

## SENATE.

WEDNESDAY, January 27, 1909.

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.

## CIVIL SERVICE COMMISSION EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Civil Service Commission, transmitting, pursuant to law, a statement showing in detail what officers or employees of the commission have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ending June 30, 1908, etc. (H. Doc. No. 1374), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

## VISITORS TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. BURROWS and Mr. TILLMAN members of the Board of Visitors on the part of the Senate to attend the next annual examination of midshipmen at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

## 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 a joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes, in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED.

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

S. 2024. An act to amend "An act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington," approved March 2, 1891;

H. R. 15452. An act to establish two or more fish-cultural stations on Puget Sound; and

H. J. Res. 202. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the International Shingle Weavers' Union of America, of Seattle, Wash., remonstrating against the decision of Judge Wright, of the supreme court of the District of Columbia, in imposing a jail sentence on Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented petitions of sundry citizens of North Weare, Middleton, Antrim, Hampstead, Meriden, and Troy, all in the State of New Hampshire; of Tompkins County, N. Y., and of Weld, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of the Albany County Cattle and Horse Growers' Association, of Laramie, Wyo., praying for the enactment of legislation providing for the control of grazing by the Government upon the public lands in the arid States and Territories, which was referred to the Committee on Public Lands.

He also presented a resolution adopted by the Albany County Cattle and Horse Growers' Association, of Laramie, Wyo., indorsing the action of the present administration in permitting the grazing of stock in the Cheyenne National Forest Reserve in that State, which was referred to the Committee on Agriculture and Forestry.

Mr. GAMBLE. I present the memorial of R. H. Angell, F. C. Ackley, and 1,652 other citizens of South Dakota, North Dakota, and other northwestern States, remonstrating against the passage of the so-called "rural parcels-post" bill and praying for the reduction of letter postage to 1 cent. I move that the memorial be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. SCOTT presented a petition of sundry citizens of Pullman, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for

the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. FRAZIER presented an affidavit to accompany the bill (S. 8042) for the relief of the heirs of Hiram Wilhite, deceased, which was referred to the Committee on Claims.

Mr. GUGGENHEIM presented a memorial of sundry citizens of Denver, Colo., remonstrating against the enactment of legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

Mr. BOURNE presented a petition of sundry citizens of Lents, Oreg., and a petition of Local Grange No. 354, Patrons of Husbandry, of Oretown, Oreg., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented petitions of sundry citizens of Painesville, Franklin, North Fairfield, Leetonia, Ravenna, Coshocton, Barnesville, Lewisburg, Columbus, Lisbon, Perry County, and Stark County, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Produce Exchange and the Bostwick-Braun Company, of Toledo; of the Colonial Savings Bank and Trust Company and the Ohio Banking Association, of Fremont; of the People's Savings Bank, of Zanesville; and of the Cincinnati and Hammond Spring Company, of Cincinnati, all in the State of Ohio, 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 a petition of the Taxpayers' Association of Cincinnati, Ohio, praying that an appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

He also presented a petition of Local District No. 6, United Mine Workers of America, of Columbus, Ohio, praying for the enactment of legislation to create a bureau of mines and mining, which was referred to the Committee on Mines and Mining.

He also presented a petition of the Federation of Jewish Organizations of New York City, N. Y., praying for the enactment of legislation to create the office of Jewish chaplain in the army and navy, which was referred to the Committee on Military Affairs.

He also presented a petition of the American Prison Association of the United States, praying that an appropriation be made for the reception of the International Prison Congress, to be held in Washington, D. C., in 1910, which was referred to the Committee on Appropriations.

He also presented a petition of the Grain Dealers' National Association of the United States, praying for the appointment of a commission to investigate the grain trade of the United States in respect to the first handling at terminal markets, and the export of grain and kindred matters, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a petition of the Federation of Jewish Organizations of New York City, N. Y., praying for the enactment of legislation to create the office of Jewish chaplain in the army and navy, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Preston City, New Canaan, Shelton, New London, Clinton, Plymouth, Sterling, Chaplin, Suffield, Cawasa, Litchfield, and Plainville, all in the State of Connecticut, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Board of Trade of Rockland, Me., praying for the enactment of legislation to prohibit the destruction of the forests on the high watersheds of the White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Seaside Grange, No. 171, Patrons of Husbandry, of Bristol, Me., and a petition of Victor Grange, Patrons of Husbandry, of Fairfield, Me., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

## REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 857) accompanied by a bill (S. 8898) granting pensions and increase of pensions to certain soldiers and sailors of the late civil war and to certain widows

and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 10. Isaac E. Jewett;  
 S. 203. William Finsley;  
 S. 957. Rodolph Crandall;  
 S. 1271. James S. Bush;  
 S. 1380. Henry Lohr;  
 S. 1536. John F. Langley;  
 S. 1588. John W. Burst;  
 S. 1591. John C. Crawford;  
 S. 1600. James T. Kent;  
 S. 1718. William Haines;  
 S. 2702. Isaac A. Arnold;  
 S. 3015. William F. Windle;  
 S. 3327. Samuel West;  
 S. 3330. Lauren Mullin;  
 S. 3608. James M. McKain;  
 S. 3614. Robert A. McNutt;  
 S. 3739. William H. Manson;  
 S. 3920. John Womersley;  
 S. 4031. Thomas D. Osborne;  
 S. 4119. Lois M. Price;  
 S. 4416. William C. George;  
 S. 4652. Isaac N. Van Pelt;  
 S. 4894. Alfred A. Gambill;  
 S. 5235. Albert W. Brewster;  
 S. 5574. Richard Pascoe;  
 S. 5580. Arthur Ruble;  
 S. 5884. Joseph Swarthout;  
 S. 6194. William Passler, alias John Kropston;  
 S. 6283. George W. McAllister;  
 S. 6379. Abraham W. Howard;  
 S. 6419. Isaac H. Sprague;  
 S. 6481. Charles Hanson;  
 S. 6518. George F. Cook;  
 S. 6712. George W. Tilton;  
 S. 6834. Harrison J. Case;  
 S. 6945. Robert B. Longstaff;  
 S. 6992. James R. Rundlett;  
 S. 7063. William Bernard;  
 S. 7124. Frederick E. Sebastian;  
 S. 7190. Alvin W. Bunnell;  
 S. 7198. James M. Perkins;  
 S. 7222. Peter Schang;  
 S. 7227. William Condo;  
 S. 7317. Florence Haggerty;  
 S. 7324. George D. Smith;  
 S. 7419. Charles N. Baker;  
 S. 7432. John Ackley;  
 S. 7439. Luman M. Grout;  
 S. 7442. Francis L. Knapp;  
 S. 7455. Henry K. Haskell;  
 S. 7507. Richard R. Davies;  
 S. 7525. Marcus Daniels;  
 S. 7526. William A. Menor;  
 S. 7533. Henry C. Washburn;  
 S. 7539. Joseph D. Holt;  
 S. 7566. Lewis Sims;  
 S. 7603. Robert E. Huff;  
 S. 7642. Robert B. Mills;  
 S. 7662. Wesley Hoover;  
 S. 7703. Irena Brown;  
 S. 7704. John P. Bastian;  
 S. 7715. Edwin B. Brewster;  
 S. 7722. Edwin E. Chase;  
 S. 7735. Joel E. Cox;  
 S. 7749. Charles H. Bassett;  
 S. 7831. Martin Long;  
 S. 7931. Samuel L. Shannon;  
 S. 8010. Susannah M. Magee;  
 S. 8019. Theophilus K. Harman;  
 S. 8193. Albert Boon;  
 S. 8198. William J. Renard, alias Charles A. Douglas;  
 S. 8283. Stephen Robinson;  
 S. 8287. Mary E. Shrewsbury;  
 S. 8290. James S. Davis;  
 S. 8291. William Bernhard;  
 S. 8292. George W. Stoddard;  
 S. 8330. Thomas B. Stewart;  
 S. 8390. John Martin;  
 S. 8393. Samuel J. Taylor;  
 S. 8402. Napoleon B. Bowker;  
 S. 8426. Virginia L. Caldwell;  
 S. 8452. William M. Clapp;  
 S. 8455. Darlus S. Sanborn;

S. 8472. John Deneen;  
 S. 8501. Edward J. Golden;  
 S. 8536. William S. Safford;  
 S. 8584. Erwin C. Watkins;  
 S. 8589. George W. Buswell;  
 S. 8630. William J. Gardner;  
 S. 8631. Mary A. Hayward;  
 S. 8632. John M. Adams;  
 S. 8663. Thomas Entwistle;  
 S. 8664. Ellen R. B. Morrill;  
 S. 8665. Daniel M. White; and  
 S. 8714. Rebecca W. Carroll.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 8786) to authorize the sale of dead, down, and injured timber in Alpena and Roscommon counties, Mich., reported it without amendment and submitted a report (No. 858) thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 859), accompanied by a bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 4477. Clara J. Sitton;  
 S. 4844. Caloway G. Tucker;  
 S. 5257. Thomas B. Stewart;  
 S. 7803. Alanza A. Bailey;  
 S. 8281. Caroline Oliver;  
 S. 8633. Prudencio Ortagus; and  
 S. 8634. Benjamin B. Turner.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 4426) for the relief of Thomas C. Clark, reported it with an amendment and submitted a report (No. 860) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2952) for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army, reported it with an amendment and submitted a report (No. 863) thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2489) for the relief of Harry G. Rupp (Report No. 861); and

H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903 (Report No. 862).

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 26216) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona, reported it without amendment and submitted a report (No. 856) thereon.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 7996) to provide for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes, reported it without amendment and submitted a report (No. 864) thereon.

#### CONSULAR SERVICE IN SICILY.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 26709) to amend an act to provide for the reorganization of the consular service of the United States, to report it favorably without amendment. I ask for its immediate consideration.

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 further amend the act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, as heretofore amended by striking out, in class 9, consuls, the word "Messina," and by inserting after the word "Carlsbad," in class 7, consuls, the word "Catania."

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

#### ADDITIONAL CLERK TO COMMITTEE ON THE LIBRARY.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by the Senator from Rhode Island [Mr. WETMORE], to report it favorably without amendment, and I ask for its present consideration.

The resolution (S. Res. 262) was read, as follows:

*Resolved*, That the Committee on the Library be, and is hereby, authorized to employ for the remainder of the Sixtieth Congress an additional clerk, to be paid from the contingent fund of the Senate, at the rate of \$120 per month.

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

MR. CULBERSON. I object. I should like to have the resolution explained, and I object to its present consideration.

THE VICE-PRESIDENT. The Senator from Texas objects to the present consideration of the resolution, and it will go to the calendar.

MR. KEAN subsequently said: Some time this morning I reported a resolution from the Committee to Audit and Control the Contingent Expenses of the Senate, giving the Committee on the Library the right to employ an additional clerk to the close of the present session. I have explained it to the Senator from Texas [Mr. CULBERSON], and he withdraws his objection. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

#### MISSOURI RIVER BRIDGE.

MR. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 26606) to authorize the Lewis Bridge Company to construct a bridge across the Missouri River, to report it favorably without amendment.

MR. WARNER. I ask unanimous consent for the consideration of the bill just reported by the Senator from Virginia.

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

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

#### TENNESSEE RIVER BRIDGE.

MR. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8540) to amend an act entitled "An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn., " approved May 20, 1902, as amended by an act approved February 1, 1905, entitled "An act to amend an act entitled 'An act to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn., ' " to report it favorably without amendment, and I submit a report (No. 855) thereon.

MR. FRAZIER. I ask for the immediate consideration of the bill. It is a local measure, and it is important that action should be taken promptly.

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

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

#### BILLS INTRODUCED.

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

A bill (S. 8846) granting an increase of pension to Francis M. Walker;

A bill (S. 8847) granting an increase of pension to James H. Weatherby;

A bill (S. 8848) granting a pension to Elizabeth Sadler; and

A bill (S. 8849) granting a pension to James M. Williams.

MR. SMITH of Michigan introduced a bill (S. 8850) naturalizing William George Drought, which was read twice by its title and, with the accompanying paper, referred to the Committee on Immigration.

He also introduced a bill (S. 8851) authorizing and directing the Secretary of War to enter on the roll of the Third Regiment of Michigan Volunteer Cavalry the name of William J. Shirley, which was read twice by its title and referred to the Committee on Military Affairs.

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

A bill (S. 8852) granting a pension to Frankie Esselstyn; and

A bill (S. 8853) granting a pension to Agnes Hunt.

MR. BURNHAM 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. 8854) granting a pension to Marianna C. Rockwell;

A bill (S. 8855) granting an increase of pension to Lillia Q. Brackett;

A bill (S. 8856) granting an increase of pension to Daniel L. Ordway; and

A bill (S. 8857) granting an increase of pension to Henry A. Read.

MR. SMOOT introduced a bill (S. 8858) granting an increase of pension to Thomas H. Beck, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

MR. PILES introduced a bill (S. 8859) concerning the transportation of passengers coastwise, which was read twice by its title and referred to the Committee on Commerce.

MR. McCREARY introduced a bill (S. 8860) for the relief of the estate of Richard White, which was read twice by its title and referred to the Committee on Claims.

MR. TAYLOR introduced a bill (S. 8861) granting an increase of pension to Martha E. Bradley, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8862) for the relief of Elise Trigg Shields, which was read twice by its title and referred to the Committee on Claims.

MR. CLAY introduced a bill (S. 8863) granting an increase of pension to Samuel H. Askew, which was read twice by its title and referred to the Committee on Pensions.

MR. OWEN introduced a bill (S. 8864) granting a pension to Sarah G. Hamilton, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 8865) for the relief of the estate of G. W. Glick, deceased; and

A bill (S. 8866) for the relief of John A. Oliphant.

MR. OWEN introduced a bill (S. 8867) authorizing the Secretary of the Interior to set aside the forfeiture of and reinstate a coal lease to the Sans Bois Coal Company, which was read twice by its title and referred to the Committee on Indian Affairs.

MR. SIMMONS introduced a bill (S. 8868) for the relief of the heirs of Nancy Barfield, deceased, which was read twice by its title and referred to the Committee on Claims.

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

A bill (S. 8869) granting an increase of pension to Thomas H. Revis; and

A bill (S. 8870) granting an increase of pension to Edward Sams.

MR. FRAZIER introduced a bill (S. 8871) for the relief of the legal representatives of William C. Blalock, deceased, which was read twice by its title and referred to the Committee on Claims.

MR. STONE introduced a bill (S. 8872) granting a pension to Sarah J. Ridgeway, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 8873) granting an increase of pension to Thomas J. Kirtley; and

A bill (S. 8874) granting an increase of pension to Alfred N. Webb.

MR. STONE introduced a bill (S. 8875) for the relief of the heirs of Francis E. Bannister, deceased, which was read twice by its title and referred to the Committee on Claims.

MR. DICK introduced a bill (S. 8876) granting a pension to Helen L. Fitch, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 8877) granting a pension to Mary E. Smith;

A bill (S. 8878) granting an increase of pension to Horace Worthington;

A bill (S. 8879) granting an increase of pension to Miner A. Robbins;

A bill (S. 8880) granting an increase of pension to Emily J. de Behrens;

A bill (S. 8881) granting a pension to Julius Ortman;

A bill (S. 8882) granting an increase of pension to Charlotte B. Bentley;

A bill (S. 8883) granting an increase of pension to Mary A. Hill;

A bill (S. 8884) granting a pension to Franklin H. Sage;

A bill (S. 8885) granting an increase of pension to William S. Ely;

A bill (S. 8886) granting an increase of pension to Lucy P. Hicks; and

A bill (S. 8887) granting a pension to Betsey A. Lockwood.

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

A bill (S. 8888) granting an increase of pension to Eliza C. Noble; and

A bill (S. 8889) granting an increase of pension to E. H. McDonald.

Mr. LODGE introduced a bill (S. 8890) granting an increase of pension to Elizabeth A. Basselt, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STEPHENSON introduced a bill (S. 8891) to authorize the establishment of free public schools upon United States reservations, which was read twice by its title and referred to the Committee on Education and Labor.

Mr. MARTIN introduced a bill (S. 8892) for the relief of Elise Trigg Shields, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 8893) to provide for acquisition, by condemnation, of lands at Cape Henry, Virginia, for the purpose of fortification and coast defense, which was read twice by its title and referred to the Committee on Coast Defenses.

He also introduced a bill (S. 8894) granting permission to the Lynnhaven Terminal Corporation to improve the lower Chesapeake and Lynnhaven Bay by the construction of a breakwater, which was read twice by its title and referred to the Committee on Commerce.

Mr. McCUMBER introduced a bill (S. 8895) granting an increase of pension to Elton M. Durfey, which was read twice by its title and referred to the Committee on Pensions.

Mr. RAYNER (by request) introduced a bill (S. 8896) to incorporate the Washington, Baltimore and Annapolis Railway Company, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

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

A bill (S. 8900) granting a pension to Helen Mirrin;

A bill (S. 8901) granting a pension to Lucy Ann Palmer;

A bill (S. 8902) granting a pension to Louisa E. Lawrence;

A bill (S. 8903) granting a pension to Emma R. Walters; and

A bill (S. 8904) granting a pension to Sarah Elsie Green.

#### COAL LANDS IN NORTH DAKOTA.

Mr. McCUMBER. Mr. President, I introduce a bill authorizing final proof and directing the Secretary of the Interior to issue patents to entrymen under the homestead laws in the State of North Dakota, notwithstanding the fact that the land entered may contain lignite coal; and I ask that the bill be referred to the Committee on Public Lands. I wish to ask the indulgence of the Senate for just one moment in a brief explanation of the bill for the benefit of the chairman of that committee.

Mr. President, a very large percentage of all the land in the western part of my State is underlaid with lignite coal. All that land has been opened to settlement as agricultural land. It has been entered as agricultural land, and an immense number of entries are now being held in suspension and a vast number of final proofs are now also being held in abeyance until an investigation can be had to determine whether or not the land is coal land and whether or not it should be segregated from public entry.

This is a great hardship to the settlers in that State. The great majority of those settlers are men who have little means. It has been customary for them after maintaining a residence and cultivation of some fourteen months to make final proof and borrow enough money to pay for the purchase of teams, machinery, and so forth. Many are unable to do this under the present conditions because of the tying up of these lands.

This opens up the greater question as to whether the coal lands in the State of North Dakota should be segregated and taken from the homesteader in that State to be sold as coal lands only. I have not heard of a single instance in which any land has been sold for coal land which has brought a higher price than like land for agricultural purposes. There may, of course, be a few isolated cases.

The coal under these lands is of the lignite variety. It is not a high grade of coal and is used for heating purposes on the farm. We have a few coal mines in the State, but none of them have been made to pay very well, as I understand. These lands are situated hundreds of miles—some of them nearly a thousand miles—from woodlands, and the settlers must depend upon the coal that they can secure under the surface of their own

land for their fuel during the winter time. The land for the most part—I am informed 95 per cent, at least, of it—is more valuable for agricultural purposes than for coal purposes.

Under the land laws, patent issues, as a matter of course, upon proof of residence and cultivation at the local land office. These patents, however, have been suspended, in some instances for more than two years, in order that the department might investigate the question of the character of the coal underneath and ascertain whether the land is more valuable for coal purposes than it is for agricultural purposes. This has been a great injury to the settlers throughout the western portion of the State, and I submit to the committee that I believe all of this land should be taken the same as any other agricultural land, and that the entryman should have title to the coal that is under the land, as well as to the surface land above the coal.

We are to-day granting the right to one man to make a mineral entry. He may locate a gold mine. He may take \$50,000,000 out of that mine, every dollar of which may belong to that one man. I do not believe that all the coal in the State of North Dakota to-day could be sold for \$50,000,000, yet we are depriving all of these entrymen of the right to use the little coal that there is under that land for their benefit, while inconsistently, I think, under the idea of conserving the resources of the United States, we are allowing the gold miner to take out millions from a single mine.

Mr. WARREN. Will the Senator, before he concludes, have the bill read? It is a very interesting subject, and we should like to hear the bill read.

Mr. McCUMBER. Certainly.

Mr. President, there is no man in the Senate who is in more hearty accord with the purpose to conserve all the timber lands and the mineral resources of this country than I am, but I admit that lignite coal is not of such great value to future generations that we can afford to-day to deprive the present generation of the benefit of the use of that coal and prevent the farmers, who pass the long winters there and are to-day developing that country for the benefit and comfort of future generations, from having the coal for their own use.

I have made this statement simply that the chairman of the committee may consider the propriety of taking up the bill immediately and if possible reporting it at the present session of Congress.

Mr. TILLMAN. Mr. President—

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

Mr. McCUMBER. In just one moment. The Senator from Wyoming [Mr. WARREN] asked that the bill be read. It is short and I ask for its reading.

The VICE-PRESIDENT. The Secretary will read the bill, as requested.

The bill (S. 8897) authorizing final proof and directing the Secretary of the Interior to issue patents to entrymen under the homestead laws in the State of North Dakota, notwithstanding the fact that the lands entered may contain lignite coal, was read the first time by its title and the second time a length, as follows:

*Be it enacted, etc., That where public lands in the State of North Dakota have been heretofore, are now, or hereafter shall be, open to settlement under the homestead laws of the United States, and homestead entry made thereon and final proof of residence and improvements on the land entered by the entrymen made to the local land office, as required by law, to secure title to agricultural lands, such final proof shall be received and accepted by the local land office, and the Secretary of the Interior shall thereupon issue patent to the entrymen, notwithstanding the fact that the land embraced within the entry may contain lignite coal.*

Mr. TILLMAN. Mr. President, I should like to inquire of the Senator from North Dakota whether there is any report from the Geological Survey in regard to the character of the land which he mentions?

Mr. McCUMBER. I have no doubt there have been some reports, but as I only ask that the bill be referred to the Committee on Public Lands, the committee can investigate the whole subject.

Mr. TILLMAN. I wanted to call attention to the fact that unless we go very carefully in this matter of single entrymen getting 160 acres we will find ourselves face to face presently with men who will enter the lands in good faith and then sell them to some combination which will create a monopoly there.

If the character of coal is of the type which the Senator mentions, and is only useful for fuel, because a man can not do any better, and he wants to go down in a hole on his own ground and get some to warm himself with, I can see no objection; but if the bill is not very carefully guarded we may find ourselves with a monopoly there like that which was attempted in the Indian Territory a few years back.

Mr. McCUMBER. I do not think that the coal land within a quarter of a section there is of such value as would justify its being taken by any monopoly for that purpose.

Mr. WARREN. Mr. President—

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

Mr. WARREN. I thought the Senator was through with his remarks.

Mr. McCUMBER. I was through, as far as I am concerned, except to answer questions.

Mr. WARREN. If the Senator will yield to me, I suggest that he broaden the terms of the bill beyond the confines of North Dakota and take in some of the Rocky Mountain States.

Mr. McCUMBER. I have no objection to that; but I am not familiar with the conditions in other States. It will be for the committee to consider the question.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. JOHNSTON submitted an amendment authorizing the Secretary of the Navy, in his discretion, to contract for and purchase one small vessel, whose vitals are located below the normal load water line, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. FILES submitted an amendment proposing to appropriate \$2,000,000 for actual necessary traveling expenses of railway postal clerks, at not to exceed \$1 per day, etc., 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.

He also submitted an amendment proposing to increase the appropriation for the construction by the Quartermaster's department of roads, walks, wharves, etc., from \$1,000,000 to \$1,133,000, 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.

Mr. FULTON submitted an amendment providing for paving with asphalt Connecticut avenue extended from Macomb to Newark street, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. MARTIN submitted an amendment providing that all employees of navy-yards, gun factories, and naval stations in addition to the leaves of absence provided for by existing law may hereafter be granted leaves of absence with pay, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment providing that the Hospital Corps of the United States Navy shall consist of chief pharmacists; pharmacists, who shall be appointed by the President; and such ratings in the enlisted branch as may be designated according to the law governing other enlisted men, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. FRYE submitted an amendment providing that the number of officers of the grade of senior captain in the Revenue-Cutter Service be increased from 6 to 12, who shall perform duty in connection with the construction of vessels and the inspection of their armament, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

#### FRANCIS S. NASH—WITHDRAWAL OF PAPERS.

On motion of Mr. MARTIN, it was—

Ordered, That there may be withdrawn from the files of the Senate the papers relative to the case of Francis S. Nash, Fifty-eighth Congress, second session, Senate bill 5771, there having been no adverse report thereon.

#### IMPROVEMENT OF HARBOR AT LEXINGTON, MICH.

Mr. SMITH of Michigan submitted the following concurrent resolution (S. C. Res. 80), which, with the accompanying paper, was referred to the Committee on Commerce:

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Lexington, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet and to submit a plan and estimate for such improvement.

#### ACCIDENTS TO RAILROAD EMPLOYEES.

Mr. CLARKE of Arkansas. I submit a resolution which I send to the desk. It is a short resolution relating to a matter that will not be contested, and I ask for its present consideration.

The resolution (S. Res. 267) was read, as follows:

*Resolved*, That the Interstate Commerce Commission be, and it hereby is, directed to send to the Senate a statement showing the number of railroad employees killed and injured each year since June 30, 1901, from the following causes:

1. Lack of, insecure, and improperly applied, sill steps;
2. Inefficient and improperly applied hand brakes;
3. Insecure and improperly applied ladders;
4. Lack of, insecure, and improperly applied, roof hand holds or grab irons; and
5. Lack of, insecure, and improperly applied, running boards.

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

Mr. HALE. I should like to ask the Senator who introduced the resolution whether he believes all that vast and various amount of information can be furnished by the Interstate Commerce Commission without taking, it may be, weeks and needing an additional force. It struck me as it was read that it is a resolution which calls upon the commission for a great amount of extra work. At any rate, I will object to its consideration now in order that I may examine it.

The VICE-PRESIDENT. Objection is made, and the resolution will lie over.

Mr. CLARKE of Arkansas. It would not, therefore, be proper for me to state what I think about the Senator's questions at this time?

Mr. HALE. The resolution will come up to-morrow morning.

#### ASSESSMENT AND COLLECTION OF TAXES.

Mr. BROWN. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 265) was read, as follows:

*Resolved*, That the Committee on the Judiciary be discharged from further consideration of the bill (S. 3186) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax, State, county, municipal, district, or federal, and that the same be laid before the Senate.

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

Mr. FULTON. Mr. President, I think I shall have to object to the present consideration of the resolution. I wish to explain, however, briefly my reason for so doing.

The bill is one that was referred to me as a subcommittee. I am not quite certain whether there was more than one on the subcommittee or not; but it does not favor the bill. I have explained to the Senator who introduced it and has it in charge the objections to it as far as I am concerned. I expect that I am more responsible than any other member of the committee for the bill not having been reported. So far as I am concerned, I have no objection to reporting the bill unfavorably. I think we generally dislike to do that unless the Senator having the measure in charge is willing that it shall be done.

I suggest that the resolution go over, and I think the Senator can get a report on the bill. There is no disposition on the part of the committee to prevent a report.

The VICE-PRESIDENT. Objection being made to the present consideration of the resolution, it will lie over.

#### CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

H. J. Res. 247. Joint resolution relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln and making the 12th day of February, 1909, a legal holiday, and for other purposes, was read the first time by its title.

Mr. WETMORE. I ask for the immediate consideration of the joint resolution.

Mr. CULLOM. If there is to be any discussion of the measure again, I shall feel constrained to object.

Mr. ALDRICH. I do not think there will be any discussion of it.

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

The Secretary read the joint resolution the second time at length, as follows:

*Resolved, etc.*, That the 12th day of February, 1909, the same being the centennial anniversary of the birth of Abraham Lincoln, be, and the same is hereby, made a special legal holiday in the District of Columbia and the Territories of the United States. Be it further

*Resolved*, That the President be authorized to issue a proclamation in accordance with the foregoing, setting apart the 12th day of February, 1909, as a special legal holiday.

Mr. BEVERIDGE. In view of the fact that the Senator from Pennsylvania [Mr. Knox]—

Mr. ALDRICH. My colleague is going to move an amendment.

Mr. HALE. Mr. President, this matter can not go through without discussion. I object to the consideration of the joint resolution.

The VICE-PRESIDENT. Objection is made to the present consideration of the joint resolution.

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

Mr. PERKINS. I wish to submit a resolution.

Mr. CULLOM. I thought morning business had been disposed of.

Mr. FULTON. I wish the Senator from Illinois would not press that motion.

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

Mr. CULLOM. I can not yield. I gave notice yesterday that I would move an executive session at this time, and I make that motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois.

The motion was not agreed to.

Mr. CARTER. Mr. President, I desire briefly to call attention to the joint resolution providing for the Lincoln memorial exercises. The Senator from Rhode Island [Mr. WETMORE] in conference with the Senator from Pennsylvania [Mr. KNOX] has arranged to offer a substitute for the House joint resolution which has just come to the Secretary's desk. I can see no objection to that. It would put the matter in conference. I renew the request for unanimous consent that the joint resolution be now considered. I am sure it will lead to no discussion.

The VICE-PRESIDENT. The Senator from Montana requests unanimous consent for the present consideration of the joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes. Is there objection?

Mr. HALE. If it gives rise to any debate I must object. The Senator from Illinois is very desirous of taking up an important treaty, and it was the understanding yesterday that we should take it up this morning.

Mr. CULLOM. I gave notice yesterday that I would make the motion this morning immediately after the morning business. I supposed the morning business was completed when I made the motion. Otherwise I would have deferred it.

Mr. CARTER. If the joint resolution leads to any discussion whatever, I will withdraw the request for unanimous consent.

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

Mr. NEWLANDS. Mr. President—

Mr. WETMORE. I should like to offer the following as a substitute—

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

Mr. BEVERIDGE. Mr. President—

Mr. NEWLANDS. Mr. President, I object to the substitution of the joint resolution that was passed in the Senate the other day for the joint resolution passed by the House unless—

Mr. CARTER. In view of the fact that it will lead to discussion, I withdraw the request for unanimous consent.

The VICE-PRESIDENT. The Senator from Montana withdraws the request for unanimous consent. The joint resolution will be referred to the Committee on the Library.

Mr. WETMORE subsequently, from the Committee on the Library, to whom was referred the joint resolution (H. J. Res. 247) relating to the celebration of the one hundredth anniversary of the birth of Abraham Lincoln, and making the 12th day of February, 1909, a legal holiday, and for other purposes, reported it with an amendment.

#### EARTHQUAKE AT SAN FRANCISCO, CAL.

Mr. PERKINS submitted the following resolution (S. Res. 266), which was considered by unanimous consent and agreed to:

*Resolved*, That the Secretary of War be, and hereby is, requested to furnish the Senate with a copy of such consolidated report as he may have on the work of the army in connection with the San Francisco, Cal., earthquake and fire of April, 1906.

#### IMPROVEMENT OF THE COLUMBIA RIVER, OREGON.

Mr. FULTON. I submit a concurrent resolution, which I ask may be read.

The concurrent resolution (S. C. Res. 81) was read, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Columbia River from the mouth of the Willamette River to the ocean, in the States of Oregon and Washington, and of the Willamette River, in the State of Oregon, from the city of Portland to the mouth of the

river, with a view to securing and maintaining a uniform depth of not less than 30 feet at the lowest stage of water in said rivers from said city of Portland to the ocean, such survey and estimates to be reported to Congress.

Mr. FULTON. I ask that the resolution be referred to the Committee on Commerce. While I have the floor I wish to take advantage of the opportunity to state that I hope the motion to go into executive session will not be pressed. I want to proceed with the consideration of the omnibus claims bill, and I hope the Senate will allow us to do so. If it does not, we can not hope to get that bill disposed of during the present session.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Commerce. Is there further morning business?

#### EXECUTIVE SESSION.

Mr. CULLOM. If there is no further morning business, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Illinois, that the Senate proceed to the consideration of executive business. [Putting the question.] By the sound the "noes" seem to have it.

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

Mr. CULLOM. I hope the Senate will vote to go into executive session.

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

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW].

Mr. OWEN (when his name was called). I transfer my pair with the Senator from Illinois [Mr. HOPKINS] to the Senator from North Carolina [Mr. OVERMAN] and will vote. I vote "nay."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO], but as this vote does not appear to be on party lines, I will take the responsibility of voting. I vote "yea."

The roll call was concluded.

