAINES of Tennessee. Does not the gentleman think it well for the Government to take the Indians' money and buy them a mill and teach them how to saw lumber—better than to have them idle?

Mr. MANN. Well, if it is the purpose of the Government, after furnishing all the money that the Indians live on, to then engage in industrial pursuits all through the country in order to educate the Indians, I think we better commence a different policy. I am not in favor of that policy.

Mr. GAINES of Tennessee. Does not the gentleman think that is a good idea?

Mr. MANN. It is easy enough for the Government to require that all the work shall be done by Indians if the sawing be done by private parties.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I wish the gentleman from New York would give me half a minute.

Mr. FITZGERALD. How much time have I left?

The SPEAKER. Two minutes.

Mr. FITZGERALD. But the gentleman from Tennessee is in favor of the bill, and I want to read this I have here.

Mr. GAINES of Tennessee. I am in favor of teaching the Indian how to saw logs and make lumber.

Mr. FITZGERALD. Mr. Speaker, these Indians have been doing that for more than eighteen years. Now, I shall read from the report of the Senate committee by one of the Senators from Wisconsin. It says:

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

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

Under this bill all restriction is removed. All of the valuable timber on the reservation can be taken out, and white help is to be used. A casual examination of the letter of the Secretary of the Interior makes this clear.

Mr. MORSE. Now, in answer to the gentleman from New York [Mr. FITZGERALD], I want to say that the object of this bill is to conserve that timber. The object of this bill is to get for the Indians every dollar they can get out of it. As a matter of fact, no timber can be cut except under the supervision of the Forestry Department. The Government is furnishing trained foresters for that very purpose. Under the old contract system the white men went in there and cut the best and ruined more than they took out.

Under this system it will all be saved. Under this system this timber that has been growing and piling up there for generations will be used for the men who own it and for whom it was created.

The SPEAKER. The time of the gentleman has expired.

ENROLLED BILL SIGNED.

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

H. R. 17277. An act for the relief of George S. Patten, of Williams, Coconino County, Ariz.

COMMITTEE ASSIGNMENT.

The SPEAKER announced the following committee appointment:

Mr. KELIHER, to the Committee on the District of Columbia.

VISITORS TO MILITARY AND NAVAL ACADEMIES.

The SPEAKER announced the following appointments as Visitors to Military and Naval Academies:

To the Military Academy:

Mr. CAPRON, Mr. CHANEY, and Mr. SHERWOOD.

To the Naval Academy:

Mr. STERLING, Mr. BATES, and Mr. WATKINS.

LEAVES OF ABSENCE.

Mr. FOSTER of Indiana, by unanimous consent, was granted leave of absence for ten days, on account of important business.

Mr. FASSETT, by unanimous consent, was granted leave of absence indefinitely, on account of illness in his family.

WITHDRAWAL OF PAPERS.

Mr. THISTLEWOOD, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Joseph G. Lanham, H. R. 25670, Fifty-ninth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent change of reference was made of House Document No. 577, deficiency estimate for Alaskan boundary survey, from the Committee on Appropriations to the Committee on Foreign Affairs.

CUTTING OF TIMBER ON INDIAN RESERVATIONS IN WISCONSIN.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill with the amendments.

The question was taken.

Pending the announcement of the result,

Mr. FITZGERALD. Division, Mr. Speaker. I wish to suggest it would require a quorum to pass this bill.

The House divided, and there were—ayes 42, noes 9.

Mr. FITZGERALD. Mr. Speaker, I make the point that there is no quorum present.

ADJOURNMENT.

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

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. I ask unanimous consent, Mr. Speaker, to print some tobacco data in the RECORD.

Mr. PAYNE. That can not be done with no quorum present.

Mr. GAINES of Tennessee. Mr. Speaker, I am asking that it be done——

The SPEAKER. There is no quorum, and nothing can be done when there is no quorum.

Mr. GAINES of Tennessee. I stand by the Constitution, Mr. Speaker. I withdraw the request. [Laughter.]

The motion was agreed to.

Accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

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

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Harriet N. Lair against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Diana*, John Walker, master—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of the Interior, recommending legislation for the purpose of controlling Indian allottees in respect to the education of their children and the use of intoxicating liquors—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of War, transmitting, with a let-

ter from the Acting Chief of Engineers, report of examination of Bayou Plaquemine Brule, Louisiana—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Sophia*, Ambrose Shirley, master—to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TAWNEY, from the Committee on Appropriations, to which was referred the joint resolution of the Senate (S. R. 69) granting authority for the use of certain balances of appropriations for the Light-House Establishment to be available for certain-named purposes, reported the same without amendment, accompanied by a report (No. 1238); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10606) for the relief of Robert S. Dame, reported the same without amendment, accompanied by a report (No. 1237); which said bill and report was referred to the Private Calendar.

CHANGE OF REFERENCE.

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

A bill (H. R. 3205) granting a pension to William Kral—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13761) granting a pension to Mary E. Fraser—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13764) granting a pension to Ernest T. Etchells—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19054) granting an increase of pension to George Young—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 Iowa, from the Committee on Appropriations: A bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes—to the Union Calendar.

By Mr. CAMPBELL: A bill (H. R. 19356) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to betting, gambling, bookmaking, pool selling, dealing in options, and bucket shops—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 19357) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest—to the Committee on Indian Affairs.

By Mr. CUSHMAN: A bill (H. R. 19358) to establish a lighthouse and fog-signal station on Eliza Island, Bellingham Bay, State of Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: A bill (H. R. 19359) to authorize and direct the Secretary of War to appoint a board of engineers to make certain examinations, estimates, etc., in the Tennessee River—to the Committee on Rivers and Harbors.

By Mr. LAWRENCE: A bill (H. R. 19360) for the erection of a public building at Westfield, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. BATES: A bill (H. R. 19361) providing for the retirement of petty officers and enlisted men of the United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 19362) amending the national-bank act of 1864, for the better security of national-bank deposits—to the Committee on Banking and Currency.

By Mr. THISTLEWOOD: A bill (H. R. 19363) to provide for the safety and protection of travel on the Government roadway leading from Mounds, Mound City, and from the Cache River bridge to the national cemetery near Mound City, Ill., and to drain the ponds of stagnant water which exist along said Government road wherever said ponds of water have been caused by excavations made in the construction of the embankment upon which said roadway has been built—to the Committee on Appropriations.

By Mr. SMITH of Arizona: A bill (H. R. 19364) ratifying bonds of road district No. 1, Maricopa County, Ariz.—to the Committee on the Territories.

By Mr. COOK of Colorado: A bill (H. R. 19365) to provide revenue for the Government and to encourage the mining and shipping of manganese iron ore in the United States—to the Committee on Ways and Means.

By Mr. YOUNG: A bill (H. R. 19366) to authorize the Secretary of War to obtain possession of lands necessary for new locks with a separate canal at the falls of St. Marys River, Michigan, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. PARSONS: Resolution (H. Res. 303) requesting the Secretary of War to transmit to the House certain information concerning Porto Rico—to the Committee on Insular Affairs.

By Mr. CLARK of Florida: Resolution (H. Res. 304) calling upon the Department of Justice for information—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Resolution (H. Res. 305) directing the Attorney-General to furnish to the House certain information concerning the United States subtreasury at St. Louis, Mo.—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ANDREWS: A bill (H. R. 19367) granting a pension to Edwin Kraemer—to the Committee on Invalid Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 19368) granting an increase of pension to James B. Jordan—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 19369) granting an increase of pension to Margarett L. Campbell—to the Committee on Pensions.

Also, a bill (H. R. 19370) granting an increase of pension to Susan T. Day—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 19371) granting an increase of pension to James F. Smith—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 19372) granting an increase of pension to John W. Watkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19373) granting an increase of pension to James Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19374) granting an increase of pension to Dallas Bumbaugh—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 19375) granting a pension to John W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19376) granting an increase of pension to Willis L. Ham—to the Commitee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 19377) for the relief of the Dilworth Coal Company—to the Committee on Claims.