The result was announced—yeas 40, nays 31, as follows:

#### YEAS—40.

Aldrich	Cullom	Hale	Nixon
Bacon	Dick	Hemenway	Page
Beveridge	Dillingham	Heyburn	Perkins
Brandegee	Dolliver	Kean	Rayner
Briggs	du Pont	Kittredge	Scott
Bulkeley	Elkins	Lodge	Stephenson
Burnham	Flint	McCreary	Stone
Burrows	Frye	McCumber	Warner
Carter	Gallinger	Money	Warren
Clark, Wyo.	Gamble	Nelson	Wetmore

#### NAYS—31.

Bailey	Culberson	Gore	Paynter
Bankhead	Cummins	Guggenheim	Piles
Borah	Davis	Johnston	Simmons
Bourne	Dixon	La Follette	Taliaferro
Brown	Foster	Martin	Taylor
Burkett	Frazier	Milton	Teller
Clarke, Ark.	Fulton	Newlands	Tillman
Clay	Gary	Owen	

#### NOT VOTING—21.

Ankeny	Foraker	McLaurin	Smith, Mich.
Clapp	Hansbrough	Overman	Smoot
Crane	Hopkins	Penrose	Sutherland
Curtis	Knox	Platt	
Daniel	Long	Richardson	
Depew	McEnery	Smith, Md.	

So Mr. CULLOM's motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours spent in executive session, the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 28, 1909, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 27, 1909.*

#### APPRASIER OF MERCHANTISE.

John D. Pringle, of Pennsylvania, to be appraiser of merchandise in the district of Pittsburg, in the State of Pennsylvania, in place of Fred W. Edwards, resigned.

#### PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. of Engineers Willits Pedrick to be senior engineer in the Revenue-Cutter Service of the United States, to rank as such from January 26, 1909, in place of Captain of Engineers Charles Frederick Coffin, retired.

Second Lieut. of Engineers William Crocket Myers to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from January 26, 1909, in place of First Lieut. of Engineers Willits Pedrick, promoted.

Third Lieut. of Engineers George Wilson Cairnes to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from January 26, 1909, in place of Second Lieut. of Engineers William Crocket Myers, promoted.

PROMOTIONS IN THE NAVY.

Lieut. Commander William W. Gilmer to be a commander in the navy from the 7th day of January, 1909, vice Commander James C. Gillmore, promoted.

Lieut. Ivan C. Wettengel to be a lieutenant-commander in the navy from the 3d day of September, 1908, vice Lieut. Commander Joseph Strauss, promoted.

Passed Asst. Surg. Charles St. J. Butler to be a surgeon in the navy from the 11th day of December, 1908, vice Surg. George Rothganger, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 27, 1909.

SECRETARY OF STATE.

Robert Bacon, of New York, now Assistant Secretary of State, to be Secretary of State.

ASSISTANT SECRETARY OF STATE.

John Callan O'Laughlin, of the District of Columbia, to be Assistant Secretary of State.

RECEIVERS OF PUBLIC MONEYS.

Edwin G. Coleman, of Flandreau, S. Dak., to be receiver of public moneys at Lemmon, S. Dak.

John E. Adams, of South Dakota, to be receiver of moneys at Aberdeen, S. Dak.

REGISTERS OF THE LAND OFFICE.

Cyrus C. Carpenter, of Sisseton, S. Dak., to be register of the land office at Lemmon, S. Dak.

John L. Lockhart, of Pierre, S. Dak., to be register of the land office at Pierre, S. Dak.

PROMOTION IN THE NAVY.

Chief Sailmaker Garrett Van Mater, U. S. Navy, to be a chief sailmaker on the retired list, to rank with, but after, lieutenant (junior grade).

POSTMASTERS.

GEORGIA.

Leonora R. Allen to be postmaster at Villa Rica, Ga.

John R. Barclay to be postmaster at Rome, Ga.

Henry M. Bird to be postmaster at Comer, Ga.

Benjamin L. Bryan to be postmaster at Union Point, Ga.

Mary P. Dixon to be postmaster at West Point, Ga.

Lewis R. Farmer to be postmaster at Louisville, Ga.

Martha E. Gorham to be postmaster at Crawfordville, Ga.

H. B. Lemcke to be postmaster at Darien, Ga.

Florence McAfee to be postmaster at Norcross, Ga.

Andrew D. McComb to be postmaster at Buena Vista, Ga.

Vivian McCurdy to be postmaster at Stone Mountain, Ga.

Mary C. McWhorter to be postmaster at Sylvester, Ga.

Henry M. Miller to be postmaster at Colquitt, Ga.

Howard A. Poer to be postmaster at Chipley, Ga.

Walter M. Quinn to be postmaster at Whigham, Ga.

John W. Saunders to be postmaster at Unadilla, Ga.

Thomas M. Scovill to be postmaster at Oglethorpe, Ga.

Pearl Williams to be postmaster at Greenville, Ga.

Clarence W. Withoft to be postmaster at Fort Valley, Ga.

MINNESOTA.

Peter J. Schwarg to be postmaster at Dodge Center, Minn.

NORTH DAKOTA.

Frank I. Bonesho to be postmaster at Mott, N. Dak.

Robert I. Sanerissig to be postmaster at McClusky, N. Dak.

Walter A. Stafford to be postmaster at Velva, N. Dak.

OHIO.

Gomer C. Davis to be postmaster at Shawnee, Ohio.

Granville W. Springer to be postmaster at Crooksville, Ohio.

TEXAS.

J. W. Boynton to be postmaster at Anson, Tex.

Richard L. Coleman to be postmaster at Rusk, Tex.

Charles M. Diller to be postmaster at Alto, Tex.

Arthur E. Foster to be postmaster at Venus, Tex.

William A. Little to be postmaster at Karnes City, Tex.

D. H. McCoy to be postmaster at Daingerfield, Tex.

Charles Real to be postmaster at Kerrville, Tex.

Virgil A. Smith to be postmaster at Kenedy, Tex.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 27, 1909.

The House met at 12 o'clock noon.

Prayer was offered by Rev. George L. Perin, of Boston, Mass. The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON IRRIGATION OF ARID LANDS.

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

The Clerk read as follows:

House resolution 517.

*Resolved*, That the Committee on Irrigation of Arid Lands shall have authority to order such printing as may be necessary connected with the business of said committee during this Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

BRIDGE OVER INDIAN RIVER NORTH, FLORIDA.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 26073) to approve and ratify the construction of a bridge across the Indian River North, in the State of Florida, by the New Smyrna Bridge and Investment Company.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the construction by the New Smyrna Bridge and Investment Company, a corporation organized under the laws of the State of Florida, of the bridge across the Indian River North from the town of New Smyrna, on the west, to the land lying on the east of said river be, and the same is hereby, approved and ratified, subject to the provisions of existing laws, and particularly subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

Amend the title so as to read: "A bill to legalize a bridge across Indian River North, in the State of Florida."

The committee amendments were read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the bridge constructed across Indian River North at the town of New Smyrna, Fla., by the New Smyrna Bridge and Investment Company be, and the same is hereby, legalized, and the consent of Congress is hereby given to its maintenance by the said corporation, its successors, or assigns: *Provided*, That nothing in this act shall be so construed as to exempt this bridge from the operation of the existing laws enacted by Congress for the protection of navigable waters and any changes in the said structure which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owners thereof at their own expense.

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

Amend the title so as to read as follows: "To legalize a bridge across Indian River North, in the State of Florida."

The committee amendments were agreed to.

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

The title was amended.

INAUGURAL CEREMONIES.

The SPEAKER. The Chair lays before the House Senate joint resolution 106, authorizing the granting of permits during inaugural ceremonies on the occasion of the inauguration of the President-elect, March 4, 1909, and so forth. Without objection, a similar bill having already passed the House, this bill will lie on the table.

There was no objection.

THE SPEECH OF MR. WILLETT.

Mr. MANN. Mr. Speaker, I rise to present a privileged resolution and report, by direction of the select committee appointed under House resolution 494, and I ask that the Clerk may read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

House Report No. 1962, by Mr. MANN.

The select committee appointed under House resolution 494, which reads as follows:

"Whereas the speech of Mr. WILLETT, printed in the CONGRESSIONAL RECORD of January 18, 1909, contains language improper and in violation of the privilege of debate: Therefore be it

"Resolved, That a committee of five Members be appointed to consider the remarks aforesaid and report to the House within ten days, beg leave to respectfully report as follows:

"Your committee invited Mr. WILLETT to submit in writing any suggestions he desired to make in the premises, and his statement is herewith appended as Exhibit A.

"The consideration of the speech in question involves a consideration of what is and what is not orderly debate in the House.

"The freedom of speech in debate in the House of Representatives should never be denied or abridged, but freedom of speech in debate does not mean license to indulge in personal abuse or ridicule. The right of Members of the two Houses of Congress to criticise the official acts of the President and other executive officers is beyond question, but this right is subject to proper rules requiring decorum in debate. Such right of criticism is inherent upon legislative authority. The right to legislate involves the right to consider conditions as they are and to contrast present conditions with those of the past or those desired in the future. The right to correct abuses by legislation carries the right to consider and discuss abuses which exist or which are feared.

It is, however, the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated.

"It has been constantly decided that it was not in order in debate in the House to refer in criticism to a speech in the Senate or to the proceedings or motives of the Senate. This is upon the well-established principle that legislative proceedings dependent upon two coordinate branches might be greatly impeded if personal and improper reflections were allowed in one body concerning the Members of the other.

"The two Houses of Congress are independent in the action to be taken by each, but each House is dependent upon the other for final results of legislation. The relationship of the two bodies is such that animosity, undue friction, or antagonism between them might easily prevent wise legislation and result in serious consequences.

"The Constitution requires the President from time to time to give to Congress information of the state of the Union and to recommend such measures as he shall judge necessary and expedient. It also provides that every bill which shall pass the two Houses of Congress shall, before it becomes a law, be presented to the President of the United States, and gives the President the right of veto. The Constitution also confers upon the House of Representatives power of impeaching the President. In matters of legislation the Constitution therefore makes the House of Representatives, the Senate, and the President coordinate, dependent, and interdependent powers, and the principles of proper decorum and due courtesy governing the relations of the two Houses of Congress should also, to a certain extent, govern the relations of the House of Representatives and the President.

"But since the House of Representatives has the sole power of impeaching the President, it follows that his acts and conduct must be subject to free and full debate in the House, and since the President's motives may be involved in impeachment, debate in the House may refer to his motives. In this respect the House has a function and privilege peculiar to itself and peculiar to the subject. The House may not enter into discussion of the motives of Senators in their official acts, nor may the Senate or the President in official capacity properly discuss the motives of Representatives in their official acts or debates. It would seem, however, that the peculiar constitutional duties of the House in relation to the power of impeaching the President do not preclude a clear line of distinction between that criticism of acts and conduct necessary for performance of the constitutional duties of the House and a criticism merely personal and irritating, having no legitimate connection with the duties or powers of the House and tending only to produce ill feeling, estrangement, and loss of respect between two coordinate branches of the Government which should, for the public good and the upholding of the Government, stand before the people in relations of personal courtesy, mutual respect, and proper dignity.

"Since, under the Constitution, the Members of the House may not be questioned elsewhere for speeches in the House, and the President ought not therefore to criticise or comment officially upon speeches in the House, it becomes especially the duty of the House itself to protect the President from that personal abuse, innuendo, or ridicule tending to excite disorder in the House itself and to create personal antagonism on the part of the President toward the House, and which is not related to the power of the House under the Constitution to examine into the acts and conduct of the President.

"Your committee has carefully considered the remarks of the gentleman from New York, as directed by the resolution, and, testing the same by the foregoing principles, find that his remarks concerning the President are not justified by any considerations of the constitutional duties or powers of the House; that they transcend proper limits of criticism in debate; that they are destructive of that courtesy, respect, and dignity which ought to be preserved, and that they ought not to remain in the permanent official record of the proceedings in the House.

"Your committee finds it impossible to separate those portions of the gentleman's remarks which are open to objection from those which may be parliamentary, and that the only way to eliminate from the record the remarks which were improper and out of order is to strike the entire speech from the record.

"There are precedents for such action by the House, probably the most notable of which occurred in the Fifty-first Congress. The CONGRESSIONAL RECORD of September 14, 1890, contained a speech made by Robert P. Kennedy, of Ohio, on September 3. On September 15, Benjamin A. Enloe, of Tennessee, offered the following resolution:

"Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to communicate to the Senate the fact that the House reprobates and condemns the unparliamentary language of Hon. Robert P. Kennedy, a Representative from the State of Ohio, published in the CONGRESSIONAL RECORD of September 14, 1890, purporting to be a speech delivered on the floor of the House, September 3, 1890, in which revised and amended speech he repeats his impeachment of honesty of Senators individually and of the Senate as a body."

"This resolution after debate was referred to the Committee on the Judiciary, which committee on September 24 reported the following resolution, which were agreed to in the House by vote of 151 years to 36 nays:

"Resolved, That the House, deeming it a high duty that the utmost courtesy and decorum demanded by parliamentary law and precedent should mark the mutual relations of the two Houses of Congress, does hereby express its disapproval of the unparliamentary language used by Hon. Robert P. Kennedy, a Representative from the State of Ohio, in his speech delivered on the floor of the House on the 3d day of September, 1890, and published in the CONGRESSIONAL RECORD of September 14, 1890. And considering it impracticable to separate the unparliamentary portions of said speech from such parts thereof as may be parliamentary: Therefore, be it further

"Resolved, That the Public Printer be directed to exclude from the permanent CONGRESSIONAL RECORD the entire speech of Hon. Robert P. Kennedy in the first resolution mentioned."

"The committee therefore recommend the adoption of the following resolution:

"House resolution 516.

"Resolved, That the speech of Mr. WILLETT, printed in the daily CONGRESSIONAL RECORD of January 18, 1909, contains language improper and in violation of the privileges of debate, and that the same be stricken from the permanent RECORD."

#### EXHIBIT A.

HOUSE OF REPRESENTATIVES,  
Washington, D. C., January 22, 1909.

To the honorable special committee having in charge the matter contained in House resolution No. 494, adopted January 19, 1909.

GENTLEMEN: I have received information through your chairman that your committee will meet on Monday next to consider any statement in writing I may desire to present, and in pursuance therewith I desire to respectfully submit the following:

It is my serious and earnest contention that I was entirely within my rights to make the speech, under the order of general debate, and in availing myself of the freedom of debate and the uniformly recognized latitude of discussion I but followed the established custom and practice of the House, and did in nowise transcend the rules of the House as they have always heretofore been understood by the Members of the House.

It will serve no useful purpose for me to cite numerous instances where personal reference has been made by Members to nonmembers, Members to Members, and Members to the Chief Executive in the course of debate in language, taken separately or collectively, infinitely stronger than my own—this committee is composed of Members of long service in this House—and a citation of cases is unnecessary.

Freedom of speech has always been held so sacred that the utmost latitude has been allowed in debate, and I respectfully submit that to strike my speech from the record in this instance will establish a precedent extremely dangerous, because it will mean, in the light of past precedents, that the House has at last surrendered to the proposition that no Member can discuss any subject the discussion of which happens to displease the majority.

Urging again my sincere conviction that my speech should remain on record, I assure the committee of my

Sincere respect,

WM. WILLETT, Jr.

Mr. MANN. Mr. Speaker, I do not desire to occupy the time of the House. The report is a unanimous report. If any gentleman desires, I will yield time, but otherwise I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

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

#### POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill. And pending that motion, I ask unanimous consent that general debate close in two hours and thirty minutes, one half to be controlled by the gentleman from Tennessee [Mr. Moon] and the other half by myself.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union, and pending that motion he asks unanimous consent that general debate close in two hours and thirty minutes, one half to be controlled by himself and the other half by the gentleman from Tennessee [Mr. Moon]. Is there objection?

There was no objection.

The motion of Mr. OVERSTREET was then agreed to.

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

Mr. MOON of Tennessee. Mr. Chairman, I now yield ten minutes to the gentleman from South Carolina, Mr. LEVER.

Mr. LEVER. Mr. Chairman, it will be a source of disappointment to the rural population, the farmers, of the country that the Committee on Post-Offices and Post-Roads in its wisdom did not see fit to include in the bill now under consideration provisions carrying into effect certain recommendations of the Postmaster-General in his last annual report. I wish to call the attention of the committee briefly, because my time is limited, to one recommendation of the Postmaster-General which I regard as of vast importance to the fullest development of the postal service. I refer to that recommendation which contemplates the inauguration of a limited parcels post on rural routes.

I read from the Annual Report of the Postmaster-General for the fiscal year 1907:

I recommend the establishment of a special parcels-post system on rural delivery routes for packages originating on a rural delivery route or at the distributing post-office for delivery by rural carriers to patrons thereof at a rate of 5 cents for the first pound and 2 cents for each additional pound or fractional part of an additional pound up to 11 pounds; for 2 ounces or less, 1 cent; over 2 ounces and up to 4 ounces, 2 cents; over 4 and up to 8 ounces, 3 cents; over 8 and up to 12 ounces, 4 cents; over 12 ounces and up to 1 pound, 5 cents.

This recommendation carries the idea of giving the farmers of the country conveniences additional to those now brought

to them by the rural delivery service. One of the annoyances of country life is the inconvenience involved in obtaining for use many of the small necessities of life. Every farmer here present knows of his own experience how much time is taken in extra trips to town and city for these necessities of the home and farm. He knows that in the aggregate the waste is incalculable, and I am sure, if given an opportunity to have a direct vote upon the proposition, he would guard himself and all of the farmers of the country against its continuance. Let me illustrate: The farmer makes his usual trip to the village on Saturday to provide himself with supplies for the following week. Likely as not he has jotted down a memorandum of the various things he is to purchase. It develops on Monday morning that his good wife had overlooked the fact that she was in need of a package of soda or a pound of coffee or a few yards of cloth for the children. A plow must be stopped in the busy season of the year, it may be at the sowing or harvest time, when every hour is valuable, and some one must make the trip to town, else the bread goes without soda or the breakfast comes without its usual cup of coffee. This is not only a serious inconvenience, but, I repeat, in the aggregate amounts to a tremendous drain upon the time of the farmer, and it must be remembered that time is money to the farmer as well as to every other class.

Under the system recommended by the Postmaster-General, and which I most earnestly advocate, this inconvenience and waste of time will be obviated. A post card to his merchant setting out that a package of soda or a pound of coffee or a few yards of cloth or any other article of small weight is needed will have the desired article forthcoming by rural carrier the next morning, and at a cost which amounts practically to nothing.

This plan is so simple, so pregnant with benefits to so large a class of our population, so justified by good sense and the desire to legislate in the interest of all the people, that it must seem strange that Congress has not already authorized by law its establishment. The fact is that practically no consideration has been given it. It has been neglected, cast aside, and to that extent met unfavorable consideration.

The Postmaster-General, I take it, is not the kind of man to lose heart because of one rebuff, and in his annual report for this year he is so earnest in his insistence that this proposed plan be given the consideration to which its probable beneficent results entitle it that he asks Congress only to permit him to ascertain its practicability by allowing him to establish experimentally a limited local parcels post in not to exceed four counties in the United States. His recommendation reads:

I urge that the Postmaster-General be authorized and directed to establish experimentally a limited local parcels post, confined entirely to rural-delivery routes in not to exceed four counties in the United States for packages of fourth-class matter originating on a rural route or at its distributing post-office for delivery by rural carriers to patrons thereof at such special rates of postage and under such regulations as the Postmaster-General may deem advisable, and that no parcel shall be accepted from any person acting as representative for any person or company not a resident on such rural delivery route or in the town from which they emanate, and that only such parcels shall be received for delivery at the special rates of postage as are offered by bona fide merchants or dealers whose regular places of business are on such rural delivery routes in the ordinary and regular course of their business and in their individual capacity by residence on such routes.

Here the Postmaster-General begs Congress to allow him to experiment, to ascertain the facts, to see how the system works, that we, as the representatives of the people, may be the better informed as to the wisdom of enacting legislation which looks to the establishment of such a system for all rural routes throughout the country. This is not an unreasonable request, and it passes my understanding that any objections to it from any source should arise.

It may be well for gentlemen to bear in mind that we now have a general parcels post; but the system is such that it is little used by the general public, for the reason that the limit of weight for each package is only 4 pounds, and the postage per pound is 16 cents. The system proposed increases the weight of the package to 11 pounds and reduces the postage on a package of 11 pounds to a little more than 2 cents per average pound. Such a system, in my judgment, as is sought by those who agree with the recommendation of the Postmaster-General would find universal favor, and in a short time become as popular with the people even as rural delivery, and likewise as indispensable and as fruitful of benefits.

If must be remembered that it is not necessary to construct any special machinery with which to put this system into operation. We now have the machinery in the 35,000 rural delivery routes in operation and serving 18,000,000 of our rural population. This system of rural delivery is costing us \$35,000,000 per annum, and it does seem not unreasonable to ask for legislation which will give it its fullest development and bring from it its greatest possible good to the people.

The cost of putting into operation this system of limited parcels post will be met by the increased revenues arising from it. In fact, the Postmaster-General expressed the belief that the revenues arising from such a system will not only increase the salaries of fourth-class postmasters, because of augmented cancellations, but will at the same time bring such an increase in revenue to the Government as to go far in wiping out the present large postal deficit which confronts the country from year to year. In support of this idea he sets out in detail data which convince me that he is correct in this opinion, so that I have no fear that we are about to saddle upon the country an expensive system. On the contrary, I should look to it as a source of revenue.

Mr. CHAIRMAN, I call attention to the fact that Great Britain, Germany, France, and many other foreign countries have had for many years systems of general parcels post, and my information is that they have worked most admirably. I am not willing at this time, however, to go on record as favoring a general parcels post, but I do believe that it is wise that a limited parcels post should be inaugurated and that it should be done at once.

What is the opposition to such a system? Upon what reason is it founded? Who are those circulating petitions for signatures all over the country against it? When he was Postmaster-General, John Wanamaker said that "there are but four strong objections to the parcels post, and they are the four great express companies." I do not fully agree to this as it relates to a general parcels-post system, but I do agree to it as it relates to a limited parcels post, as advocated by the present Postmaster-General in his several reports upon the subject; and, I may add, that to the opposition of the express companies must be noted also the vigorous objections of the great mail-order houses.

Mr. CAULFIELD. Is it not a fact that the great mail-order houses of the country are the ones who are really in favor of the parcels post?

Mr. LEVER. Not at all. On the contrary, this plan looks to giving the merchants of local towns from which rural routes emanate the benefit of a reduced rate over merchants and companies of other cities and towns. In other words, the mail-order houses would not be able to compete with the local merchants upon the basis of the postage rates recommended by the Postmaster-General for a limited rural parcels post. The wisdom of discriminating in favor of the local merchant must be apparent to anyone who regards for a moment the danger involved in a system which would inevitably centralize the commerce of the country. Unfortunately there is too much of this at present, and every expedient should be adopted to check its growth.

But I insist, Mr. Chairman, that a great system should not be throttled and kept from consideration because, perchance, a few great corporations think they are to suffer on account of it. We are here to legislate in the interest of all the people, and here is a plan offered by which 18,000,000 people now patiently enduring many inconveniences may be helped, and it is our duty to afford the aid.

Mr. CHAIRMAN, I shall not attempt a further discussion of this most important proposition in the short time which has been allowed me, but I want to say that the opportunity is ours to authorize this experiment as is recommended, an experiment which will, in my humble opinion, bring a "direct and vital benefit to every man, woman, and child within reach of a rural route." We have been generous to the rural delivery system. It had its beginning in the teeth of the most violent opposition; it was begun as an experiment; it is now a settled policy. Who would destroy it? It is the belief of those of us supporting a limited parcels post that ten years from the first experiment with it it will prove as beneficial, as far-reaching in its influence for good, as helpful in making farm life happy and contented as has the great system of rural delivery. And, Mr. Chairman, I want to call the attention of the House to the unfortunate tendency among our rural population to drift away from the country into the towns and cities, and this is especially true of our young men and women.

The reason is the desire for more conveniences, better schools, better roads, and a closer social contact upon the part of the rural population. Whenever the day comes that our country people become dissatisfied with the conditions which surround them, and find it necessary to move into towns and cities to find the relief they seek and which they should have, it will be an evil day for this Republic. Rural delivery has had much influence in checking this tendency; the rapid inauguration of rural telephones over the country is having a large influence in the same direction; and the establishment of a system of delivering small packages at a mere nominal cost at the gates of the rural population will, in my judgment, be a most vital

agency to the same end. In fact, I doubt not that these three influences acting together, resulting in better roads, improved school facilities, easy communication, and greater conveniences for country life, will turn the tide, and the drift in the future will be from the city to the country; and this is a consummation devoutly to be wished. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, it is a matter of some regret to me that I may not be able to add very much to the sum of knowledge or information which, to my mind, the House is entitled to when a great bill carrying \$234,534,370 is under discussion. The postal service of this country is a great service. It is complicated, and in some respects that service is antiquated and out of date. There has been in existence in this country for some years a Postal Commission having for its purpose the remedying of the postal service and bringing that service up to date as a business proposition. That commission has labored long. They have worked faithfully, I have no doubt, and to-day we have the result of the labors of this commission in the form of a report, and, I may add, a bill containing 293 pages with 623 sections. It is hoped by some people that the recommendations of the Postal Commission may be carried out at this session of Congress.

I for one regret to say that I do not see how this can be accomplished. It is proposed to reorganize the postal service. It would be impossible in a speech of an occasion like this to even give a fair criticism of the bill, either favorably or unfavorably. I may say that in some of the recommendations of this commission I heartily approve, but there are others to which I am unalterably opposed. I do not believe that it is possible in the short session, in the time that will elapse from now until the 4th of March, to give a great subject like this proper consideration. I think that three months in committee is the shortest time possible in which to give the bill proper consideration. Believing this, I shall oppose in every way in my power the passage of the bill at this session. I believe that this subject should be thrashed out thoroughly in the Post-Office Committee room. The time will come, so we are told, after the 15th of March, when Congress will be called in extraordinary session, to give the Republican party an opportunity to reform the tariff, as they have promised to do.

Then, if precedent is to be followed, the other committees of the House, except the Committee on Ways and Means, will have little or nothing to do. There will be ample time for the Post-Office Committee to take up the work of the Postal Commission and consider the proposed revision, codification, and amendment of the postal laws of the United States. Amongst other things, there is contained in this volume—for that is what it amounts to—recommendations for new offices and an increase of salaries. I believe it is claimed that the increases in salaries amount to only \$290,000. I do not agree to that proposition. I think that an analysis of this bill will show that the increases of salaries asked for amount to a much larger sum. Besides the new offices to be created, there is one that I have been studying to ascertain, if I can, the limitations of power conferred upon him—the director of posts. Up to this time, Mr. Chairman, I have been unable to approximate the power and authority that will be lodged in this individual.

The tendency of the times is, and I think harmfully so, toward centralization. The director of posts is to be the great tycoon of the Post-Office Department. I observe that the rural delivery service, a service that is of unbounded benefit to the people living in the rural sections, is attached to the bureau of post-offices, where I think it should not be, for the reason that this is the political division of the service. I will not go on with this discussion, but I want to say that to my mind there is not time at this session of Congress to take up this bill; and the statement has been made here that it is hoped that this will be done. I think that I should voice my opinion and give my reasons in a brief way why I do not believe it can be done.

Now, as to the bill under consideration, Mr. Chairman. I shall discuss very few items in that bill. The estimates of the Post-Office Department, I presume, given to us are officially passed on by the Postmaster-General. It is a fact that this individual, learned and patriotic and able man that he is, sometimes makes mistakes. He recommended \$36,243,000 for the support of the rural-delivery service this year. In committee room when this proposition was thrashed out it was found that the amount was insufficient to support the service for the next fiscal year and to inaugurate any new service. In other words, if his recommendation had been carried out there would not have been 150 rural-delivery routes inaugurated next year. So the Committee on the Post-Office and Post-Roads wisely—and I may say this is the first time there has been a unanimity of

opinion as to what the proper amount should be—brings in a bill recommending \$1,117,000 more money for the support of the rural-delivery service than was recommended by the Post-Office Department; so this accounts in some measure for the aggregate of money carried in the bill exceeding their estimate, and I think the increase a proper and necessary one.

Take the matter of salaries. We all know that to secure the best talent in the postal service you must have the very best employees obtainable, and merit and ability in a man engaged in this service are measured exactly as they are in other lines of business. You must pay people in order to secure the most efficient service. I think that Congress in recent years has been comparatively fair and liberal in this respect. I may say it is perhaps true that the rural carriers have not received the same consideration that has been shown to other employees of the postal service; but, Mr. Chairman, the time will come, and I hope shortly, when further and proper consideration will be given to them. I think that their salary should be at least \$1,000 per annum. It was found impossible to do so at this session of Congress, for the reason, we have heard so often stated, that to-day the Government is running behind in its receipts; that they are smaller than the expenditures of the Government, and the prospect is that by the end of this fiscal year the deficit will amount to anywhere from \$135,000,000 to \$165,000,000.

I do not think that considerations like this should always control; but, Mr. Chairman, they are likely to control the majority party in power. We have made some recommendations for increases of salaries by way of promotions; but they were necessary, in the main, for the good of the service. Some small allowance has been made for clerks and carriers at first and second class offices. Some little consideration has been shown to employees in the Railway Mail Service, but, in my opinion, not enough. The question whether or not there should be an allowance or expense account, so to speak, provided by law for the railway mail clerks has been agitated for many years. This is a question that appeals to the fairness of Congress. Take the facts as they are. Every railway mail clerk in the same grade receives the same salary. Now, it is true that some of the employees in the Railway Mail Service have a travel expense each year, amounting in some instances to as much as \$360 a year. Others in the same grade have an expense account amounting to little or nothing, only a few dollars. This, in my judgment, should be remedied.

I may say that the United States is one of the few great nations of the world that does not recognize this discrepancy and does not make a proper allowance. England, France, and Germany do.

Mr. Chairman, it has been argued here that the salaries paid in this country are much greater than the salaries paid in the European countries mentioned by me. This is true, measured in dollars; but when you take into consideration the cost of living in the United States and the cost of living in England, France, and Germany, I state emphatically that the railway mail clerks of the United States receive a smaller wage than they do in those countries. The cost of living in this country, practically speaking, is twice as high as in Germany, nearly twice as great as in France, and a great deal larger than in England. So, when you consider the conditions here and abroad, my opinion is that Congress should make due and proper allowance in this respect. Whether Congress will do so at this session or not, I do not know. With the permission of the committee I will incorporate in my remarks some statements as to the average wage rate and allowance and cost of living in the United States, England, France, and Germany. Our neighbor, Canada, makes an allowance, and I may say that the United States is practically the only great country in the world that does not recognize the merit of this proposition. [Applause.]

*Salaries and allowances of railway postal clerks in Great Britain, Germany, and France.*

Great Britain :		
Average salary		\$781.73
Mileage allowance		156.00
Total		937.73
Clerks in this service average to work three-fourths of the time, do not have to study distribution, and are advanced annually in grade until maximum salary is reached.		
At age of retirement they are pensioned at expense of the Government.		
Germany :		
Average salary		\$514.30
Average mileage allowance		197.08
House rental, average city		135.07
Total		846.45
Clerks in this service average to work three-fourths of the time, do not have to study distribution, and are advanced in grade by three-year periods until maximum salary is reached.		
They are pensioned by the Government at age of retirement.		

France:	
Average salary	\$610.00
Mileage allowance	180.00
Residence allowance	80.00
Total	870.00

Clerks in this service have to study and learn distribution, but the requirements are not so high as in the United States—i. e., they do not have to learn so many post-offices, and the average of examinations is not so high. They also receive pension at age of retirement.

United States:

Average salary, no allowances, under appropriation bill	
In effect at present, 1908-9	\$1,152.00

Expenses of living in the United States, such as house rent, provisions, clothing, and all necessities, is about twice as great as in countries above mentioned; therefore those salaries and allowances should be multiplied by 2.

Mr. Chairman, I will not take up the further time of the committee. As stated, on account of indisposition, I shall not proceed further with my remarks to-day, and I yield back the remainder of my time to the gentleman from Tennessee [Mr. MOON].

Mr. MOON of Tennessee. I yield three minutes to the gentleman from Kentucky [Mr. OLLIE M. JAMES].