By Mr. DE ARMOND: A bill (H. R. 19378) granting an increase of pension to William L. Ward—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 19379) for the relief of F. H. Lane—to the Committee on War Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 19380) for the relief of J. T. Bell—to the Committee on War Claims.

By Mr. GRONNA: A bill (H. R. 19381) granting an increase of pension to Frances G. Webster—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 19382) to remove the charge of desertion standing against Henry Wallace—to the Committee on Military Affairs.

Also, a bill (H. R. 19383) granting a pension to Martha C. Rayfield—to the Committee on Pensions.

Also, a bill (H. R. 19384) granting an increase of pension to Andrew J. Dupes—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 19385) granting a pension to Jenette Babcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19386) for the relief of George Davis—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 19387) granting an increase of pension to Bela L. Burr—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 19388) granting an increase of pension to D. C. Westfall—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 19389) for the relief of George R. Harbison—to the Committee on War Claims.

Also, a bill (H. R. 19390) for the relief of Hollis C. Clark—to the Committee on Military Affairs.

Also, a bill (H. R. 19391) granting an increase of pension to Catharine May—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19392) for the relief of J. L. Claybrooke—to the Committee on War Claims.

By Mr. KINKAID: A bill (H. R. 19393) granting an increase of pension to William C. Couch—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 19394) granting an increase of pension to Robert Case—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 19395) to correct the military record of John Healy—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 19396) for the relief of the estate of P. W. Key—to the Committee on War Claims.

Also, a bill (H. R. 19397) for the relief of the estate of J. K. Johnson—to the Committee on War Claims.

Also, a bill (H. R. 19398) for the relief of the estate of Erby Boyd—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 19399) granting an increase of pension to Henry Reens—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19400) granting an increase of pension to Daniel A. Hurst—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 19401) for the relief of the estate of Hardy H. Waters, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19402) granting a pension to Mary A. Whitcomb—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 19403) granting a pension to Katharine A. Muller—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 19404) granting an increase of pension to John W. Marcum—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 19405) for the relief of Frank Roberts and the heirs of Ida Roberts McNeil, deceased, of Yazoo County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 19406) to remove the charge of desertion from the military record of William K. Grayson—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Chicago Woman's Club, opposing appointment by noncompetitive test—to the Committee on the Census.

Also, petition of National Association of Clothiers, asking for the passage of the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Merchants' Association of New York, asking for the creation of a nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of city council of Stillwater, Minn., asking for improvement of Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of G. A. Williams and 11 other citizens of Texas, asking construction of war ships in Government yards—to the Committee on Naval Affairs.

Also, petition of German-American Alliance, against control of the liquor traffic by prohibitory enactments—to the Committee on the Judiciary.

Also, petition of Arthur Pock, of Orchard Lake, Mich., in favor of national highway commission—to the Committee on Agriculture.

Also, petition of W. H. Ridgely and 14 others, asking establishment of national highways commission—to the Committee on Agriculture.

Also, petition of Chamber of Commerce of Augusta, Ga., for improvement of Savannah River—to the Committee on Rivers and Harbors.

Also, petition of Liberal Alliance of Los Angeles, Cal., against Littlefield bill—to the Committee on the Judiciary.

Also, petition of John Newhouse and 30 others, asking passage of Sherwood pension bill—to the Committee on Invalid Pensions.

Also, petition of members of White Block Lodge, Brotherhood of Railway Trainmen, of Harrisburg, Pa., in favor of employers' liability bill—to the Committee on the Judiciary.

Also, petition of Commercial Exchange of Philadelphia, Pa., asking increase of pay of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. T. Aiken and 32 others, for forest reservations in White Mountains and Appalachian Mountains—to the Committee on Agriculture.