Mr. OLLIE M. JAMES. Mr. Chairman, on yesterday in a colloquy with the gentleman from Indiana [Mr. OVERSTREET] some dispute arose in the House as to the number of railway mail clerks killed or injured, or slightly injured, during the years 1904, 1905, 1906, 1907, and 1908. The statement I made yesterday that more than 2,900 mail clerks were killed or injured in the last five years was quickly challenged by the gentleman from Indiana [Mr. OVERSTREET]. I now desire to verify the statement I then made. I have a list here now, taken from the reports of the Post-Office Department, which I desire to incorporate in the RECORD, showing the number killed or injured, or slightly injured, during the five years mentioned, to be 2,940.

Following is the statement:

*Accidents in Railway Mail Service.*

Year.	Total clerks.	Accidents.	Clerks killed.	Seriously injured.	Slightly injured.
1904	11,270	378	18	90	348
1905	12,110	257	12	125	386
1906	13,598	328	<sup>a</sup> 16	77	414
1907	14,357	470	21	125	662
1908	15,295	405	<sup>b</sup> 6	104	536
Total.			73	521	2,346

<sup>a</sup> In addition to these there was 1 weigher.

<sup>b</sup> Two of these were civil-service substitutes.

Total killed and injured, 2,940.

Mr. MOON of Tennessee. Will the gentleman from Indiana [Mr. OVERSTREET] now occupy the remainder of the time?

Mr. STAFFORD. The gentleman from Indiana [Mr. OVERSTREET] is not on the floor at present, but I understand he is to yield some time to the gentleman from Wisconsin [Mr. JENKINS] and the gentleman from Massachusetts [Mr. WEEKS]. If the gentleman from Wisconsin is on the floor, I would suggest that he proceed. Otherwise I will yield, in conformance to the arrangement of the gentleman from Indiana [Mr. OVERSTREET], to the gentleman from Massachusetts [Mr. WEEKS] for ten minutes.

Mr. WEEKS. Mr. Chairman, I wish to call the attention of the committee to some statements that were made by the gentleman from Illinois [Mr. RAINER] yesterday in referring to the sale of two ships to the United States Government to be used in connection with the Panama service. The ships were the *Tremont* and the *Shawmut*, of the Boston Shipping Company. They had been operated between Seattle and the Orient. They were built for that purpose. Their original cost was between \$1,800,000 and \$1,900,000. It was estimated that their value at the time they were offered to the Government was this amount, less 3 per cent to be deducted each year that they had been in service. Therefore an appropriation of \$1,500,000 was made to purchase them. There was no secrecy about this appropriation. It was introduced in the sundry civil bill last year by an amendment offered by the senior Senator from Massachusetts. The amendment was published in all the papers. It was acted upon by the Senate; it went to conference, was approved in conference, as the conference report was by the House, and therefore it received the approval not only of the Senate but of the House, acting through the conference report.

It was intimated by the gentleman from Illinois that those ships were not needed; that they could not be used in the service for which they were purchased; that they were unfit for service; and other things which I will not refer to. As a matter of fact, Mr. Chairman, before these ships were purchased

the Secretary of War requested the Secretary of the Navy to appoint a board to pass upon the condition of the ships and their value. They were surveyed by the inspectors of the Panama Canal Commission. Both boards reported in favor of the purchase of the ships. Then, before making the purchase, the Secretary of War offered the company owning them the cost of the ships less 6 per cent deduction for every year they had been in service. In other words, he paid for the ships delivered in New York—not delivered in Seattle—\$1,150,000.

Mr. Chairman, the gentleman from Illinois forgot to state yesterday that in purchasing the ships the Secretary of War, instead of paying the amount of the appropriation, bought them for \$1,150,000 at the port of New York, delivered there by the company selling them. That was \$400,000 less than the appropriation, and it included the cost of bringing the ships around from Seattle to New York.

The gentleman from Illinois forgot to mention one other thing—that in purchasing the ships, they were bought for the Panama Canal Commission, to be used in that service as long as needed, and then to be transferred to the Navy Department, to be used as colliers or auxiliaries or some kind. Everyone knows that we employed 200,000 tons of foreign bottoms in order to send our fleet around to the Pacific coast. If we had owned these ships, and they had been in commission at that time, we would only have had to have chartered 180,000 tons of foreign bottoms for that cruise; and, further, I am informed that, based on the price at which they were purchased, the transportation of supplies for the Panama Canal Commission can be made to the Isthmus cheaper than the going rates for foreign tramps. Therefore, while it is regrettable that the company which built these ships and attempted to operate them found it necessary to make such a great sacrifice, the Government in buying them may be congratulated on obtaining a good bargain.

Furthermore, the gentleman said that there was not depth of water enough on the bar at Colon for the ships. I think he is mistaken. I went into that harbor more than 25 years ago in a ship drawing more water than do the *Shawmut* and *Tremont*. There was no difficulty at that time, and I doubt if there is any difficulty to-day. Furthermore, we are building the canal so that we may send the largest battle ships and the largest ships from one ocean to the other; if we are going to do that we must deepen the channel up to the entrance of the canal for that purpose, and therefore it need entail no unnecessary expenditure to use these ships, even if there were not water enough there at the present time.

Taking everything into consideration, Mr. Chairman, we may conclude that the Government made a good purchase in buying these ships; there was no secrecy in connection with it; everybody knew it was being done. The purchase had the sanction of the War Department at that time, and the succeeding War Department carried out the purchase.

Now, there is just one thing more I want to call to the attention of the committee, and that is the reference which the gentleman from Illinois made to the senior Senator from Massachusetts.

I should not take the time of the committee to refer to the character of the charges made against him if they were not involved in the statement of facts to which I have just referred. His distinguished career for the past twenty-four years in the two Houses of Congress should have protected him from such unfounded charges. Many Massachusetts men dissent from his political views. He has, as have most men, created personal opposition, if not enmity, but the people of Massachusetts, whether friendly or otherwise, political foes and political adherents alike, would unanimously resent and repudiate any aspersion against his personal integrity, or any charge of collusion on his part of an attempt to misappropriate public funds. [Applause.]

If the other so-called "facts" in the conspiracy which the gentleman from Illinois developed yesterday are as unfounded as the charges to which I have referred, the whole speech deserves to be relegated to the realms of fancy.

Mr. OVERSTREET. Mr. Chairman, I should like to inquire of the gentleman from Tennessee if he desires to use any further time? My understanding is that the gentleman has occupied all the time he desires. I merely wanted to confirm that idea; but I observe the gentleman is not on the floor.

Mr. WEBB. I think that is right.

Mr. OVERSTREET. I had expected the gentleman from South Carolina to occupy his full time, and had granted time to one of the gentlemen on this side after the gentleman from South Carolina finished; but he finished much sooner than was expected, and the gentleman to whom I have accorded time is not present. I therefore ask for the reading of the bill under the five-minute rule.

Mr. RAINY. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. RAINY. If the gentleman has more time at his disposal, I should like to have about five minutes.

Mr. OVERSTREET. I think I had better not yield except to those gentlemen to whom I have accorded time on this side. I ask that the reading of the bill be begun.

The Clerk read as follows:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day, \$325,000: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more.

Mr. GOEBEL. Mr. Chairman, I desire to reserve a point of order on the paragraph just read, and I ask unanimous consent that this paragraph, with the point of order reserved, be passed without prejudice until we have concluded the reading of page 22.

Mr. OVERSTREET. Mr. Chairman, I dislike that practice very much, and I can not grant unanimous consent to pass this matter. I do not know just what the gentleman's point of order is, nor do I know what his purpose is. Of course I have no right to ask him not to make his point of order, but I do not agree to pass the paragraph.

Mr. GOEBEL. I thought probably the gentleman would agree that for the present we pass it. There may be some difference of opinion as to some items in this bill that may be reconciled, and I would prefer at this time that this paragraph go over.

Mr. OVERSTREET. I would rather not do it.

The CHAIRMAN. Objection is made.

Mr. OVERSTREET. I do not know what the gentleman refers to. He has made no statement to me.

The CHAIRMAN. Does the gentleman from Ohio insist on his point of order?

Mr. GOEBEL. I must insist on my point of order if the gentleman does not consent to the passing of this paragraph at this time.

The CHAIRMAN. The gentleman from Ohio will state his point of order.

Mr. GOEBEL. My point of order is that there is no statutory law which authorizes this appropriation. Now, I will say, Mr. Chairman, that there are other provisions in this bill relating to traveling expenses and per diem of railway mail employees. It is my purpose, if you please, to call to the attention of the Chair and of the committee the fact that on page 20 of this bill there is a provision as follows:

For actual and necessary expenses of division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, \$23,000.

I want to be perfectly frank with the gentleman from Indiana, and will say to him that at the proper time I propose, if permitted, to offer an amendment to that provision, which amendment is as follows—

Mr. OVERSTREET. Will the gentleman permit a question?

Mr. GOEBEL. Certainly.

Mr. OVERSTREET. Do I understand the gentleman from Ohio to suggest that his proposition is to let this paragraph pass over without prejudice or action for the purpose of later in the bill offering an amendment which he thinks is equally out of order, and that if I will not make the point of order against his amendment he will not make the point of order against this paragraph?

Mr. GOEBEL. If the gentleman will permit me, I will tell him just what I propose to do.

Mr. OVERSTREET. Mr. Chairman, I desire to treat my colleague with the utmost courtesy and fairness, but I submit that he is not addressing himself to the point of order, and I can not see for the life of me why he considers this point of order in connection with a subsequent amendment.

The CHAIRMAN. Can the gentleman from Indiana furnish the Chair reference to any law upon which he thinks this paragraph is based?

Mr. OVERSTREET. There is a statute, a permanent law, which is the real basis for this legislation, and I have just been making a search for it. Section 4017 of the Revised Statutes, I think it is. It is an old statute, authorizing the employment of special agents, and upon that statute has grown from year to year the enlargement of the number of special agents and a change of title from special agents to post-office inspectors. That has been recognized in permanent law, which is authority

of law for items in the appropriation in the postal service for post-office inspectors. I have not before me the different decisions and citations. No one has ever during my term raised a point of order on this item, and therefore I do not happen to have all the data.

Mr. GOEBEL. I would rather have the gentleman furnish the data now.

Mr. OVERSTREET. I have furnished the citation as far as I have it. I would like to have the gentleman disprove it.

Mr. GOEBEL. It is not incumbent upon me to disprove it.

The CHAIRMAN. The Chair thinks that the gentleman from Indiana should call the attention of the Chair to the existing law.

Mr. OVERSTREET. I may not have given the Chair the right number of the section, but that is the nearest I have to it here.

The CHAIRMAN. It is not the right section. The section the gentleman cited refers to supervisors of election.

Mr. GOEBEL. Had not the gentleman from Indiana better let it go over?

Mr. OVERSTREET. I will not let it go over. I do not think it is proper to enter into a bargain with anybody about an amendment that may come up subsequently in the bill.

The CHAIRMAN. If the gentleman from Indiana states to the Chair that there is existing law which would warrant this appropriation—

Mr. OVERSTREET. That has been my understanding for four years. I regret that I can not point to the statute. And this citation given the Chair is the one the Clerk seems to have recorded for that section. I am quite sure there is a permanent statute authorizing the appointment of special agents in the postal service, and upon that statute appropriations have been made from year to year for the post-office inspection service.

The CHAIRMAN. The Chair thinks the gentleman must call the Chair's attention to it.

Mr. OVERSTREET. I quite agree that if I can not point it out, I fall in my point. But I decline to agree to let it pass on some hazy idea of some amendment which the gentleman desires sometime and somewhere to make.

Mr. GOEBEL. The gentleman did not permit me to make a statement. It seems, however, that it would not have influenced the gentleman if I had made it. Therefore we will abide by the ruling of the Chair.

The CHAIRMAN. Does the gentleman desire a ruling on the point of order?

Mr. OVERSTREET. I am willing that the Chair should rule.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, \$35,000.

Mr. GOEBEL. To that, Mr. Chairman, I make a point of order.

Mr. OVERSTREET. That is based upon the same statute to which I have already referred.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For compensation to clerks and employees at first and second class post-offices.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 5, after line 17, amend by inserting the following:

"That after June 30, 1909, employees in first and second class post-offices and in other post-offices having city delivery service, may be granted leave of absence with full pay for not exceeding thirty days in a fiscal year."

Mr. OVERSTREET. I think, Mr. Chairman, the amendment would not be in order at this point because the paragraph is not completed, but I reserve a point of order on it.

Mr. MADDEN. I do not see why it would not be in order here.

The CHAIRMAN. The Chair thinks the amendment is in order, and the Chair sustains the point of order.

Mr. MADDEN. I did not understand the gentleman from Indiana to make a point of order, but to reserve it.

Mr. OVERSTREET. I will reserve the point of order.

Mr. MADDEN. Mr. Chairman, the purpose of this amendment is simply to give the clerks and carriers the same advantages that are accorded to all other employees of the Government. It seems to me that the work performed by those in this branch of the government service is quite as important as that performed by those engaged in other branches of the service; and, if under existing laws or executive orders, employees in every other branch of the government service are entitled to thirty days' leave of absence at full pay, there is no good reason why that same rule ought not to apply to the peo-

ple acting in the capacity of clerks and carriers in the Post-Office Department. Recommendations have been made more than once by the postal authorities in favor of the leave of absence proposed by the amendment. It seems to me that no better investment can be made by the Government than to give the men who are engaged in the arduous duties of clerks and carriers in the Post-Office Department a few days during the year in which to recuperate. When they come back from the vacation which this amendment would permit, if it should be adopted, they would be infinitely better qualified to perform the duties devolving upon them than they can be now, where they are kept constantly at work. I hope the gentleman in charge of the bill will not insist upon his point of order and that the amendment may be adopted.

Mr. HUGHES of New Jersey. Mr. Chairman, I trust the gentleman will reserve his point of order for a moment or two, and I hope the gentleman will not insist upon it finally. As the gentleman from Illinois [Mr. MADDEN] has said, there is no class of governmental employees that I know of who are so much in need and so deserving of the thirty days' leave which is granted to all other employees as the employees legislated about in this amendment. Everybody knows the arduous work that the letter carrier does. Any man who has seen the letter carrier in his daily travels through the great cities of this country, carrying great burdens of the mail that he is compelled to carry, knows that this leave would be no more than fair, no more than proper. Throughout the departments located in this city the thirty-day leave of absence is practically universal. We know that the clerks in the post-office are confined in close quarters, compelled to breathe the vitiated atmosphere. We know that tuberculosis is rampant among that class of employees, and we know, too, that thirty days in a year would be of great benefit to them. There are no harder worked employees in the service of the Government, no more faithful, no more honest employees than the rank and file of the Post-Office Department, and I hope the gentleman will not insist upon his point of order.

Mr. OVERSTREET. Mr. Chairman, I feel compelled to make the point of order that it is not authorized by law.

Mr. BARTHOLDT. Will the gentleman permit a question before that point is made?

Mr. OVERSTREET. Yes.

Mr. BARTHOLDT. Will the gentleman explain why it is that there is discrimination between the employees of other departments and the employees of the Post-Office Department, and why this overworked class should not be entitled to the same leave as clerks in other departments?

Mr. OVERSTREET. Mr. Chairman, that is a pertinent question asked by the gentleman from Missouri, and I shall be very glad to explain briefly the development of this situation. I have forgotten the date of the law, but for a number of years there was no limit whatever to the period of vacation which might be accorded an employee of the Government by the head of one of the departments.

There was great favoritism and discrimination. Some employees were given longer than two months and some were given almost unlimited periods of vacation, and it was not for the purpose of granting the thirty-day leave of absence annually to clerks in the departments that the law was first enacted, but for the purpose of limiting and restricting the wholesale manner in which vacations had been given theretofore. That was what prompted the enactment of the statute fixing the period of vacations to employees in the departments at Washington at not exceeding thirty days. Many individuals, I am sure, have labored under the impression, quite erroneous, that the thirty days' period of vacation granted employees of the departments at Washington was a statute which originally meant thirty days' leave of absence with pay, but instead of that it was a law passed for the purpose of limiting the wholesale manner in which many of the heads of the departments granted unnecessarily longer leaves of absence for vacation periods than thirty days. There was not at that time any provision for leaves of absence to employees in the service in the field.

I have felt that there was on the face of things an apparent discrimination in favor of the vacation period to the employees at Washington, but I believe, Mr. Chairman, the proper way to remedy that would be to further limit the period of vacation to the employees in the departments, rather to enlarge the period of vacation to employees in the field. There is a certain element of sympathy which goes out from all of us toward any person who is employed and who ought to have some period of vacation with pay. Congress has provided that in these two instances, although with an apparent discrimination in regard to the employees in the field, that the period so given

be fifteen days, but the Post-Office Committee a year ago voluntarily recommended to the House that that period of vacation should be exclusive of Sundays and holidays, which has increased it two days, because it is impossible to give fifteen days' leave of absence without striking two Sundays, so that the period of vacation to the employees of the postal service in the field is now at least seventeen days instead of fifteen days.

Mr. WILSON of Illinois. Is there not also a thirty-day period of sick leave given the clerks here in Washington which they get with pay also?

Mr. OVERSTREET. Yes; there is a so-called "sick-leave period," but that grew up in the same way.

Mr. WILSON of Illinois. That applies to the Washington clerks only?

Mr. OVERSTREET. Exactly. That was part of the original plan, the head of the department having unlimited authority in extending periods of vacation and of sick leave, and prompted the statute to make it not to exceed thirty days.

Mr. WILSON of Illinois. That does not apply to clerks of any other department outside of the city of Washington?

Mr. OVERSTREET. No; it does not. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Assistant cashiers, superintendents of delivery, assistant superintendents of money order, assistant superintendents of mails, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, special clerks, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 630, at not exceeding \$1,300 each.

Mr. PARSONS. Mr. Chairman, I desire to offer an amendment, on page 10, line 2, to strike out the word "thirty" and insert the word "fifty-nine."

The CHAIRMAN. The gentleman from New York offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 2, strike out "thirty" and insert "fifty-nine."

Mr. PARSONS. Mr. Chairman, the reason I offer this amendment is this: There are 5 superintendents of stations in the city of New York who now only receive the maximum clerk's salary of \$1,200. There are 24 assistant superintendents of stations in the city of New York who now only receive the maximum clerk's pay of \$1,200. Some of those stations in which these assistant superintendents serve have over a million dollars of receipts, and yet this bill contains no provision, so far as I am aware, by which any of these men can receive any increased compensation.

Mr. STAFFORD. Mr. Chairman, if the gentleman from New York will permit, I will state that he is laboring under a misapprehension. This bill provides for promoting 139 to \$1,300. The gentleman can have assurance of that fact; and I believe, with that assurance, he will withdraw the amendment.

Mr. PARSONS. With that assurance, I will withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 6,961, at not exceeding \$1,200 each.

Mr. MANN. Mr. Chairman, I move to strike out the last word. That is the item in regard to the number of \$1,200 clerks.

Mr. OVERSTREET. The gentleman means just clerks?

Mr. MANN. I think that item only covers \$1,200 clerks, and I want to ask the gentleman if he will not state to the committee just what he has included in this item?

Mr. OVERSTREET. As to the provision in that item?

Mr. MANN. Yes.

Mr. OVERSTREET. That item, Mr. Chairman, provides for appropriations sufficient to care for all the clerks of that grade who will be in the service on the last day of the fiscal year and the promotion of 50 per cent of the clerks of the \$1,100 grade.

Mr. BENNET of New York. If the gentleman will yield, I will say, as I understand the gentleman, it provides also for such incidental promotions as might come up.

Mr. OVERSTREET. Oh, certainly; whatever incidental promotions may come up. I may say, Mr. Chairman, while at that point, that I think the committee has erred on the side of liberality in the estimates of employees in first and second class

offices, and I refer to both offices. I really believe that the total sum could safely be reduced and still have ample money for that purpose. Now, then, to explain a little further.

The total amount, which will be read on page 11, will be sufficient to pay all the salaries of all employees in offices of the first and second classes who are in the service on the last day of the current fiscal year and provide for the promotion under the automatic scale of the classification act of all classes, of all grades below the highest grade in these offices based upon the service in the next lower grade of at least twelve months and an efficiency record satisfactory to the department and a provision for the promotion of 50 per cent of the clerks of first-class offices of the eleven-hundred-dollar grade, and in addition to that enough money for 2,250 additional clerks, and, in my judgment, have still remaining over and above all of these requirements some \$250,000 or \$300,000.

Mr. MANN. Well, that is not such a very large sum out of the total; that would not be a very large surplus out of \$31,000,000?

Mr. OVERSTREET. Oh, no; but I am saying, counting at the maximum all of the employees at their salaries on the 30th day of next June, counting all promotions that are possible under the classification act, and counting all new employees necessary which ought to account for all service, there is still a very liberal surplus remaining.

Mr. MANN. I did not intend to go into that; but if the gentleman has the figures, and he may have them, I wish he might tell us what the total sum would be if you multiplied the salary by the number provided for.

Mr. OVERSTREET. I have not that at hand. I yield to the gentleman from Wisconsin [Mr. STAFFORD], who may have the data.

Mr. MANN. You provide for a number of clerks at a certain salary?

Mr. OVERSTREET. If the gentleman will pardon an interruption, I think I see his trouble.

Mr. MANN. The gentleman himself went into it. Otherwise I should not have referred to that particular thing.

Mr. OVERSTREET. What I mean is that you can not multiply the total number by the total salaries, because they are not all appointed on the first day of the year.

Mr. MANN. I understand that part of it. I asked the gentleman, if he had the figures, what would be the sum if we did multiply the salary by the number provided for, because what you do in the first place is to get it, and then reduce it on some scale.

Mr. GARDNER of Massachusetts. Mr. Chairman, I rise to the negative of the motion to strike out the last word. My purpose is to ask a question or two of the chairman of the Committee on Post-Office and Post-Roads. The chairman has just explained to us that this bill provides for all the automatic promotions in the highest class post-offices and all the automatic promotions in the second-class post-offices, which means that everybody who is going up in the regular scale provided by law will receive the money to which the statute entitles them. In addition, the chairman has pointed out that the bill promotes 50 per cent of the highest grade clerks in the first-class offices. In other words, as to those clerks in first-class offices who have risen as far as they can automatically the bill gives to 50 per cent of them a rise of a hundred dollars each to the sixth grade, but it gives no such rise to the corresponding clerks in the second-class offices. Am I correct that, as far as the second-class offices are concerned, there is no provision made for the promotion of 50 per cent of the highest grade clerks?

Mr. OVERSTREET. If the gentleman was listening he heard me say that in addition to all of that there was remaining a surplus of \$250,000 for these several items to be applied under the law.

Mr. GARDNER of Massachusetts. For such purposes as that amount may be put to?

Mr. OVERSTREET. Under the law; and in my judgment that amount ought to be reduced.

Mr. MANN. Mr. Chairman, I withdraw my pro forma amendment.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the Committee on the Post-Office and Post-Roads if it is not a fact that these promotions often, although they are called "automatic," are made on efficiency records?

Mr. OVERSTREET. That is quite correct, Mr. Chairman; upon the efficiency records and also upon twelve months' service in the next lower grade.

Mr. BENNET of New York. Mr. Chairman, I ask unanimous consent to insert as part of my remarks the department

instructions relative to rating of post-office clerks and carriers as to efficiency. I think it may be of interest to the House.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. BENNET]?

There was no objection.

The document referred to is as follows:

KEEPING EFFICIENCY RECORDS—DEPARTMENT INSTRUCTIONS RELATIVE TO RATING OF POST-OFFICE CLEKS AND CARRIERS.

The following factors shall be taken into account in rating clerks and carriers on efficiency and faithfulness:

1. The average speed with which they do their work from day to day; in other words, the quantity of work they turn out.
2. Their accuracy in performing that work.
3. Their faithfulness in observing the postal regulations and published office rules, including their punctuality and regularity in attendance.
4. Their familiarity with the regulations and instructions pertaining to their work, and in the case of distributors with their distribution schemes.

QUANTITY OF WORK PERFORMED.

Comparative ratings shall be given, on a scale of 100, on the quantity of work employees turn out. Such ratings shall be based on observation of the employees' work, supplemented when practicable by actual counts of the amount done during representative brief periods. The clerks and carriers who set the standard for the office with respect to quantity of work should be rated 100, while those who do enough work to justify their promotion only on condition that their records for accuracy and faithfulness are at least average should receive a rating of 70 for quantity. Employees in the lower grades should be rated somewhat more liberally than those who have had longer service. Recommendations for ratings on quantity of work shall be submitted to the postmaster by supervisory officers on Form 3990 in duplicate. After completion in the manner described below the original copy shall be placed on file in a jacket or envelope containing all the papers relating to the employee's efficiency, while the duplicate copy shall be sent to the employee as a notice of his rating.

ACCURACY AND FAITHFULNESS.

Ratings on accuracy and faithfulness shall be given by imposing demerits for errors, for misconduct or unfaithfulness (including tardiness, failure to register on time recorder, etc.), and for absence in excess of thirty days in one fiscal year when not due to illness or other unavoidable cause. For every ten such demerits 1 per cent shall be deducted from the rating given for quantity of work in order to obtain the combined rating on quantity of work, accuracy, and faithfulness.

In imposing demerits postmasters shall observe the schedule on pages 5 to 8 hereof, unless there are extenuating or aggravating circumstances that make the specified penalty clearly excessive or inadequate. However, an employee who is required to perform several distinct classes of duties—as a "general utility" clerk, or a clerk at a small station or second-class office—should be given fewer demerits for any given error than one who is regularly assigned to a single class of duties. In the case of such employees one-half of the specified penalty will often be sufficient. If a grave offense is repeated, it should ordinarily be penalized more heavily the second time than the first. Errors and offenses not listed in the schedule should have the same penalties as listed delinquencies of the same gravity. In deciding on the penalty for errors not listed both the degree of carelessness indicated and the seriousness of the probable consequences should be taken into consideration.

Employees shall be notified on Form 3991 of every error and offense reported to have been committed by them and shall be given an opportunity to submit any desired explanation. This form shall be filled out in duplicate. After considering the reply the supervisory officer shall submit both copies of the form to the postmaster with a recommendation for a penalty. When final action has been taken the number of demerits given shall be entered on both copies of the form and the duplicate returned to the employee. The original notice and the employee's explanation shall be filed in the efficiency record jacket above mentioned. When a general rating is to be made up the number of demerits imposed for errors and the number imposed for misconduct, etc., shall be totaled separately and the totals entered on Form 3990.

In order to protect the service from the inconvenience occasioned by unnecessary absence of regular employees, demerits shall be imposed as provided by the schedule for absence in excess of thirty days in one fiscal year if not due to illness or other unavoidable cause. As frequent short absence for short periods is more troublesome than continued absence of the same total duration, a greater penalty is provided for the first day of each period of absence than for succeeding days of the same period. When a general rating is to be made up the number of days and partial days of absence for which demerits are to be imposed shall be posted directly from the absence records to Form 3990.

CASE EXAMINATIONS.

All employees engaged in distributing mail shall be examined at least once in each year on their knowledge of their distribution schemes. Such examinations shall consist in sorting addressed cards representing all the possible separations called for by the schemes. Postmasters whose clerks have not been examined heretofore should apply to the First Assistant Postmaster-General for instructions.

The results of case examinations shall be reported on Form 3991 in duplicate, the carbon copy of the report being sent to the employee concerned and the original being filed in his jacket.

A record of 95 per cent correct and an average of 16 cards correctly thrown per minute shall be required on case examinations. Clerks making lower records shall be reexamined, and those finally failing to attain the required standards shall not be promoted. At the end of each year the results of the year's case examinations shall be averaged, and clerks making an average of more than 95 per cent correct and 16 cards correct per minute shall have their general yearly records increased 1 per cent for each additional per cent correct and one-fourth per cent for each additional card correct per minute.

EXAMINATIONS ON REGULATIONS AND INSTRUCTIONS.

Arrangements will be made at a later date for examining clerks and carriers on the postal regulations and other published instructions pertaining to their duties. In order to assist employees in preparing for such examinations, the department will issue pamphlets of instructions covering the work of the several divisions of the post-office.

A record of 95 per cent shall be required on examinations of this character. Employees making lower records shall be reexamined, and

those finally failing to attain the required standard shall not be promoted. Employees having average records for the year higher than 95 per cent shall receive 2 per cent credit on their general yearly ratings for each 1 per cent additional.

## GENERAL RATING.

When an employee becomes eligible for promotion, his supervisory officer shall be called on for a recommendation as to the rating to be given him on quantity of work performed. This recommendation shall be submitted to the postmaster on Form 3990 in duplicate. Both copies of the form shall then be filed out from the records on file in the employee's jacket so as to show (1) the approved rating on quantity of work; (2) the number of demerits charged for errors and omissions; for misconduct, tardiness, etc., and for unnecessary absence in excess of thirty days in a fiscal year; (3) the average of the examination records for the year and the credits due the employee for records higher than the required standards; and (4) the resultant general rating. When an employee has served in a grade for six months a copy of Form 3990 shall be similarly filed out and sent to him as a preliminary notice of his standing. The difference between the rating shown by this preliminary notice and 60 (the required rating) will indicate the maximum number of demerits that can be charged against the employee during the remainder of the year without preventing his promotion, provided that his rating on quantity of work performed and his examination record do not improve. If the question of restoring an employee's salary after a reduction is considered and his general rating made up at the end of one quarter, the number of demerits charged against him during that period must be multiplied by 4 in order to obtain the correct number of points to be deducted from his rating for quantity of work, because he has had but one-fourth the usual time in which to commit errors and offenses. Similarly, if an employee's advancement is considered on the basis of his record for two quarters (as when his promotion has been withheld) the number of demerits charged against him must be multiplied by 2; and if his advancement is considered after three quarters the number of demerits charged must be divided by 3 and multiplied by 4.

After an employee has reached the highest clerk or carrier grade, ratings shall be made up for him at the end of each fiscal year and preliminary notices of his standing sent him at the end of each calendar year.

## REQUIREMENTS FOR PROMOTION, ETC.

Clerks and carriers in the grades from \$600 to \$1,000 in first-class offices and from \$600 to \$900 in second-class offices shall not be promoted to the next higher grade if their general rating is less than 60.

Promotions will be made to the \$1,200 clerk and carrier grade at first-class offices and to the \$1,100 clerk and carrier grade at second-class offices when vacancies occur by death, resignation, removal, or reduction, and when additional positions in those grades are authorized by Congress, the employees who maintain the highest degree of efficiency being advanced; but no employee shall be promoted to the \$1,200 grade if his rating is less than 70 or retained in that grade if his rating falls below 60; and no employee in a second-class office shall be promoted to the \$1,100 grade if his rating is less than 70 or retained in that grade if his rating falls below 60.

If an employee's general rating is less than 50 when a statement of his record is made up as directed above, or if at any time he has 500 demerits charged against him, he shall be reduced to the next lower grade. If an employee's general rating is less than 30 when a statement of his record is made up, or if at any time he has 700 demerits charged against him, the case shall be submitted to the department, with a recommendation relative to his removal from or retention in the service.

If an employee has been absent for any cause for ninety days or more during the year following his appointment or his last promotion, he shall not become eligible for the next promotion until the completion of another quarter's service. If he has been absent one hundred and fifty days or more, he shall not be eligible for promotion until the completion of two more quarters' service; if two hundred and forty days or more, not until the completion of three more quarters' service.

The above instructions and the accompanying forms are designed primarily for the larger offices, but it is believed that postmasters at smaller offices should be able to adapt them to the local conditions.

Any difficulties encountered in the operation of the plan should be reported to the First Assistant Postmaster-General.

Approved.

C. P. GRANDFIELD,  
First Assistant Postmaster-General.

NOVEMBER 23, 1908.

## Schedule of demerits to be imposed on clerks and carriers for errors and offenses.

## OFFENSES AGAINST DISCIPLINE AND GENERAL DELINQUENCIES.

Direct disobedience or insubordination	500
Disrespect or impertinence to superior officer	500
Making false statement to superior officer	500
Falsifying trip report or other time record	500
Giving information to public regarding patron of office or regarding mail matter	500
Returning to patron without authority mail deposited in box or drop	10 to 200
Registering on time recorder for another employee	10 to 200
Intoxication on duty	100
Reporting for duty under the influence of liquor	100
Drinking while on duty	100
Becoming intoxicated in public place, though off duty	200
Drinking in public place, while in uniform, though off duty	100
Smoking while on duty	100
Discourtesy to patron of office	10 to 200
Altercation with fellow-employee	10 to 200
Disorderly conduct in office	10 to 200
Loitering in office	10 to 200
Loitering on route	10 to 200
Untidiness of person	10 to 200
Untidiness of desk	10 to 200
Losing mail	100
Failing to reply promptly to official communication	5 to 100
Working overtime, contrary to instructions	10
Failing to register on time recorder	2
Absence without leave:	
First day or part thereof	100
Each succeeding day	20
Tardiness, for each minute (until the penalty for absence without leave is reached)	1

Absence in excess of thirty days in one fiscal year, when not due to illness or other unavoidable cause:

For the first day or part of day	4
For each succeeding day	2

## Errors and omissions in performance of work.

## COLLECTION AND DELIVERY OF MAIL BY CARRIERS.

Failing to collect from box	500
Failing to lock box	100
Losing letter-box key	500
Failing to return key at end of tour	50
Misdelivering letter	10
Delaying delivery of letter	10
Failing to deliver deliverable letter	10
Placing letter under door, or the like, without instructions from addressee	10
Failing to forward letter promptly and correctly	10
Holding letter over for another trip	100
Failing to report change of address	30
Failing to record change of address in route directory	30
Failing to indorse returned mail with carrier's number and correct cause of nondelivery	10
Misdelivering registered mail	30
Failing to obtain receipt for registered mail	20
Failing to obtain addressee's signature on registry return receipt card	5
Failing to turn in promptly undelivered registered matter	10
Deviating from route	50

## RECEIPT AND DISPATCH OF ORDINARY MAIL, INCLUDING CANCELLATION, POSTMARKING, DISTRIBUTION FOR DISPATCH, ETC.

Misdirecting, missending, or delaying dispatch of:	
Pouch	30
Sack	10
Special delivery letter, paper, or parcel	5
Ordinary letter, paper, or parcel	1
Misdirecting letter package	10
Missending letter package	4
Failing to place name or number on facing slip or sack label	1
Failing to enter correction in scheme	10
Failing to lock pouch securely before dispatch	10
Failing to record receipt or dispatch of pouch	10
Failing to report nonreceipt of pouch due	20
Failing to completely empty:	
Pouch	15
Sack	5
Failing to change or improperly changing canceling machine or hand-stamp type	10
Failing to take impression of hand or machine stamp	5

## DISTRIBUTION OF MAIL FOR DELIVERY.

Missending letter to station	1
Failing to enter correction in scheme	10
DELIVERY OF MAIL THROUGH THE GENERAL DELIVERY AND THROUGH BOXES.	1
Miscasing letter, paper, or parcel (G. D.)	1
Overlooking mail on call (G. D.)	5
Misboxing letter, paper, or parcel	1
Failing to return or advertise letter	1

## FORWARDING AND DIRECTORY SERVICE.

Failing to file or enter forwarding order correctly	30
Failing to forward mail promptly and correctly	10
Furnishing wrong address or failing to furnish address when in directory	5

## ISSUE OF MONEY ORDERS.

Failing to order money-order forms promptly	40
Making alteration or erasure in money order	50
Writing order and advice separately	50
Drawing order on wrong office or on office not a money-order office; making error in essential particular, such as payee's name or amount; detaching order at wrong figure; or omitting essential particular, such as postmaster's name, both M. O. B. stamp and date, etc.	10
Omitting unessential particular, such as remitter's name, M. O. B. stamp only or date only, etc.	10
Issuing order out of series	5
Making erroneous conversions	10

## PAYMENT OF MONEY ORDERS, ETC.

Paying unreceipted order	5
Withdrawing wrong advice from files	5
Filing missent advice drawn on other office	5
Misplacing advice in files	1
Taking credit for order that should be held for second advice or treated as irregular	10

## RENDERING OF STATEMENTS, ETC.

Entering erroneous amount, omitting entry, or making other essential error in money-order statement or memorandum of remittances received	2
Making error in addition in money-order statement or memorandum of remittances received	5
Making error in verifying entries or additions in money-order statement or memorandum of remittances received	10
Making error in issuing certificate of deposit	10

## REGISTRATION OF MAIL.

Accepting article insufficiently prepaid	5
Accepting article insufficiently addressed, or not properly prepared for registration	10
Failing to postmark and cancel stamps properly	2
Failing to fill out return receipt properly	5
Misdirecting R. P. E.	10
Failing to enter registered numbers of letters or parcels on R. P. E.	15
Failing to inclose gray bill with foreign matter	15
Omitting county on R. P. E.	1
Failing to indorse R. P. E. "Foreign"	10
Failing to indorse R. P. E. "S. D."	10
Failing to require parcels-post declaration	10

## DISTRIBUTION AND DISPATCH OF REGISTERED MAIL.

Missending, misdirecting, or failing to dispatch promptly:	
Letter, parcel, or R. P. E.	10
Jacket	15
Pouch or sack	50

Dispatching R. P. E. without record	20
Dispatching jacket without record	30
Dispatching pouch without record	200
Dispatching pouch or sack without bills	10
Entering incorrect lock letter, fixed number, or rotary number	5
Dispatching not-regular sack to office not having key	30
Failing to dispatch notice for extra or not-regular pouch or sack	20
Dispatching R. P. E. unsealed	20
Failing to make up jacket	10

## RECEIPT AND OPENING OF REGISTERED MAIL.

Leaving article in R. P. E., jacket, pouch, or sack	40
Failing to report nonreceipt of pouch due	10
Failing to demand shortage slip for pouch due	10
Failing to properly check articles with bills, note minor errors, etc	5
Failing to note nonreceipt of R. P. E.	10
Failing to enter R. P. E.'s received unbill	5
Failing to properly check contents of R. P. E.	10
Failing to indorse R. P. E. "Received in bad condition"	5
Railing to reenvelope matter received in bad condition	20
Missending article to station for local delivery	5

## DELIVERY OF REGISTERED MAIL.

Failing to obtain receipt from addressee	20
Failing to obtain addressee's signature on return receipt card	5
Misdelivering registered mail	30
Failing to send notice promptly	5
Failing to give prompt service to S. D. mail	10
Failing to return or forward mail promptly and correctly	10
Failing to supply foreign return receipt when demanded	5
Failing to supply domestic return receipt when missing	5

Mr. MANN. In this connection, may I make a further inquiry of the distinguished gentleman from Indiana [Mr. OVERSTREET]? We have pending before the Committee on Reform in the Civil Service an annuity retirement or retirement annuity bill, one of the features of which proposes to take a portion of the salary whenever a promotion is made, which as applied to the post-office clerks and carriers receiving automatic increases, would, I think, take one-half of the first three months' increase of salary. Would the gentleman, who has more experience in post-office matters than anybody else, think that that would be likely to work satisfactorily?

Mr. OVERSTREET. Mr. Chairman, I confess I have not read the proposition. Generally speaking, I have rather opposed the civil pension list. I think it is foreign to our institutions and would not be easily engrafted upon them, but, assuming some sort of a civil pension list, I should say that the suggestion the gentleman has made as coming from that provision of law would be a very fair proposition. That is to say, if they took one-third of the amount of the first year's promotions, it would be a minimum, in my judgment, of what might be taken. But I do not think it would be satisfactory to the employee.

Mr. MANN. Does the gentleman think that the employees now consider that under the law they are just as much entitled after the first period expires to \$800 salary as they are during the first period to the \$600 salary?

Mr. OVERSTREET. Undoubtedly; and before the sun goes down they think they are entitled to the next promotion.

Mr. MANN. When the time comes.

Mr. OVERSTREET. Yes, sir. So I do not think that would satisfy them.

Mr. WANGER. I want to ask a question of the gentleman. Have you any satisfactory evidence that the order for a fair, uniform efficiency record is being administered in the post-offices?

Mr. OVERSTREET. We have not been able to obtain information from all the offices, but that was the distinct understanding obtained from departmental officials from inquiries made by members of our committee as to the way they said they had undertaken to have uniform, fair, efficient records in the various offices, and that they did not know of any unfair administration. Personally I do not know of any.

Mr. WANGER. Do you know to what extent they have investigated the service?

Mr. OVERSTREET. Only what they say. That they have called upon the postmasters for information, and they base their answers to inquiries upon those answers of the postmasters. In my judgment it would be wholly unfair and unwise to provide for an automatic promotion without any efficiency record. A lack of requirement of an efficiency record would take away all the stimulus and encouragement for proper work. I hate to stop and criticise the classification bill. I did not favor it as drawn. I think some of its chief promoters must have lived to see that they were then mistaken; but in the condition of affairs throughout the country, it was impossible to stem the tide for the bill providing for the increases at that time in the classification act. I think it ought to be continued for a while until a proper trial of its administration shows how it will operate and the inequalities have been developed, and then give some opportunity to make some reasonable recommendation for their cure.

The Clerk read as follows:

Assistant superintendents of stations, clerks, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 7,315, at not exceeding \$1,100 each.

Mr. GARDNER of Massachusetts. I offer the following amendment.

The Clerk read as follows:

Page 10, line 16, strike out "three" and insert "eight."

Mr. OVERSTREET. I reserve the point of order on that until I can hear it explained.

Mr. GARDNER of Massachusetts. Mr. Chairman—

Mr. OVERSTREET. May I, before the gentleman gets into his argument, make an inquiry for my own information? What is the purpose of that amendment?

Mr. GARDNER of Massachusetts. It is my purpose to explain it to the House.

Mr. OVERSTREET. Not your purpose, but the purpose of the amendment, confined to one particular class mentioned in this paragraph?

Mr. KELIHER. Mr. Chairman, can we have the amendment read again?

The amendment was again read.

Mr. GARDNER of Massachusetts. Now, Mr. Chairman, the exact effect of that amendment, if adopted, will be to promote 500 clerks who are now in the fourth grade, receiving \$1,000 salary, to the fifth grade, receiving \$1,100 salary. By a comparison of this bill with the Treasury estimates, the following situation has developed itself: By a provision of the section, which has just been read, the Committee on Post-Offices and Post-Roads has gone beyond the recommendation of the Treasury estimates, and has provided for the promotion of 50 per cent of the highest grade clerks in the first-class offices. In other words, 50 per cent of those now receiving \$1,100 will this coming year receive a salary of \$1,200.

There are two thousand nine hundred and odd clerks at present receiving \$1,100. The promotion of 50 per cent of them would promote 1,500 individuals. That is provided for in the section which we were discussing a few minutes ago. But there is no corresponding provision in the bill for the promotion of the highest grade clerks in the second-class offices, as anyone can see by comparing this paragraph with the Treasury estimates. There are 953 such clerks now receiving a thousand dollars in second-class offices. If my amendment is adopted, 50 per cent of them will be promoted from \$1,000 to \$1,100, just as the provision reported from the Committee on Post-Offices and Post-Roads promotes 50 per cent of the highest grade in the first-class offices from \$1,100 to \$1,200.

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

Mr. GARDNER of Massachusetts. Certainly.

Mr. OLMSTED. As I understand the gentleman's amendment, it seems to me it would hardly make up the difference to give the promotion to second-class clerks. It would only make a total increase of \$500 in the appropriation.

Mr. GARDNER of Massachusetts. I do not think the gentleman has read it correctly. I change the number of individuals to be promoted.

Mr. OLMSTED. I beg the gentleman's pardon. I see it is clerks; I thought it was dollars.

Mr. GARDNER of Massachusetts. There are 500 of those to be promoted.

Mr. PRINCE. I desire to ask the gentleman a question. Will you please state to the House what offices are first class and what offices are second class, and what effect your proposed amendment has upon the clerks in the first-class office and what in the second-class office?

Mr. GARDNER of Massachusetts. Mr. Chairman, the qualification necessary for an office to be rated as first class, substantially speaking, is the annual receipt of revenues of \$40,000, and below that figure come second-class offices.

Mr. WANGER. Not all.

Mr. STAFFORD. If the gentleman will permit me—

Mr. GARDNER of Massachusetts. From ten to forty thousand dollars—

Mr. STAFFORD. If the gentleman desires to enlighten the House as to the different classes—

Mr. GARDNER of Massachusetts. I have not yielded, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts is entitled to the floor. The time of the gentleman from Massachusetts has expired.

Mr. HULL of Iowa. I ask unanimous consent that the gentleman from Massachusetts may have five minutes more.

**THE CHAIRMAN.** Is there objection [After a pause.] The Chair hears none.

**MR. GARDNER** of Massachusetts. Mr. Chairman, as I understand it, all offices with over \$40,000 receipts are first-class offices. I am uncertain as to the dividing line between second and third class offices, but I think it is \$10,000.

**MR. STAFFORD.** If the gentleman will permit me, I will say for the information of the House that the dividing line between second and third class offices is \$8,000, and between third and fourth class offices is \$1,800 gross receipts a year.

**MR. GARDNER** of Massachusetts. Now, Mr. Chairman, I do not think the members of this committee understand exactly what is meant by "automatic promotion." Neither do they understand the effect of what is proposed by the committee in this bill. The statute under which the clerks and carriers in post-offices are organized provides six grades of clerks, carriers of the highest grade being the \$1,200 grade, the next \$1,100, and so on down. The law provides that as soon as a man enters as a clerk or a carrier he begins at the bottom grade, and year by year, if he is efficient, he works up. When he has reached the fourth grade, which is \$1,000, if he is in a second-class office, then his promotion stops so far as automatic promotion is concerned. When he reaches the fifth, or \$1,100 grade in first-class offices, then he stops, so far as automatic promotion is concerned. In other words, the law says that the Post-Office Department shall promote automatically in the first and second class offices until a clerk reaches \$1,100 in one and \$1,000 in the other. In addition to the regular automatic promotions, the law provides, permissively, that in case of meritorious service the department may promote to the sixth grade in a first-class office—the \$1,200 grade—or it may promote to the fifth grade and even to the sixth grade in a second-class office.

In other words, Congress established the general principle that \$100 should measure the difference between the cost of living and the responsibility of the highest grade clerk in the large city and the highest grade clerk of equal responsibility and equal length of service in the small city. The adoption of the paragraph which was discussed by the gentleman from Illinois, coupled with the rejection of the proposed amendment, will establish this principle, namely, that there shall be \$200 instead of \$100 difference in the salary of the highest grade clerks in the first-class offices on the one hand, and in the salary of the highest grade clerks in the second-class offices on the other. I submit, Mr. Chairman, that the sum of \$200 far more than measures any possible difference in the cost of living in the respective cities. Taking the most extreme cases that I could find, I am strongly of the belief that \$100, as now provided in the statute of 1907, far more than exceeds the measure of difference in the cost of living in any two cities in this country. If the principle is once established of \$200 difference, it will be very hard to reverse it in the future.

**MR. PARSONS.** I should like to ask the gentleman, have there been any investigations into the cost of living in cities with second-class post-offices? Has the gentleman any figures on which he bases that statement?

**MR. GARDNER** of Massachusetts. Mr. Chairman, I have no figures. I think it is well known that no figures have ever been compiled. I have in my district, however, the city of Salem and the city of Beverly, separated by a bridge. I know from personal observation that the cost of living in those two cities is substantially the same. If this provision goes through without my amendment the salaries of the highest-grade clerks in the Salem office will be \$200 a year higher than the salaries of men in the Beverly office, who do exactly the same work and have exactly the same responsibility.

**MR. PARSONS.** Does the gentleman argue that the cost of living in a city of the second class is as great as it is in a city of the first class, like Boston or New York or Chicago? And is so, has he any statistics to prove it?

**MR. GARDNER** of Massachusetts. Mr. Chairman, I endeavored to answer that same question before. It is only a matter of general impression. I can say in a general way that in country towns clothing is a little more expensive than it is in Boston, that butcher's meat is a little more expensive, that country produce costs a little less, that rents are a little less in small cities, and that transportation is sometimes nothing a day instead of 10 cents a day.

**MR. DRISCOLL.** Why would it not be a good plan to incorporate two towns into one office, and then all the clerks would get pay at the higher salary?

**MR. GARDNER** of Massachusetts. As I have only a few moments left, I do not want to devote myself to any academic proposition.

**MR. PARSONS.** I would like to ask the gentleman if the item of rent is not a large item for the residents of cities, and is

not the item of rent a very small item for residents of smaller towns?

**MR. GARDNER** of Massachusetts. Mr. Chairman, I think each Member of this House understands the point I have raised, and each will decide for himself, according to his own good sense, whether or not there is \$200 difference in the respective costs of living. I call the attention of the committee to this additional fact: In this bill every other class of clerk is getting promotion; every third, second, or lower grade clerk gets his automatic promotion, while 50 per cent of the top grade in the big offices get their promotion in this bill. The only class which gets no promotion is the class of high-grade clerks in the second-class offices. If my amendment is adopted, I invite the attention of the chairman of the committee to the fact that it will be necessary to amend the next paragraph by striking out the words "five hundred."

**MR. OVERSTREET.** Yes; but I hope that we will not reach that point.

**THE CHAIRMAN.** Does the gentleman from Indiana insist upon his point of order?

**MR. OVERSTREET.** No; Mr. Chairman, in view of the explanation made by the gentleman from Massachusetts, I shall not insist on the point of order.

**MR. TIRRELL** was recognized.

**MR. OVERSTREET.** Mr. Chairman, I would like to inquire if the gentleman from Massachusetts is opposed to the amendment?

**MR. TIRRELL.** I am not.

**MR. OVERSTREET.** It seems to me that some one should be recognized in opposition to the amendment.

**MR. STAFFORD.** I ask to be recognized in opposition to the amendment.

**THE CHAIRMAN.** The Chair will recognize the gentleman from Wisconsin.

**MR. STAFFORD.** Mr. Chairman, for the information of the House I wish to call attention to the number of first and second class offices that were in existence on the 1st of July of the past year. There were 384 first-class offices and 1,595 second-class offices. In the classification bill that was passed two years ago automatic promotions were provided in the first-class offices to the \$1,100 grade, from \$600 to \$1,100; in second-class offices, from \$600 to \$1,000. In the bill that was reported to the House, which was the best judgment of the Committee on the Post-Office and Post-Roads, we reaffirmed the then-existing law—that clerks of second-class offices should be limited to a salary of \$1,000. We did it after deliberate consideration, because we believed that clerks in second-class offices—

**MR. GARDNER** of Massachusetts. Will the gentleman yield?

**MR. STAFFORD.** I will not yield until after I finish this point. I say we did it after deliberate consideration, because we believed that \$1,000 was the maximum pay that could be expected to be paid for that character of service. The second-class offices comprise those where the gross receipts are between \$40,000 and \$8,000, and are located in cities with a population varying from a few hundred people to only a few thousand, not generally exceeding more than 10,000 or 15,000 people. The contrast between the second-class and the main first-class offices was so marked—the difference of work, the difference of responsibility, the cost of living—that we thought that compulsory promotion should go automatically up to \$1,100 in the first-class offices, and to enable the clerks, when the Treasury conditions warranted and the Congress approved, to be promoted to the highest grade of \$1,200.

Anyone that is acquainted with the character of the work of clerks in first and second class offices knows that the clerks in the first-class offices have much more onerous and responsible duties than those in the second-class offices. I represent a district that has both first and second class offices, and I am in a position to state that the character of service is much heavier in the first-class offices than it is in second-class offices, and it is ridiculous to contend, even though you may find some few cases in the twilight zone where there are offices barely over the second-class gradation and those which are just below the first-class office, that the work in first-class offices is not more responsible, exacting, and intensive.

Now, the committee in this Congress recognizing the extraordinary deficit that is confronting us, because of the reduced postal receipts since the panic in October, 1907, believes that we were not warranted in increasing the salaries of clerks of the second-class offices beyond the \$1,000 grade. Adopt the proposition of the gentleman from Massachusetts [Mr. GARDNER] and you will, without any regard to the service, compel the compulsory promotion of 50 per cent, and the next year the argument will be made by a certain number of eleven hundred grade clerks in these offices that they, in turn, are entitled to go to twelve hundred grade.

I claim there is in the great majority of cases a greater difference than \$200 in workmanship, in efficiency, in intensity of employment, in cost of living, and in all these other elements that go to distinguish between the second-class and the first-class office. Call to mind, any gentleman here, the salary that is being paid to the cashier of a bank in some of these towns where second-class offices are located, and in many instances it will be found that even though the cashier may have some money invested in the bank he is not receiving this maximum salary of \$1,000 a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Who is there to contend that we are not doing well and adequately by the clerks in second-class offices when we pay them a maximum salary of a thousand dollars a year? Yea, more. I wish to direct the attention of the House to the fact that whereas before we passed this classification rule the clerks in second-class offices on entering the service began at \$500, we wiped away that grade and fixed the salary for all to enter at \$600. All these clerks, numbering 963 in the second-class offices, that are to-day receiving \$1,000 have been promoted in the past two or three years, the majority of them successively, from \$600 to \$800, from \$800 to \$900, and from \$900 to \$1,000.

The gentleman from Massachusetts [Mr. GARDNER] lays the burden of his argument upon the fact that as we have singled out 50 per cent of the clerks in the first-class offices where the conditions are very meritorious, and claims that we should parallel this policy and adopt a like course in the case of clerks in second-class offices, where there is no warrant for increasing the salary beyond \$1,000. In first-class offices, such as New York, Philadelphia, Chicago, Boston, and all the other large cities, anyone who is acquainted with the character of the service knows that in those offices the clerks must know the scheme of many routes to properly arrange the mail for dispatch, and that those clerks are occupied much more of their regular time and that their work is more intensified in this distribution of mails than the clerk in small second-class post-offices. It would be ridiculous for us to increase the salary to \$1,100 in a place of only 600 people or a couple of thousand inhabitants, when in no instance in private life are people who are employed under superior responsibilities receiving that same compensation.

Mr. COX of Indiana. Suppose that the amendment offered by the gentleman from Massachusetts prevails, can the gentleman inform us as to how much additional cost that would add to the Post-Office Department per year?

Mr. STAFFORD. It would add \$50,000, because it would provide for 50 clerks, with increase in salary from \$1,000 to \$1,100, but it is not a question of amount so much as it is a question of principle. The committee has been attacked in its policy by the gentleman because we have recognized meritorious cases in first-class offices, where the cost of living is greater and where the work is superior, to maintain the personnel of the service, by providing for 50 per cent, that therefore, even though there is no demand from the clerks in these smaller offices, we should promote 50 per cent of them from \$1,000 to \$1,100.

Mr. OLMSTED. Mr. Chairman, I wish to ask the gentleman whether it is not a fact that clerks in second-class offices have to undergo the same examination and have to work the same number of hours a day as clerks in first-class offices?

Mr. STAFFORD. They have to undergo the same examination and they have to work the same number of hours, but the intensity of the work is not to be compared with that of the clerks in the first-class offices. The clerks in the first-class offices are obliged to be occupied almost all of the time, generally, in distributing the mail and applying themselves closely, while in the second-class offices, as we all know, the work does not require close and continuous application.

Mr. OLMSTED. I have in mind a second-class office at Steelton, Pa., which practically adjoins Harrisburg, and is a town of some 20,000 inhabitants. The cost of living is practically the same as in Harrisburg, and the clerks have to work just as hard as in Harrisburg.

Mr. STAFFORD. There are some offices in that twilight zone where we may find some parallel case to an office of the first class, just across the line, but it is not a fair example when you consider the condition of these 1,500 or more offices of the second class which are located in smaller localities, and where the population is only perhaps 2,000 or a few hundred, to the average first-class office located in cities of several hundred thousand and some few of several million inhabitants.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WILSON of Illinois. I ask unanimous consent that the gentleman may proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I understood the gentleman to say that the clerk in the second-class office has the same length of hours and the same work to perform and the same schemes to learn as in the first-class offices.

Mr. STAFFORD. Oh, no; I answered the gentleman from Pennsylvania that he had generally the same examination and generally the same hours of employment, but not the same character and amount of work.

Mr. MANN. Take a clerk of the ordinary first-class office, where there are half a dozen or more railroads coming into the town. Does he have the same schedule to learn as in a second-class office where there is one railroad, where the mail must come one way or the other, as where he has to know the scheme of the city as he must and he does in a large city, where every clerk must know the scheme of the entire city?

Mr. DRISCOLL. How long do you think it would take a clerk to get from where he lived in your city to the post-office?

Mr. MANN. From my district it would take about an hour.

Mr. DRISCOLL. Then that is so much extra time.

Mr. MANN. It will take him more time to learn the scheme that he has to know than I or the gentleman from New York could devote in the rest of our lives at our age.

Mr. STAFFORD. Following the argument advanced by the gentleman from Illinois as to the number of railroads coming into a first-class office, and the number of railroads that enter a second-class office in these large cities, the railroads entering a large city bring the mails continuously and keep the clerks occupied all the time, while, generally speaking, in the second-class offices they have lapses whereby, although on duty, their work is not so arduous as that in a first-class office. Now I yield to the gentleman from Illinois—

Mr. SABATH. Is it not also a fact that clerks in the first-class offices are doing 25 per cent more work than in the second-class offices, and some of them 100 per cent more?

Mr. STAFFORD. I have no data on that score, but I would be inclined to accept that statement. I now yield to the gentleman from Massachusetts who yielded to me.

Mr. GARDNER of Massachusetts. Mr. Chairman, has the gentleman ever examined the time sheets of the clerks in first and second class offices?

Mr. STAFFORD. No; but I am acquainted generally with the time sheets of the Milwaukee office.

Mr. GARDNER of Massachusetts. What is the average of the time sheets of the Milwaukee office?

Mr. STAFFORD. About eight and a half hours. Sometimes in a rush season it averages much more, nine to ten, but the Committee on Post-Office and Post-Roads have endeavored to provide sufficient clerks so that they would work no longer than eight hours in any office.

Mr. GARDNER of Massachusetts. I have been pleased to present to the attention of the Post-Office Department more than once time sheets in second-class offices running as high as eleven hours.

Mr. STAFFORD. There may be exceptional conditions where that is the case, but the Committee on Post-Office and Post-Roads, following the recommendation of the Post-Office Department, as stated in the hearings, that it is their aim to have the clerks employed but eight hours, has provided for a sufficient number of clerks so as to have clerks work on that basis.

Mr. GARDNER of Massachusetts. May I ask another question, and then I have finished?

Mr. STAFFORD. Yes.

Mr. GARDNER of Massachusetts. The gentleman has pointed out the amendment I offered will cost \$50,000, and that their estimates did not provide for that promotion. Now, do their estimates provide for the promotions which the committee have provided in their bill?

Mr. STAFFORD. Oh, I am taking exception to the argument which the gentleman advanced in his speech, and, as I said before, the question is not so much of dollars and cents as principle. If the gentleman wants me to answer the question as to the amount it will cost to promote 50 per cent of the clerks in the first-class offices, I will be able to furnish him that information if he does not have it at hand.

Mr. GARDNER of Massachusetts. I have it.

Mr. STAFFORD. It will cost \$150,000.

Mr. GARDNER of Massachusetts. That is correct.

Mr. STAFFORD. Now I yield to the gentleman from Illinois [Mr. WILSON], who was kind enough to ask for an extension of my time.

Mr. WILSON of Illinois. I understood from the gentleman that it was the intention of the Post-Office Department and of the Committee on Post-Offices and Post-Roads to make it so that post-office employees should only work eight hours a day. That I understood to be the gentleman's statement.

Mr. STAFFORD. That is supported by the hearings before our committee last year, when the question was asked of the First Assistant Postmaster-General, and by the hearings of prior years.

Mr. WILSON of Illinois. If that is true, why is it that the Post-Office Committee has not provided as many clerks as the Post-Office Department asks, for the purpose of giving these post-offices all over the country more men, in order that the hours of work may be reduced?

Mr. STAFFORD. The Post-Office Committee, until the present year, have always followed the recommendation of the Post-Office Department in granting them the full quota of increase of clerks that they requested, and this year in the estimate that is presented we granted them their full quota, based upon their revised estimate as to what would be needed, predicated upon the reduction of postal business—by reason of the postal business of the country not advancing as fast as it did during the former years when the business was normal. When the estimates were prepared, the officials based their calculations on an 8 per cent increase in postal business, but the past six months show that in the 50 largest cities the revenues increased 3.65 per cent, or less than half they estimated. Accordingly, the committee believes it has provided for ample clerks for increase and growth of the postal service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on this amendment and the paragraph close in ten minutes, five minutes to be used by the gentleman from Massachusetts [Mr. TIRRELL] and five minutes by myself.

The CHAIRMAN. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent that all debate—

Mr. TIRRELL. I object, Mr. Chairman.

The CHAIRMAN. The gentleman will suspend until the Chair can state the request. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent that all debate on the paragraph and all amendments thereto be closed in ten minutes, one-half to be controlled by the—

Mr. OVERSTREET. Mr. Chairman, I will modify it by making it sixteen minutes, eight minutes to be used by the gentleman from Massachusetts [Mr. TIRRELL] and eight minutes by myself.

The CHAIRMAN. Is there objection to the modified request of the gentleman from Indiana?

Mr. WANGER. I object, Mr. Chairman.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent to make it eighteen minutes, eight minutes to be used by the gentleman from Massachusetts [Mr. TIRRELL], two minutes by the gentleman from Pennsylvania [Mr. WANGER], and eight minutes by myself.

The CHAIRMAN. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent that all debate on the paragraph and amendment thereto be closed in eighteen minutes, eight minutes of that time to be controlled by the gentleman from Massachusetts [Mr. TIRRELL], two minutes by the gentleman from Pennsylvania [Mr. WANGER], and eight minutes by himself. Is there objection? [After a pause.] The Chair hears none.

Mr. TIRRELL. Mr. Chairman, last year when this matter was under consideration, I presented to this House some facts which had been gathered together by the Post-Office Association of New England relative to the details of this particular subject under consideration, especially to that part of it that has been referred to by the gentleman from Wisconsin [Mr. STAFFORD] as to the amount of work and the hours of labor comparatively between the first and second class offices. Now, that data showed, and it is in the Record of last year under the discussion of this bill, and all can refer to it, and about which there can be no question, that, taking it all together, the clerks and the carriers in the second-class offices throughout this country work longer hours, carry heavier weights, and do more work than the same clerks and carriers of the first-class offices of this country.

All that it is necessary to do is to take any fair second-class office in this country and get the data, and then take the data from the city and compare it, and you will be at once convinced. In my district is the town of Gardner. It can not be said, as the gentleman from Wisconsin [Mr. STAFFORD] says, to be in the "twilight zone," because it is up among the hills of Massa-

chusetts, 65 miles from Boston, on the borders of New Hampshire, and with a population of about 12,000 people. It is said to be the largest chair-manufacturing town in the United States. The Post-Office Association of New England gathered together the data last year, and it appeared that the carriers in the first-class offices carried an average weight of 78.6 pounds per day. For the week ending January 26 in the present year they weighed up their mails in Gardner for the entire week, and it showed that the average weight that those carriers took out for distribution was 82.7 pounds per day, some 4 pounds more in weight than the carriers of Boston averaged last year.

Not only that, gentlemen, but they traveled an average of 16½ miles every day. This I admit is above the average. In the compilation made by the association I have referred to the average travel in cities of the first class was 10.67 miles a day and in towns with second-class offices 13.50 miles. They made three trips, the same number of trips that are made by carriers in the city of Boston, but with this difference: In the one case over roads in part without sidewalks and up long and steep hills; in the other over paved sidewalks, few hills, and comparatively short distances.

I was born under the shadow of Boston. I have always lived, it is true, in the suburbs, where there are second-class offices, but I have carried on business in the city of Boston and have been thoroughly conversant with the situation there for more than thirty years. Why, gentlemen, there are hundreds of carriers in the city of Boston who do not go a distance farther than from here to the other end of the Capitol, and then take an elevator, go to the top of those big skyscrapers, and then come down with their mail. Instead of traveling 13.50 miles a day, as they do in the second-class offices, and carrying 4 pounds more in weight over that distance, they travel, perhaps, an eighth of a mile, take elevators, and distribute their mail, and they do not distribute any more mail than the carriers in the second-class offices. They have clean sidewalks to traverse, comfortable buildings to enter, short distances to travel, and elevators to help them.