Also, petition of city council of Guttenberg, Iowa, in favor of improvement of upper Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of Retail Lumber Dealers' Association, asking improvement of waterways in the United States—to the Committee on Rivers and Harbors.

Also, petition of New York Credit Men's Association, against proposed repeal of national bankruptcy law—to the Committee on the Judiciary.

Also, petition of Illinois Manufacturers' Association, against legislation tending to modify the system of selling grain for future delivery—to the Committee on the Judiciary.

Also, petition of E. G. Rose and 20 others, against abolishment of pension agencies—to the Committee on Appropriations.

Also, petition of Vermilion County, Ill., Pharmaceutical Association, against a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. H. Schwertz, of Marshall, Ill., against Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alfred Talbott, of Potomac, Ill., and 33 others, in favor of the Littlefield bill—to the Committee on the Judiciary.

Also, petition of Colorado Polytechnic Society, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Moses St. Peter, of St. Anne, Ill., against abolishment of the pension agency at Chicago—to the Committee on Appropriations.

Also, petition of non-Mormon women of Utah, in favor of constitutional amendment making polygamy punishable by fine and imprisonment—to the Committee on the Judiciary.

Also, petition of Mrs. Hattie Lownes, of Manteno, Ill., and 40 others, in favor of the Littlefield bill—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of sundry citizens of Pennsylvania for S. 3152 (protecting dairy interests)—to the Committee on Agriculture.

By Mr. ADAIR: Paper to accompany bill for relief of John B. Mendenhall—to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of Jacob Rosenberg and 173 others, of the First District of Maine, people of the Jewish faith, against the Latimer and Burnett immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of Ring's Post, Grand Army of the Republic, of West Unity, Ohio, for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Papers to accompany bill for the relief of William R. Jenkins—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Samuel Madara—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of William O. Hoffman, favoring the Fulton amendment to interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Smith Leonard, of Local Union No. 225, of Meadville, Pa., against prohibition of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Summit Grange, No. 1079, of Erie, Pa., for a national highway commission—to the Committee on Agriculture.

Also, petition of Joseph A. Stern & Bro. and Tobacco Trade's Protective League of America, for the Tawney anticoupon bill—to the Committee on Ways and Means.

Also, petition of Carl S. Collins, for the Crumpacker Thirteenth Census employees bill—to the Committee on the Census.

Also, petition of Chamber of Commerce of Pittsburg, Pa., for H. R. 17979—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Georgia: Petition of G. W. Kelley and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: Petition of citizens of Ridgeburg, Orange County, N. Y., for the motto "In God we trust"—to the Committee on Coinage, Weights, and Measures.

By Mr. BURKE: Petition of Chamber of Commerce of Pitts-

burg, for H. R. 17979 (Esch bill), for full reports of accidents, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chickering Brothers, of Chicago, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of citizens of Maine, against Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of P. R. Friend and others, of Sedgwick (Me.) Grange, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. H. Tillson and others, of Augusta, Me., for national highways commission—to the Committee on Agriculture.

Also, petition of E. H. Tillson and others, of Augusta, Me.—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Ohio: Petition of the United Trades and Labor Council of Cuyahoga County, Ohio, for the enactment of legislation (1) placing the telegraph companies of the United States under governmental supervision, so that in any controversy an investigation can be had on request of any party involved; (2) compelling telegraph companies to show accurately on each telegram the time it was filed for transmission and the time it was received at office from which it was delivered; (3) to prevent telegraph companies from sending telegrams by mail received for telegraphic transmission; (4) for a general investigation of the telegraph companies relative to the justifiability of their increasing rates 20 to 60 per cent and decreasing salaries 10 per cent, and the conduction of their business during the telegraphers' strike (H. J. Res. 126)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Polish citizens of Cleveland, Ohio, against the Polish expropriation bill enacted by the Prussian Diet—to the Committee on Foreign Affairs.