Now, you may take any town, I do not care what it is, because this has been reduced to figures and is not conjecture, and you will find that the carriers and the clerks do on an average more and harder work, and are more exposed to the inclemency of the weather, and have a more trying experience, take it summer and winter together, than the same class of employees in our cities. I do not claim the city employee receives too much compensation; but condemn a system that, without cause, singles him out for special consideration. What we object to in this bill is the discrimination. It is not a question of economy. If it was a question of raising so much money equally to apply to all who received salaries, I might vote against it, in view of the deficit in our post-office receipts. But when you come in here, or when the committee comes in here, with the recommendation that the clerks and carriers in our first-class offices shall be promoted to a higher grade, receiving \$200 more, and work less and have a much more pleasant experience, I say it is unjust. If it is unjust it ought not to pass. It would, in my judgment, be more satisfactory to post-office employees themselves to enact a law under which the salaries all might be on a lower scale, but all treated without discrimination, than a law arbitrarily fixing salaries improperly and without just reason, giving a larger sum to a clerk or carrier because he happened to live in a large place, although his work might be easier and his expenses the same or less. By such a course you arouse dissatisfaction among a very large proportion of such employees throughout the country, and we should constantly be besieged, and rightly so, to rectify the wrong. It is on that principle I am in favor of the amendment of my colleague from Massachusetts.

I want to take issue with the position taken by the gentleman from Wisconsin, and I know what I am talking about when I say that outside of rent—and there is no such difference of rents in the towns around about Boston—you can live very much cheaper in Boston than in the towns which have second-class post-offices in my district. This also has been ascertained with the result that the city carrier pays for rent on the average \$18.17 per month and the country carriers \$14.79, a difference of \$3.38 a month, or \$40.56 a year. Do you suppose, gentlemen, that the people of Natick, Mass., for instance, where I reside, and other towns in the suburbs of Boston know what they are doing when they drop the country towns and go to Boston and buy almost everything necessary for their families; not only the necessities of life, but furniture and everything else connected with living expenses? What do they do it for, gentlemen? They know that they can get a better market. Anybody who has lived in the city and has carried on business in it, as I have done for thirty years, knows, if he knows anything at all about this thing, that you can buy anything, I do not

care what it is, from the stores in the large cities for less than you can in the country towns. Therefore, the argument is all in favor of my colleague from Massachusetts, because it does not cost any more when you average up for the clerks and carriers in the large cities than it does in the country in the second-class offices, where men do as much work as in the city offices, have as long hours, have as much business, and a harder job than the city employees.

Mr. WANGER. Mr. Chairman, it seems to me that there ought not to be any controversy between the Representatives of the large cities and the Representatives of congressional districts where important second-class offices exist. We have provided in the case of the first-class offices, for the meritorious part of them, without any grudging on our part, and we simply ask our colleagues to deal out a like measure of justice toward us. The question of my colleague from Illinois [Mr. MANN] seems, of course, to answer itself. When first-class offices are distributing centers, there is necessarily a more elaborate study of schedules than there is in second-class offices not so situated; but occasionally the converse of this proposition exists, that a second-class office is a distributing center and a first-class office is not, but more frequently first and second class offices are situated exactly similarly along railway lines, and the learning of schedules is just as extensive and just as arduous for the clerks of the second-class offices as for the clerks in the first-class offices. Again, the first-class offices are equipped with a much larger number of clerks, so that the work is subdivided and there is not nearly so large a percentage of the total imposed upon one, or upon a very limited number of clerks, and the labor of each—that is, of the clerks in the first and in second class offices, many of them, are equal. Therefore, I hope that the amendment of the gentleman from Massachusetts will be adopted.

Mr. OVERSTREET. Mr. Chairman, I hope that the amendment of the gentleman from Massachusetts will be disagreed to. It is true that the amount carried by his amendment is not large as sums go in the post-office appropriation bill. But, Mr. Chairman, it is not so much the length of this step about to be taken as the direction of the step. If this amendment prevails, it will come back to haunt Congress at the next session, and each succeeding session, until you will have practically annulled the classification act by your continuously amending it, and thus destroy the effect which it was sought to ingraft upon the law. I am opposed to such rapid increases of salaries. I have subjected myself to much embarrassment and not a little trouble in that I have stood opposed to such radical increases of salaries for this service. I believe it ought to have fair play, and we have given fair play to the service. In the last two years the classification act was passed providing for these grades.

It destroyed the \$500 grade and merged it in the \$600 grade. It destroyed the \$700 grade and merged it in the \$800 grade, and has provided for a thousand-dollar grade in the second-class offices where \$900 had prevailed theretofore. We have therefore brought up every one of the clerks in the second-class office, and every one who has served twelve months in such an office and has an efficiency record has been promoted under the provisions of the post-office appropriation bill for the past two years.

If we now begin this step in the direction of further increasing the highest grade clerks of the second-class offices to \$1,100, then if you are consistent they will go to \$1,200 in the succeeding Congresses. And then when they get to \$1,200, you bring them up on a par with the highest grade clerks in the largest offices of the first class; and in order to be consistent, you must push them a grade or two further.

The gentleman from Missouri [Mr. LLOYD] on yesterday contributed to the House and the country a very valuable statement of statistics demonstrating that Congress in the last ten years, and most of it in the last five years, has increased more than 100 per cent the amount paid to employees in the service, while the business of the postal service has increased only about 50 per cent. Members must stop and consider this. Both of the gentlemen from Massachusetts who have favored this amendment, the only two who have spoken in favor of it, excluding the gentleman from Pennsylvania for the moment, gave illustrations within their own districts, statistics evidently prepared by friends who are interested in the promotions. I make no criticism of that. It is entirely honorable and quite in keeping with the principles of legislation, but your committee, charged with the great responsibility of the duties of this service, have not been guided nor prompted by the requests from the employees in their own communities and districts.

We like the applause of the employees; we like the clapping of hands when we return home, but we are compelled by the duties imposed upon us to insist that there shall be some propriety, some system, some reasonable action for the benefit of

the entire country and not for the benefit of our particular bailiwicks. Why, Mr. Chairman, I have been told—though, unfortunately, I have never experienced it—that some Members of this House who have clamored for the increase of salaries of these postal employees have been met with brass bands upon their return home and with a concourse of the employees, placed in carriages, and escorted along the streets to their offices or homes.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. OVERSTREET. I have but a few minutes. I hope my friend will pardon me for not yielding.

Mr. Chairman, I am not criticising that, but is that the way to legislate? We are charged here with a duty to perform. If we are to organize for the purpose of recognizing only the demands of the postal employees' organization, we will do little else than direct the drawing of warrants upon the National Treasury to promote these people year after year.

Now, Mr. Chairman, what is the situation? We have these second-class post-offices, with receipts under \$40,000 a year, and we have the first-class post-offices, with receipts above \$40,000 a year. I insist there is a difference in all of the elements that enter into the consideration of the problem in favor of the employees of the first-class office. The highest grade clerks of the second-class offices receive a thousand dollars a year except in special instances. A thousand dollars, Mr. Chairman, is the average compensation to the foreman of the leading factory in the community of the second-class post-office. It is the ordinary salary of the average man who is an assistant cashier in the bank, the salary of the leading managers of the dry goods stores, The average compensation of the professional men—legal, medical, and clerical—rarely exceeds a thousand dollars a year in a community where the second-class post-office is located. Are we then to commit the error of increasing the salaries of the clerks of the second-class post-offices so that they will be greater than the compensation paid to the average professional man, to the leading foremen of the leading factories, the higher grade pay in the offices of banks and other mercantile establishments?

That is not the way to legislate. These men have lower rent to pay, they have fewer expenses, their wives and daughters associate with the wives and daughters of the best people of the community. There are no social privileges which they do not enjoy as well. If therefore we make the mistake of this element of the classification bill in order to make them all equal, we have legislated not in error, but we have legislated in the wrong, because wrong is more than error. Both of these gentlemen from Massachusetts have depicted special cases in their own districts. The gentleman from Massachusetts [Mr. GARDNER] can remedy his case by a request to the Post-Office Department to merge those two offices into one. That would be good administration; but that would perhaps put out of office some favored friend who is now postmaster. Too often, Mr. Chairman, we yield to opportunities. I hope, then, in the name of good administration and good government that the amendment will be voted down.

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired.

The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. GARDNER of Massachusetts and Mr. WANGER) there were 61 ayes and 43 noes.

Mr. OVERSTREET. Tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed as tellers Mr. OVERSTREET and Mr. GARDNER of Massachusetts.

The committee again divided; and the tellers reported 71 ayes and 60 noes.

So the amendment was agreed to.

The Clerk read as follows:

Assistant superintendents of stations, clerks, clerks in charge of stations, private secretaries, superintendents of carriers, and superintendents of second-class matter, 6,500, at not exceeding \$1,000 each.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 21, strike out the words "five hundred."

Mr. OVERSTREET. That is simply to reduce the number, in view of the action of the committee in adopting the preceding amendment.

The amendment was agreed to.

The Clerk read as follows:

Clerks, clerks in charge of stations, and private secretaries, 5,000, at not exceeding \$900 each.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. My purpose in offering that amendment is to get some information from the chairman of the committee. I have here a little publication of the Post-Office Department, "issued by direction of the Postmaster-General," headed "United States

postal service." Whether it is issued at regular intervals I do not know. On page 39 I find a few paragraphs that indicate that the Postmaster-General, who has been, I believe, the chief advocate of the new policy of postal savings banks, has put in operation a modified scheme of postal savings banks. At least, this publication encourages the taking of money from banks and from circulation and the depositing of it with the Government by the purchase of postal money orders.

The language is so important and interesting that I will read it, and will ask the gentleman from Indiana to give me some information about it. It is headed, "Savings feature:"

For a trifling sum (30 cents for each \$100) anyone can make the United States custodian of his funds by purchasing a postal money order, or orders, payable to himself at the office of issue, or at any other money-order office.

Then, under another heading, "Absolute security," printed in larger type than the other, it says:

Money represented by such orders is held by the Post-Office Department, and is thus safely kept.

Another paragraph tells how it is repaid, and how duplicates may be issued if the certificate is lost. And then, under the heading of "Warrants," it says:

Orders to be presented for payment within seven years from the date of issue. If presented after the lapse of more than one year from the last day of the month of issue, they will be paid by means of warrants on the United States Treasury. The Post-Office Department thus insures \$100 for a term of seven years for a fee of 30 cents.

Mr. Chairman, the effect of that publication is to discourage the deposit of money in banks. It is to encourage the withdrawal of money from business channels, and to encourage the less well informed of our citizens to deposit their money with the Government of the United States for a fee of 30 cents for each \$100, which, under the statement issued by the Postmaster-General, is insurance for that period. I should like to have the chairman of the committee tell me if this is not an unusual publication, or if it is a periodical issued at the expense of the Government, which encourages the withdrawal of money from commercial channels, where it is needed, and the deposit of it with the Government, where it is not needed. This is issued by the Postmaster-General, and undertakes, it seems to me, to put into operation at once a modified form of his pet scheme of postal savings banks. I ask the chairman of the committee to tell me whether the publication is unusual or not, and whether this information, published at the expense of the Government, is to advance the pet hobby of the Postmaster-General?

Mr. OVERSTREET. Mr. Chairman, there is nothing new in that position; it is in accord with existing law. There is no statement, if I have followed the gentleman, that he has read that is not correct. There is no statement that is not true.

Mr. SLAYDEN. The gentleman did not hear me or he did not follow what I said. I entirely agree with the statement of facts when referring to the law, but I call his particular attention to the fact that the language of this document "issued by the Postmaster-General" is intended to and doubtless will encourage the deposit of money with the Government and to encourage its withdrawal from the channels of trade. As to the statement of facts, we all agree that it is law, and as to the security we are all of one opinion, because we believe that the Government is going to continue. There is no issue on the facts stated, but I seek information as to the policy and whether or not it is a new one for the Postmaster-General to use his great office to advance a scheme of his own in this way. He is certainly advertising for deposits, and it appears that he has undertaken to establish postal savings banks without waiting for action by Congress.

Mr. OVERSTREET. Mr. Chairman, I do not think that the Postmaster-General has violated any of the laws, either directly or indirectly, in his administration of the money-order service or any other service. Undoubtedly the Post-Office Department seeks to stimulate the money-order service as it does the registry service; as it does any other service of the postal system. It is merely a great business concern, and it is entirely within the proper administration of the department to advance that service. I do not think the Postmaster-General has inaugurated any new policy relative to the money-order service.

Mr. SLAYDEN. Is not this something more than the usual stimulation of the money-order business in the Post-Office Department?

Mr. OVERSTREET. I think there is this unusual stimulation, that a larger number of small offices have been made money-order offices. I do not think there has been any unusual stimulus here.

Mr. SLAYDEN. Mr. Chairman, it impresses me to the contrary.

Mr. OVERSTREET. That is a matter of opinion. The mere printing in larger type does not change either the law nor the policy. It may be it is a change in the general practice so as to

challenge attention to it, but that could hardly be such a violation of his proper administration of the service as to challenge criticism of that administration. I do not think there is anything out of the way in that.

Mr. WANGER. Is it not a fact that it has been the policy of several administrations of the Post-Office Department to stimulate the money-order department?

Mr. OVERSTREET. Undoubtedly.

The CHAIRMAN. The time of the gentleman from Texas has expired, and the gentleman from Indiana will be recognized in his own right.

Mr. OVERSTREET. If the gentleman desires, I will yield to him for a further question.

Mr. SLAYDEN. I would like to ask if, as a matter of fact, the Postmaster-General by this publication is not endeavoring to make the post-office a bank of deposit and, if he succeeds, will it not withdraw an important sum of money from the ordinary channels of trade?

Mr. OVERSTREET. The gentleman's question might be, with propriety, addressed to the Postmaster-General, but I could hardly be expected to answer it. I can not answer as to the purpose of the Postmaster-General.

Mr. SIMS. Mr. Chairman, I wish to ask the gentleman from Indiana a question for information, not directly on the paragraph, but on the subject-matter of the bill. Do carriers, either city or rural, while they are actually engaged in carrying the mail, have permission for private individuals to do anything for pay by way of soliciting orders for merchandise?

Mr. OVERSTREET. They have not. The only exception is that a rural carrier is permitted to perform a service for a patron at the office for hire upon the patron's request. That is to say, if the patron of a rural service wants a carrier to bring him out a plow point on the next delivery and pay him a dime for it, he has that right to accept the dime; but, generally, the rural carriers are prohibited from doing anything for hire, except at the request of the patron of the route, and the letter carriers in cities are prohibited entirely from doing anything for hire.

Mr. SIMS. Then, Mr. Chairman, I wish to read two letters at this time, to show the chairman of the Committee on the Post-Office and Post-Roads, and the House, what is actually being done.

I will first read a letter which is addressed to me by the postmaster at Hurricane Mills, Tenn., under date of October 4, 1908. It is as follows:

HURRICANE MILLS, TENN., October 14, 1908.

Hon. T. W. SIMS,  
Washington, D. C.

DEAR SIR: The attached letter explains itself. Mr. William Crockett is a gentleman, and handed me the attached letter just to show me what was being offered. I asked him to answer it and let me have the answer, and that I would send both to the department so they might be on the lookout for all such.

I will thank you very much to place this mail in the hands of the proper parties, and don't once think that Mr. Crockett wants a single thing to do with such business.

Yours, truly,

JAS. T. ANDERSON, Postmaster.

I will state that the Mr. William Crockett referred to in that letter is a rural carrier. The letter to Mr. Crockett is as follows:

GEO. H. GOODMAN COMPANY,  
Paducah, Ky., October 5, 1908.

Mr. WM. CROCKETT,  
Hurricane Mills, Tenn.

DEAR SIR: We have a proposition whereby you can add from three and four to ten and fifteen dollars per month to your wages, with practically no additional work for yourself.

The salaries paid rural free-delivery carriers by the Postal Department are not large, and we believe that a legitimate increase in your monthly receipts would be welcomed by you. Hundreds of your brother carriers have been taking advantage of our offer for the past several years, and it results not alone to their advantage but to the advantage of the patrons on their routes.

If you are interested, kindly let us hear from you and we will outline our proposition in full. If you are no longer a carrier, we will appreciate it if you will advise us to that effect, giving the name of your successor.

Assuring you all correspondence will be held in the strictest confidence, and trusting we will hear from you promptly, we remain,

Very truly yours,

GEO. H. GOODMAN COMPANY.

I suppose that this carrier answered that letter, and received the following:

GEORGE H. GOODMAN COMPANY,  
Paducah, Ky., October 12, 1908.

Mr. WILLIAM CROCKETT,  
Hurricane Mills, Tenn.

DEAR SIR: We have your favor of the 8th, and our proposition is this:

If you will show your initials on every order from your route, we will keep account and at the end of each month send you 10 per cent of the total amount. If you prefer, you can deduct the discount from the money order at the time of sending, but nearly all the carriers prefer a monthly settlement.

We do not ask you to solicit orders, or anything like that; but, of course, we will appreciate any good word you can say for us. Many

of your patrons will hand you the amount and leave the place from which to order entirely to you. Our business relations will be strictly confidential, and unless you tell that you are receiving a benefit from the business no one will ever know.

We make shipment of goods by first express and guaranteed against breakage or loss. We own controlling interest in registered distillery, No. 7, fifth district, Nelson County, Ky., and contract for the entire output of the Clermont Distilling Company, Warren County, Ky., one of the State's foremost fruit distilleries; consequently we are in position to furnish unequalled qualities at the various prices. We operate branch houses at Memphis, Tenn.; Shreveport, La.; and Evansville, Ind., and, complying with the pure-food laws, ship nothing but straight whiskies—not handling a drop of rectified goods. Even our \$1.50 per gallon line is straight whisky, reduced of course, in proof.

Awaiting your favors, we remain,

Very truly yours,

GEO. H. GOODMAN COMPANY.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SIMS. I ask for a minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. That letter says that hundreds of carriers are accepting this proposition and are adding to their salaries by doing so.

Mr. OVERSTREET. Mr. Chairman, I have no disposition to dispute the fact the gentleman has recited. I would only suggest that it is in violation of law, clearly, and whoever practices that in violation of law ought to be removed and prosecuted. We can not help it if people do not obey the law. That is not countenanced by the department.

Mr. SIMS. It is a violation of law for the carrier to do so?

Mr. OVERSTREET. Yes.

Mr. SIMS. And yet these gentlemen here say that hundreds of them are doing this and adding to their salary by doing it.

Mr. OVERSTREET. If they are, then hundreds are violating the law. My impression is that that gentleman is not telling the truth, because my information and knowledge is that rural carriers are not that class of men.

Mr. SIMS. That has been my information. These letters were sent to me by a postmaster.

Mr. RAINY. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, at the conclusion of the general debate on this bill I endeavored to get five minutes for the purpose of replying to the remarks of the gentleman from Massachusetts [Mr. WEEKS], and I make this motion now for that purpose. In his defense of the senior Senator from Massachusetts, the gentleman from Massachusetts [Mr. WEEKS] "doth protest too much." I did not criticise the senior Senator from Massachusetts. I am not interested in the slightest degree in his career. I did not criticise his zeal for his constituents, though in this particular I might well do so. The statement I made on the floor yesterday was this, that the Isthmian Canal Commission did not want and did not ask for those two ships. The amendments of the senior Senator from Massachusetts gave them something they did not want. I also made the charge that under these two amendments there were only two ships in all the world that could be bought, and I challenge the gentleman from Massachusetts to say that that statement is not true. Those two ships were bought. They were not in commission at that time. They belonged to the constituents of the senior Senator from Massachusetts. Now, on account of the fact that the senior Senator from Massachusetts is perfectly familiar with our merchant marine, it is impossible for me to reach the conclusion that he did not know that those two ships and no other two ships in all the world could be bought under his amendments. Now, I challenge everybody on that side of the House and everybody in the Senate to show that under this act any other ships could be purchased than these. I have here the original amendments, two of them, proposed by the senior Senator from Massachusetts. They are so drawn as to fit these two ships and no others. In defending the senior Senator from Massachusetts the gentleman from Massachusetts [Mr. WEEKS] makes the statement—

The CHAIRMAN. The gentleman will suspend for a moment. The Chair must state to the gentleman that the gentleman can not discuss proceedings in the United States Senate.

Mr. RAINY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. OVERSTREET. Mr. Chairman, I shall have to object.

Mr. RAINY. Mr. Chairman, is it usual for the Chairman to make that point of order?

The CHAIRMAN. The Chair will state to the gentleman that the rules make it imperative upon the Chair to do so. The rules provide that a Member may, but that the Chair shall enforce that rule.

Mr. RAINY. Well, there are no rules that will keep me from answering the gentleman from Massachusetts at some other time, and I will take pleasure in doing so. [Applause on the Democratic side.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Clerks, and clerks in charge of stations, 1,625, at not exceeding \$600 each.

Mr. WILSON of Illinois. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

On page 11, lines 1 and 2, amend by striking out the words "sixteen hundred and twenty-five" and insert the words "two thousand" in lieu thereof.

Mr. WILSON of Illinois. Mr. Chairman, I wish to be heard. The object of this amendment is for the purpose of increasing the post-office force. I notice in the estimates submitted by the Post-Office Department they asked at that time for 2,000 clerks of this grade and at the same time they stated that this was a decrease of 485 from what had been requested by the various post-offices all over the country. This estimate of 2,000 which they ask for has been reduced by the Post-Office Committee to 1,625. In other words, 375 have been stricken out, making 860 post-office clerks of this grade which the Post-Office Department asked for which will be refused. Now, I have in my possession some data showing that the post-office clerks in the first and second class offices range in working hours from nine to thirteen. There are 43 States in the Union where the post-office clerks in the first and second grade offices—that is, in some of the offices in those States—where the boys, the employees, are obliged to work from nine to thirteen hours a day. And it seems to me that if the clerks requested would be allowed by the department to the post-offices the time of work—an eight-hour schedule—which is in force in most all large cities and the large post-offices would follow in the smaller and second-grade post-offices. I find on investigation here that in the State of Alabama the clerks are worked from nine to eleven hours in some of the offices, and in Connecticut from nine to eleven hours and in Florida from nine to ten hours and in Georgia from ten to thirteen hours. This goes to show all down the line of the 43 States in the Union where the boys are working this overtime.

Mr. OVERSTREET. Will the gentleman yield?

Mr. WILSON of Illinois. Certainly.

Mr. OVERSTREET. Will the gentleman state to the committee upon what source he gets his information?

Mr. WILSON of Illinois. I can, very easily; it comes from the post-office clerks in the various offices of the various States to which I have referred.

Mr. OVERSTREET. Addressed directly to the gentleman?

Mr. WILSON of Illinois. It comes to me. I have it in my possession.

Mr. OVERSTREET. From what source does the gentleman have it?

Mr. WILSON of Illinois. It comes from the clerks.

Mr. OVERSTREET. Does the gentleman get it from one of the officials of the Post-Office Clerks' Association?

Mr. WILSON of Illinois. I got this information, and it comes direct from the post-office clerks. It does not make any difference, it seems to me, unless the chairman of the committee can contradict it. It is authentic, so far as I know.

Mr. OVERSTREET. I intend to put over and against that—

Mr. WILSON of Illinois. I am willing to submit it as authentic to the Members of this House.

Mr. OVERSTREET. Does the gentleman decline to tell me whether it comes from one of the officers?

Mr. WILSON of Illinois. It does not make any difference where it comes from. It comes from the post-office clerks in the various States of the Union. In 43 of those States the post-office clerks work from nine to thirteen hours a day, and when an amendment is offered in the House at this time that the post-office clerks shall receive a vacation period with pay it is stricken out on a point of order, but, at the same time, the post-office clerks in the department in the city of Washington have thirty days' vacation with pay and thirty days' sick leave with pay, and they only work eight hours a day. In the cities of New York, Chicago, Philadelphia, and others where the first-class offices are, the eight-hour rule prevails, but in a great many other cities all over the country they work from nine to thirteen hours. I say that it is not fair. They do not have any vacation period, either.

The CHAIRMAN. The question is—

Mr. OVERSTREET. Mr. Chairman, I was waiting to see if the gentleman had concluded. I hope this amendment will be

disagreed to. The department, in its original estimate, recommended 2,625 additional clerks. The bill before the committee carries 2,250, a reduction of 375; but that reduction was made after consultation at the hearings with the officers of the department—

Mr. WILSON of Illinois. Mr. Chairman—

Mr. OVERSTREET (continuing). And was agreeable to them.

The CHAIRMAN. Does the gentleman from Indiana yield for a question?

Mr. WILSON of Illinois. Will the gentleman permit me just a question? In this particular section here this bill carries 1,625 clerks at the \$600 grade.

Mr. OVERSTREET. I know, and I will explain it to the gentleman. I am going to undertake, Mr. Chairman, in a brief way to explain to the committee, if they will give me attention, how impossible it is for the House to act upon estimates recommended by the post-office clerks' organization and not upon estimates recommended by the department.

It takes a good deal of skill with the departmental officials to make this gradation by paragraphs in this great bill. We deduct from the number in one grade a number of clerks who are promoted into the next grade, and then we add that number to the next grade. That necessarily makes a difference in the numbers of the various grades. I am putting over against the gentleman's testimony, which, I undertake to say, comes from the organization itself, the testimony of the department charged with the duty of, and compensated out of the Treasury for, making these estimates for Congress. I intimated a while ago, Mr. Chairman, that we are rapidly approaching a time when we will legislate in accordance with the directions of these post-office employees' organizations unless we take heed in time and give some attention to the recommendations of the department. Now, how futile it would be, a very act of folly, for us here to-day, Members not having given their own personal and individual attention to these hundreds of items and details, to follow the recommendation of the organization of the post-office clerks and not give some sort of hearing and respectable attention to the representations and estimates of the department of the post-office service.

Mr. Chairman, we have recommended 2,250 additional clerks, as against 1,532 for the current year—718 more than we gave for the current year. Is not that enough, in view of the condition of the Treasury, when we are increasing it 50 per cent over the current year's recommendation? Now, I want to explain again, even for the information of my genial friend from Illinois, that until you have taken a table like I hold in my hand, with the various grades of pay, with the various numbers of employees in each grade, with the various salaries of each special employee, and then provide for the promotion so as to deduct from one grade the number of that grade which will go into the next, and then add that number to the number of the next grade, and then bring in at the bottom the full number of employees intended for the new service—because under the law they must be appointed at the lowest grade—you can not fully understand the preparation of the items of the bill.

I do not think it worth while to take the time of the committee to explain in such detail. I think the committee ought to vote down this amendment.

Mr. WILSON of Illinois. Will the gentleman yield for a question?

Mr. OVERSTREET. No; I think we had better vote on this question.

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

Mr. WILSON of Illinois. Division!

The committee divided; and there were—ayes 14, noes 63.

So the amendment was rejected.

The Clerk read as follows:

Substitutes for clerks and employees absent without pay, in all \$31,908,500.

Mr. DRISCOLL. I move to strike out the last word for the purpose of asking for information about this paragraph. This is an increase of over \$3,000,000 over the last appropriation, an increase of over 11 per cent on the last appropriation. In view of the discussion on the amendment offered by the gentleman from Illinois, I would like to ask the chairman if he can state approximately what part of this increase is to pay an increased number of employees and what part is to pay increased salaries of employees?

Mr. OVERSTREET. Mr. Chairman, in answer to the gentleman from New York I will state that on the 30th day of June, 1903, there were 28,224 clerks and employees covered by this particular appropriation. We recommended then 1,532 additional clerks. I think all of them have not been appointed.

So that this total item, \$31,908,500, is intended to pay all the compensation for all of these employees who will be in the service on the 30th day of next June, and then cares for 2,250 new clerks and for the promotion of all the clerks below the \$1,100 grade who have had one year's service and the proper efficiency record up to \$1,100 and the promotion of 50 per cent of the clerks of a thousand-dollar grade in the second-class post-offices to \$1,100.

Mr. DRISCOLL. Are there 2,200 of those?

Mr. OVERSTREET. Two thousand two hundred and fifty. They would not all be employed now on the 1st of July.

Mr. DRISCOLL. Why is the proportion of these larger this year?

Mr. OVERSTREET. The great bulk of the increase is due to the promotions provided under the classification act.

Mr. STAFFORD. Of the total appropriations in round numbers \$2,250,000 would be for promotions, and \$750,000 for additional service by reason of growth of business?

Mr. OVERSTREET. The heavy part of that 11 per cent increase is due to promotion purposes only.

Mr. WANGER. And that will recur in the years to come for some years.

Mr. OVERSTREET. Undoubtedly, and if Congress keeps on as it has, overriding and disregarding the classification bill, I think it will be multiplied many times.

The Clerk read as follows:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum, and the assignment of the several grades of compensation to the various offices shall be made, so far as practicable, in proportion to the amount of business transacted through such offices and the respective divisions thereof.

Mr. OVERSTREET. I move to strike out the last word, for the purpose of calling the Chair's attention to the two items on pages 2 and 3 of this bill, which were stricken out on a point of order. I have the statutes, which I was unable to refer to at the time of the discussion of the point of order, and I merely now want to call them to the attention of the Chair.

The first paragraph, covered in lines 15, on page 2 to line 2, inclusive, on page 3, and lines 10 to 13, on page 3.

The statute is 4017, passed on the 8th day of June, 1872, authorizing the employment of special agents. In the statute of June 11, 1880, the title of these special agents was changed to post-office inspectors. Of course I have no right to ask the Chair to modify its decision; but I want to show the Chair that I have made reference to the statute.

The CHAIRMAN. The Chair might state to the gentleman from Indiana that, in view of the information now given the Chair regarding the existing law, the gentleman could recur and offer an amendment.

Mr. OVERSTREET. I do not suppose I could recur without unanimous consent; but at the same time I have the right to bring the Chair's attention to the fact that I had correctly quoted the statutes.

The CHAIRMAN. The Chair is very glad to have the gentleman from Indiana call the attention of the Chair to existing law.

Mr. OVERSTREET. I ask unanimous consent to recur to the paragraphs mentioned.

Mr. GOEBEL. For the present I object.

Mr. OVERSTREET. I think, if the Chair will permit, that there are precedents in parliamentary procedure justifying the Chair, where the Chair has been given the wrong citation or has failed to have the right information, upon later and proper information, upon its own motion, in changing its ruling.

The CHAIRMAN. The Chair has always understood the rule to be the other way. The Chair has understood that after the Chair has made a ruling on a point of order it can not reverse that ruling on account of new reasons assigned.

Mr. OVERSTREET. I wanted to demonstrate to the Chair that I had not misled the Chair in my statement that there are permanent statutes upon which these two sections are properly placed in the paragraph.

I may say, if the Chair will permit, this is not a new reason. I was told after the decision was made that the Chair had not caught the citation which I give. I give the citation of section 4017, and the ruling of the Chair, as I understood, was that that section did not apply. I think the Chair caught a different number.

The CHAIRMAN. It was understood at the desk that the citation was section 2017.

Mr. OVERSTREET. That was a mistake, either in my statement or in the understanding of the Chair. The section was 4017, and that is the one to which I now direct the attention of the Chair. It occurs to me that this is not a new assign-

ment, but it is information which the Chair is entitled to consider.

The CHAIRMAN. The Chair is very glad, indeed, to get the information. If the Chair had had this information before the ruling was made—

Mr. OVERSTREET. I do not know how the Chair got the figures 2017. I may have said that; I do not know; but I had before me section 4017, and that is what I undertook to call the attention of the Chair to. If the Chair misunderstood me, when in fact it was 4017, I should think the Chair could return to that for the purpose of correcting an erroneous ruling.

The CHAIRMAN. The Chair thinks that the only way in which the correction can be made is to recur and offer an amendment replacing the portion stricken out on the point of order.

Mr. OVERSTREET. I suppose it is in the power of the Chair, just as it is in the power of a court before final judgment, to correct his own mistakes.

The CHAIRMAN. But in this case the final judgment has been made, and there was no appeal.

Mr. OVERSTREET. I shall be content—

The CHAIRMAN. The Chair feels no doubt at all that the precedents are as the Chair is now ruling.

Mr. OVERSTREET. I am just told by a Member that he understood me to say 4017; and if the Chair misunderstood that—

The CHAIRMAN. When the Chair asked the gentleman to furnish the citation upon which he relied, the gentleman said that he was satisfied there was such a law somewhere, and the Chair is more than ever convinced that the gentleman was unable at that time to cite the provision.

Mr. OVERSTREET. That was on the assumption that the Chair had ruled that section 4017 did not apply, when the Chair had referred to section 2017. I am quite content. I have no complaint. It seems to me it is quite evident that if the objection is insisted upon, it can not be insisted upon with due regard to the law.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation to watchmen, messengers, and laborers, 660, at \$700 each; 425, at \$600 each; and 140, at \$500 each; in all, \$787,000.

Mr. OLCOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 11 strike out lines 19 to 23 and insert the following: "For compensation to watchmen, messengers, and laborers, 660, at \$800 each; 325, at \$700 each; 225, at \$600 each; and 15, at \$500 each; in all, \$898,000."

Mr. STAFFORD. I reserve a point of order on that amendment, Mr. Chairman.

Mr. OLCOTT. Mr. Chairman, I will say with regard to this proposed amendment that while we have been increasing the salaries of carriers and clerks in the last Congress and in the first session of this Congress, the laborers, mechanics, firemen, and watchmen have always been left out. This proposed amendment does not come from any body of the employees in the postal service, but has been recommended by the Postmaster-General in three successive annual reports. When I say the report of the Postmaster-General I naturally mean the printed report.

Mr. OVERSTREET. I suppose when the gentleman says the report of the Postmaster-General he means the report of the First Assistant?

Mr. OLCOTT. The report of the Postmaster-General which I have in my hand contains the report of the First Assistant Postmaster-General, and is printed as part of the report of the Postmaster-General. The First Assistant Postmaster-General did make a report to the Postmaster-General, and I refer to that. In the recommendations of legislation he asks that watchmen, messengers, and laborers' salaries be increased so that the limitations should be from \$500 to \$900. I therefore think that the amendment I make is entirely in line with the suggestion of the First Assistant Postmaster-General, and such recommendation is vouched for by the Postmaster-General, in view of the fact that he publishes it in this book on a page upon which appears the heading, "Report of the Postmaster-General." I ask for the passage of the amendment. The laborers in the Post-Office Department receive less than the laborers in other departments. The First Assistant Postmaster-General recommended an increase up to \$900, and my amendment only asks that the increase go to eight hundred.

Mr. OVERSTREET. Mr. Chairman, quite the contrary is true relative to the recommendation. The Postmaster-General stated specifically in his report that he made no recommendation for increases. I am not denying that the First Assistant Postmaster-General made the recommendation; but here is the

reason that it is not advisable to adopt this amendment. The First Assistant Postmaster-General himself recognized it when his attention was called to it. This would increase the pay of this grade of employees beyond the pay received by similar employees in other branches of the service. For example, the Treasury Department does not pay that amount to all its employees. An office of the first class occupies a federal building, and there are in it laborers paid by the Treasury Department out of the general fund, only \$45 a month. There are laborers paid under this specific appropriation, so if we raise this amount we would increase still more the difference between the amount paid for a similar character of employees in the same building at the same time. This amendment not only does what the gentleman from New York states it does, but it does also another thing. It increases the number, which the gentleman did not call attention to.

Mr. OLCOTT. The gentleman is mistaken, because my amendment does not increase the number, and as far as amount is concerned, laborers in the Treasury Department receive as high as \$840.

Mr. OVERSTREET. Then, I misunderstood the reading. If it does not increase the number, still there is the objection to it that I have stated. Gentlemen will see what trouble we would get into once we began to pay laborers doing nothing but laborer's work in the same building difference in compensation.

Mr. KELIHER. Will the chairman indicate what character of labor these laborers do that get \$10 a week?

Mr. OVERSTREET. Ordinary labor, such as throwing about mail sacks, piling them up; just the ordinary laborer's work. It is not limited to any specific scheme. The gentleman from Massachusetts is familiar with the work which these laborers do.

Mr. KELIHER. I want to ask the gentleman if he believes that \$10 a week is enough for any man, no matter what he does?

Mr. OVERSTREET. The lowest of them get \$500 a year.

Mr. KELIHER. But the \$500 a year man has to eat as well as the \$600 and \$700 men.

Mr. OVERSTREET. Not at all. [Laughter.] Now, Mr. Chairman—

Mr. KELIHER. I want to ask the gentleman if he believes that \$10 a week is enough for a man doing any character of work at all? Why, the padrones pay the Italians more than that.

Mr. OVERSTREET. Oh, this is not the first time the gentleman from Massachusetts has sought to arouse sympathy. He is one of the favored few whom the bands meet on his return home, and doubtless he wants a repetition of that ovation. It is needless for us to go into sentimentalism to talk about the ordinary employment of the laborers. I wish they all might have as much as the gentleman from Massachusetts receives, but, unfortunately, the world is not so constituted, and a different character of employment in the postal service calls for a different degree of compensation. The lowest grade of pay of these laborers is \$500, and there are 140 of them. There are 425 at \$600 and 660 at \$700. There is a gradation in their employment. Some of these laborers in these offices go with the messenger who takes the deposit of the postmaster's revenue to the bank, and assists him—carries it along with him—and he is paid in proportion to that work.

Some handle the empty mail bags, throw them in the piles where they can be rapidly cared for, others tie up mail bags, and there is a variety of employment. Of course they all have to eat, as the gentleman from Massachusetts says, but that is not a factor in the determination, otherwise the gentleman would say, "Why should not these men have terrapin and canvas-backs? Are they not men with appetites as well as you?" But we do not legislate in that way.

Now, Mr. Chairman, this committee has recommended this number according to the needs of the service, based upon the salaries paid similar employees in the same building by the Treasury, and I hope the amendment will be disagreed to.

Mr. STAFFORD. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Does the gentleman from Wisconsin insist on his point of order?

Mr. STAFFORD. I do.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. OLCOTT. Mr. Chairman, I call the attention of the Chair to the fact that this is not in any way an increase in the number of employees.

Mr. OVERSTREET. I would like to inquire by what right the gentleman from New York has the floor?

Mr. OLCOTT. The Chair asked me whether I wished to be heard on the point of order of the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Wisconsin made a point of order.

Mr. OVERSTREET. I thought the gentleman from New York was addressing himself to the merits.

The CHAIRMAN. No; he was addressing the Chair on the point of order.

Mr. OLCOTT. Mr. Chairman, it does not seem to me that there is anything against the regular order of this House to suggest that a different schedule of pay for the same number of employees could be substituted.

The CHAIRMAN. Let the Chair ask the gentleman a question. This is an increase of compensation to certain employees.

Mr. OLCOTT. It is.

The CHAIRMAN. Is the compensation fixed by law now?

Mr. OLCOTT. I can not answer the gentleman.

Mr. STAFFORD. Mr. Chairman, I think I can supply the Chair. In the classification act, which is found in Postal Rules and Regulations of 1902, on page 129, and which is a part of the act of March 2, 1889, being chapter 374 of the first Supplement, page 680, is this paragraph:

Pressmen, messengers, watchmen, laborers, janitors, porters, firemen, carpenters, waste-paper examiners, and general utility clerks, four classes, salary graded in even hundreds of dollars, from \$400 to not exceeding \$700 per annum.

Mr. Chairman, the amendment under consideration—

Mr. OLCOTT. That is a part of the post-office regulation is it not?

Mr. STAFFORD. It is a part of the law.

Mr. PARSONS. Is it not a part of the post-office regulations?

Mr. STAFFORD. That is part of the act of March 2, 1889, and is found in the first Supplement, page 680. That law specifically provides that the maximum of salaries shall be \$700. In the amendment now before the committee there is an increase providing for \$800.

The CHAIRMAN. In the bill of last year was this provision carried identical with this?

Mr. STAFFORD. Identical in every way with the one now before the House.

The CHAIRMAN. Unless the gentleman from New York cares to be heard further, the Chair is ready to rule.

Mr. PARSONS. Mr. Chairman—

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. PARSONS. Yes. I think what the gentleman from Wisconsin has stated to the Chair is contained in the rules and regulations and is not a verbatim copy from the statutes.

Mr. STAFFORD. Mr. Chairman, I would like to ask the gentleman upon what he bases that statement?

Mr. PARSONS. I base it on the statutes printed in that report of the Postal Commission—a report on classification. I looked in that and tried to find the statute covering this point and could not find any such statute as that to which the gentleman has referred.

Mr. STAFFORD. If the gentleman will examine the Supplement, he will find this classification act in extenso, and he will find there a provision that has not been superseded by any subsequent law limiting the salary of these designated employees to \$700. An attempt is made to increase it to \$800 by the amendment now before the committee, and I contend that it is out of order.

The CHAIRMAN. The Chair understands that the existing law on this subject is as the gentleman from Wisconsin has stated it:

Pressmen, messengers, watchmen, laborers, janitors, porters, firemen, carpenters, waste-paper examiners, and general utility clerks, four classes, salary graded in even hundreds of dollars, from \$400 to not exceeding \$700 per annum.

That is existing law, and even if that was a regulation and not the law the appropriation of last year makes the law in determining the salaries. The Chair has no hesitation in sustaining the point of order.

The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for carriers absent without pay, city delivery service, \$29,618,500.

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

The Clerk read as follows:

Page 14, lines 14 and 15, strike out "twenty-nine million six hundred and eighteen thousand five hundred" and insert in lieu thereof "twenty-nine million four hundred and sixty-eight thousand five hundred."

Mr. OVERSTREET. Mr. Chairman, that is to correct an error in the committee room on the Post-Office and Post-Roads, in making the proper calculation.

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

The question was taken, and the amendment was agreed to. The Clerk read as follows:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices already established, \$1,300,000.

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

The Clerk read as follows:

Page 14, line 18, after the word "dollars" insert the following:

"Provided, That hereafter substitute letter carriers be paid at the rate of 30 cents an hour for the time they are employed when serving in the places of regular carriers on leave of absence, or when serving for carriers who are granted leave of absence with pay, in order that they may serve as members of the local civil-service boards, or as witnesses for the Government in United States courts; and that they shall be paid the pro rata salary of carriers for whom they serve who are absent without pay."

Mr. OVERSTREET. Mr. Chairman, I make the point of order that that changes existing law.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. KELIHER. No.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KELIHER. Mr. Chairman, I move to strike out the last word. That amendment, Mr. Chairman, was offered for the purpose of remedying what I consider, and what is considered by many more, an injustice that is being done to the substitutes in the carrier service of the country. It is not offered with a sentimental motive at all, and I have this to say to the distinguished chairman of the committee, who accused me a minute ago of being a sentimental, that if calling attention to the fact that Uncle Sam is paying but \$10 a week for certain men doing laborer's work—a wage no more than padrones of the country pay their cheap help—then I plead guilty to being a sentimental.

But perhaps the gentleman proceeds upon the theory he enunciated in his reply to me a few minutes ago, that men of that class do not need to eat. And I will say further to him that I am probably one of that class to whom he referred, who are met at their home railroad stations by a thankful body of men, in consideration of work done in Congress, with a brass band; but I would much rather be met by a brass band in my district than by a bludgeon, as some men I know of in this House have been, Mr. Chairman.

But to proceed in the discussion of this particular branch of the service, to which my amendment related. The substitute is compelled to buy a uniform upon his appointment to the service. He works for about three years before he gets into the regular service. He does not make, on an average, more than \$25 or \$30 a month. He can hardly engage in any other sort of employment, because he is at the beck and call of the service to which he is attached. Now, then, when he goes to work in the place of the carrier who is on vacation leave, he is paid 30 cents an hour.

That is right; but when he takes the place of a carrier who draws \$3.06 a day, performing the same work that that carrier does, it is only fair and it is only justice and it is simple equity that he should receive the pro rata pay of the man whose place he takes, particularly when it is borne in mind that the carrier for whom he substitutes is receiving no pay whatsoever, and if this amendment were not objected to, Mr. Chairman, it would not impose another dollar of expense upon the Government and would remedy what I consider an injustice done to these men. Why, here we are told that the Post-Office Department is going to add 1,700 new carriers to the service during the coming fiscal year, yet there is not provided another dollar in addition to the money that is carried in the appropriation bill which is providing for the current expenses of the department of this year. I call the attention of the House to the fact that in the act of last year we provided for this particular branch of the service \$1,300,000, and in the present bill the same amount is carried; yet the First Assistant Postmaster-General declared to the committee that 1,700 more men would be brought into the service, and it formulated its bill upon that basis without providing an additional dollar.

Now, how are they going to pay for the increased substitute force which will be required? And I believe, Mr. Chairman, notwithstanding the fact we will be told that the substitutes would prefer to receive 30 cents an hour, because, forsooth, some days they work ten or twelve hours and make \$3 a day, the fact is they never work ten or twelve hours and rarely go over six hours at a stretch; and the man who, as a substitute, has waited for three years to get into the regular service who

has made over \$40 a month is an exception. I believe it will be only fair to change the method of compensating these men. Mr. Chairman, I call the attention of the House to the fact, and the chairman of the committee also, that his infallibility is not always recognized by this House by reminding him of the fact that the House has taken the bit between its teeth with great frequency and enacted legislation to comport with the best judgment and wisdom of the country in regard to the postal service despite the protests and contrary to the opinion of the gentleman from Indiana. [Applause.]

Mr. OVERSTREET. Mr. Chairman, facts amount to something yet in this House, and it demonstrates the futility of undertaking in a town meeting—I am, without disrespect, referring to the Committee of the Whole House, where so few know all the details of the estimates and the calculations necessary—to frame a proper schedule for appropriations for this service. The gentleman criticises with a good deal of vehemence our failure to increase this item when we are asked to increase the number of carriers. The increase of the number of carriers, Mr. Chairman, is provided in the other item, which is now passed. This item is limited entirely to the establishment in the first instance of the substitute-carrier service in a city that never before will have had a substitute-carrier service. We appropriated for the current year \$1,300,000. We carry the same item for the next year.

The reason this is not increased is that it was found that the \$1,300,000 for the last year was too high, and they had nearly \$200,000 unexpended. This amount was agreed to after a hearing, after inquiry with the officials having charge of this appropriation. It has not been curtailed in any spirit or disposition of being penurious. This is not the money of the committee. Some people can vote loudly to expend money other than their own, but the Committees of Appropriations of the House are obliged to scrutinize very carefully the necessary expenditures and recommend to the House in a fair way such expenditures and appropriations as inquiry has demonstrated will be necessary. I think it ill becomes any Member of the House to criticise so severely a committee which, in my judgment, Mr. Chairman, gives as much time, at least as much zealous work, as many unselfish hours of labor, to the discharge of the heavy and numerous duties of the committee as any other committee in the House. I can speak, Mr. Chairman, with knowledge upon that fact. I have seen these men and have worked with them. They deserve the highest praise for the conscientious, faithful, and honest manner in which they have discharged their duties. [Applause.]

It had not been my intention, Mr. Chairman, at any period of this session to make reference in any degree to the fact of my retirement from the House. The intimation of the gentleman from Massachusetts [Mr. KELIHER] that it was due to a bludgeon gives me the opportunity, without any favor of the future, to express my appreciation of the loyal support of my colleagues upon that committee. What little I have been able to do will have been finished practically with the conclusion of this bill. Whether I have been in error or not I will let history record, but it has not been with any intent to take food from anybody's mouth nor to withdraw the proper need of praise from any employee. The duties are arduous, are embarrassing, are troublesome. We are not met with brass bands as others are who are more favored for their zealous work in a raid upon the Treasury. We have tried, Mr. Chairman, to perform our service with an eye to the Government's needs, and with fair equity to the employees, and I believe it has been done.

Without any disposition to criticise, I believe those few instances in the recent past when the recommendations of the Post-Office Committee have been overthrown by the action of the Committee of the Whole House and the House, that the committee, at least, have not been in error. The facts will demonstrate that their work has been done with careful scrutiny of the facts, with the proper regard which the officials of the department are entitled to receive for their labors, and with a view, Mr. Chairman, of recommending to the House only legislation for which they can properly stand and can at all times defend; and in no instance during my six years of service as chairman of this committee has there been put into a bill any joker for the benefit of any member of that committee. We stood, Mr. Chairman, for what we believed to be right, without regard to the insinuations of Members who think that we ought to join with them without reference to our duties and our consciences in voting appropriations to aid Members to increase their popularity with the postal employees. We are willing to stand or fall by that record. [Loud applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For pay of letter carriers, substitute and auxiliary letters carriers at new offices entitled to city delivery service, \$120,000, of which sum \$20,000 shall be immediately available.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word, for the purpose of expressing, as one man who comes from an exclusively city district, the extreme sense of regret that the great majority of men here from city districts feel over the retirement from this committee and Congress of the distinguished chairman of the Committee on Post-Offices and Post-Roads. [Applause.] It will go down into history, to which he appealed with confidence, that during the time he has been chairman of the committee the clerks and carriers in first-class cities have received a greater measure of justice and consideration than during the chairmanship of any other man. And I want to express to this House my assurance that whatever the gentleman from Indiana [Mr. OVERSTREET] was met with in his district, he was not met with any bludgeon in the hands of post-office clerks and carriers—men who appreciate his honesty, who appreciate his ability, who appreciate his disinterestedness, who appreciate his fairness, and who, I know, all over the country will join with me in wishing him in his retirement all sorts of peace and prosperity, success and good will. [Applause.]

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

The CHAIRMAN. The gentleman may be recognized to oppose the amendment offered by the gentleman from New York [Mr. BENNET].

Mr. KELIHER. Mr. Chairman, I simply desire to ask this question of my colleague: If he believed, when he stood by me and others last year in the movement for obtaining an increase in the pay of the carriers and clerks of the principal post-offices of the country, he was engaged in a raid upon the Treasury?

Mr. BENNET of New York. I am very glad to answer. I understand we were not. We were engaged, as I expressed in my few remarks, in obtaining a measure of justice. I want to say to my friend frankly that we who come from the large cities look at this situation from one standpoint. We do not have upon our shoulders the burden and entire responsibility of this Post-Office Committee. We were able to convince the House, and have been for two or three sessions of Congress, that we were right in our contention; but the mere fact that in some of these contentions the gentleman from Indiana differed with us gives no more ground for criticism of him than does it give ground for criticising any Member who then differed with us on the floor.

He had on his shoulders the whole post-office appropriation bill. We have a better appreciation, perhaps, as to the needs of the carriers of the great cities. I will say to my friend from Massachusetts, at any time that he wants to lead another fight of that kind, and the deficit is not so large, that he will find me and every other man who voted the same way on this side of the Chamber backing him up just as strongly as we did then. But that does not justify a criticism of the gentleman from Indiana.

Mr. GRIGGS. Did you get the increase you desired last year?

Mr. BENNET of New York. We got a piece. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. WEEKS. I move to strike out the last word. Mr. Chairman, I make that motion for the purpose of asking that unanimous consent be given the gentleman from Illinois [Mr. RAINNEY] to conclude the remarks he was making when called to order.

Mr. OVERSTREET. Mr. Chairman, if the gentleman will modify that to a specific length of time, I have no objection. I ask him to modify that to five minutes.

Mr. WEEKS. I modify it so that the gentleman will be given five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from Illinois [Mr. RAINNEY] be given five minutes to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINNEY. Mr. Chairman, when my remarks were interrupted, I was making the point that under the item in the sundry civil bill of last year to which I referred it was possible to buy only two ships, and we did buy those two ships; and I again make the same statement. The point made by the gentleman from Massachusetts with reference to the purchase was that we got the ships cheap enough; that we got them for about \$400,000 less than the amendment to which I referred provided for. That was not the fault of the item in the bill. The

officials of the War Department who had charge of the transactions are responsible for the fact that those ships were bought for less than \$1,550,000. The gentleman makes the point that they were worth fully that. I do not know how much they were worth; but I do know that we did not need them, and I know that we did not want them, because the Isthmian Canal Commission never asked for them. Now, it may be that they were worth that much. It may be that we could buy timber elephants in India—a hundred of them for \$500 apiece—to work on the canal, and that might be a reasonable price for timber elephants, but that does not excuse an enormous expenditure of money for that purpose.

When the French were on the Isthmus of Panama they bought 15,000 kerosene torches with which to celebrate the completion of that canal; and I understand, and the statement has been made, that they are now on the Isthmus and belong to us. The French might have bought those kerosene torches at a reasonable price; they may not have paid more than they were worth; but that did not justify that expenditure.

The gentleman insists that while it may be necessary to improve the harbor of Colon in order to permit vessels of 9,000 gross tonnage to enter, still it is an improvement that ought to be made, that will have to be made at some time in the future, and therefore we may as well make it now, in order to let these ships that we do not need and do not want go in.

The gentleman overlooks the fact that when this canal is completed, when it is in use, we do not propose to use the harbor of Colon at all. The completed canal makes no use of the harbor of Colon. We go some miles above the harbor and dig the canal straight across to the site of the Gatun dam, and it will never be necessary for us in order to use the canal across the Isthmus to improve the harbor of Colon.

Now, I do not know where these ships are to be delivered; but I do know that the official organ of the Isthmian Canal Commission, the *Canal Record*, which is only issued after having been carefully scrutinized by the Isthmian Canal Commission, under date of December 16, 1908, contains this statement on the first page, and I read from this official Record:

A cablegram from Washington states that the steamships *Shawmut* and *Tremont* will be purchased for \$1,157,000 delivered at Seattle about January 1, 1909. If delivery is desired at New York, \$56,000 must be added to the purchase price. These ships will be placed in the Panama Railroad Company's service between Cristobal and New York. They are owned by the Boston Steamship Company, and have recently been laid up after several years of service in the trade between Puget Sound, Japan, and China.

Now, if these steamships are to be used in the service between Cristobal and New York, the fact they are to be used in that service may require us to dredge a part of Colon Harbor that will never be used after the completion of this canal. And now I want to read again from the deficiency estimate of the chairman of the Isthmian Canal Commission.

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

Mr. RAINY. I ask five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. RAINY. This is the deficiency estimate submitted by Colonel Goethals on the 30th day of November, 1908. It is printed in the *Canal Record*, this official organ, on the 16th day of September. I now read from it:

A comparison of the estimates submitted to Congress for the present fiscal year in December, 1907, with the appropriation made by act approved May 27, 1908, for the department of construction and engineering is as follows:

It will be noted that there has been deducted from the appropriation for material, supplies, and equipment \$1,550,000 for two steamships, which item was not in the estimates.

Now, that confirms the search I made myself of the estimates, and it shows that the commission did not want these ships that were bought, but the Boston Steamship Company had them to sell. I am not criticising the Boston Steamship Company for wanting to sell something that they did not want, and I am not criticising anybody in connection with it. I am simply calling attention to the rocks upon which the French companies drifted; and if we want to build this canal, we can not afford to make it a dumping ground for everything that everybody does not need any longer, and wants to sell, whether we pay enough for it or not. [Applause on the Democratic side.]

Now, I ask to include in my remarks these documents to which I have referred.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to include the documents to which he has called attention in his speech as published in the *Record*. Is there objection?

There was no objection.

The documents referred to were the following two amendments offered by the Senator from Massachusetts [Mr. LODGE]:

[H. R. 14766, 60th Cong., 1st sess.]

IN THE SENATE OF THE UNITED STATES, JANUARY 28, 1908. REFERRED TO THE COMMITTEE ON APPROPRIATIONS AND ORDERED TO BE PRINTED.

Amendment intended to be proposed by Mr. LODGE to the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, viz: Insert the following:

For the purchase of two steamships of American registry for the use of the Isthmian Canal Commission, to be employed in the transportation of supplies, equipment, and material for use in the construction of the canal, the sum of \$1,600,000.

[H. R. 21260, 60th Cong., 1st sess.]

IN THE SENATE OF THE UNITED STATES, APRIL 28, 1908. REFERRED TO THE COMMITTEE ON APPROPRIATIONS AND ORDERED TO BE PRINTED.

Amendment intended to be proposed by Mr. LODGE to the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, and for other purposes, viz:

On page 170, line 7, strike out the words "eleven million two hundred and fifty thousand dollars" and insert the words "twelve million eight hundred and fifty thousand dollars, including the purchase of two steamships of American registry for the use of the Isthmian Canal Commission, to be employed in the transportation of supplies, equipment, and material for use in the construction of the canal and employees therefor, the sum of \$1,600,000: Provided. That in any contract hereafter made, transportation by sea of material, supplies, and equipment from the United States for use in the construction of the Panama Canal shall be restricted to vessels owned by the United States or by the Panama Railroad Company, or to vessels of the United States chartered by the United States or by the Panama Railroad Company, or to vessels of the United States tendered by the lowest responsible bidder, unless the President shall in any case deem the bids or tenders therefor to be extortionate or unreasonable, or shall find that no such vessels of the United States can be secured for the trade: Provided further, That this resolution shall not apply to any foreign steamship chartered by the Panama Railroad Company to take the place of any of the present fleet destroyed or undergoing repairs, after the President shall have been satisfied that a suitable vessel of the United States could not have been chartered on reasonable terms for that purpose: And provided further, That the Isthmian Canal Commission is hereby authorized to purchase or charter and operate vessels of the United States for the transportation of material and equipment for the use of the canal, employees on and mails for said canal, whenever in the opinion of the President the public interests will be best so served: And provided further, That in every such contract the party or parties bidding on the same shall be authorized to submit bids to deliver said material and equipment in the alternative either, first, on docks within reach of the ship's tackle at seaports of the United States named by the bidder; second, on docks, at the option of the bidder, at Colon or La Boca (first) in ships of American register, (second) in ships of foreign register."

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. WEEKS] may have five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Massachusetts [Mr. WEEKS] be allowed to address the committee for five minutes. Is there objection?

There was no objection.

Mr. WEEKS. I feel like apologizing for taking any of the time of the committee for a continuation of this discussion, and I would not do so if the gentleman from Illinois [Mr. RAINY] had not lost track of one or two things in connection with this subject which have an important bearing on it. He forgot yesterday that these steamers were bought for practically \$450,000 less than the appropriation, by an administration which he was criticising, and he has also forgotten, as he did yesterday, that these steamers were bought for more than one purpose. Even if you allow for the moment that they were not to be used and can not be made useful by the Panama Canal Commission, the law under which the purchase was made provided that they are to be turned over to the navy when the commission does not need them. The navy needs colliers and auxiliaries, as everyone knows, and if it is true that the Panama Canal Commission does not need them now they can be turned over to the navy and used to good advantage by the navy at once.

Mr. RAINY. Would it not have been better, then, if this matter had been conducted in an absolutely fair manner, and if the House and Senate had been advised that they were buying these particular vessels and no others for the purpose of making colliers out of them for the navy?

Mr. WEEKS. Mr. Chairman, I am informed that the purchase of these vessels was recommended by the War Department. The completion of the purchase of these vessels was made by the War Department, and I therefore assume that there was some reason for buying them for the Panama Canal Commission, and that the purchase was not dependent on the desire of the Boston Steamship Company to sell them or on their being used as naval colliers.

There is no question about the desire of the Boston Steamship Company to sell these steamers. They built them at an expense

of \$1,850,000; they operated them three or four years in competition with English and Japanese subsidized lines to the Orient, and could not earn a net dollar on their investment. The stockholders never received any dividends, and they sold the steamers and were glad to do it, at 60 per cent of the original cost, and in addition lost the interest on the investment for something like five years. In other words, on account of our insane merchant-marine laws, citizens of the United States build steamers, try to operate them flying the American flag, and after five years are glad to sell them to anyone who will pay them 60 per cent of the original cost.

Mr. RAINY. Will the gentleman yield?

Mr. WEEKS. Yes.

Mr. RAINY. I want to ask the gentleman if he thinks the Treasury of the United States ought to be made responsible for the fact that this Boston Steamship Company has been unfortunate in business or in investments?

Mr. WEEKS. Not at all; but, as I have said, the purchase of the steamers having been recommended by the War Department, and the purchase having been made by the War Department, a succeeding administration, would seem to indicate that there was some necessity for the purchase of these steamers for the use of the Panama Canal Commission. But if that commission does not need them and can not use them, then the Government can get full value for the money it has expended for them by turning them over to the navy and using them for colliers and auxiliaries. I yield back the balance of my time. [Applause.]

The Clerk read as follows:

For regulation, screen, or other wagon service, \$1,600,000.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 16, lines 22 and 23, strike out "\$1,600,000" and insert in lieu thereof "\$1,675,000."

Mr. OVERSTREET. That is simply to increase this amount in accordance with the latest information from the department, and upon the department's recommendation.

The amendment was agreed to.

The Clerk read as follows:

For inland transportation by railroad routes, \$46,568,000.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee the cause of this \$2,586,000 increase in this provision?

Mr. OVERSTREET. That is due entirely to the increased volume of the mail. There is no change of rates.

Mr. MACON. I withdraw the pro forma amendment.

The Clerk read as follows:

Railway Mail Service: For 13 division superintendents, at \$3,000 each; 13 assistant division superintendents, at \$2,000 each; 5 assistant superintendents, at \$2,000 each; 19 assistant superintendents, at \$1,800 each; 136 chief clerks, at \$1,800 each; 286 clerks, class 6, at not exceeding \$1,600 each; 1,411 clerks, class 5, at not exceeding \$1,500 each; 583 clerks, class 5, at not exceeding \$1,400 each; 2,657 clerks, class 4, at not exceeding \$1,300 each; 2,056 clerks, class 4, at not exceeding \$1,200 each; 6,168 clerks, class 3, at not exceeding \$1,100 each; 2,600 clerks, class 2, at not exceeding \$1,000 each; 600 clerks, class 1, at not exceeding \$900 each; 600 clerks, class 1, at not exceeding \$800 each; in all, \$19,465,300: *Provided*, That the Postmaster-General may hereafter, in his discretion, under such regulations as he may provide, allow a clerk who is sick leave of absence with pay, his duties to be performed without expense to the Government during the period for which he is granted leave, not exceeding thirty days in any fiscal year.

During the reading of the above paragraph the following occurred:

Mr. FINLEY. Will not the gentleman, chairman of the committee, agree that all the items under this head may be read, and then let the amendments be offered?

Mr. OVERSTREET. I do not think there will be any amendment offered to the item now being read. Let the paragraph be read, and then consider the amendment to any one line in the paragraph.

Mr. FINLEY. The gentleman is aware that there is likely to be amendments offered lower down.

Mr. OVERSTREET. Does the gentleman know what paragraph is being read?

Mr. FINLEY. Yes; it is in relation to the Railway Mail Service.

The CHAIRMAN. Will gentlemen suspend until the Clerk has finished reading the paragraph?

The Clerk completed the reading of the paragraph.

Mr. DRISCOLL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 19, line 17, after the word "year," insert:

"*Provided further*, That the men now employed in the Railway Mail Service known as porters be made regular clerks and assigned to class 1, at a salary of \$800 a year."

Mr. MACON. Mr. Chairman, I reserve a point of order.

Mr. DRISCOLL. Mr. Chairman, I wish to call the attention of the Committee of the Whole House to this class of men. I believe there are many Members here who perhaps never heard of them and know very little about them or about the work they do, because, as a matter of fact, there are only twelve of them now in the service. They have been in the service many years, and are scattered all over the country, so they can not possibly exercise any influence upon Congress in their interest, as other organizations in the post-office service do. They were appointed fifteen or twenty years ago as porters to handle bags and do heavy work in connection with the mail service.

But it was found that they were not required for that work, and it was not profitable to keep a porter in each particular place, or in each particular car, and immediately they were set to work handling mail, the same as clerks handle it, distributing letters, and so forth, and from that time to this they have been retained in the service at that kind of work. While they are called porters they are actually mail clerks and do efficient mail service. They have no tenure of office for there is no need of them as porters. If they did only the work they were first employed to do, they could and would be dismissed. These 12 men are survivors of the fittest, and have been kept in the service under the name of porters, but not as porters. They have been retained as clerks, and have been doing the regular work of clerks.

Mr. MACON. Do they not stand a chance of being promoted into the regular mail-clerk service?

Mr. DRISCOLL. No. I will explain that. They get now \$700 a year. My amendment provides that they be taken into the regular service as clerks in the lowest grade at \$800 a year. Those men who are getting \$700 a year have been for years working side by side with men getting \$800 and \$900 and \$1,000 and \$1,100 a year, and doing as much work and as well as such men.

Mr. MACON. Why have they not been promoted?

Mr. DRISCOLL. They are not in the civil service, or are not eligible to promotion.

Mr. MACON. Why do they not get in? Can not they stand the examination?

Mr. DRISCOLL. They are now over 35 years of age and they are not eligible to civil service as railway-mail clerks, and they are in a very unfortunate position. They are working out their lives doing as much as men who get two or three hundred dollars a year more.

They are over 35 years of age, and therefore they can not be taken into the civil service in the regular way. They are unfit for any other sort of work except this, because they have given their lives practically to it. There are only 12 of them in the whole country and no more can be employed, because this particular class of men has been discontinued, and the department has not hired one of those men in fifteen or twenty years.

Mr. OVERSTREET. For fifteen years.

Mr. DRISCOLL. There will be no extra expense incurred by this amendment which I offer. If they are taken into the regular service they will be simply called clerks, and they will do the work they have been doing for years. We will impose no extra expense on the Government except possibly \$100 a year for 12 men, and they have earned that over and over again for several years back, and I do hope, in view of the merits of this proposition, that the gentleman from Arkansas [Mr. MACON] will not insist on his point of order.