Also, petition of the Polish Alliance of Ohio, for the Bates resolution, relating to treatment of the Poles by the Russian Government—to the Committee on Foreign Affairs.

By Mr. CALDER: Petition of J. C. Meem, for H. R. 11336, relative to the militia—to the Committee on Militia.

Also, petition of Wilmer Atkinson, relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of New York Credit Men's Association, for present bankruptcy bill and amendments thereto—to the Committee on the Judiciary.

Also, petition of Griffith White Shoe Company, against the eight-hour bill—to the Committee on Labor.

Also, petition of the American Musical Copyright League, for the Currier copyright bill—to the Committee on Patents.

By Mr. CALDERHEAD: Petition of Travelers and Merchants' Association of Baltimore, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Andrew Carnegie and other citizens of New York City, against extravagance in naval construction—to the Committee on Naval Affairs.

Also, petition of J. C. Jones & Co., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of R. D. Calkins, of Salina; Louis Hauseholdt, of Aurora; J. K. Whitman, of Salina; L. J. Smith, of Clyde; O. J. Lyon, of Sabetha; J. W. Harper, of Concordia; J. S. Watt, M. D., of Brookville; E. D. Hoyles, of Dwight; Fred. Neff, of Salina; G. H. Henry, of Talmage; S. Magaw, of Ames; J. W. Alexander, voters, and citizens of Minneapolis; voters and citizens of the Fifth Congressional District, and J J. Merillat, of Talmage, all of the State of Kansas, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts' State Federation of Women's Clubs, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Directory Publishers, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of O. V. Sewell, for H. R. 16640 and 16641—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Western Retail Implement and Vehicle Dealers' Association, Chicago Lumber and Coal Company, and Biori & Grandmongins Dry Goods House—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Adolphus N. Pacetty—to the Committee on Pensions.

Also, paper to accompany bill for relief of Horace O. Balch—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany a bill for relief of the Dilworth Coal Company—to the Committee on Claims.

Also, petition of sundry citizens of Thirtieth Congressional District of Pennsylvania, for legislation against the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. DAVIS of Minnesota: Petition of New York Cotton Exchange, for H. R. 534 (Davis industrial high school bill)—to the Committee on Agriculture.

Also, petition of Twin City Foundrymen's Association, of Minneapolis, Minn., against the anti-injunction and eight-hour bills—to the Committee on Labor.

Also, petition of citizens of Lonsdale, Minn., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Red Wing Trades and Labor Council, against Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Red Wing Post, No. 75, and Lytle Post, No. 59, of Brownton, Minn., Grand Army of the Republic, against abolition of United States pension agencies—to the Committee on Appropriations.

By Mr. DIXON: Petition of John A. Peatter Post, No. 82, Grand Army of the Republic, Department of Indiana, for bill granting $30 per month to all soldiers and sailors of civil war—to the Committee on Invalid Pensions.

Also, petition of R. N. Mitchell and 40 other citizens of Jackson County, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of Buffalo Credit Men's Association, for the present bankruptcy bill and any improving amendments thereto—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of Ludlow & Valentine, against change of site of the Grant Memorial—to the Committee on the Library.

Also, petitions of New York and Buffalo Credit Men's Associations, for the present bankruptcy bill and amendments thereto—to the Committee on Patents.

Also, petition of American Musical Copyright League, for the Currier copyright bill—to the Committee on Patents.

Also, petition of H. E. Miles, of Racine, Wis., for a permanent tariff commission—to the Committee on Ways and Means.

By Mr. ESCH: Petition of Chamber of Commerce of Pittsburg, Pa., for H. R. 17979, for full reports of all accidents on railways, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of Board of Trade and Business Men's Association of Norfolk, for acquisition of lands at Cape Henry, Va., for fortification purposes—to the Committee on Military Affairs.

Also, petition of New York Credit Men's Association, for improvement of bankruptcy law—to the Committee on the Judiciary.

By Mr. FLOOD: Petition of Chamber of Commerce of Richmond, Va., asking an appropriation for improvement of James River, Virginia—to the Committee on Rivers and Harbors.

By Mr. FOCHT: Petition of Milford Grange, No. 773, Patrons of Husbandry, of Juniata County, Pa., for a national highway commission—to the Committee on Agriculture.

By Mr. FORNES: Petition of Buffalo Credit Men's Association, for H. R. 13266 (bankruptcy act)—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Morris & Co., of Chicago, Ill., for proper consular quarters in the Far East—to the Committee on Foreign Affairs.

Also, petition of C. H. Bloom, of Rockford, Ill., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of D. A. Nicholson, of Marseilles, Ill., for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of G. L. Nevins Post, No. 1, of Rockford, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of J. T. Bell—to the Committee on War Claims.

By Mr. GOULDEN: Petition of New York Credit Men's Association, for the present bankruptcy bill and proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of Standard Varnish Works, of New York, against H. R. 17824—to the Committee on Interstate and Foreign Commerce.

Also, petition of William J. Carle, for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of J. E. Maher, of New York City, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of Chamber of Commerce of Pittsburg, for H. R. 17979 (Esch bill), requiring reports of accidents, etc.—to the Comittee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of David Hoag—to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Pennsylvania, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petitions of Emmet Literary Association and Ancient Order of Hibernians, of New London, Conn., against any arbitration treaty or alliance with England—to the Committee on Foreign Affairs.

By Mr. HILL of Connecticut: Petitions of Koerner Lodge, No. 368, and Schwaben Benevolent Society, of Bridgeport, Conn., against any prohibition laws—to the Committee on the Judiciary.

Also, petitions of Westport (Conn.) Grange and Bridgewater Grange, No. 153, for a national highway commission—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of State Military Board of New Jersey, against certain proposed amendments to the militia act—to the Committee on Militia.

By Mr. HOWELL of Utah: Petition of Firemen and Engineers of the Southern Pacific Railroad, for H. R. 17036 (La Follette-Sterling employers' liability bill)—to the Committee on the Judiciary.

Also, petition of Local Union No. 71, Stereotypers and Electrotypers, of Salt Lake City, for removal of duty on white paper—to the Committee on Ways and Means.

By Mr. HOWLAND: Petition of John T. Mauer and 7 other citizens of Brunswick, Ohio, for a national highway commission—to the Committee on Agriculture.

Also, petition of Polish people of Cleveland, Ohio, against Polish expropriation bill by Prussian Diet—to the Committee on Foreign Affairs.

By Mr. HUMPHREY of Washington: Petition of First Congregational Church of Snohomish, Wash., Joseph Weiss, pastor, for closing gates of Alaska Exposition at Seattle on Sundays—to the Select Committee on Industrial Arts and Expositions.

By Mr. ADDISON D. JAMES: Paper to accompany bill for relief of G. R. Harbison—to the Committee on War Claims.

Also, paper to accompany bill for relief of Catherine May—to the Committee on Pensions.

Also, papers to accompany bills for relief of William L. Paynter, P. J. Kirtley, and Maria L. Proctor—to the Committee on War Claims.

Also, paper to accompany bill for relief of Hollis C. Clark—to the Committee on Military Affairs.

By Mr. KINKAID: Petition of citizens of Broken Bow and Ernest Kaahn and others, of Sargent, Nebr., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petition of Deer River (N. Y.) Grange, for Federal aid in construction of highways—to the Committee on Agriculture.

By Mr. KÜSTERMANN: Petitions of Polish citizens of Casimir and Milwaukee, Wis., and Polish Association of America, for the Bates resolution of sympathy of American people to Polanders in Russia—to the Committee on Foreign Affairs.

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

By Mr. LANDIS: Petition of citizens of Lebanon, Ind., for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Utah, for amendment of Constitution to prohibit polygamy—to the Committee on the Judiciary.