Mr. OVERSTREET. Mr. Chairman, I will simply state that if the gentleman from Arkansas does not insist upon his point of order I have no objection to the adoption of this amendment. What the gentleman from New York [Mr. DRISCOLL] has said is correct. Quite a while ago, when they inaugurated that practice—

Mr. FINLEY. I would like to ask the chairman of the committee if this was not a matter that was thrashed out in committee?

Mr. OVERSTREET. It was not thrashed out. It was suggested and was not agreed to. I have always favored the placing of these 12 porters as clerks. They have earned their position by service.

Mr. DRISCOLL. Is it not a fact that the Second Assistant Postmaster-General and the general superintendent also favor this amendment?

Mr. OVERSTREET. That is my recollection.

Mr. COX of Indiana. Mr. Chairman, can we not have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. DRISCOLL. All there is of it is that these 12 men be taken into the regular service and be called clerks.

Mr. COX of Indiana. What 12 men does the gentleman refer to?

Mr. DRISCOLL. There are only 12 men now in the service at the present time who were employed about fifteen years ago and who were called "porters," and there is no demand for them as porters. They are not doing work as porters; they are doing work as regular mail clerks, handling letters, and this amendment is to the effect that they be called clerks in the service.

Mr. COX of Indiana. Why have they not been promoted heretofore?

Mr. DRISCOLL. Because they are not in the civil service as mail clerks, and they are over 35 years of age, too old to take the examination and be admitted to the civil service in the regular way.

Mr. COX of Indiana. Are they too old to stand the civil-service examination for this kind of work?

Mr. DRISCOLL. They are too old to stand the civil-service examination for admission as mail clerks.

Mr. LANDIS. They are not eligible under the law.

Mr. COX of Indiana. Where do these porters live?

Mr. DRISCOLL. All over the United States. There are only 12 of them altogether.

Mr. COX of Indiana. Has the gentleman got the names of all of them?

Mr. DRISCOLL. They are not needed any more as porters, and when they leave the service or die there will be none left in this class. They are what are left of several who were appointed many years ago, and I think they ought to be taken care of in this way.

Mr. MACON. Mr. Chairman, I have understood that it took dimes to make dollars, and if we are—

Mr. GRIGGS. Mr. Chairman, I want to ask a question that the gentleman from Arkansas can answer as well as anybody. Is this a new provision?

Mr. MACON. This is a new amendment. As I started to say, Mr. Chairman, if we are careless about the saving of the dimes then the dollars will get away from us. I think, Mr. Chairman, that we are extravagant enough in the maintenance of the affairs of this Government at this time. We are told that it is necessary to increase salaries of employees in order to increase the efficiency of the public service. I have never known of a private enterprise, the business of which was running behind year in and year out, month in and month out, where it was alleged that the salaries of those who were conducting the affairs of the business ought to be increased in order to make it efficient. We know that the revenues of the Government do not meet its expenditures at this time, and hence I can not see the wisdom of increasing the salaries of employees while that condition exists.

Mr. Chairman, I fully appreciate everything the gentleman from New York [Mr. DRISCOLL] has said about these porters being too old to become mail clerks by promotion; but I think that if they are too old to become mail clerks under existing law that they are too old for Congress to increase their salaries and make them clerks, and for that reason I insist upon the point of order.

Mr. OVERSTREET. If the gentleman will yield to me for just a moment.

The CHAIRMAN. Does the gentleman from Arkansas yield?

Mr. OVERSTREET. If the gentleman will simply withhold his point of order—

Mr. MACON. Yes.

Mr. OVERSTREET. I have sent to the committee room and have before me the names of the 12 men who are called "porters," the lines upon which they run, the date of their appointments, and their respective ages.

Mr. GRIGGS. Mr. Chairman, I make the point of order—

The CHAIRMAN. Will the gentleman from Georgia state his point of order?

Mr. GRIGGS. The gentleman from Arkansas has withdrawn his point of order.

Mr. MACON. No; at the request of the gentleman I have reserved it.

The CHAIRMAN. The gentleman from Arkansas reserves the point of order.

Mr. OVERSTREET. I merely want to put this in the Record to show where these men are at work.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to insert the document which he has just sent to

the Clerk's desk in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The list is as follows:

*Porters, Railway Mail Service.*

Name.	Salary.	Line.	Appointed.	Born.
George J. Ulam.....	\$700	Pittsburg and Chicago.....	June 16, 1894	1866
Edward H. Mason.....	700	Pittsburg and St. Louis.....	Nov. 9, 1893	1860
T. H. Riley.....	700	do.....	Mar. 6, 1894	1838
A. H. Henderson.....	700	do.....	June 9, 1894	1858
Patrick H. O'Donnell.....	700	do.....	June 13, 1894	1861
John S. Lewis.....	700	Seventh division office.....	Apr. 28, 1891	1857
R. H. Scott.....	700	New York and Chicago.....	Jan. 2, 1892	1856
Michael J. McCarthy.....	700	do.....	Mar. 4, 1893	1848
Charles H. Turner.....	700	do.....	June 23, 1893	1869
Mathew Ennis.....	700	do.....	Jan. 8, 1894	1862
Philip McCarthy.....	700	do.....	June 22, 1894	1868
John E. Dunn.....	700	do.....	Dec. 3, 1895	1864

The CHAIRMAN.\* Does the gentleman from Arkansas insist upon the point of order?

Mr. MACON. Yes.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DRISCOLL. Will the gentleman wait just one moment? I want to make one statement.

The CHAIRMAN. The gentleman can not proceed except by unanimous consent.

Mr. MACON. Mr. Chairman, I think he ought to have unanimous consent.

The CHAIRMAN. The gentleman from New York asks unanimous consent—

Mr. DRISCOLL. Just to make one statement in reference to these men. The man I know, who lives in my district, is as white as any man here, and I believe everyone of these porters are all white men, all American citizens, and I wish the gentleman—

Mr. MACON. Nobody has said anything about the color of these porters; color has not been mentioned.

The CHAIRMAN. The Clerk will read.

Mr. FINLEY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FINLEY. I ask unanimous consent that this item be passed over until we finish the next page, page 20.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that this paragraph be passed without prejudice until the reading of page 20 be concluded. Is there objection?

Mr. OLLIE M. JAMES. What paragraph is it?

The CHAIRMAN. The Chair wishes to find out whether there is any objection to the request.

Mr. OLLIE M. JAMES. Mr. Chairman, I wish to find out what the paragraph is; what it is we are to allow to go over.

The CHAIRMAN. Without objection, the Clerk—

Mr. MOON of Tennessee. Mr. Chairman, I object.

The CHAIRMAN. Nobody seems to object—

Mr. MOON of Tennessee. Mr. Chairman, I was on my feet, and objected.

The CHAIRMAN. Objection is made, and the Clerk will read.

The Clerk read as follows:

For actual and necessary expenses of division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, \$23,000.

Mr. GRIGGS and Mr. MOON of Tennessee rose.

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] is recognized.

Mr. MOON of Tennessee. Mr. Chairman, I am of the opinion that this section is obnoxious to the rules of the House which prevent any new legislation on appropriation bills except in accordance with the general law. I make the point of order that it is new legislation.

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] makes the point of order that it is new legislation.

Mr. GOEBEL. Mr. Chairman, will the gentleman withhold his point of order?

Mr. OVERSTREET. Mr. Chairman, I want to ask the gentleman from Tennessee [Mr. Moon] if it is his purpose to insist on his point of order?

Mr. MOON of Tennessee. I made it in earnest. I would not make the point of order otherwise.

Mr. GRIGGS. I make the point of order that the gentleman from Tennessee debated this question before he made the point of order.

**THE CHAIRMAN.** The Chair was following that very closely. The gentleman was making a statement perhaps necessary as preliminary to his point, and the Chair overrules the point of order made by the gentleman from Georgia [Mr. GRIGGS].

**MR. GOEBEL.** Will the gentleman from Tennessee [Mr. MOON] withhold his point of order for a moment?

**MR. MOON** of Tennessee. Mr. Chairman, I may as well be candid with the gentleman from Ohio [Mr. GOEBEL]. I know exactly what his amendment is, and I know it is bad legislation, and, in my opinion, it ought not to be passed. The best way, I think, to kill obnoxious legislation is to insist on the point of order, and I insist upon it.

**THE CHAIRMAN.** May the Chair ask the gentleman from Tennessee [Mr. MOON] if there is any existing permanent law authorizing this appropriation?

**MR. MOON** of Tennessee. Not that I am aware of.

**THE CHAIRMAN.** The Chair has had occasion—

**MR. COCKRAN.** Mr. Chairman, I understand from the gentleman from South Carolina [Mr. FINLEY] that there is a misapprehension in the mind of the gentleman from Tennessee [Mr. MOON] on the question of fact.

**THE CHAIRMAN.** The Chair has had occasion to rule on some similar questions some two or three times to-day, and the Chair has given some investigation to the matter. The Chair in his ruling will take care of the matter which the gentleman from South Carolina [Mr. FINLEY] refers to. The Chair is ready to rule.

**MR. GRIGGS.** Am I in order to offer an amendment?

**THE CHAIRMAN.** The gentleman is not in order to offer an amendment at this time.

**MR. GOEBEL.** Has the Chair ruled?

**THE CHAIRMAN.** The Chair is ready to rule.

It has been repeatedly held that the insertion of a provision in an appropriation bill makes law for that year only—"current law," as it is called—unless the language used clearly indicates an intention to extend the operation of the provision beyond that fiscal year and to work a permanent change in the law. The language of the provision to which the point of order is directed indicates no such intention. The fact that such a provision has been carried in an appropriation bill more than one year—it may be for many years—does not alter the principle. It has been held that the reenactment from year to year of a law intended to apply during the year of its enactment only does not relieve the provision from the point of order. In the third session of the Fifty-eighth Congress, when the army appropriation bill was under consideration, a similar question arose. A point of order was made against a provision in that bill which had been carried in army appropriation bills for the three previous years. The gentleman from Illinois [Mr. BOUTELL] was in the chair, and in sustaining the point of order he said:

Although this provision may have been carried for a number of years, it has never been carried in the form of a statutory enactment, but as a provision, always subject to a point of order, governing this appropriation for a single year.

From this ruling an appeal was taken, and the decision of the Chair was sustained by the committee.

There can be, under the rules, no authorization by prescription or practice. It is true that a provision in an appropriation bill reenacting verbatim an existing permanent law is not subject to a point of order; but the Chair assumes, from what has been said, that the only law covering this point is that found in former post-office appropriation bills in language identical with the language of this provision. With that understanding of the facts, the Chair sustains the point of order.

**MR. MURDOCK.** Mr. Chairman, I appeal from the decision of the Chair.

**THE CHAIRMAN.** The gentleman from Kansas [Mr. MURDOCK] appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee? Upon that question the Chair desires and will order tellers. The Chair will name the gentleman from Indiana [Mr. OVERSTREET] and the gentleman from Kansas [Mr. MURDOCK] as tellers. Tellers will please take their places.

The committee divided; and tellers reported—yeas 93, nays 24. So the decision of the Chair was sustained.

The Clerk read as follows:

For rent, light, fuel, telegraph, and miscellaneous office expenses, schedules of mail trains, telephone service, and badges for railway postal clerks, \$60,000, including rental of offices for division headquarters, Railway Mail Service, in Washington, D. C.

**MR. GOEBEL.** Mr. Chairman, I move to strike out the last word. I regret very much that a point of order is made to a proposition that has been carried in every appropriation bill for the last ten years. The opposition to this paragraph is not aimed at the paragraph itself. The paragraph as it stands pro-

vides for the expenses of certain superintendents and other officers to the extent of \$23,000. There can not be any objection to the paragraph itself. The gentleman who makes the point of order has over and over again in the committee voted for the proposition.

**THE CHAIRMAN.** The gentleman will suspend a moment. The Chair must call the attention of the gentleman to the rule which provides that in debate matters which occur in the committee must not be mentioned.

**MR. GOEBEL.** The objection, therefore, was made because the gentleman knew that I intended to offer an amendment which provides for the expenses of the railway mail clerks.

**MR. MOON** of Tennessee. Will the gentleman from Ohio allow me to interrupt him just a moment? There is nothing to be concealed on my part about this point of order. I happened to be aware of the fact that the gentleman had prepared an amendment, to be proposed to that paragraph, adding \$2,000,000 to this section to pay for meals and lodgings of railway mail clerks while away from their homes. As stated in my remarks yesterday, I have no objection to an increase of pay by way of salary to these men, but I do object to legislation of this nature. I do object to the proposition of having accounts taken for meals and lodgings of the men while traveling. I think it is bad legislation, and made the point of order against this section so that the gentleman could not hinge his amendment onto it. That was the very purpose. Later on we are going to take care of these clerks by proper amendment of the law, increasing their salaries, so that they may live like gentlemen, and not like children of the Government.

**MR. GOEBEL.** You therefore, in making your point of order, refused to submit to this committee the proposition whether such an appropriation ought to be made.

**MR. MOON** of Tennessee. I think it would be bad legislation.

**MR. GOEBEL.** Why not trust the judgment of this committee? Why not leave the paragraph without making a point of order? You could have voted against my amendment if you saw fit; but by your point of order to the paragraph itself you do cut out every amendment, and for that reason you made the point of order.

**MR. MOON** of Tennessee. I wanted to cut it out, root and branch, so that you could not get in your amendment. That was all.

**MR. GOEBEL.** I understand it.

**THE CHAIRMAN.** The Chair will again caution the gentleman against referring to a Member in the second person. While the gentleman may criticise the remarks of a gentleman, he can not comment upon the motives that led to their utterance.

**MR. GOEBEL.** I do not intend to comment upon the motives of the gentleman, but I am stating a fact, which he admits. Now, I say, Mr. Chairman, that that is not good legislation, and it is not in the interests of good legislation.

**THE CHAIRMAN.** The time of the gentleman has expired.

**MR. OVERSTREET.** I ask the Clerk to proceed with the reading.

The Clerk read as follows:

For per diem allowance of assistant superintendents while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day, \$30,000, and for their necessary official expenses not covered by their per diem allowance, not exceeding \$3,600; in all, \$33,600.

**MR. OLMSTED.** I desire to call attention to the manifest inconsistency of the gentleman from Tennessee [Mr. MOON]. He made the point of order which knocked out of the bill the provision for paying the expenses of the railway mail clerks, giving as his reason that he did not wish them to be the objects of paternal care or paternal government. Now, here is a provision for paying the expenses of assistant superintendents while away from home in the line of their duty, and the gentleman from Tennessee is quite content. He makes no point of order against it; neither do I. It is quite proper that their expenses be paid. But if it is "paternal" in one case, why not in the other? Are not the railway mail clerks—that most excellent body of public servants, whose duty requires them to be away from home—entitled to their expenses as well as the higher officers? No good reason has yet been advanced, and by the point of order we are prevented from discussing and voting upon the merits of the proposition.

The Clerk read as follows:

For balances due foreign countries, \$304,000.

**MR. MACON.** Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the chairman. I do not understand this appropriation. It says "for balance due foreign countries, \$304,000." I notice it is an increase of \$125,000 over the amount carried in the last bill for the same purpose.

Mr. OVERSTREET. That is for the purpose of paying foreign governments the difference between what they owe us and what we owe them. It is like a clearance, sometimes more and sometimes less. The balance is usually heavily against us, because they do more for us than we do for them. It is mail service where our mail is carried through other countries. We pay them the same rate as their rate, and they pay us the same rate as our rate, and we strike the balance, and it is paid in this way.

Mr. MACON. I withdraw the pro forma amendment.

The Clerk read as follows:

For travel and miscellaneous expenses in the postal service, office of the Third Assistant Postmaster-General, \$1,000.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word, in order to ask a question of the chairman. It is in relation to the preceding paragraph, for actual and necessary expenses of division superintendents, travel and pay, which went out on the point of order made by the gentleman from Tennessee [Mr. MOON].

Mr. OVERSTREET. That was stricken out.

Mr. MURDOCK. I know if is out. This has been carried for a matter of sixty years. It is now out of the bill. It was a very necessary appropriation; and what I ask the gentleman is, Can anything be done to restore it?

Mr. OVERSTREET. I do not know; and I do not think the gentleman's statement is accurate that it has been in the bill for sixty years. The gentleman is so familiar with the rules, and familiar with the various ways of overcoming them, I will pass it back to him. [Laughter.]

Mr. MURDOCK. I want to say to the gentleman that I never have seen a standing committee of this House before surrender a part of its own bill in order to escape an expression of sentiment in the Committee of the Whole.

Mr. OVERSTREET. Mr. Chairman, I make the point of order that the gentleman is not addressing himself to the subject of his amendment. I would like to complete the bill to-night, and I hate to hold Members here so long.

The CHAIRMAN. It is very difficult for the chairman of the committee to state just when a Member is not speaking to an amendment to strike out the last word. The Chair thinks the debate must be confined to the paragraph.

Mr. MURDOCK. I have nothing against the paragraph that has been read. I am out of order, and will take my seat, according to the rule. [Laughter.]

The Clerk read as follows:

Supplies for the rural delivery service, including collection boxes, furniture, satchels, badges, straps, map supplies, repairing satchels and furniture, repairing, erecting, and painting collection boxes in the rural delivery service, \$60,000.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 25, page 25, add as a separate paragraph:

"The age limit fixed by the Civil Service Commission for rural letter carriers shall not apply to persons who served in the civil war and were honorably discharged."

Mr. OVERSTREET. I make a point of order against that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUMPHREYS of Mississippi. Will not the gentleman withhold his point of order?

Mr. OVERSTREET. I dislike not to accommodate the gentleman, but I want to complete the bill to-night, and I do not want to hold Members here so late.

Mr. HUMPHREYS of Mississippi. I believe the gentleman would accept the amendment.

Mr. OVERSTREET. No; I heard the amendment.

Mr. COCKRAN. Regular order!

The CHAIRMAN. The regular order is demanded, and the Clerk will read.

The Clerk read as follows:

To defray expenses incident to the shipment of supplies, including hardware, boxing, packing, cartage, freight, and the pay of 1 carpenter and 3 laborers for assignment in connection therewith, \$100,000.

Mr. SLEMP. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 26, after line 4, insert the following:

"That on and after July 1, 1909, letter carriers of the rural delivery service shall receive a salary not exceeding \$1,200 per annum, graded according to length of routes. And each carrier in said service shall receive an additional \$100 per annum as compensation for the use of horse and vehicle. In addition to the foregoing, there shall be allowed to each carrier who carries a lock pouch, compensation to be fixed by the Postmaster-General, not exceeding \$100 per annum."

Mr. OVERSTREET. To that I make a point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferrage, rural delivery service, \$37,360,000, of which amount the sum of \$163,000 shall be immediately available: *Provided*, That not to exceed \$12,000 of the amount

hereby appropriated may be used for compensation of clerks in charge of substations: *Provided further*, That in the discretion of the Postmaster-General the pay of any carrier on a water route who furnishes his own power boat and is employed during the summer months may be fixed at an amount not exceeding \$900 in any one calendar year.

Mr. GRIGGS. Mr. Chairman, I move to strike out the words "thirty-seven," in line 7, page 36, and insert the words "forty-one."

The Clerk read as follows:

On page 26, line 7, strike out the words "thirty-seven" and insert "forty-one."

Mr. GRIGGS. And to add thereto "of which amount four millions per annum shall be for maintenance and horse hire of carriers."

Mr. OVERSTREET. Mr. Chairman, I make a point of order to that, and that there are two amendments.

Mr. GRIGGS. I will withdraw the last part of the amendment.

The CHAIRMAN. The amendment may be regarded as a single amendment, and the Chair sustains the point of order.

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

The Clerk read as follows:

Page 26, at the end of line 17, add:

"*Provided further*, That of the sum hereby appropriated not exceeding \$20,000 may be expended for experimental purposes in the delivery of packages of merchandise weighing not over 11 pounds over rural routes designated by the Postmaster-General, under such regulations and at such special rates of postage as he may prescribe, provided that packages thus delivered shall originate on the same routes on which they are delivered."

Mr. OVERSTREET. Mr. Chairman, I make the point of order that that amendment is both contrary to existing law and not germane to the paragraph.

The CHAIRMAN. The gentleman from Indiana makes the point of order, and the Chair sustains the point of order.

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

The Clerk read as follows:

Page 26, at the end of line 17, add:

"*Provided further*, That of the sum appropriated in this paragraph \$20,000 shall be applied under the direction of the Postmaster-General for experimental delivery of packages originating on the same routes on which they are delivered, under such rules and regulations as the Postmaster-General may prescribe."

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

The CHAIRMAN. The gentleman from Indiana makes the point of order, and the Chair sustains the point of order.

Mr. HOBSON. Mr. Chairman, I request the gentleman from Indiana to reserve it.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 17, page 26, add as a separate section:

"In passing upon a petition for the establishment of a rural free delivery route neither the color nor the illiteracy of the petitioners shall be considered."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The Chair sustains the point of order.

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

The Clerk read as follows:

Add at the end of line 17, page 26, the following:

"*Provided further*, That the 25th day of December, when it falls on any day other than Sunday, shall be a legal holiday for rural mail carriers, and substitutes shall be employed to carry mails on said days and paid at the rate of \$3 per day."

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

The CHAIRMAN. The gentleman from Indiana makes the point of order, and the Chair sustains the point of order.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read, and I would give notice that I desire to discuss the point of order.

The Clerk read as follows:

Page 26, at the end of line 17, add:

"*Provided further*, That no part of the sum appropriated in this paragraph shall be paid to carriers who deliver packages, except under rules and regulations prescribed by the Postmaster-General."

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

The CHAIRMAN. The gentleman from Indiana makes the point of order, and the Chair is ready to rule. The matter is too plain for discussion on the point of order. The Chair sustains the point of order.

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

The Clerk read as follows:

Amend by inserting, after the word "available," page 26, line 10, the following:

*"Provided*, The rural carriers shall be hereafter required, under such rules and regulations as may be established by the Post-Office Department, to carry parcels originating at any point on their respective routes, and for delivery at any point on their said routes, any parcel or package weighing not over 11 pounds at the following rate of compensation, 5 cents for the first pound" —

Mr. OVERSTREET. Mr. Chairman, the Clerk has gone far enough to indicate that the amendment is out of order. It is quite apparent that it is subject to a point of order, and I make the point of order.

Mr. HARDWICK. Mr. Chairman, I think I am entitled to have the amendment read.

The CHAIRMAN. If any part of a proposition is out of order, it is all out of order. As soon as it is apparent that the amendment is out of order, that fact is disclosed, it is proper for a gentleman to make the point of order. The point of order has been made and the Chair sustains the point of order; and the Clerk will read.

The Clerk read as follows:

That the appropriations herein made for the officers, clerks, and persons employed in the postal service shall not be available for the compensation of any persons permanently incapacitated for performing such service. The establishment of a civil-pension roll or an honorable-service roll, or the exemption of any of the officers, clerks, and persons in the postal service from the existing laws respecting employment in such service, is hereby prohibited.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word. I do so for the purpose of calling the attention of the chairman of the Committee on the Post-Office and Post-Roads, the gentleman from Indiana [Mr. OVERSTREET], who is in charge of the bill, together with the attention of the members of the Committee of the Whole House, to the fact that the amendment which I offered is in every way analogous to the amendment to the post-office appropriation bill of 1893, which established the rural free-delivery service.

Mr. OVERSTREET. Mr. Chairman, I feel I must make the point of order that the gentleman is not addressing himself to his amendment.

Mr. GRIGGS. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama may argue the point of order. [Laughter.]

The CHAIRMAN. The gentleman from Alabama has been recognized and the Chair overrules the point of order, and the gentleman from Alabama will proceed.

Mr. HOBSON. Mr. Chairman, I wish to call attention to the fact that some of the most valuable legislation, if this could be called legislation under the point of order, has been provided by such amendments as the one proposed, and all I asked the chairman to do was to explain his point of order or reserve it, so that I might make it plain that this would not involve any expense to the Government; that it would not entail any competition with any private companies whatsoever; that it would be of great benefit to the patrons of rural delivery routes throughout the whole country, and I speak advisedly, for my own district pro rata utilizes the rural delivery service for money orders and registration more than any district in the United States. Great service would be rendered to 18,000,000 of our population, and at the same time a large revenue would accrue to the Government. The amendment only provides for a trial; and if the trial should prove successful and should be applied generally, it is estimated that the revenue would exceed \$15,000,000 annually without entailing additional expense, going far toward making the rural free delivery self-sustaining and toward wiping out the annual deficit in the Post-Office Department.

The hour is late, but it would only require five minutes' time for the amendment to be adopted by unanimous consent. I ask, therefore, that the amendment that I proposed be considered by unanimous consent at the present time.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the amendment which he proposed be considered now. Is there objection?

Mr. OVERSTREET. Mr. Chairman, under all the circumstances and the lateness of the hour and the desire of gentlemen to complete the bill and adjourn, I shall object.

The CHAIRMAN. Objection is heard. The gentleman has one minute left, if he desires to use it.

Mr. HOBSON. I wish to remind the gentleman from Indiana that this amendment only provides for packages that originate on the rural delivery routes, and I should like for the half minute that is left me to be utilized by the gentleman from Indiana in specifying his objections.

Mr. OVERSTREET. Does the gentleman yield to me a half minute?

Mr. HOBSON. I give the gentleman my remaining half minute of time and he can take what other time he desires, I presume.

Mr. OVERSTREET. Mr. Chairman, under the circumstances I will utilize that half minute by asking the Clerk to read.

The Clerk resumed and concluded the reading of the bill.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment as a separate paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 18, page 27, the following:

"For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day, \$325,000: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more."

Mr. GRIGGS. Mr. Chairman, I desire to make a point of order against that amendment, that it is new legislation.

Mr. OVERSTREET. Mr. Chairman, this is the same paragraph that went out on a point of order earlier in the afternoon, and I afterwards called the attention of the Chair to the permanent statute.

The CHAIRMAN. Since the ruling of the Chair on the proposition earlier in the afternoon, the attention of the Chair has been called to the permanent law, which authorizes, in the opinion of the Chair, the appropriation, and the Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. GOEBEL. Mr. Chairman, I desire to say a word or two upon the amendment that has been offered. This morning I made a point of order upon the paragraph which contained the amendment just offered. I had reason to believe that there would be a point of order made against the paragraph on page 20, which the gentleman from Tennessee did subsequently make, and if it had not been made would have permitted me to offer an amendment allowing the expenses of railway mail clerks.

Mr. Chairman, the amendment as now proposed by the gentleman from Indiana [Mr. OVERSTREET] provides for a per diem compensation to certain classes of employees in the Railway Mail Service.

Mr. OVERSTREET. Not in the Railway Mail Service.

Mr. GOEBEL. Well, in the postal service. To permit this amendment to be adopted you would be discriminating in the interest of a certain class of employees and against railway mail clerks and other employees in this great department. By this amendment you propose to give them, in addition to their compensation, a per diem of not less than \$4 a day and expenses.

Why this discrimination? What service do they perform that is not included in the regular course of their duties which would warrant this additional compensation? I might have explained to the gentleman from Indiana some matters in relation to this item if he had permitted me to do so. I do now object to the adoption of this amendment, because it discriminates in the interest of one class as against another class. The railway mail clerks have their duties to perform, and while in the performance of that duty they are subjected to certain expense. It was my purpose in offering the amendment to permit an appropriation of \$2,000,000 for expenses, leaving it for the Post-Office Department to audit their accounts and stipulating that the amount should not exceed \$1 a day to any one clerk. I was not permitted to offer that amendment by reason of the point of order made by the gentleman from Tennessee to the entire paragraph. It seems to me, Mr. Chairman, that we ought to be consistent. There is no reason for selecting this class of employees and giving them \$4 a day as a per diem and traveling expenses. Now, then, I object to the adoption of this amendment, because it does make an unfair and unjust discrimination.

Mr. OVERSTREET. Mr. Chairman, just a word — [Cries of "Vote!"]

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

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

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

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

Mr. OVERSTREET. Mr. Chairman, I offer that as a separate paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add as a separate paragraph at the end of the bill: "For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, \$35,000."

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

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26305, the post-office appropriation bill, and had instructed him to report the same to the House with amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments?

Mr. OVERSTREET. Mr. Speaker, I rise to the previous question on the bill and amendments to final passage.

Mr. GOEBEL. Mr. Speaker, a parliamentary inquiry. If the previous question is carried, does it prevent any amendment to this bill?

The SPEAKER. Certainly. The adoption of the previous question closes debate and opportunity for amendment.

The question is on the motion of the gentleman from Indiana [Mr. OVERSTREET].

The question was taken, and the previous question was ordered.

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

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

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, was read a third time, and passed.

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

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2024) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5727. An act to establish an assay office at Los Angeles, State of California;

S. 7472. An act transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school;

S. 8021. An act to prohibit the importation and use of opium for other than medicinal purposes;

S. R. 108. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Demetrio Castillo, jr., of Cuba; and

S. R. 118. Joint resolution to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 24151. An act entitled "An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table

and referred to their appropriate committees, as indicated below:

S. R. 108. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Demetrio Castillo, jr., of Cuba—to the Committee on Military Affairs;

S. 5727. An act to establish an assay office at Los Angeles, State of California—to the Committee on Coinage, Weights, and Measures;

S. 7472. An act transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school—to the Committee on Indian Affairs; and

S. R. 118. Joint resolution to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory—to the Committee on the Judiciary.

#### ENROLLED BILLS SIGNED.

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

H. R. 19859. An act to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848;

H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States, and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States;

H. R. 21129. An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes; and

H. R. 25405. An act to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee.

#### ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution and bill:

H. J. Res. 202. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.; and

H. R. 15452. An act to establish two or more fish-cultural stations on Puget Sound.

#### WRECK OF BATTLE SHIP MAINE.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1376), which was read and referred to the Committee on Appropriations and ordered to be printed:

#### To the Senate and House of Representatives:

Governor Magoon, on the eve of leaving Cuba, has expressed the hope that the wreck of the battle ship *Maine* may be removed from the harbor of Habana. I trust the Congress will see the wisdom of this suggestion and will provide for the removal of the *Maine*. We should not allow the wreck of this historic ship to remain as a possible danger to navigation in Habana Harbor, for this is wise from no standpoint. An appropriation should be made for the removal.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 27, 1909.

#### VETO MESSAGE.

The SPEAKER also laid before the House the following veto message from the President of the United States (H. Doc. No. 1375), which was read:

#### To the House of Representatives:

I herewith return without approval, for the reasons given in the accompanying documents, H. R. 15098, entitled "An act to correct the military record of John H. Layne."

The bill is highly objectionable because it proposes to alter certain historical records of the War Department which should be kept inviolate, and confers a favor without any warrant upon one special individual not entitled to such favor. It would establish a demoralizing and vicious precedent if enacted into law.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 27, 1909.

Mr. HULL of Iowa. Mr. Speaker, I move that the veto message be referred to the Committee on Military Affairs.

The SPEAKER. Without objection, it is so ordered. There was no objection.

## AFFAIRS IN THE TERRITORIES.

Mr. HAMILTON of Michigan. Mr. Speaker, I call up the conference report on the bill (H. R. 21957) relating to affairs in the Territories, and move that the House agree to the same.

The SPEAKER. The gentleman from Michigan calls up the following conference report. Does the gentleman desire his statement to be read instead of the report?

Mr. HAMILTON of Michigan. Yes.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The conference report is as follows:

## CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 21957, entitled "A bill relating to affairs in the Territories," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 11, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 28, 29, 30, and 46, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered fifteen, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"SEC. 11. That no person shall receive a license to practice medicine or surgery, or any of the departments thereof, within the Territory of Alaska until he or she shall have, first, submitted a diploma issued by some legally chartered medical school authorizing the holder thereof to practice medicine or surgery, the requirements for graduation of which medical school shall have been at the time of granting said diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or, second, submitted proof of having practiced medicine or surgery, or both, for a period of not less than three successive years continuously prior to the passage of this act, and within the jurisdiction of one of the judicial districts of Alaska."