Also, petitions of residents of Lebanon and Howard County, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAWRENCE: Petition of West Stockbridge and Alford Grange, and Highland Grange, of Huntington, Mass., for a national highways commission—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of citizens of Brainerd, Minn., against S. 1518 (Penrose bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of American Musical Copyright League, for the Currier bill—to the Committee on Patents.

Also, petition of J. Emmet O'Brien, M. D., for the Lorimer bill, to pension telegraph operators of the civil war—to the Committee on Invalid Pensions.

Also, petition of New York Credit Men's Association, for present bankruptcy bill and proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of J. C. Meem, of Brooklyn, N. Y., favoring H. R. 11336—to the Committee on Militia.

Also, petition of Buffalo Credit Men's Association, for the present bankruptcy bill, etc., and proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of Ludlow & Valentine, against change of site of Grant memorial—to the Committee on the Library.

By Mr. LITTLEFIELD: Petitions of Bear Mountain Grange, No. 62, of South Waterford, and C. A. Hall and other citizens of St. George and other towns of Maine, for a national highway commission—to the Committee on Agriculture.

By Mr. LOUD: Petition of Gratiot Lodge, International Association of Machinists, for battle ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. McKINNEY: Petition of residents of Moline and Rock Island, Ill., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of P. W. Key, Erby Boyd, and J. K. Johnson—to the Committee on War Claims.

By Mr. NEEDHAM: Petition of Fred Betz, sr., and others, of Monterey, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of A. Ross and others, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petitions of J. R. Stephens and J. J. Halcomb, of Indianapolis, Ind., for a bill to aid the Lincoln Farm Association to build a national memorial to Abraham Lincoln—to the Committee on Appropriations.

Also, petition of W. D. Allison Company, against the eight-hour bill—to the Committee on Labor.

By Mr. PATTERSON: Paper to accompany bill for relief of Joseph G. Thorpe—to the Committee on War Claims.

By Mr. PEARRE: Petition of R. N. Edwards, and 14 others, of Elkhart Mines, Md., for H. R. 9086 (Sims bill), against intoxicants in District of Columbia—to the Committee on the District of Columbia.

By Mr. PRATT: Petition of H. M. Nevins, of Red Bank, N. J., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. STERLING: Petitions of Grand Army of the Republic posts of Gibson City and Saybrook, Ill., against removal of pension agency from Chicago—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Petition of M. M. Martin, against Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petitions of Grace Isabel Colbron and W. T. Price, of New York City, and Paul K. Driders, of Reading, Pa., for the Kittredge copyright bill—to the Committee on Patents.

Also, petition of American Musical Copyright League, for the Currier copyright bill—to the Committee on Patents.

Also, petition of Standard Varnish Works, against H. R. 17824—to the Committee on Interstate and Foreign Commerce.

Also, petitions of credit men's associations of New York and Buffalo, for the bankruptcy bill and amendments thereto—to the Committee on the Judiciary.

Also, petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Frederick E. Madhams, for a United States court of patent appeals—to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petition of citizens of Du Quoin, Ill., against intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Du Quoin, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. THOMAS of North Carolina: Petition of Hayne Davis and other prominent citizens of North Carolina, for construction of an adequate navy—to the Committee on Naval Affairs.

Also, petition of citizens of Pamlico County, N. C., against the Penrose bill, amending postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Ohio: Paper to accompany bill for relief of Lottie Durfee—to the Committee on Invalid Pensions.

Also, petition of Reuben Harmon, for S. 5122 (parcels-post law)—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of soldiers of Belleville, Mich., for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Petition of H. L. Wheeler and others, for a national highway commission—to the Committee on Agriculture.

Also, petition of 118 veterans of civil war, for repeal of section 3 of act of February 6, 1907—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of Daniel H. Rhoades, Elwood Bernd, and 10 other members of Local Union No. 6, International Association of Marble Workers, for the building of at least one of the new battle ships at Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Radiant Lodge, No. 416, Brotherhood of Locomotive Firemen and Enginemen, of Mahoning, Pa., in favor of S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Blue Mountain Lodge, No. 694, Brotherhood of Railway Trainmen, of Marysville, Pa., in favor of S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chemung Lodge, No. 229, Brotherhood of Railway Trainmen, of Blossburg, Pa., for S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of Pittsburg, Pa., to require common carriers of interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigation thereof by said Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pennsylvania Congressional delegation, in favor of a State conference to consider the results of the second Hague conference and to formulate propositions to be submitted to the third Hague conference—to the Committee on Foreign Affairs.

Also, petition of Radiant Lodge, No. 416, Brotherhood of Locomotive Firemen and Engineers, of Mahoningtown, Pa., for S. 4260—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of Mercer Grange, No. 77, Patrons of Husbandry, of Hopewell, N. J., for a parcels-post law and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. H. Cuntz, of Hoboken, N. J., for H. R. 11562, for repayment of the collateral inheritance tax to the Stevens Institute of Technology, of Hoboken, N. J.—to the Committee on Claims.

Also, petitions of Somerset Grange, No. 7, of Middlebush; Whitehouse Grange, of Whitehouse, and Mercer Grange, No. 77, of Hopewell, Patrons of Husbandry, all in the State of New Jersey, for a national highway commission and Federal aid in the construction of public highways—to the Committee on Agriculture.

Also, petition of Allen C. Bakewelt, of New York City, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

SENATE.

TUESDAY, *March 17, 1908.*

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

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

The VICE-PRESIDENT. The Journal stands approved.

REPORT ON ROAD BUILDING IN YELLOWSTONE NATIONAL PARK.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 6th instant, a report prepared by the engineer in charge of road building and improvement in the Yellowstone National Park on a survey made for a new road from the West Gallatin River to connect with the main traveled roadway in that park, which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Department of Commerce and Labor, transmitting a schedule of papers, documents, etc., not needed or used in the transaction of the current business of that Department, and which have no permanent value or historical interest, which was read.

The VICE-PRESIDENT. The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as members of the committee on the part of the Senate the Senator from Texas [Mr. BAILEY] and the Senator from New Hampshire [Mr. GALLINGER], and directs the Secretary to properly notify the House of Representatives thereof.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Sophia*, Ambrose Shirley, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 626. An act authorizing and empowering the Secretary of War to locate a right of way for, and granting the same, and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns; and

S. R. 69. Joint resolution granting authority for the use of certain balances of appropriations for the Light-House Establishment, to be available for certain named purposes.

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

S. 1424. An act to increase the efficiency of the Medical Department of the United States Army; and

S. 4112. An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

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

H. R. 225. An act to amend section 4463 of the Revised Statutes relating to the complement of crews of vessels, and for the better protection of life;

H. R. 13649. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit;

H. R. 14789. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902; and

H. R. 17296. An act providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (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; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULLOWAY, Mr. LOUDENSLAGER, and Mr. WEISSE managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 17277) for the relief of George S. Patten, of Williams, Coconino County, Ariz., and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying for an investigation of certain rulings of the circuit and supreme courts of the United States, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying for an inquiry into the official conduct of John B. McPherson and James B. Holland, United States judges, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying for an inquiry into the course pursued by Hon. R. W. Archebold, United States judge, in case of Robert D. Kinney *v.* Commonwealth of Pennsylvania, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert D. Kinney, of Philadelphia, Pa., praying for inquiry and relief regarding the course pursued by James B. Holland, United States judge, in the case of R. D. Kinney & Co. *v.* Burhorn & Granger, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 78, International Typographical Union, of Fort Wayne, Ind., remonstrating against the passage of the so-called "Penrose bill" to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry organizations of Texas, New York, Pennsylvania, Ohio, Kentucky, Wisconsin, Massachusetts, Illinois, New Jersey, Iowa, California, Minnesota, and Michigan, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented petitions of sundry citizens of Huron, Forestburg, Gettysburg, Ree Heights, Hudson, and Tulare, all