And that the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered seventeen and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"SEC. 13. That any applicant for license to practice medicine or surgery within the Territory of Alaska not in possession of the credentials specified in section three of this act may obtain a license at the discretion of the clerk of the district court to whom he applies upon furnishing a properly attested statement, to wit: That he or she is a bona fide resident of Alaska and has been engaged in the practice of medicine exclusively within the Territory of Alaska for a period of not less than three successive years immediately prior to the passage of this act. The application shall be accompanied by the written recommendation of three bona fide residents of the judicial district wherein the applicant desires to practice, one of whom must be a physician holding a license under section three of this act, and shall state in a general way applicant's character and professional ability."

And that the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered forty-one and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"That the act of the legislature of the Territory of Hawaii, entitled 'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii,' passed by the legislature of the Territory of Hawaii on the twenty-fourth and twenty-fifth days of April, anno Domini, nineteen hundred and seven, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed, as follows:

## "Act 105.

"An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii.

"Be it enacted by the legislature of the Territory of Hawaii, That H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C.

Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, together with their associates, hereafter called "The Company," and their respective successors and assigns, be, and hereby are, vested with the right, authority, and privileges, from and after the passage of this act, to manufacture, sell, furnish, and supply electric light, electric current, or electric power, in the district of Wailuku, on the island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for the purposes above mentioned, and subject to the approval and supervision of the boards or officials having charge of said streets or roads, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Wailuku, on the island of Maui, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

"SEC. 2. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires, and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

"SEC. 3. That all poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other appliances constructed, maintained, or operated under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district, on the island of Maui, shall be so constructed, maintained, or operated by the company as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

"SEC. 4. That the entire plant, lines, poles, and other apparatus and equipments shall at all times be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for that purpose.

"SEC. 5. That said company, its representatives, successors, and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the privileges herein granted.

"SEC. 6. It is provided that if the company shall fail or refuse to do or perform or comply with any of the provisions of this act, or of the laws of the Territory of Hawaii, or of the county of Maui, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works, or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney-general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby, and all rights and privileges accruing thereunder, forfeited and declared null and void.

"SEC. 7. Said company shall also have the right to maintain, use, and operate electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all customers of electricity such reasonable prices as may be from time to time fixed and determined by the company: *Provided, however,* That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer of the company to hear and determine from time to time whether an existing rate is unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

"SEC. 8. It is hereby expressly provided that nothing herein contained shall be construed as to grant the company an exclusive right to furnish, sell, or supply electric light and power.

"SEC. 9. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company, and shall at the same time pay to the superintendent of public works one per centum of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

"SEC. 10. This act shall go into effect and be law from and after the date of its approval by the governor of the Territory

of Hawaii, subject, however, to the approval of the Congress of the United States.

“ SEC. 11. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal this act.

“ We hereby certify that the foregoing bill, after consideration on the veto of the governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all the elective members of senate of the Territory of Hawaii this 24th day of April, A. D. 1907.

“ E. F. BISHOP,  
“ President of the Senate.  
“ WILLIAM SAVIDGE,  
“ Clerk of the Senate.

“ We hereby certify that the foregoing bill, after consideration on the veto of the governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all of the elective members of the house of representatives of the Territory of Hawaii this 25th day of April, A. D. 1907.

“ H. L. HOLSTEIN, Speaker.  
“ JOHN H. WISE, Clerk.”

“ That the act of the legislature of the Territory of Hawaii entitled ‘An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii,’ approved by the governor of the Territory of Hawaii on the first of May, anno Domini nineteen hundred and seven, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed as follows, to wit:

“ ‘Act 130.

“ ‘An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii.

“ ‘Be it enacted by the legislature of the Territory of Hawaii, That the Lahaina Ice Company (Limited), as a body corporate, its successors and assigns, hereinafter called “The Company,” be, and hereby are, vested with the right, authority, and privilege, from and after the passage of this act, to manufacture, sell, furnish, and supply electric light, electric current, or electric power in the district of Lahaina, on the island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for the purposes above mentioned, subjected to the approval and supervision of the officials or boards having charge of said streets or roads, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Lahaina, on said island of Maui, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

“ SEC. 2. The company shall at all times during the existence of said franchise promptly and efficiently supply such electric light and power in said district of Lahaina as may from time to time be required by persons desiring the same, at any point or points: *Provided*, That it shall not be required to build, extend, or maintain any line or branch line for the transmission of such electric light or power beyond a distance of three hundred feet from such extension or major fraction thereof, unless the number of lights or amount of power agreed to be taken for not less than one year shall be reasonably sufficient to warrant the construction of such line or branch line or extension: *Provided further*, That if the company shall be unable to furnish power or light applied for by reason of lack of capacity of the plant or apparatus for producing and transmitting electric current, the company shall be allowed a reasonable time, not exceeding one year from the date of any application, to procure such additional improvements or apparatus as may be necessary to furnish such applicant or applicants.

“ SEC. 3. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

“ SEC. 4. That all poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other appliances constructed,

maintained, or operated under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district, on the island of Maui, shall be so constructed, maintained, and operated by the company as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

“ SEC. 5. That the entire plant, lines, poles, and all other apparatus and equipments shall, at all times, be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for that purpose.

“ SEC. 6. Said company shall also have the right to maintain, use, and operate electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all customers of electricity such reasonable prices as may be from time to time fixed and determined by the company: *Provided, however*, That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer of the company to hear and determine from time to time whether an existing rate or rates is or are unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

“ SEC. 7. Said company shall also have the right to charge consumers, or applicants for the use of electricity, for one-half of the cost and expense of making connections between the company’s nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators, and other materials, and labor necessary to be used in making such connections: *Provided, however*, That the company shall not be required to make, construct, or maintain said connections as aforesaid for supplying light or power unless the applicants therefor, if required, shall deposit in advance with the company a sum of money, sufficient to pay one-half of the total cost and expense of making and constructing such connections and for current for the period of one month.

“ SEC. 8. The said company shall have the right to acquire, hold, or take over, either by purchase or lease, property, both real, personal, and mixed, as may be necessary or incidental to the proper conduct of its business; but said company shall not have the right or power to purchase franchises and property of any other company of like nature in said district of Lahaina.

“ SEC. 9. Said company, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the company, shall have the power to borrow money and to secure the payment thereof, with the interest agreed upon, by mortgage of any or all of its property, franchises, and privileges granted or obtained by virtue of this act, or, if it is deemed advisable, bonds may be issued, secured by deed of trust of such property, not to exceed sixty per centum of the actual value thereof, with all future acquired property, as well as the income and receipts of the property from whatever source derived and in such form and under such terms as the company shall deem advisable: *Provided*, That nothing in this section contained shall operate to prevent said company from obtaining the usual business credits and to make promissory notes without security.

“ SEC. 10. That said company, its representatives, successors, and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the privileges herein granted.

“ SEC. 11. It is provided that if the company shall fail or refuse to do or perform or comply with any of the provisions of this act or of the laws of the Territory of Hawaii, or of the county of Maui, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney-general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby and all rights and privileges accruing thereunder forfeited and declared null and void.

“ SEC. 12. It is hereby expressly provided that nothing herein contained shall be so construed as to grant the company an exclusive right to furnish, sell, or supply electric light and power.

“ SEC. 13. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company, and shall at the same time pay to the superintendent of public works one per centum of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

"SEC. 14. This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval to be secured within five years from the date of this act becoming law.

"SEC. 15. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal said act.

"Approved this 1st day of May, A. D. 1907.

"G. R. CARTER,

"Governor of the Territory of Hawaii."

And the Senate agree to the same.

E. L. HAMILTON,

A. B. CAPRON,

JAMES T. LLOYD,

Managers on the part of the House.

ALBERT J. BEVERIDGE,

KNUTE NELSON,

JAMES P. CLARKE,

Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21957) relating to affairs in the Territories, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

The Senate recedes from its amendments Nos. 10, 11, 12, 14, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, and 45.

The House recedes from its disagreement to the amendments of the Senate Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 28, 29, 30 and 46, and agrees to the same.

The House recedes from its disagreement to the amendments of the Senate No. 15, 17, and 41, and agrees to the same with amendments.

Amendments Nos. 1, 2, and 3 relate to the signature of bonds which the town of Valdez, Alaska, is authorized to issue, requiring them to be actually signed by the mayor and clerk instead of having the signatures lithographed or printed, and require that the seal of the town be attached to them.

Amendments Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 are changes in phraseology in that part of the act relating to the regulation of the liquor traffic in Alaska.

Amendment No. 14 struck out that part of the act relating to the practice of medicine and surgery in Alaska requiring practitioners to obtain licenses. The agreement restores the provision.

Amendment No. 15 struck out the section of that part of the act relating to the practice of medicine and surgery in Alaska. The agreement restores the section, except that the time which the applicant must have practiced in Alaska before he can obtain license is changed from five to three years.

Amendment No. 16 struck out the third section of that part of the act relating to the practice of medicine and surgery in Alaska.

Amendment No. 17 restores the fourth section of that part of the act relating to the practice of medicine and surgery in Alaska, except that the time which the applicant must have practiced is changed from five to three years and the jurisdiction within which he or she must have practiced is changed from "the judicial district in which the application is filed" to "the district of Alaska."

Amendments Nos. 18, 19, 20, 21, and 22, respectively, struck out the fifth, sixth, seventh, eighth, and ninth sections of that part of the act relating to the practice of medicine and surgery in Alaska. The agreement restores these sections without change.

Amendments Nos. 23, 24, 25, 26, and 27 changed the numbering of the sections of the act as it passed the House. The agreement restores the House numbering of the sections.

Amendments Nos. 28, 29, and 30 relate to the signature of bonds which the city of Phoenix, Ariz., is authorized to issue, requiring them to be actually signed by the mayor and recorder instead of having the signatures lithographed or printed, and require that the seal of the city be attached to them.

Amendments Nos. 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 changed the numbering of the sections of the act as it passed the House. The agreement restores the House numbering of the sections.

Amendment No. 41 struck out all of the act relating to the approval of certain acts of the legislative assembly of the Territory of Hawaii authorizing and providing for the manufacture, maintenance, distribution, and supply of electric light and power

in the districts of Wailuku and Lahaina, Hawaii. The agreement restores the part stricken out, excepting a clause in each of the territorial acts relating to charges for electric light and power. The act as affected by the agreement of conferees leaves the regulation of rates in the courts, upon petition of consumers.

It should be stated that the provisions covered by amendment No. 41 were stricken out by the Senate so that the subject-matter could be referred to the Senate Committee on Pacific Islands and Porto Rico, since which time the Senate committee has favorably reported to the Senate two bills (S. 7697 and S. 7698) covering the subject-matter of the amendment, the Senate Committee on the Territories, to whom the omnibus bill was referred, not having jurisdiction of matters relating to the Territory of Hawaii under the rules of the Senate.

Amendments Nos. 42, 43, 44, and 45 changed the numbering of the sections of the act as it passed the House. The agreement restores the House numbering of the sections.

Amendment No. 46 added a provision that no obligation shall be created against or assumed by the United States on account of any bond or bonds issued in pursuance of the authority granted in this act, and that notice of the provision shall be printed on the face of each bond issued. The House receded from its disagreement to this very proper amendment.

E. L. HAMILTON,

A. B. CAPRON,

JAMES T. LLOYD,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. GAINES of Tennessee. I would like to ask what the point was about the doctors?

Mr. HAMILTON of Michigan. Doctors in Alaska?

Mr. GAINES of Tennessee. Yes; what was it?

Mr. HAMILTON of Michigan. Does the gentleman mean the report of the conferees?

Mr. GAINES of Tennessee. Yes. Something was said about their being required to do something for three years.

Mr. HAMILTON of Michigan. As a part of this bill, there was a provision as to the practice of medicine and surgery in Alaska. It seems that the natives there have been subjected to the operations of quacks and unskilled men. The House provided for a five-year provision, but in conference it was changed to three years.

Mr. GAINES of Tennessee. Three years for what?

Mr. HAMILTON of Michigan. I can explain it to the gentleman.

Mr. MANN. Three years in practice.

Mr. HAMILTON of Michigan. Physicians who are graduates of institutions are entitled to a license, but those who had practiced for five years, as provided by the House—

Mr. GAINES of Tennessee. And are not graduates?

Mr. HAMILTON of Michigan. Yes.

Mr. GAINES of Tennessee. If they have been practicing three years and are not graduates, this law applies to them?

Mr. HAMILTON of Michigan. That is it.

Mr. GAINES of Tennessee. That is all right.

The SPEAKER. Without objection, the conference report is agreed to.

There was no objection.

#### WITHDRAWAL OF PAPERS.

Mr. COOPER of Pennsylvania, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Miller Dunaway, Fifty-sixth Congress, no adverse report having been made thereon.

#### ADJOURNMENT.

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

The motion was agreed to; and accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, 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 C. H. Webb, administrator of estate of David B. Sanders, against The United States (H. Doc. No. 1371)—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for a building for the Geological Survey (H. Doc. No. 1372)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor, submitting an estimate of appropriation for additional land for site

of the Bureau of Standards (H. Doc. No. 1373)—to the Committee on Appropriations and ordered to be printed.

A letter from the president of the Civil Service Commission, transmitting a statement as to travel of officers and employees during the fiscal year ended June 30, 1908 (H. Doc. No. 1374)—to the Committee on Reform in the Civil Service and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CRUMPACKER, from the Committee on the Census, to which was referred the joint resolution of the House (H. J. Res. 244) authorizing the Director of the Census to secure names and addresses of blind and deaf, reported the same without amendment, accompanied by a report (No. 1964), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 26062) authorizing the creation of a land district in the State of South Dakota, to be known as the "Bellefourche land district," reported the same without amendment, accompanied by a report (No. 1965), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. THOMAS of North Carolina, from the Committee on the Library, to which was referred the bill of the Senate (S. 4453) to aid in the erection of a monument to Pocahontas at Jamestown, Va., reported the same without amendment, accompanied by a report (No. 1970), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred House bill 11744, reported in lieu thereof a bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, accompanied by a report (No. 1972), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred House bill 24338, reported in lieu thereof a bill (H. R. 27238) to amend section 2619 of the Revised Statutes of the United States, accompanied by a report (No. 1963), which said bill and report were referred to the House Calendar.

Mr. REID, from the Committee on the Judiciary, to which was referred the joint resolution of the Senate (S. R. 118) to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory, reported the same without amendment, accompanied by a report (No. 1966), which said joint resolution and report were referred to the House Calendar.

Mr. BANNON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 27139) to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district, reported the same with amendment, accompanied by a report (No. 1967), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

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

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 26228) to provide for payment of the claims of the Augustinians, the Dominicans, the Recoletos, and the Franciscans, religious orders of the Roman Catholic Church in the Philippine Islands, reported the same with amendments, accompanied by a report (No. 1968), which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 27249) 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, reported the same without amendment, accompanied by a report (No.

1969), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 21029) for the relief of James W. Sears, reported the same without amendment, accompanied by a report (No. 1971), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

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

A bill (H. R. 23610) granting an increase of pension to George Young—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 26426) granting a pension to Carrie L. Poole—Committee on Pensions discharged, and referred to the Committee on Invalid 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. McLAIN: A bill (H. R. 27239) to authorize a survey of Bayou Pierre, Mississippi—to the Committee on Rivers and Harbors.

By Mr. KINKAID: A bill (H. R. 27240) to extend the provisions of an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June 11, 1906, to the North Platte National Forest in Nebraska—to the Committee on the Public Lands.

By Mr. BOWERS (by request): A bill (H. R. 27241) to validate the assignment and location of certain military bounty-land warrants—to the Committee on the Public Lands.

By Mr. BINGHAM: A bill (H. R. 27242) to amend the internal-revenue laws and to prevent the double taxation of certain distilled spirits—to the Committee on Ways and Means.

By Mr. CALDER: A bill (H. R. 27243) to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes"—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOYD: A bill (H. R. 27244) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska—to the Committee on Indian Affairs.

By Mr. McGUIRE: A bill (H. R. 27245) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes—to the Committee on Indian Affairs.

By Mr. SIMS: A bill (H. R. 27246) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893—to the Committee on the District of Columbia.

By Mr. RANDELL of Texas: A bill (H. R. 27247) to increase the appropriation for erecting a post-office building in Denison, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. BEALL of Texas: A bill (H. R. 27248) to authorize the enlargement of the public building at Dallas, Tex., and to authorize the purchase of the necessary ground therefor—to the Committee on Public Buildings and Grounds.

By Mr. BURLESON: A bill (H. R. 27309) repealing the tax on oleomargarine and other dairy products as fixed by the act of May 9, 1902, and substituting in lieu of said tax an annual license for manufacturers, wholesalers, and retailers—to the Committee on Ways and Means.

By Mr. OLCOTT: Joint resolution (H. J. Res. 248) relating to the issuing of campaign service medals—to the Committee on Naval Affairs.

By Mr. JONES of Washington: Memorial of the legislature of the State of Washington, against the removal of the duty on forest products—to the Committee on Ways and Means.

#### 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. BARCLAY: A bill (H. R. 27251) to refund to the Keystone Powder Manufacturing Company, of Emporium, Pa.,

on certain duties paid on glycerine used in the manufacture of dynamite—to the Committee on Claims.

By Mr. BOWERS: A bill (H. R. 27252) for the relief of Francisco Krebs and his heirs and assigns—to the Committee on Claims.

By Mr. BURLESON: A bill (H. R. 27253) for the relief of Carl G. and John Palm—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 27254) granting an increase of pension to James E. F. Lovell—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 27255) granting an increase of pension to Henry A. Capen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27256) granting a pension to Mary E. Noyes—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 27257) granting a pension to Lewis Fish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27258) granting an increase of pension to Chauncey R. Dickinson—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 27259) granting an increase of pension to Charles Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27260) granting an increase of pension to Thomas Hutchison—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 27261) for the relief of the heirs at law of Samuel White—to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 27262) granting an increase of pension to William Miller—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 27263) granting an increase of pension to Mary Jane Smith—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 27264) granting an increase of pension to Almon E. Abel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27265) granting an increase of pension to Matthew Brisbo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27266) to remove the charge of desertion from the military record of Hiram Binkley—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 27267) granting an increase of pension to Lydia H. Morris—to the Committee on Pensions.

By Mr. GOULDEN: A bill (H. R. 27268) granting an increase of pension to Nora C. Calhoun—to the Committee on Pensions.

By Mr. GREGG: A bill (H. R. 27269) granting a pension to Martha Ann Turner—to the Committee on Pensions.

By Mr. HACKNEY: A bill (H. R. 27270) granting an increase of pension to Nicholas O. Bower—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 27271) granting a pension to Herbert H. Skinner—to the Committee on Pensions.

Also, a bill (H. R. 27272) granting a pension to Robert F. Tietz—to the Committee on Pensions.

Also, a bill (H. R. 27273) to remove the charge of desertion now standing against the name of Edward Gordon—to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: A bill (H. R. 27274) granting an increase of pension to Eugene L. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27275) granting a pension to Maria Yorkston—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 27276) granting an increase of pension to Pleasant Goodman—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 27277) for the relief of George A. Reed—to the Committee on Military Affairs.

Also, a bill (H. R. 27278) granting an increase of pension to James H. D. Bostwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27279) granting a pension to Amy A. T. Silcott—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 27280) for the relief of heirs of Robert Wix, deceased, of Macon County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 27281) granting a pension to Sallie C. Dowell—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 27282) for the relief of the heirs of Cornelius P. Cassin, deceased—to the Committee on War Claims.

By Mr. NYE: A bill (H. R. 27283) granting a pension to Patrick Fahey—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 27284) to correct the military record of Joseph Elshire—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 27285) granting an increase of pension to Richard H. Smith—to the Committee on Pensions.

Also, a bill (H. R. 27286) granting an increase of pension to Robert Barbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27287) granting a pension to William T. Green—to the Committee on Pensions.

Also, a bill (H. R. 27288) granting a pension to Nancy Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27289) granting a pension to Samuel Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27290) granting a pension to Levi P. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27291) granting a pension to Mary A. Precise—to the Committee on Invalid Pensions.

By Mr. RYAN: A bill (H. R. 27292) granting an increase of pension to Patrick Keating—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 27293) granting a pension to Clara Jane Sitten—to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 27294) granting a pension to Lucy Andrews—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 27295) granting a pension to Harriett Benson—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 27296) granting an increase of pension to Levi H. Steele—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 27297) granting an increase of pension to Samuel Hoof—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27298) granting an increase of pension to Israel Osman—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 27299) granting an increase of pension to William S. Dumont—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 27300) granting an increase of pension to William A. Keister—to the Committee on Invalid Pensions.

By Mr. MCKINLAY of California: A bill (H. R. 27301) granting an increase of pension to George E. Hall—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 27302) granting a pension to Martin J. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27303) granting a pension to Eli D. Johnson—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 27304) granting a pension to Kate M. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27305) granting a pension to Martha del B. Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27306) for the relief of Mary Murray (sister) and the heirs at law of Michael Murray, deceased—to the Committee on Claims.

By Mr. WEEKS: A bill (H. R. 27307) granting a pension to Emily D. Aldrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27308) granting a pension to Barton E. Gardner—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMES: Petition of Ralph A. Bailey and others, for establishment of a national highways commission—to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Pomona Grange, of Jerry City, Ohio, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. BATES: Petition of John F. Bigler, of the state normal school, favoring the Burkett, Davis, and Dolliver educational bills—to the Committee on Education.

Also, petition of Hydetown (Pa.) Grange, for the creation of a national highways commission and for an appropriation to aid in maintenance of public roads—to the Committee on Agriculture.

Also, petition of H. A. Smith, of Erie County, Pa., for reduction of tariff on potatoes and onions—to the Committee on Ways and Means.

By Mr. BINGHAM: Paper to accompany bill for relief of Nathan Van Biel and others—to the Committee on Claims.

By Mr. BONYNGE: Petition of citizens of Colorado, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BOWERS: Papers to accompany bill to validate the assignments and locations of certain military bounty-land warrants—to the Committee on the Public Lands.

By Mr. CALDER: Petition of Lumbermen's Club of Memphis, Tenn., against reduction of tariff on lumber—to the Committee on Ways and Means.

Also, petition of Public Schools Athletic League, for appropriation to assist in promoting rifle practice in public schools and colleges—to the Committee on Military Affairs.

Also, petition of adjutant-general of New York, favoring S. 2671, increasing number of officers in army—to the Committee on Military Affairs.

Also, petition of Washington Citizens' Association, against provision in naval appropriation bill requiring the Philadelphia, Baltimore and Washington Railway Company to maintain its railway connection with the Washington Navy-Yard by grade tracks on K and Canal streets SE.—to the Committee on Naval Affairs.

By Mr. CAULFIELD: Petition of National Lumber Manufacturers' Association and the Hardwood Manufacturers' Association, against reduction of duty on lumber—to the Committee on Ways and Means.

By Mr. CLARK of Missouri: Petition of certain citizens of Missouri, against parcels post on the rural mail-delivery routes and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. CURRIER: Petition of Pink Granite Grange, of Haverhill, N. H.; Belknap Grange, of Belknap, N. H.; and J. W. Sanborn, for creation of a national highways commission—to the Committee on Agriculture.

Also, petitions of Advance Grange, of Wilton, N. H.; Lindley, H. Farr and others, of North Weare, N. H.; Antrim Grange, of Antrim, N. H.; Belknap Grange, of Guilford, N. H.; Rumney Grange, of Rumney, N. H.; Blue Mountain Grange, of Weld, Me.; Pink Granite Grange, of North Haverhill, N. H.; and Trojan Grange, of Troy, N. H., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DE ARMOND: Paper to accompany bill for relief of Margaret S. Griffith (H. R. 27090)—to the Committee on Pensions.

Also, petitions of citizens of Butler, Bates County; Hume, Bates County; Adrian, Bates County; Rich Hill, Bates County; Everton, Dade County; Greenfield, Dade County; Lockwood, Dade County; Osceola, St. Clair County; Deepwater, Henry County; Appleton City, St. Clair County; and Clinton, Henry County, all in the State of Missouri, against the parcels-post and postal savings bank system—to the Committee on the Post-Office and Post-Roads.

By Mr. DUREY: Petition of residents of Fultonville, N. Y., against passage of the Johnston Sunday-rest bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. ELLIS of Missouri: Paper to accompany bill for relief of Alfred Rumsey—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: Petition of Arthur H. Nichols and 24 others, of Lents, Oreg., against parcels-post and postal savings banks laws—to the committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Martin L. Olmsted—to the Committee on Invalid Pensions.

By Mr. ESCH: Paper to accompany bill for relief of Thomas L. Vought—to the Committee on Invalid Pensions.

Also, petition of Texas Hardware Jobbers' Association, of Fort Worth, favoring H. R. 22901, 22902, and 22903, relative to interstate-rate requirement—to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: Paper to accompany bill for relief of Henry C. Wolfe—to the Committee on Military Affairs.

Also, petition of Jefferson Grange, No. 956, of Huntingdon County, Pa., for national highways commission—to the Committee on Agriculture.

By Mr. FULLER: Petition of New Orleans Cotton Exchange, favoring investigation by the Secretary of Agriculture into the use and substitution of raw cotton for other materials of manufacture and report thereon—to the Committee on Agriculture.

Also, petition of the Trades League of Philadelphia, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: Papers to accompany bill for the relief of heirs of Hiram Willett—to the Committee on War Claims.

Also, papers to accompany bills for the relief of Matthew Brisbo, Hiram Buckley, and Almon E. Abel—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petitions of citizens of Berrien and Allegan counties, Mich., favoring parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: Petition of Carnegie Library, of Atlanta, Ga., against increase of duty on books and other printed matter—to the Committee on Ways and Means.

Also, petition of Macon (Ga.) Bar Association, favoring increase of salaries of United States judges (S. 6973)—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of D. A. Elliot and others, of White River Junction, against a parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petitions of William O'Hara and 146 others, of San Jose, and R. A. A. Summers and 95 others, of San Francisco, all in the State of California, favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Betsey E. Higgins—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert F. Tritz—to the Committee on Pensions.

Also, papers to accompany bills for relief of Edward Gordon and Herbert H. Skinner—to the Committee on Military Affairs.

By Mr. HINSHAW: Paper to accompany bill for relief of Joseph Miller—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of State Horticultural Society, favoring H. R. 21318—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: Petition of Vernon Valley Grange, No. 134, of Vernon, N. J., for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. JONES of Washington: Petition of certain horticultural societies of Washington, against Porter bill, with particular reference to the size of box to be used in shipment of apples—to the Committee on Interstate and Foreign Commerce.

Also, petition of fruit growers and shippers of Wallawalla County, Wash., favoring the so-called "Porter bill," except portion relating to size of standard apple box—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Washington, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of Washington Wool Growers' Association, against reduction of tariff on wool—to the Committee on Ways and Means.

Also, petition of certain citizens of Aberdeen, Wash., favoring reduction of duty on steel wire—to the Committee on Ways and Means.

Also, petition of the governor and certain commercial organizations of Washington, against any reduction of duty on lumber and shingles—to the Committee on Ways and Means.

Also, petition of certain commercial organizations of Washington, against removal of duty on lead ores and bullion—to the Committee on Ways and Means.

Also, petition of citizens of Wallawalla County, urging removal of duty on jute grain bags and on burlap cloth—to the Committee on Ways and Means.

Also, petition of citizens of State of Washington, for removal of duty on coal—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of Henderson (N. Y.) Grange, favoring a national highways commission—to the Committee on Agriculture.

By Mr. LAMB: Memorial of common council of the city of Williamsburg, Va., for an appropriation to build a macadam road connecting the historic places of Jamestown—to the Committee on Appropriations.

Also, petition of Shenandoah Valley Fruit Growers' Association, favoring H. R. 21318, relative to insecticides and fungicides—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of business men of Levering, Mich., against establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Cheboygan, Mich., against passage of Johnston bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. LOVERING: Petition of T. S. Howes and others, of Dennis Grange, No. 260, favoring a national highways commission—to the Committee on Agriculture.

By Mr. McLAUGHLIN of Michigan: Papers to accompany bills for relief of Martin J. Cole and Eli D. Johnson—to the Committee on Invalid Pensions.

By Mr. MALBY: Petition of Gouverneur (N. Y.) Grange, favoring creation of a national highways commission—to the Committee on Agriculture.

By Mr. MANN: Petition of employees of Isthmian Canal Commission and Panama Railroad Company, against action on part of United States Government or Isthmian Canal Commission curtailing commissary privileges—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fort Worth (Tex.) freight bureau of Texas Hardware Jobbers' Association, favoring H. R. 22901, 22902, and 22903, relative to interstate-rate requirement—to the Committee on Interstate and Foreign Commerce.

Also, petition of Omaha workingmen, against legislation to exclude Asiatics—to the Committee on Foreign Affairs.

By Mr. NORRIS: Petition of Benson (Nebr.) Commercial Club, favoring payment of expenses of railway mail clerks while away from their initial terminal—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Papers to accompany bills for relief of Mary A. Precise, Levi C. Roberts, Samuel Potter, and Nancy Shelton—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of commander of the Grand Army of the Republic, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. RYAN: Petition of Fort Worth freight bureau, favoring H. R. 22901, 22902, and 22903, all relative to authority of Interstate Commerce Commission touching changes in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Board of Trade and Transportation, favoring reconsideration of railway-rate law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cheyenne Brotherhood of Railway Postal Clerks, against H. R. 21261 (retirement provision for superannuated employees)—to the Committee on Reform in the Civil Service.

Also, petition of trustees of the New York Public Library, of New York City, against increase of tariff on books and removal from free list of books thereon—to the Committee on Ways and Means.

By Mr. SABATH: Petition of Chicago Public Library, against a tariff on books for public libraries, etc.—to the Committee on Ways and Means.

By Mr. SLEMP: Paper to accompany bill for relief of Francis M. Kaylor—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: Memorial of Arizona legislature, urging statehood—to the Committee on the Territories.

By Mr. STEENERSON: Petition of M. Christensen and other citizens of Fosston, Minn., against duty on tea and coffee—to the Committee on Ways and Means.

Also, protests of Oen Mercantile Company, of Thief River Falls, Minn., and Beall & McGowan, of Fergus Falls, Minn., against proposed tax on tea and coffee—to the Committee on Ways and Means.

By Mr. STURGISS: Petition of J. R. Adamson, of Oneida, W. Va., for a good-roads commission—to the Committee on Agriculture.

Also, petition of Evening Star Grange, No. 206, and others, of Gandeeville, W. Va., for a national highways commission—to the Committee on Agriculture.

By Mr. TALBOTT: Petition of Tawneytown Grange, asking for the enactment of a law creating a national highways commission—to the Committee on Agriculture.

Also, petition of Medford Grange, No. 188, Patrons of Husbandry, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of citizens of Belleville, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of Raisinville Grange, No. 410, of Dundee, Mich., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Pennsylvania: Petitions of Odin Grange, No. 1254, of Odin, Potter County, and Covington Grange, of Tioga County, both in the State of Pennsylvania, for a national highways commission—to the Committee on Agriculture.

By Mr. WOOD: Petition of New Jersey State Horticultural Society, favoring legislation regulating standard and sale of

insecticides and fungicides in interstate commerce (H. R. 21318)—to the Committee on Interstate and Foreign Commerce.

Also, petition of board of directors of New Jersey Chapter of American Institute of Architects, favoring integrity of the plan for improvement of Washington by placing the Lincoln memorial at west end of the Mall—to the Committee on the Library.

Also, petition of Hamilton Grange, No. 79, Patrons of Husbandry, of Hamilton Square, N. J., favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

## SENATE.

THURSDAY, January 28, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

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

The VICE-PRESIDENT. The Journal stands approved.

## CREDENTIALS.

Mr. FLINT presented the credentials of GEORGE C. PERKINS, chosen by the legislature of the State of California a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

Mr. RAYNER presented the credentials of JOHN WALTER SMITH, chosen by the legislature of the State of Maryland a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

## FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Susan J. Keesee, administratrix of the estate of George R. Johnson, deceased, *v.* The United States (S. Doc. No. 685), 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 agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21957) relating to affairs in the Territories.

The message also announced that the House had passed the joint resolution (S. R. 118) to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

The message further announced that the House had agreed to the concurrent resolution (S. C. Res. 57) of the Senate providing for the counting of the electoral vote for President and Vice-President on February 10, 1909.

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

H. R. 26073. An act to legalize a bridge across the Indian River North, in the State of Florida; and

H. R. 26305. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes.

## ENROLLED BILLS SIGNED.

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

H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States, and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States;

H. R. 19859. An act to provide for the payment of certain volunteers who rendered service in the Territory of Oregon in the Cayuse Indian war of 1847 and 1848;

H. R. 21129. An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal