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 Onego, 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

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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.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint memorial of the legislature of Washington, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Senate joint memorial 2. By Senator Potts.

To the Honorable the Senate and House of Representatives of the United States:

Your memorialists, the senate and house of representatives of the State of Washington, most respectively represent:

That whereas Alaska has no government of its own and must look to the Federal Legislature for all public aid and assistance, and it is of the highest importance that wagon roads be constructed in Alaska to facilitate the transportation of freight and supplies to the various interior mining districts, where transportation charges now run into hundreds and even thousands of dollars per ton; and

Whereas the State of Washington, being nearest in point of distance to Alaska, has more intimate relations of commerce than any other State, and directly receives the greatest harvest of gold flowing from that great district, whence it finds its way throughout the Union, to the great enrichment of the whole United States:

Therefore your memorialists do pray the Congress of the United States that the sum of $1,000,000 be forthwith appropriated, to be used under the direction of the board of road commissioners of Alaska, who have done most valuable work with the limited means at their disposal, for trunk roads in Alaska, which will speedily be followed by railroad construction, to the permanent development of a vast mineral region.

Passed the senate January 11, 1909.

M. E. HUY,
President of the Senate.

Passed the house January 11, 1909.

LEO V. MEIGS,
Speaker of the House.

The VICE-PRESIDENT presented a joint memorial of the legislature of the State of Washington, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1. By Senator Minkler. Against the removal of the duty on forest products.

Whereas the lumber industry is the leading one in the State of Washington, giving employment to over 100,000 men, to whom are paid annually in wages the sum of $75,000,000, and has for many years been the mainstay of the Pacific Northwest; and

Whereas owners of Canadian timber lands and others are advocating the removal of the duty on lumber and forest products, with the view of transferring the lumber industry of this country to Canada; and

Whereas the State of Washington had a bitter experience under the free-trade Wilson bill a decade ago, and realizing the effect of a similar measure on wages and general business: Therefore be it

Resolved, That the legislature of the State of Washington, in session assembled, do most earnestly urge upon the Ways and Means Committee and Congress to retain the existing duty on forestry products; and be it further

Resolved, That these resolutions be wired to the chairman of the Ways and Means Committee, now in session, and to our representatives in Congress, and that copies be forwarded to the President of the Senate and the Speaker of the House.

Passed the senate January 11, 1909.

M. E. HUY,
President of the Senate.

Passed the house January 11, 1909.

LEO V. MEIGS,
Speaker of the House.

The VICE-PRESIDENT presented a petition of the American Society of Civil Engineers of the United States, praying that an appropriation be made for the construction of a machine capable of testing to destruction full-size compression members of large dimensions, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Takoma Park Citizens' Association of the District of Columbia, remonstrating against any further time being devoted to the investigation relative to the price of gas in the District of Columbia or as to its dangerous qualities, which was referred to the Committee on the District of Columbia.

Mr. TELLER. I present a telegram addressed to the Delegate from Arizona, which I desire to have read to the Senate. It is a memorial of one house of the legislative assembly of Arizona. I have had it copied, so that the Secretary may read it. I ask to have it read and referred to the Committee on Territories.

There being no objection, the memorial was read and referred to the Committee on Territories, as follows:

[Copy of telegram.]

PHOENIX, ARIZ., *January 25, 1909.*

Hon. MARK A. SMITH,
Delegate to Congress from Arizona, Washington, D. C.

House memorial No. 1.

To the honorable the Senate and House of Representatives, Washington, D. C.:

Your memorialists, the twenty-fifth legislative assembly of the Territory of Arizona, most respectfully represent that

Whereas Arizona has long wanted to take its proper place in the Union of States vested with all the rights to which American citizens are entitled under the Constitution our forefathers have handed down to us; and

Whereas Congress has now under consideration the admission of certain Territories, all of which are urging their claims: Be it

Resolved, That this legislature asks that you give our fitness a fair hearing, lay aside legislation less vital, and grant Arizona immediate statehood; and be it further

Resolved, That the chief clerk of the house is hereby instructed to transmit this memorial by wire to the Hon. MARK A. SMITH, Arizona Delegate.

BEN R. CLARK, *Chief Clerk.*

Mr. GUGGENHEIM presented sundry affidavits, to accompany the bill (S. 6755) granting an increase of pension to Wilbert B. Teters, which were referred to the Committee on Pensions.

Mr. CULLOM presented a memorial of Local Branch, Railway Postal Clerks' Association, of Peoria, Ill., remonstrating against the enactment of legislation providing for the retirement of superannuated employees in the railway postal clerks' classified service, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented petitions of sundry citizens of Richmond and Warren, in the State of Maine, 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. NELSON presented sundry affidavits to accompany the bill (S. 8619) granting an increase of pension to Harrison Sloggy, which were referred to the Committee on Pensions.

He also presented a memorial of the Business League of St. Paul, Minn., remonstrating against the enactment of legislation to prohibit the manufacture, sale, or transportation of adulterated, misbranded, or falsely graded naval stores, which was referred to the Committee on Naval Affairs.

Mr. PILES. I present a memorial of the legislature of the State of Washington, in favor of an appropriation of $1,000,000 to be made for the construction of public roads in the Territory of Alaska. I ask that it be printed in the RECORD and referred to the Committee on Territories.

The VICE-PRESIDENT. The Chair presented to the Senate a memorial, which is evidently a duplicate of the memorial just presented by the Senator from Washington, and it was ordered printed in the RECORD. Does the Senator desire to have this memorial also printed in the RECORD?

Mr. PILES. I do not care to have it duplicated.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Territories.

Mr. PILES presented a petition of sundry citizens of the Territory of Hawaii, praying for the enactment of legislation subsidizing American ships to an extent which will enable them to compete on even terms with those of foreign nations, which was referred to the Committee on Commerce.

Mr. HEYBURN presented a joint memorial of the legislature of the State of Idaho, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House joint memorial No. 3. By Anderson.

To the Congress of the United States:

Your memorialists, the legislature of the State of Idaho, do urgently request that your honorable body do, before adjourning, pass a general appropriation bill making appropriations for continuing the improvements now being made on the Columbia and Snake rivers.

The secretary of state is hereby directed to forward a copy of this memorial to each of our Senators and Representatives in Congress.

This house joint memorial No. 3 passed the house of representatives on the ——— day of ———, 1909.

PAUL CLAGSTONE,
Speaker of the House of Representatives.

This house joint memorial No. 3 passed the senate on the 13th day of January, 1909.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. — originated in the house of representatives of the legislature of the State of Idaho during the tenth session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

[Certificate of certified copy.]

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 3, by Anderson, which was filed in this office the 22d day of January, A. D. 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 22d day of January, A. D. 1909.

[SEAL.]

ROBERT LANSDON,
Secretary of State.

Mr. McCUMBER. I present a memorial signed by sundry citizens of Page and Fargo, in the State of North Dakota, remonstrating against the repeal of the duty on barley, wheat, and other grains imported from foreign countries. I ask that the body of the memorial be printed in the RECORD, omitting the names, and that it be referred to the Committee on Finance.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, omitting the names, as follows:

Whereas it has been called to our attention that efforts are being made to effect a reduction or elimination of import duty on barley, wheat, and other grains. We respectfully call your attention to the fact that the free importation of barley, wheat, and other grains, which would result from the elimination or material reduction of the present import duty, will place the American farmer in competition with the peasant farmer of Russia and the cheap labor from other countries of the world.

The prosperity of our Nation is largely dependent upon the success of our farming communities, and any attempt to reduce them to the level of foreign competition will prove disastrous to not only the farmers of the country, but also to all branches of industry dependent upon the agricultural masses for their existence and success.

Therefore we respectfully ask that you, as our Representative in Congress, use all possible means to prevent any reduction of the import duties on barley, wheat, or any other grain.

Mr. GALLINGER presented petitions of sundry citizens of Troy, N. H., 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 a petition of the Anacostia Citizens' Association of the District of Columbia, praying for the enactment of legislation for a reduction in price of gas in the District of Columbia, and that the product be free from monoxide, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Anacostia Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation to relinquish the jurisdiction of the Interstate Commerce Commission over the street railway companies of the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented petitions of sundry citizens of Canandaigua, Vesper, Hoosick, and Rhinebeck, all in the State of New York, 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 a petition of the Woman's Christian Temperance Union of Waterloo, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented 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 memorial of Robert G. Shaw Post, No. 112, Department of New York, Grand Army of the Republic, of New Brighton, N. Y., remonstrating against the enactment of legislation providing for the consolidation of certain pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. BURKETT presented a petition of the Commercial Club of Auburn, Nebr., and a petition of the Commercial Club of Benson, Nebr., praying for the enactment of legislation granting travel pay to railway postal clerks, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. RICHARDSON presented a memorial of sundry ministers of the gospel of Wilmington, Del., remonstrating against any further appropriations being made providing for an increase of the navy, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 19893) for the relief of Thomas J. Shocker, reported it without amendment and submitted a report (No. 866) thereon.

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

A bill (S. 4029) to appoint Warren C. Beach a captain in the army and place him on the retired list (Report No. 867); and

A bill (H. R. 4836) granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va. (Report No. 868).

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (H. R. 4931) to correct the military record of Corwin M. Holt (Report No. 869); and

A bill (H. R. 17572) for the relief of George M. Voorhees (Report No. 870).

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6344) granting an increase of pension to J. M. Crosby, submitted an adverse report (No. 871) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (S. 7879) to correct the military record of Pomeroy Parker, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs, which was agreed to.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7742) to increase the limit of cost for purchase of site and erection of a post-office building at Elwood, Ind., reported it without amendment.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. WETMORE on the 18th instant proposing to appropriate $25,000 for the establishment of a fish-cultural station, including purchase of site, etc., at some suitable point in the State of Rhode Island, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

UNION RAILROAD SUBSTATION.

Mr. MARTIN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 26920) to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia, to report it favorably without amendment. I ask unanimous consent for the present consideration of the bill.

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

The Secretary read the bill.

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

Mr. BURROWS. That is a very important measure. Either time will have to be taken up now to explain it or it had better go to the calendar.

Mr. MARTIN. I hope the Senator will not object to its consideration. It is a House bill which has been carefully considered, and it is recommended by the commissioners. It is a matter of great concern to people coming in here. It provides for just a little substation, and I hope the Senator will not delay it. It has been carefully considered.

Mr. BURROWS. The chairman of the committee——

Mr. MARTIN. The chairman of the committee is in thorough accord with the measure.

Mr. BURROWS. I understand the chairman of the committee says that he thinks it is a proper measure; but unexplained, it would seem to me that it would involve a good deal.

Mr. MARTIN. The chairman of the committee, I am sure, has given it consideration and is in thorough accord with me in the matter.

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

Mr. GALLINGER. Mr. President, there has been a good deal of controversy over the substation matter. So far as I have examined it I feel that this is the proper solution of the question. The House has passed the bill. I think I am correct in saying that the Commissioners of the District of Columbia have recommended it.

Mr. MARTIN. They have.

Mr. GALLINGER. And no one has appeared to object to it, so far as I know.

Mr. MARTIN. The Commissioners of the District went to the premises with the representatives of the railroad company and the Member of the House from the district adjacent to Washington, and myself, and the matter has been adjusted to the complete satisfaction of everybody.

Mr. GALLINGER. Of all parties?

Mr. MARTIN. Of all parties.

Mr. HEYBURN. I should like to know where it is located.

Mr. MARTIN. It is located at Seventh street. The location at Fourteenth street was a most unfortunate one, and the Com-

missioners after consenting to it undertook to withdraw their consent because of its unsuitability. It was then taken to the courts and decided that they could not withdraw their consent. This bill gives the right to make the change to Seventh street, which is especially adapted to this purpose.

Mr. HEYBURN. It is not on the Avenue?

Mr. MARTIN. No, sir; it is not on the Avenue, but it is in immediate reach of the street-car service.

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

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

IMPROVEMENT OF THE COLUMBIA RIVER, OREGON.

Mr. FRYE. I report favorably from the committee several concurrent resolutions providing for surveys. The House Committee on Rivers and Harbors is now considering the question of surveys. Therefore I ask that these several concurrent resolutions may now be considered.

First, I report the Senate concurrent resolution No. 81.

Senate concurrent resolution No. 81, submitted yesterday by Mr. FULTON, was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, 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.

IMPROVEMENT OF APALACHICOLA RIVER AND ST. ANDREW BAY, FLORIDA.

Mr. FRYE. I ask that Senate concurrent resolution No. 76 be next considered.

Senate concurrent resolution No. 76, submitted by Mr. MILTON on the 21st instant, was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the most feasible and practical way of connecting the waters of Apalachicola River and St. Andrew Bay, in the State of Florida, with a view to determining the advantage, best location, and probable cost of a canal connecting said waters, and to submit a plan and estimate for such improvement.

IMPROVEMENT OF SOUTH BAY CHANNEL, CALIFORNIA.

Mr. FRYE. I ask that Senate concurrent resolution No. 77 be next considered.

Senate concurrent resolution No. 77, submitted by Mr. FLINT on the 22d instant, was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of the South Bay Channel, Humboldt Harbor, California, with a view to the removal of obstructions to navigation to and from the wharf at Fields Landing.

IMPROVEMENT OF WILLAMETTE AND COLUMBIA RIVERS, OREGON.

Mr. FRYE. I ask that Senate concurrent resolution No. 78 be now considered.

Senate concurrent resolution No. 78, submitted by Mr. BOURNE on the 26th instant, was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimates to be made for a project of improvement of the Willamette and Columbia rivers, in the State of Oregon, so as to provide a 30-foot channel from Portland, Oreg., to the Pacific Ocean, and report the same to Congress.

IMPROVEMENT OF POLSON BAY, MONTANA.

Mr. FRYE. I ask that Senate concurrent resolution No. 79 be considered.

Senate concurrent resolution No. 79, submitted by Mr. CARTER on the 26th instant, was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of Polson Bay, Flathead Lake, Montana, with a view to dredging the channel and putting in piling on the east side thereof.

HOMESTEAD ENTRIES.

Mr. HEYBURN. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 5900) to amend an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, to report it favorably without amendment, and I submit a report (No. 865) thereon. I ask for the present consideration of the bill.

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 amend section 5 of the act in the third paragraph by striking out the word "proprietor" and inserting in lieu thereof the words "owner in fee," so that the paragraph shall read when amended as follows:

But no person who is the owner in fee of more than 160 acres of land in any State or Territory shall acquire any right under the homestead law.

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. GALLINGER introduced a bill (S. 8905) for the establishment of a probation system for the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. WARREN introduced a bill (S. 8906) to provide for the retirement of certain officers on the active list of the Regular Army who have been passed over in promotion by officers junior to them in length of commissioned service, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. PAYNTER (by request) introduced a bill (S. 8907) to authorize the paving of Twenty-third street NW. from S street to Kalorama road, and Kalorama road from Twenty-third street to Connecticut avenue, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 8908) granting a pension to Amanda Green, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 8909) granting an increase of pension to Woodford M. Houchin, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GUGGENHEIM 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. 8910) granting an increase of pension to Oliver Hand;

A bill (S. 8911) granting an increase of pension to Thomas J. Vinyard;

A bill (S. 8912) granting an increase of pension to Hannah Mohr; and

A bill (S. 8913) granting an increase of pension to Charles Roden.

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

A bill (S. 8914) granting an increase of pension to William Fifer; and

A bill (S. 8915) granting an increase of pension to George W. Mann.

Mr. FLINT introduced a bill (S. 8916) granting an increase of pension to Edward Waltemeyer, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. RAYNER (by request) introduced a bill (S. 8917) for the relief of the widow and heirs of William H. Bell, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 8918) to provide for the payment to certain Indians of Fort Berthold Indian Reservation, in North Dakota, for certain horses condemned and destroyed by the Bureau of Animal Industry in the years 1906 and 1907, which was read twice by its title and referred to the Committee on Indian Affairs.

He also (for Mr. HANSBROUGH) introduced a bill (S. 8919) granting an increase of pension to Charles H. Orr, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 8920) granting an increase of pension to Hiram A. Wilson, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 8921) granting a pension to Horace G. Shull, which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 8922) granting an increase of pension to Henry L. Smith, which was read twice by its title and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 8923) granting an increase of pension to Catharine J. Carter, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 8924) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, which was read twice by its title and referred to the Committee on Education and Labor.

Mr. TELLER. I desire to introduce a bill, with an explanatory paper, and I desire the bill and the paper I submit to be published as a document. It is one of those bills which, I suppose, will not be reached at this session, but I want to lay the foundation for future proceedings. I ask that the bill and the memorandum submitted with it may be printed as a document and referred to the Committee on Appropriations.

A bill (S. 8925) to provide for the purchase and erection of a large testing machine and building therefor, which was read twice by its title and, with the accompanying paper, which was ordered to be printed as a document (S. Doc. No. 686) with the bill, referred to the Committee on Appropriations.

Mr. BAILEY (by request) introduced a bill (S. 8926) granting a pension to Sarah B. Hatch, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NEWLANDS introduced a bill (S. 8927) for the erection of a Lincoln memorial, which was read twice by its title and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLINT submitted an amendment authorizing the Director of the Geological Survey to furnish copies of any photographs or lantern slides in the possession of the United States Geological Survey to any person, concern, or institution in the interest of education and the dissemination of knowledge, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURROWS submitted an amendment relative to salaries of employees of the Railway Mail Service, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. RAYNER submitted an amendment proposing to include the pay of draftsmen and inspectors in the annual appropriation for the contingent fund of the Naval Academy, 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.

EXPLORATIONS IN ALASKA.

Mr. FORAKER submitted the following resolution (S. Res. 268), which, with the accompanying paper, was referred to the Committee on Printing:

Resolved, That 3,000 copies of Explorations in Alaska, 1899, for an all-American Overland Route from Cook Inlet, Pacific Ocean, to the Yukon, by First Lieut. Joseph S. Herron, Eighth Cavalry, commanding expedition, War Department, Adjutant-General's office, Document No. 138, M. I. D., be printed for the use of the Senate.

WRECK OF THE BATTLE SHIP "MAINE."

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 1376) which was read and referred to the Committee on Naval Affairs:

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.*

AMERICAN SUGAR REFINING COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 687), which was read and, with the accompanying papers, ordered to lie on the table and be printed:

To the Senate:

In accordance with my direction, the Attorney-General has forwarded to me the inclosed papers in response to the resolution of the Senate of January 22, 1909, in reference to sending to the Senate "copies of all correspondence in the Department of Justice relating to an alleged violation of the act of July 2, 1890, by the American Sugar Refining Company in connection with an alleged loan by that company to one Segal, in which was pledged as security therefor a majority of the capital stock of the Pennsylvania Sugar Refining Company, with voting power thereon, and under which it is alleged an agreement was entered into that the Pennsylvania Sugar Refining Company should not engage in business," and I herewith transmit them to the Senate.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 28, 1909.*

VETO MESSAGE—COMMISSIONS OF ARMY OFFICERS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 688), which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate:

I herewith return, without approval, Senate bill No. 653, entitled "An act to authorize commissions to issue in the cases of officers of the Army, Navy, and Marine Corps and of the Revenue-Cutter Service retired with increased rank," for the reasons contained in the accompanying letter of the Secretary of the Navy and memorandum of the Chief of the Bureau of Navigation. It seems to me that the showing made by these documents warrants the assertion that the proposed legislation would be certainly undesirable and possibly pernicious.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 28, 1909.*

HOUSE BILLS REFERRED.

H. R. 26073. An act to legalize a bridge across the Indian River North, in the State of Florida, was read twice by its title and referred to the Committee on Commerce.

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, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

ASSESSMENT AND COLLECTION OF TAXES.

The VICE-PRESIDENT. If there is no further morning business, the morning business is closed, and the Chair lays before the Senate a resolution coming over under the rule, which will be read.

The Secretary read Senate resolution No. 265, submitted yesterday by Mr. BROWN, 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. The question is on agreeing to the resolution.

Mr. BROWN. I feel, Mr. President, that the Senate understands, as well as the members of the Judiciary Committee, this resolution is not directed against that committee in any spirit of criticism in any sense. For the chairman of that committee and for the membership of that committee I have the greatest respect as to their integrity and their ability. But, Mr. President, the Senate is aware that the committee is flooded with an avalanche of work, including bills that are numberless and resolutions of inquiry that require a vast volume of labor. It is patent from the history of this bill, which I introduced a year and more ago, almost at the beginning of the present Congress, that we would have had some report either for or against the bill if the committee had had an opportunity to give it consideration.

Mr. BEVERIDGE. Mr. President——

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

Mr. BROWN. Certainly.

Mr. BEVERIDGE. I merely wanted to ask the Senator, for the information of the Senate, so that we may understand more clearly, to state to the Senate the purport of the bill from the consideration of which he asks that the committee be discharged, so that we will have the question in mind.

Mr. BROWN. I expect to do that. I was simply, not in the way of apology, undertaking to have the Senate understand why the resolution is introduced and why I am pressing it. After the committee has had the bill since January 7, 1908, the Senator from Oregon [Mr. FULTON] yesterday stated in open Senate that he was the subcommittee appointed to give the bill consideration. He also stated that he did not know whether he was acting by himself or with some other member of the committee.

Mr. FULTON. Mr. President——

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

Mr. BROWN. Certainly.

Mr. FULTON. I trust the Senator will not insist that I was the subcommittee. I think I claimed to have been a part of it.

Mr. BROWN. The language of the Senator was——

Mr. FULTON. I do not think I claimed to be the whole thing.

Mr. BROWN. The Senator said:

The bill is one that was referred to me as a subcommittee.

I may misunderstand the effect of that language, but I apprehend I have stated the fact.

But said the Senator:

I am not quite certain whether there was more than one on the subcommittee or not.

Mr. FULTON. I think the Senator will admit——

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

Mr. BROWN. Certainly.

Mr. FULTON. I simply want to remark that I think the Senator will now concede that I was justified in saying that I did not claim to be the whole work.

Mr. BROWN. Undoubtedly; but it illustrates the situation of the bill which I undertook to get the judgment of the committee upon and upon which I do ask the judgment of the Senate. For more than a year the subcommittee, a part of the subcommittee at least, realized that it had a bill before it. This resolution was offered, therefore, more in the spirit of discouragement on the part of the author of the bill as to whether the bill will ever give any evidence of life.

Mr. President, this bill, to my mind, and I do not think I exaggerate, is a very important measure. I think its mere statement will convince the Senate, if I can have its attention a very few minutes, that the bill ought to be reported, and reported favorably. With the indulgence of the Senate, I desire to take just a very few minutes to state what the bill is.

There is an existing statute now, which has been in force ever since 1867, which reads as follows:

No suit for the purpose of restraining the assessment or collection of taxes shall be maintained in any court.

That is the existing law to-day. The Supreme Court of this country has decided that that is a valid statute, and that it is a valid limitation upon the jurisdiction of the circuit courts of the country. But the Supreme Court has also decided that the taxes referred to in that section are federal taxes alone.

Now, then, the measure which I have offered proposes to leave the existing statute as it is and to add the words "taxes, state, county, municipal, and district." In other words, I ask Congress to fix the jurisdiction of our federal courts with the same limitation as to state taxes that now exists as to federal taxes. If there can be any valid objection to that proposition from any source, I have not yet heard it.

If it be argued that it is against public policy, I have but to refer the Senate to the language of Justice Miller, of the Supreme Court, who laid down the proposition, in discussing this very federal statute, that it was consistent with good public policy, because in the nature of things the collection of taxes must be made when they are due and not when some court of equity adjudicates that they are due. In order to sustain the life of the Government, taxes are collected summarily necessarily without the intervention of any injunctive writ from our own court.

Let me say in regard to the public policy of having that rule as to our federal revenues, it is much stronger as to state and school district and municipal taxes. We have had illustrations in this country of the operation of the right exercised by our circuit courts under the law as it exists to tie the hands of the tax collector in the States and the school districts and in municipalities of the several States, and that done, Mr. President, in States where there exists to-day a state statue that prohibits a state court from issuing a writ restraining the collection of state taxes. The same reason exists why the state government needs a tax when it is levied and assessed that exists for the Federal Government having its tax collected when it is levied and assessed.

Mr. President, the objection has been made that there are some States in this country where they do not prohibit the citizens of the State from going into a state court and enjoining the collection of taxes, and therefore we ought not to pass a law governing our federal courts which will apply to those States.

Let me say, when that objection is made, the objector forgets the subject-matter of this bill and the subject-matter of the legislation proposed. The question that I am considering now is the jurisdiction of the circuit courts of this country. Can it be that we should have a different jurisdiction exercised by those courts in the different States? Let the jurisdiction be uniform. If a circuit court has the right to enjoin the collection of taxes in one State, let it have the right to enjoin it in another. It ought to be denied the right to enjoin it in any State, so long as the Government takes care of its own taxes and saves them from a writ of injunction.

Mr. President, I do not think it will be argued that Congress does not have the right to limit the jurisdiction of those courts. The original act of jurisdiction, passed more than a hundred years ago, provided limitations one after another. In some cases the court was given jurisdiction and in others denied.

That was the judgment of Congress then of its power to fix and limit the jurisdiction of the inferior courts. If we are not satisfied with the judgment of Congress as expressed then and many times since, I ask objecting Senators if they will be satisfied with the judgment of our courts who have themselves said that they have such jurisdiction as Congress gives them and none other?

Mr. President, I do not care to express in detail the reasons why this bill should be passed at this moment. But I do confess to you, Senators, that I have a conviction that this is one of the statutes that Congress ought to pass. It provides that when a tax is assessed in one State by the taxing authorities of that State it shall not be subject to collateral attack in the federal courts of equity.

I ask, Mr. President, in connection with the few remarks I have made, to submit a memorandum of authorities on the law questions involved.

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

The matter referred to is as follows:

Existing law denies to the federal court the power to enjoin the assessment or collection of taxes, as follows:

"No suit for the purpose of restraining the assessment or collection of taxes shall be maintained in any court." (U. S. Comp. Stats., sec. 3224.)

This section has been held by the Supreme Court of the United States to apply alone to federal taxes. (Wells *v.* Central Vt. R. R. Co., 14 Blatchford, 426.)

The proposed bill amends the above section so as to apply to all taxes, as follows:

"No suit for the purpose of restraining the assessment or collection of taxes, *state, county, municipal, district,* or *federal,* shall be maintained in any court."

THE SUMMARY COLLECTION OF TAXES IS NECESSARY TO THE LIFE OF THE GOVERNMENT, STATE AS WELL AS FEDERAL.

The Government for its own existence has the power to levy and collect taxes. They are collectible when due, not when a court of equity shall have investigated and adjudicated their validity.

On this question the Supreme Court said in Cheatham *v.* United States (92 U. S., 85): "If there existed in the courts, state or national, any general power of impeding or controlling the collection of taxes or relieving the hardship incident to taxation, the very existence of the Government might be placed in the power of a hostile judiciary."

Again, in the State Railroad Tax cases (92 U. S., 575), Mr. Justice Miller, speaking for the court, said:

"The Government of the United States has provided, both in the customs and in the internal revenue, a complete system of corrective justice in regard to taxes imposed by the General Government, which in both branches is founded upon the idea of appeals within the executive departments. If the party aggrieved does not obtain satisfaction in this mode, there are provisions for recovering tax after it has been paid by suit against the collecting officer. But there is no place in this system for an application to a court of justice until after the money is paid.

"That there might be no misunderstanding of the universality of this principle, it was expressly enacted, in 1867, that 'no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.' (Rev. Stat., sec. 3224.) And though this was intended to apply alone to taxes levied by the United States, it shows the sense of Congress of the evils to be feared if courts of justice could, in any case, interfere with the process of collecting the taxes on which the Government depends for its continued existence. It is a wise policy. It is founded on the simple philosophy derived from the experience of ages that the payment of taxes has to be enforced by summary and stringent means against a reluctant and often adverse sentiment; and to do this successfully, other instrumentalities and other modes of procedure are necessary than those which belong to a court of justice."

If the rule announced above by the Supreme Court is correct and just when applied to the federal taxes, what reason exists for not applying it to state taxes?

II.

BOARDS OF EQUALIZATION AND ASSESSMENT ACT JUDICIALLY AND THEIR JUDGMENTS SHOULD NOT BE SUBJECT TO COLLATERAL ATTACK IN COURTS OF EQUITY.

The rule is well established throughout the several state and federal jurisdictions of the country that an assessment and equalization board acts judicially when it determines the value of property for taxation purposes. Its determination of value is a judicial finding; its judgment stands as the judgment of a court and can not be impeached or set aside except for fraud or want of jurisdiction. Courts have no power to revise an assessment of a legally constituted assessment board because of an alleged error in valuation. The question of value is for determination by the board of assessors and not by the courts. If the judgment of the assessing board is the result of an in-

vestigation and a consideration of the subject-matter in good faith, it is final and conclusive upon both the State and the taxpayer, and is not subject to collateral attack. In order to give a court of equity jurisdiction in a collateral proceeding to ascertain the validity of a tax assessment one of two things must clearly appear—either fraud or a want of jurisdiction.

"Courts have no power to revise assessments made by the boards of assessors and approved or revised by the board of review upon the ground that these parties fell into an error of judgment in estimating the value of the property." (Loewenthal *v.* People, 192 Ill., 222.)

"Though an undervaluation appears, an assessment will be sustained where it can not be said to be so excessive as to warrant a finding that it was not honestly made and was known to be excessive." (Keokuk Bridge Co. *v.* People, 186 Ill., 267.)

"Decision of the state board of equalization is quasi judicial in its nature, and on application for judgment for unpaid taxes such decision can be assailed only for fraud or want of jurisdiction." (Connecting R. Co. *v.* People, 119 Ill., 182.)

"The taxing power is legislative and political in its nature, and is not under the judicial power of the State; and the courts can not interfere unless the tax is void, because levied without power on the part of the officers executing the revenue laws. It devolves upon the general assembly to provide the revenue and the means for its levy and collection, without interference of either of the other departments. As long as officers are acting under the law in imposing and collecting taxes, the courts will not interfere, but when they transcend their powers and act without warrant of law, the courts may give relief. Hence, if the legally constituted board of equalization have acted within the scope of their authority, and if they have reasoned incorrectly and erred in judgment, we have no power to review and correct their actions. They are empowered by law to fix the value of the property of corporations for taxation, and we can afford no relief, even if the rules that govern them are not such as commend themselves to our notions of the best means of ascertaining their value." (Ottawa Glass Co. *v.* McCaleb, 81 Ill., 562.)

"The action of a county board of equalization is not subject to collateral attack, by injunction or otherwise, unless the assessment is void, and not merely erroneous. Such board is a quasi judicial tribunal, and binds every one within its jurisdiction." (Jones *v.* Rushville National Gas Co., 135 Ind., 595.)

"When a county board of review obtains jurisdiction over the person of a taxpayer whose list is called in question, by virtue of notice provided by the statute, or upon appearance of the taxpayer whose list is called in question, its action or decision in the matter, whether right or wrong, is binding upon him until set aside or vacated by an appeal or some other direct, authorized proceeding, and he will not be permitted to assail the same in a court of equity." (Senour *v.* Matchett, 140 Ind., 636.)

Aside from the authorities above quoted the rule has been recognized by every text-book writer on equity. Mr. High, in his valuable work on injunctions, has given a great deal of space to the discussion of when a court of equity may interfere to revise or set aside the findings of the assessment board. He lays down the general rule that equity will not interfere by injunction with the tax which is alleged to be illegal merely because it is a hardship or is too high. (High on Injunctions, vol. 1, sec. 485; Haywood *v.* Buffalo, 14 N. Y., 534; Burns *v.* Mayor, 2 Kans., 454; McPike *v.* Pew, 48 Mo., 525; Warden *v.* Supervisors, 14 Wis., 618; Clark *v.* Ganz, 21 Minn., 387; City Council *v.* Sayre, 65 Ala., 564.)

"Nor will equity interfere by injunction with the enforcement or collection of taxes because of irregularities, illegalities, or errors in the assessment of the tax, or in the proceedings incident to its collection, or in the execution of the power conferred upon taxing officers; but in all such cases the taxpayer seeking relief will be left to pursue his remedy at law." (High on Injunctions, vol. 1, sec. 486.)

Of the authorities cited by the author to sustain the rule, the following may be cited: O'Neal *v.* Virginia (18 Md., 1); Warden *v.* Supervisors (14 Wis., 618); Macklot *v.* Davenport (17 Iowa, 379); Exchange Bank *v.* Hines (3 Ohio St., 1); Jackson *v.* Detroit (10 Mich., 248); Hallenbeck *v.* Hahn (2 Nebr., 377); Challis *v.* Commissioners (15 Kans., 49); Supervisors *v.* Jenks (65 Ill., 275); Brown *v.* Herron (59 Ind., 61); Western R. Co. *v.* Nolan (48 N. Y., 513).

"The excessive valuation of property is an irregularity where the assessing officers had jurisdiction and acted in good faith." (Stanley *v.* Albany Co., 121 U. S., 535; Henne *v.* Los Angeles Co., 59 Pac., 780; Columbia Savings Bank *v.* Los Angeles Co., 137 Cal., 467; Senour *v.* Mitchett, 140 Ind., 636; Collins *v.* Keokuk, 118 Iowa, 30; Burlington Gas Light Co. *v.* Burlington, 101 Iowa, 458; Harrington *v.* Gliddon, 179 Mass., 486; Detroit Street Railway *v.* Detroit, 125 Mich., 673; Clark *v.* Stearns Co., 66 Minn., 304; People *v.* Adams, 125 N. Y., 471; Bratton *v.* Johnson, 76 Wis., 430.)

In Collins *v.* Keokuk (118 Iowa, 30; 91 N. W., 791), supra, the supreme court of Iowa said:

"That overassessment is an irregularity which will not render a tax void, has been repeatedly held. In Nugent *v.* Bates (51 Iowa, 77) we said: 'The assessment may have been for too much. If so, it was erroneous merely, and not void.' In the Missouri Valley Bridge case (74 Iowa, 284) we followed the same rule, saying: 'It may be conceded that the assessment was erroneous—that is, the value of the bridge was fixed by the assessor at more than it should have been, but this simply shows it to have been an overassessment, and in such case the remedy of the taxpayer is to apply for its correction to the board of equalization.'"

In speaking of the power of the court to enjoin on account of an overassessment, the supreme court of Iowa in the same case says:

"It is argued that this remedy is inadequate, because there is no provision for an appeal, and plaintiff is thereby deprived of a constitutional right. There is no claim made, however, that plaintiff did not have timely notice of the assessment or that he ever sought relief therefrom at the hands of the equalizing board; and he can not proceed upon the assumption that such board would not have done justice in the matter or that there would have been any occasion for the exercise of the right of appeal had such right been given. On the contrary, the presumption, if any, must be that any excess in the assessment of plaintiff's property would have been remitted by the board upon the proper showing made; but we do not think that it has ever been held that, because a right of appeal from the finding of an equalization board is not given by law, a tax levied upon such assessment is void. It is not necessary in due process of law that the property holder be given the power to have an assessment reviewed by the court. As we have before noted, the grievance of which plaintiff complains does not go to the tax itself. So far as appears from the record, the levy was by the proper officers, for lawful purposes, and at lawful rates. If the assessor, in returning the value of plaintiff's property, or the board of review in confirming it, fixed the same at an excessive or disproportionate value, it is immaterial, for the purpose of this case, whether the error is one of judgment or of gross incompetency or obedience to a void statute; the result is the same—it is nothing more nor less than an irregularity in assessment, for the correction of which, as we have already shown, injunction will not be granted.

"In reviewing the action of taxing officers upon bills to enjoin the enforcement of a tax, courts of equity are inclined to indulge the usual presumption in favor of the regularity and validity of the conduct of public officers until the contrary is shown. They will not therefore enjoin upon mere general averments that the assessment was too high. (High on Injunction, vol. 1, sec. 490.)

"In many of the States of the country different tribunals or boards of equalization are provided by law, whose functions consist in hearing complaints of persons aggrieved, adjusting inequalities among different taxpayers, and equalizing the burdens of taxation among the different persons subject thereto; and questions of such practical importance frequently occur in determining how far the action of such boards or officers may form the foundation for relief by injunction against the enforcement of taxation. The fundamental principle applicable to such cases is that a court of equity is not a court of errors to review the acts of public officers in the assessment and collection of taxes, nor will it revise their decision upon matters within their discretion if they have acted honestly. (High on Injunctions, vol. 1, sec. 493; Livingston *v.* Hollenbeck, 4 Barb., 9; Clinton's Appeal, 56 Pa. St., 315; O'Neal *v.* Virginia B. Co., 18 Md., 1; Porter *v.* Rockford, R. I. R. Co., 76 Ill., 561; McIntyre *v.* Town of White Creek, 43 Wis., 620; Union Trust Co. *v.* Weder, 96 Ill., 346; Haywood *v.* Buffalo, 14 N. Y., 534.)

"Equalization of assessments has, for its general purpose, to bring the assessments of different parts of a taxing district to the same relative standard, so that no one of the parts may be compelled to pay a disproportionate part of the tax. To accomplish this purpose assessment rolls are equalized by county boards, boards of supervisors or commissioners, and the aggregate of the county assessments by a state board established for the purpose. This is not done by changing individual assessments, but by fixing the aggregate sum for the several districts at what, in the opinion of the board, they should be, so that general taxes may be levied according to this determination instead of on the assessor's footings. These boards act judicially in equalizing, and their decision is conclusive. (Cooley on Taxation, vol. 1, 3d ed., p. 784.)

"To sustain the above rule Judge Cooley cites Union Coal Co. *v.* Campbell (48 La. An., 1350); New York *v.* Davenport (92 N. Y., 604); Brown *v.* Oneida Co. (103 Wis., 149); Grand Rapids *v.* Welleman (85 Mich., 234)."

The Supreme Court of the United States has by an uninterrupted line of decisions given its sanction to the rule that an assessment board acts judicially, and that its judgment is not open to collateral attack on the ground of overvaluation alone. It is essential that either fraud or want of jurisdiction must appear before a court of equity will revise the judgment of the state board of equalization and assessment. In State Railroad Tax cases, decided by the Supreme Court of the United States, the court, speaking through Mr. Justice Miller on this question, said:

"As we do not know on what evidence the board acted in regard to these railroads, or whether they did not act on knowledge which they possessed themselves, and as all valuation of property is more or less matter of opinion, we see no reason why the opinion of this court, or of the circuit court, should be better, or should be substituted for that of the board, whose opinion the law has declared to be the one to govern in this matter. * * * Let us suppose that the complaints made in these cases were well founded; that the mode adopted by the board of equalization to ascertain the value of the franchise and capital stock is not the best mode; that it produces unequal and unjust results in some cases; that the same is true of the mode of ascertaining the basis of assessment for the taxation of municipalities; that the board of equalization increased the entire assessment on each company without sufficient evidence; in short, let us suppose that in these and many other respects the proceedings were faulty and illegal; does it follow that in every such case a court of equity will restrain the collection of the tax by injunction? * * * It has been repeatedly decided that neither the mere illegality of the tax complained of nor its injustice, nor irregularity, of themselves, give the right to an injunction in a court of equity. * * * We do not propose to lay down in these cases any absolute limitations of the powers of a court of equity in restraining the collection of illegal taxes, but we may say that, in addition to illegality, hardship, or irregularity, the case must be brought within some of the recognized foundations of equitable jurisdiction, and that mere errors or excess of valuation, or hardship or injustice of the law, or any other grievance which can be remedied by a suit at law, either before or after payment of taxes, will not justify a court of equity to interpose by injunction to stay collection of a tax. One of the reasons why a court should not thus interfere, as it would in any transaction between individuals, is that it has no power to apportion the tax or to make a new assessment, or to direct another to be made by the proper officers of the State. These officers, and the manner in which they shall exercise their functions, are wholly beyond the power of the court when so acting. The levy of taxes is not a judicial function. Its exercise, by the constitutions of all the States, and by the theory of our English origin, is strictly legislative. (Heine *v.* Levee Commissioners, 19 Wall., 660.) * * * If there be an excessive estimate of the value of the franchise or capital stock, or both, it is by an error of judgment in the officers to whose judgment the law confided that matter; and it does not lie with the court to substitute its own judgment for that of the tribunal expressly created for that purpose." (State Railroad Tax Cases, 92 U. S., 575.)

In Pittsburg Railway Co. *v.* Backus (154 U. S., 421), the Supreme Court of the Nation again approves the doctrine announced by Justice Miller in the state railroad cases above referred to. The opinion of the Backus case is by Mr. Justice Brewer, and in speaking of the question before us here, he said, among other things:

"The true cash value of the plaintiff's property in the State of Indiana in the year 1891 was a question of fact, the determination of which for the purposes of taxation was given to the special tribunal, the state board. Whenever a question of fact is thus submitted to the determination of a special tribunal, its decision creates something more than a mere presumption of fact, and if such determination comes into inquiry before the courts it can not be overthrown by evidence going only to show that the fact was otherwise than so

found and determined. Here the question determined by the state board was the value of certain property. That determination can not be overthrown by the testimony of two or three witnesses that the valuation was other than that fixed by the board. It is true such testimony may be competent, and was received in this case because, taken in connection with other testimony, it might establish fraudulent conduct on the part of the board sufficient to vitiate its determinations. It is not, however, contended by counsel that there was any actual fraud on the part of the board; that the individual members thereof deliberately violated the obligations of their oaths of office, and intentionally placed upon the property of the plaintiff a valuation they knew to be grossly in excess of that which it in fact bore, and did so with the purpose of making the plaintiff bear a greater share of the burden of the support of the state government than it rightfully should. The contention is rather that the board made a grievous mistake in placing so high a value, and that it took into consideration property outside of the State, and gave to the property within the State a value apparently deduced from that without the State. * * * Is testimony that the value placed by the board was excessive, together with testimony *that portions* of the road outside of the State were of largely greater value than any similar length of road within the State, unaccompanied with evidence that the board reached the value by simply dividing the total value of the company's property on a mileage basis, or that it failed to take into consideration the fact of such excessive value of portions outside of the State, sufficient to impeach its determination? This question must be answered in the negative. No determination of a special board, charged under law with the duty of placing a value upon property, can be successfully impeached by such meager testimony." (Pittsburg R. R. Co. *v.* Backus, 154 U. S., 421.)

Again in Maish *v.* Arizona (154 U. S., 421) the Supreme Court, speaking through Mr. Justice Brewer, said:

"A final objection is that the assessment was grossly unfair, and that there was fraudulent discrimination in favor of the Southern Pacific Railroad Company. It appears that assessment of ordinary range cattle was fixed by the territorial board at $7.42, while one witness testified that their value was $6 to $6.50 per head. It also appears that the territorial board valued the railroad property at $6,811.14 per mile, while there was testimony that to duplicate the roadbed and track alone would cost from $21,000 to $22,000 per mile; and appellants offered to prove that the railroad company stated to the board that if the valuation was fixed at about the rate which was fixed it would pay the taxes; if much higher, it would resist collection in the courts; and that the board concluded that it was better to get some taxes out of the railroad company than none, and therefore fixed the value at the sum named.

"There is nothing tending to show that the board, in fixing the value of cattle at $7.42, acted fraudulently or with any wrongful intent, or that that valuation was not the result of its deliberate judgment upon sufficient consideration and abundant evidence; and it would be strange, indeed, if an assessment could be set aside because a single witness is found whose testimony is that the valuation was excessive. No assessment could be sustained if it depended upon the fact that all parties thought the valuation placed by the assessing board was correct. Something more than an error of judgment must be shown—something indicating fraud or misconduct. Neither is the fact that an officer of the railroad company came before the board and declared its willingness to pay taxes on a certain valuation and its intention to resist the payment of taxes on any higher valuation sufficient to impute fraudulent conduct of the board, although it finally fixed the valuation at the sum named by the railroad company. It appears from the testimony of one of the members of the equalization board that it was guided largely by the valuation placed in other States and Territories upon railroad property, and that from such valuation, as well as that given by the railroad company, it made the assessment at something like the average of the valuation of railroads in the various States and Territories named. It is unnecessary to determine whether this board erred in its judgment as to the value of this property, whether it would not have been better to have made further examination and taken testimony as to the cost of construction, present condition, etc. Matters of that kind are left largely to the discretion and judgment of the assessing and equalizing board, and if it has acted in good faith its judgment can not be overthrown." (Pittsburg C. R. Co. v. Backus. 154 U. S., 421–435.)

Again, the Supreme Court in Adams Express Co. *v.* Ohio State Auditor (165 U. S., 194), affirmed the above rule, saying:

"We have said nothing in relation to the contention that these valuations were excessive. The method of appraisement prescribed by the law was pursued and there was no specific charges of fraud. The general rule is well settled that whenever a question of fact is thus submitted to the determination of a special tribunal, its decision creates something more than a mere presumption of fact; and if such determination comes into inquiry before the courts it can not be overthrown by evidence going only to show that the fact was otherwise than as so found and determined." (Pittsburg C. R. Co. *v.* Backus, 154 U. S., 434; Western Union Telegraph Co. *v.* Taggart, 163 U. S., 1.)

In line with the above authorities the circuit court of the United States for the middle district of Tennessee in a recent case elaborated the principle of the authorities quoted above. It is the case of Taylor *v.* Louisville & N. R. Co., reported in 31 C. C. A., 537. From the bill of complaint filed in the case it appears that the plaintiff sought to restrain the members of the state board of equalization of Tennessee from certifying the tax valuation of the railroad company to the several tax collectors of the 35 counties through which the road ran. The bill contained two grounds upon which was based the right to the writ, to wit: (*a*) Excessive valuation of its own property; (*b*) undervaluation of other property in the State; and therefore a violation of the uniformity provision of the constitution. The first ground standing alone was held insufficient, and on this point the court said:

"It is well settled that a suit to enjoin the collection of a tax will not be entertained in courts of equity—at least in those of the United States—in which the sole ground set forth in the bill is that the tax is illegal or excessive. It must appear in addition that the circumstances make the wrong about to be inflicted of such a peculiar character that the remedies in a court of law are inadequate, and so bring the case under some recognized head of equity jurisdiction." (Ogden City *v.* Armstrong, 168 U. S., 224; Express Co. *v.* Seibert, 142 U. S., 339; Allen *v.* Car Co., 139 U. S., 591; Railway Co. *v.* Cheyenne, 113 U. S., 516; Hannewinkle *v.* Georgetown, 15 Wall., 547; Dow *v.* Chicago, 11 Wall., 108; Taylor *v.* L. & N. R. Co., 31 C. C. A., 544.)

Speaking further on the matters considered by the board in determining the value of property for taxation, the court said at page 547 of the same case:

"It is sufficient to say that we find nothing in the evidence that was before the two boards which they might not properly consider under the laws of Tennessee, as circumstances to aid them in reaching a conclusion as to the value of that part of the railroad of complainant lying in Tennessee. Nor do we discover anything in the record to indicate that such evidence was wrongly applied. We do not find anything in the record or affidavits affirmatively showing that the boards have included in their assessments property of the complainant not in Tennessee, and the defendants in their report of the assessment and in their answer expressly deny that any such property was included. The exclusion of certain expert evidence to show how unreliable a standard of value are market reports of stocks and bonds we do not regard as material. Even if this were a direct proceeding to review the action of the defendants, as upon error (which it is not) the ruling could hardly be the subject of criticism; for the matters touched upon in the affidavits were matters of general knowledge, which the defendants and the assessors might be presumed to know. The relevancy of such items of evidence as the market value of bonds and stocks, and the amount of gross earnings and the net earnings, in reaching a conclusion as to the value of a railroad or telegraph line, has been so often recognized by the supreme Court of the United States that we need not discuss it. (Railroad *v* Backus, 154 U. S., 424; Henderson Bridge Co. *v.* Kentucky, 166 U. S., 150; Adams Express Co. *v.* Ohio State Auditor, 165 U. S., 194; 166 U. S., 185.) It is contended that the law of Tennessee, as declared by its supreme court, is that each line of railroad must be valued by itself and not as part of a system, and therefore that the unit theory, upon which the foregoing decisions were based, has no application to Tennessee. If this be true, it only reduces the size of the unit, but it does not destroy every evidential bearing of stock and bond values upon the value of railroad property; and we must presume in a collateral attack upon the action of the board, such as this is, in the absence of any showing to the contrary, that, within the limits of the reasonable discretion and judgment vested in the defendants, they gave proper consideration to the Tennessee rule, if it differs from the general rule, in weighing and applying the evidence of stock and bond values to the issue before them." (Taylor *v.* L. & N. R. R. Co., 31 C. C. A., 547.)

To summarize, the above authorities hold:

First. Assessors and boards of equalization act judicially.

Second. Their judgments are not subject to collateral attack in courts of equity, except for fraud or want of jurisdiction.

Third. They are vested by law with the duty and power to ascertain and determine a question of fact, and such decision when made amounts to more than a mere presumption that the fact exists, and therefore can not be overthrown in a collateral attack by evidence tending to show that the fact was otherwise than found and determined by them.

It is the purpose of the bill under consideration to give the same vitality to these rules of equity in relation to state taxes that is now given them by existing law in relation to federal taxes.

III.

IT IS WITHIN THE POWER OF CONGRESS TO FIX THE JURISDICTION OF FEDERAL, DISTRICT, AND CIRCUIT COURTS.

It will be observed that the amendment simply extends existing law to all taxes. Congress declared in the original section that no court should have jurisdiction to restrain the assessment or collection of federal taxes. It will not be argued that the original section does any injustice to either the Federal Government or the federal taxpayer. And for the same reason it can not be consistently urged that the amendment proposed would be unfair to either the State or the state taxpayer.

But with the justice of the proposed amendment conceded, still its enactment is opposed by some on the ground that the amendment contravenes the Constitution and is beyond the competency of Congress to pass.

A consideration of this question in the light of legislative and judicial precedent eliminates the objection.

The objection involves a single proposition, namely, the power of Congress to limit the jurisdiction of courts which it is authorized by the Constitution to create.

The circuit and district courts of the United States are creatures of the Federal Government. They are Congress-made institutions. From no other source do they obtain either power or jurisdiction. Congress created them. Congress can destroy them. This doctrine is sustained by Congress itself. For a century and more Congress has been engaged, from time to time, in changing the jurisdiction of these courts.

LEGISLATIVE PRECEDENTS.

Chapter 7 of the Revised Statutes of the United States contains the law fixing the original jurisdiction of the circuit courts. Section 629, the first section of said chapter, confers upon the circuit courts jurisdiction as follows:

"The circuit courts shall have original jurisdiction as follows: First, of all suits of a civil nature at common law or in equity where the matter in dispute, exclusive of costs, exceeds the sum or value of $500, and an alien is a party, or the suit is between a citizen of the State where it is brought and a citizen of another State: *Provided,* That no circuit court shall have cognizance of any suit to recover the contents of any promissory note or chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange."

It will be observed that the paragraph quoted contains in its provisions a limitation of jurisdiction. This law was passed in September, 1789, and has remained the law of the land to the present day—conclusive evidence of the judgment of Congress that it had the power to limit the jurisdiction of inferior courts.

Paragraph 4 of section 629 contains another limitation. The paragraph is as follows:

"Fourth. Of all suits at law or in equity, arising from any act providing for revenue from imports or tonnage, except civil causes of admiralty and maritime jurisdiction, and seizures on land or on waters not within admiralty and maritime jurisdiction, and except suits for penalties for forfeitures; of all causes arising under any law providing internal revenue; and of all causes arising under the postal laws."

Paragraph 13 of said section also contains a limitation, as follows:

"Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a state legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition

of servitude: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law to enforce the right of citizens of the United States to vote in all the States."

Likewise paragraph 20 of said section, which reads as follows:

"Twentieth. Exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except where it is or may be otherwise provided by law, and concurrent jurisdiction with the district courts of crimes and offenses cognizable therein."

Section 630 of said chapter recognizes the power of Congress to control jurisdiction of the inferior courts. This section is as follows:

"SEC. 630. The circuit courts shall have jurisdiction in matters in bankruptcy, to be exercised within the limits and in the manner provided by law."

Section 725 of said chapter deals with the jurisdiction of circuit courts on the subject of contempt and limits the court's jurisdiction to punish this offense. The section is as follows:

"SEC. 725. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions and the disobedience or resistance of any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts."

Section 723 of this chapter forbids the institution in equity of any suit in either of the courts of the United States where a plain, adequate, and complete remedy at law exists. The section is as follows:

"SEC. 723. Suits in equity shall not be sustained in either of the courts of the United States in any case where a plain, adequate, and complete remedy may be had at law."

So it must be concluded that in the judgment of Congress during the life of the Republic it has had the power to deal with the jurisdiction of its federal courts, enlarging or subtracting therefrom as in its judgment the public good required. It is therefore indisputable that Congress has the power to-day, at least in its own judgment, if it sees fit to exercise it, to withhold from the circuit court and the district court the power to stay the collection of State taxes by injunction.

JUDICIAL PRECEDENTS.

Whatever power Congress has to fix the jurisdiction of federal courts is derived from section 1, article 3, of the Constitution, which reads as follows:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

In obedience to this provision of the Constitution, Congress passed the judiciary act of 1789 heretofore mentioned. Obviously the power to pass the act implies the power to amend or even repeal it. The question admits of no other logic.

It may be said that the courts themselves have uniformly recognized the power of the legislative branch of the Government to fix their jurisdiction. It has come to be the settled doctrine as announced by the courts themselves that they are created by law for the purpose of enforcing not their own will but the will of the legislative branch of the Government. This doctrine was announced by Mr. Chief Justice Miller in Osborne *v.* Bank of United States (9 Wheat. R., 866), in the following language:

"Judicial power, as contradistinguished from the powers of the law, has no existence. Courts are the mere instruments of the law; they can will nothing. * * * Judicial power is never exercised for the purpose of giving effect to the will of the judge; but always for the purpose of giving effect to the will of the legislature, or, in other words, to the will of the law."

Mr. Justice Harlan, in R. R. Co. *v.* Mississippi (102 U. S., 135), said:

"That except in the cases of which the court is given by the Constitution original jurisdiction, the judicial power of the United States is to be exercised in its original or appellate form, or both, as the wisdom of Congress may direct."

This doctrine is further sustained by the Supreme Court of the United States in the following cases:

Turner *v.* Bank of North America (4 Dallas, 10), as follows:

"The notion has frequently been entertained that the federal courts derive their judicial power immediately from the Constitution; but the political truth is that the disposal of the judicial power, except in a few specified cases, belongs to Congress. If Congress has given the power to this court, we possess it, not otherwise; and if Congress has not given the power to us or to any other court, it still remains at the legislative disposal."

McIntyre *v.* Wood (7 Cranch, 504); Bank of Columbia *v.* Oakley (4 Wheaton, 236); McClung *v.* Silliman (6 Wheaton, 598); Kendall *v.* United States (12 Peters, 524; United States *v.* U. P. R. R. Co. (98 U. S., 601).

Also, Cary *v.* Curtis (3 Howard, 236). In the last-named case the court used the following language:

"That the organization of the judicial power, the definition and distributions of the subjects of jurisdiction in the federal tribunal, and the modes of their action and authority have been and of right must be the work of the legislature. The existence of the judicial act itself with its several supplements furnishes proof unassailable on this point. * * * The courts of the United States are all limited in their nature and constitution and have not the powers inherent in courts existing by prescription or by the common law."

To conclude: The assessment and collection of federal taxes under the present law can not be enjoined in federal courts. There is no reason why the same rule should not govern the federal courts as to the assessment and collection of state taxes. Congress has the power which is established by both legislative and judicial precedent to withhold the injunction remedy wherever it may determine the public good requires. Equity and good conscience, as well as the public good, suggests that the rule be uniform as to all taxes. No reason has or can be given for the rule which forbids an injunction as to federal taxes and allows it as to other taxes. It will be remembered that adequate remedies at law are provided in all the States and Territories for wrongs arising on account of illegal or invalid assessments. The bill under discussion merits the approval of Congress and should become a law.

Mr. BROWN. Now, Mr. President, in view of the statement of the Senator from Oregon [Mr. FULTON] yesterday, who said he had this bill and I was likely to get a report upon it, I will not press at this hour the resolution for a vote, but I ask to have it lie upon the table subject to call.

Mr. FULTON. Mr. President, in view of what the Senator from Nebraska has said, I think perhaps before the resolution is laid aside I should offer a word in behalf of the committee.

The bill was, as stated, referred to a subcommittee, of which I was the chairman. Yesterday morning when the subject was mentioned I had forgotten who the other members of the subcommittee were, but the facts in regard to the matter are substantially what I shall state.

The bill was taken under consideration by the subcommittee, as stated by the Senator from Nebraska [Mr. BROWN]. It proposes to amend the existing law which prohibits the issuance of injunctions restraining the collection of taxes. It seemed to me that it applied not only to the taxes of the Federal Government, but as well to state, county, and municipal taxes. On the general proposition I was entirely in accord with the Senator from Nebraska; but the statute as he proposes to amend it would prohibit injunctions being issued by the federal courts restraining the collection or assessment of taxes by state authorities in a State which, by its public policy, permitted state courts to issue injunctions in such cases.

I suggested to the Senator that it seemed to me the bill should be amended so that no federal court would be authorized to issue an injunction restraining the collection of a state, county, or municipal tax within a State, where, by the laws of that State, state courts were not permitted to issue such writs.

Mr. BROWN. Mr. President——

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

Mr. FULTON. I will yield in just a second.

The Senate can see that it would be manifestly improper and bad legislation to say that a resident of a State might proceed in a state court and enjoin the collection or assessment of a tax within his State against his property, but that a nonresident owning property within a State could not go to a federal court to have his case tried; in other words——

Mr. BEVERIDGE. Mr. President——

Mr. FULTON. Just a second.

If a nonresident has a right of action, he should not be compelled to go into the state courts to prosecute it; he should be allowed to go into the federal courts to prosecute the action; but if the State sees fit to establish the policy of prohibiting the issuance of injunctions at all for the restraining of the collection of taxes or the assessment of property, then it would be perfectly proper to prohibit the federal court from entertaining a suit. But if you are going to allow state courts to entertain the suit, then, in my judgment, you must allow the federal court sitting within the State to try the cases where one party is a nonresident of the State.

Mr. BROWN. Mr. President——

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

Mr. FULTON. I yield to the Senator from Nebraska.

Mr. BROWN. I want to ask the Senator from Oregon if it is not true that Oregon is one of the few States which does not have a statute prohibiting writs of injunction of this nature in state courts?

Mr. FULTON. I have not looked over the laws of the different States on the subject, but I know that in Oregon it is competent for a court to issue an injunction, on proper showing, restraining the collection of taxes. It is the same, also, in the State of Washington.

Mr. BROWN. Does the Senator——

Mr. FULTON. I will yield to the Senator in a moment. As I am advised by other Senators, it is so in different States. I have not looked over the different statutes to ascertain the policy prevailing in the respective States; but that there are States where it is permissible under the local law for the local courts to issue injunctions in such cases, it seems to me, is a sufficient answer to the proposition of the Senator to exclude jurisdiction entirely from the United States courts.

Mr. BROWN. Does the Senator think that it would be an injury to the people of his State to have legislation which would compel nonresident taxpayers to resort to the same remedy as the people of Oregon?

Mr. FULTON. It is not a question as to the same remedy. Of course they have the same remedy, and only the same remedy; but the court is one thing and the remedy is another. I am not talking about the remedy.

Mr. BROWN. Mr. President, if the Senator will permit me, that brings us to the suggestion of who of the taxpayers are interested in this legislation.

Mr. FULTON. Mr. President, I am not yielding the floor. Unless the Senator wants to ask me a question, I wish to proceed with my reasons.

Mr. BROWN. Very well.

Mr. FULTON. Mr. President, the framers of the Constitution realized that a nonresident of a State going into a state or local court might not be on an equal footing with a resident; and therefore it was provided in the Constitution itself that in controversies between citizens of different States the federal courts should have jurisdiction to try and determine such controversies.

I suggested to the Senator from Nebraska that he amend his bill so as to provide that in those States where the policy of the state law did not permit the issuance of injunctions by state courts, the United States courts within that jurisdiction should not issue an injunction. The Senator at first suggested——

Mr. BROWN. Mr. President——

Mr. FULTON. Just a moment.

The Senator at first suggested that he thought he might be satisfied with an amendment of that kind. I suggested that he prepare it.

The matter went on for a few days, when he told me that he thought he would prefer to come before the committee and explain it. I told him I hoped he would. So I supposed that the Senator was to appear before the committee at its last meeting, but he did not appear. He told me afterwards—a few days ago and since the last meeting of the committee—that he could not appear; that he had decided that he wanted the bill as originally introduced, and did not care for an amendment. I then said to the Senator, "Very well," and added that I would bring it up before the entire committee, and the committee would determine what character of report should be made.

I have only explained the nature and character of the bill in order to explain my own attitude in regard to it. There has been no disposition on the part of the committee to prevent a report on the bill. As I said yesterday, I feel responsible for whatever of criticism the committee is subjected to because I did bring the bill back in rather an informal way to the committee one morning; but as we did not know the character of the amendment the Senator from Nebraska would want or would agree to, I was to see him, and I saw him. Our little conference went along for a few days. It was only, I think, the day before yesterday that the Senator advised me that he would not consent to any amendment. I think I am stating all the facts.

Mr. BROWN. I wish, however, to call the attention of the Senator from Oregon to the fact that, in pursuance of his invitation to meet the committee, I tried to get into the committee room the other day, but I was informed by the man in attendance that they were busy, and from the nature of their business would be occupied most of the day.

The Senator understands that I filed an argument with the committee. I have done all I could. I have made myself personally obnoxious, I fear, to members of that committee by importuning them day after day. I have met with the sweetest smiles, but no results.

Mr. President, just a word about this exception and this amendment which the Senator proposes, which, on its face, would commend itself perhaps to some Senators. It must be remembered that the taxpayers who invoke this remedy in the federal courts are nonresident taxpayers, and yet their property is in the State where the tax is levied and assessed. The state government gives that property its protection. The state government makes that property secure and valuable. Those taxpayers, though they live outside of the state boundary, ought to be bound by the same rule that the man is who lives within the State, so long as the property of both parties is within the State and enjoys the blessings of the same government.

Not only that, but it raises the objection I mentioned, to which the Senator did not reply, that you destroy the uniformity of jurisdiction in our circuit courts. Take the eighth circuit, for instance. There are three States in that circuit, where we have statutes prohibiting injunctions in state courts. Now, under the amendment proposed by the Senator from Oregon, the circuit court of that circuit would have a different jurisdiction in the different States composing the circuit—a most ridiculous proposition. You might just as well suggest that the State should pass a law giving its district courts different jurisdictions in the different counties. We are legislating with respect to the jurisdiction of federal courts. Where? In a federal district, and not in a part of it; and there can be no justification, it seems to me, of the proposition to destroy the uniformity of jurisdiction in the States composing the circuit.

Mr. FULTON. Does not the Senator himself propose to destroy uniformity? I do not think the question of uniformity is a very serious one, or argues much. The question is, giving a party a forum for relief if he has a cause of action. In those cases where under the statute of a State there is no cause of action in a state court, I think very properly we might say that there shall be no cause of action in a federal court; that we shall not interfere with the policy of that State by allowing a party to go into a federal court to secure an injunction where it is contrary to the policy of the State to permit an injunction to issue out of its own courts in that character of cases; but, as I said before, if the State sees fit to permit injunctions to issue at the prayer of its own citizens in its own courts, it strikes me that it would be a remarkable piece of legislation that would say to a nonresident, "You can not take that cause of action which the State itself gives you into the federal court and have your case tried there." I do not think we ought to do it.

Mr. BROWN. Mr. President——

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

Mr. BROWN. Just a word, Mr. President.

Mr. FULTON. I yield the floor, Mr. President. I think I have concluded.

Mr. BROWN. Just a word in reply to the suggestion of the Senator from Oregon that if the State leaves its own courts open to these writs of injunction we ought to leave the federal court open.

Mr. President, there is every reason why the rule should not prevail and be the same as to both courts. The Senator, as a lawyer, knows, and this Senate knows, that in a state court an action may be brought and determined within a reasonable time. Under the practice of the federal courts in these equity cases the testimony never is presented in some of the jurisdictions first hand to the trial judge. The whole matter is referred to a master or referee to take testimony, but this referee or master does not have power even to make a finding of fact nor a finding of law. He has one function, and that is to take the testimony of witnesses who answer the questions of the lawyer.

That takes time, and the history, as told in the court reports of this country, will show that taxes have been enjoined and hung up in the air and kept out of the public treasuries by injunction suits that have been pending—not one, not two, but more than three years before a final judgment was obtained.

Not only that, Mr. President, but the disposition of the state courts is not to take jurisdiction. I had occasion, after talking with my friend from Oregon, to investigate the question in connection with the supreme court of his State, and I do not think that he will tell the Senate that 1 per cent of the cases where that court did take jurisdiction were ever sustained. The state courts have a fashion of denying the writ, in the first place, unless fraud or want of jurisdiction to levy the tax appears. The federal courts have a fashion, under the law, when a petition is filed and verified alleging a state of facts to issue a temporary writ. Mr. President, when the temporary writ is once issued, it does not avail the government of that State anything if the trial court dissolves the writ, because the complainant immediately supersedes by bond the order of dissolution and the case continues to pursue its pathway—a tedious one—to the appellate court. That is the reason the state government might be willing to allow its citizens in state courts to enjoin taxes, but it is no reason why the Government of this country should have one rule as to government taxes and another rule as to state taxes.

Mr. CLARK of Wyoming. Mr. President, it is not my desire to consider for a moment the merits of the bill introduced by the Senator from Nebraska [Mr. BROWN]. I only rise for the purpose of removing, if I can, any impression that the Committee on the Judiciary has been negligent in this or any other matters that have been committed to its care.

The Senator from Nebraska has been especially efficient and desirous for action upon this bill, not only by conversation with the several members of the committee and with its chairman, but by taking the careful course, which is not always observed, of filing his views in a written brief with the committee.

Before submitting, however, to the imputation of negligence, I would remind the Senator that the Committee on the Judiciary has before it a vast amount of business; and it is a sad fact that very much of the business that is brought before that committee is dead before it gets there, and no sort of galvanism

could put life into many of the bills that are sent to that committee.

Furthermore, that committee seems to be the receptacle of resolutions of all sorts and upon all kinds of subjects upon which they are required by the Senate to report. I do not believe there is a committee in this body that more faithfully attempts to perform its duties. There is seldom a day during the session of Congress when, either as a committee in full or by subcommittee, it is not engaged in actual work. It has not been because of any negligence that the bill of the Senator from Nebraska has not been reported. It has been for the same reason that other bills have not been reported.

It must be further remembered that the work of that committee is a work that can not be taken up, carried on, and finished in a day. Many of the questions that are referred to the committee are most intricate, such questions as a court would take under advisement for weeks, and perhaps months. It can not be expected that a matter involving grave questions of constitutional and statute law shall be reported from that committee on the spur of the moment.

I do not care, as I have said, to discuss the bill of the Senator from Nebraska. I simply want to assure that Senator and assure the Senate that, notwithstanding the mild tone of the Senator from Oregon [Mr. FULTON], neither the Senator from Oregon nor the subcommittee of which he is chairman, nor the Judiciary Committee, have a sense of having been at all negligent in their duty as to the bill presented by the Senator from Nebraska.

The VICE-PRESIDENT. The resolution will lie on the table subject to call.

ACCIDENTS TO RAILROAD EMPLOYEES.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Arkansas [Mr. CLARKE], coming over from a previous day. The resolution will be read.

The Secretary read Senate resolution 267, submitted yesterday by Mr. CLARKE, 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.

Mr. OVERMAN. I suggest that as the Senator from Arkansas [Mr. CLARKE] is not now in his seat the resolution had better go over.

The VICE-PRESIDENT. At the suggestion of the Senator from North Carolina the resolution will lie over.

CENTENARY OF THE BIRTH OF ABRAHAM LINCOLN.

Mr. WETMORE. I ask unanimous consent for the present consideration of House joint resolution 247. In so doing I wish to state that it is the joint resolution providing for the observance of the centennial of the birth of Abraham Lincoln. The joint resolution has been amended by the Library Committee by substituting the action of the Senate some days since looking to the same purpose, and also including a provision for a survey of the proposed "Lincoln Way" to Gettysburg. As the action of the Senate the other day on this matter was so decided, it seems to me that the Senate joint resolution previously adopted ought now to be passed again as a substitute for the House joint resolution.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. 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.

Mr. FULTON. I inquire if the morning business has closed?

The VICE-PRESIDENT. Morning business has closed.

Mr. FULTON. Then I ask that there be laid before the Senate the special order.

Mr. WETMORE. Mr. President——

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

Mr. FULTON. I yield to the Senator.

Mr. WETMORE. Will not the Senator forbear for a few moments?

Mr. FULTON. I will yield in a moment; I simply want to get the special order before the Senate.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and the "Tucker" acts.

Mr. WETMORE. I now renew my request for unanimous consent for the present consideration of House joint resolution 247.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. NEWLANDS. Do I understand this to be a request for the present consideration of the joint resolution?

The VICE-PRESIDENT. It is a request for unanimous consent for its present consideration.

Mr. NEWLANDS. Then, of course, the joint resolution will be subject to amendment.

The VICE-PRESIDENT. The joint resolution, if consent is given, will be subject to amendment.

Mr. FULTON. Mr. President, I do not wish to object; I only wish to reserve the right to object in case the joint resolution should lead to extended debate.

The VICE-PRESIDENT. Is there objection to the request for unanimous consent, with the limitation suggested by the Senator from Oregon?

Mr. GALLINGER. I object to that.

Mr. BEVERIDGE. What is the request?

The VICE-PRESIDENT. That objection may be later made in the progress of the consideration of the joint resolution if it should lead to unusual debate. Is there objection to unanimous consent with that limitation?

Mr. GALLINGER. I object to any agreement with a limitation.

The VICE-PRESIDENT. Objection is made.

PUBLIC BUILDING AT PENSACOLA, FLA.

Mr. TALIAFERRO. Mr. President——

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

Mr. FULTON. I understand the Senator from Florida has a very short measure, which will not involve any discussion, and I yield to him.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 7276) providing for the improvement, repair, and an addition to the public building at Pensacola, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to cause the court-house, post-office, and custom-house building in the city of Pensacola, State of Florida, to be improved, repaired, and an addition constructed thereto at a total cost not to exceed $100,000; and proposes to amend the act of Congress approved March 3, 1883, providing for the erection of a public building at Pensacola, Fla., so as to authorize the Secretary of the Treasury, in his discretion, to disregard that provision in the act which requires an open space of not less than 40 feet on each side of the building.

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

JOSEPH F. RITCHERDSON.

Mr. McCREARY. I ask the Senator from Oregon to yield to me for a moment so that I may ask for the present consideration of Senate bill 4116. It will not take over three minutes.

Mr. FULTON. I announce now, Mr. President, that I agree to yield to the Senator from Kentucky, the Senator from Washington, and the Senator from Ohio, but I can not yield beyond that.

Mr. SCOTT. I hope the Senator from Oregon will include me.

The VICE-PRESIDENT. The Chair will suggest to Senators that Senators are entitled to the floor by recognition from the Chair. The Senator from Kentucky.

Mr. McCREARY. I ask unanimous consent for the present consideration of the bill (S. 4116) authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge. A similar bill was passed by the Senate in the Fifty-ninth Congress, and this bill has been reported unanimously from the Committee on Military Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary proceeded to read the bill, and read the preamble, as follows:

Whereas Joseph F. Ritcherdson did serve as a musician in Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, war of the rebellion, from the 15th day of August, 1862, to about the 1st day of June, A. D. 1863, when he was taken out of the service by his uncle because he was under 18 years of age, and was never borne on the rolls of said company, but served in the place of Christopher E. Berry, who was to have been a musician, but served as a private in said company, and the said Ritcherdson did the drumming while he was in service for the said company and regiment; and this said Ritcherdson has never received any discharge from the said service.

Mr. KEAN. Mr. President, is that in the bill?

Mr. McCREARY. That is the preamble.

Mr. KEAN. Then I trust it will be stricken from the bill.

Mr. McCREARY. I did not draw the bill. It was drawn by the Senator from Illinois [Mr. CULLOM].

The bill had been reported from the Committee on Military Affairs with an amendment, to add, after the word "soldier," in line 10, the following proviso:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, as a musician, and that he issue to him a certificate of honorable discharge from the service of the United States as such musician, to the end that he may have the benefit of all legal rights pertaining to such service of said soldier: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

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

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

Mr. KEAN. I move to strike out the preamble.

The motion was agreed to.

CANAL FROM PUGET SOUND TO LAKE WASHINGTON.

Mr. PILES. I am directed by the Committee on Commerce, to which was referred the bill (S. 8695) extending the time for the construction by James A. Moore, or his assigns, of a canal along the government right of way connecting the waters of Puget Sound with Lake Washington, to report it without amendment, and I submit a report (No. 872) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the time limitation for the completion of the canal until June 11, 1912.

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

CONDEMNED FIELDPIECE FOR ORANGE COUNTY, N. Y.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (H. R. 24492) to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York. It is only a few lines in length.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

OMNIBUS CLAIMS BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and "Tucker" acts.

Mr. FULTON. When the bill was last before the Senate we had reached, I think, line 14, on page 56. I ask if that is in accordance with the notes of the clerk?

The VICE-PRESIDENT. The Secretary had reached the subhead "Louisiana," on page 56, line 14.

Mr. FULTON. I wish to offer an amendment.

Mr. McCREARY. Mr. President——

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

Mr. FULTON. Certainly.

Mr. McCREARY. Had we finished Kentucky?

Mr. FULTON. I trust the Senator will allow me to have the amendment adopted. Then I will yield.

Mr. McCREARY. Certainly.

The VICE-PRESIDENT. The Senator from Oregon proposes an amendment, which will be stated.

The SECRETARY. Under the heading "Kentucky," on page 56, after line 13, it is proposed to insert:

To Lucy C. Lee, administratrix of the estate of Jane T. Lee, deceased, of Mason County, $915.

To Adelaide B. Lindenberger, in her own right and as the sole heir of Elizabeth Tunstall, deceased, late of Louisville, Ky., $1,100.

To A. W. Richards, administrator of the estate of Kinchen Bell, deceased, of Union County, $1,420.

To Thomas R. Hill, of Bath County, $495.

To Daniel Mans, of Maysville, Ky., late of Goochland County, Va., $250.

To T. P. Salyer, of Lawrence County, $350.

To St. Andrew's Lodge, No. 18, Free and Accepted Masons, of Cynthiana, Ky., $600.

To James N. Hall, of Montgomery County, $750.

Mr. KEAN. Do I understand this to be a committee amendment?

Mr. FULTON. It is.

The amendment was agreed to.

Mr. BACON. Mr. President, I desire to call the attention of the Senate to a mistake which was made inadvertently when the bill was formerly before the Senate. I have already called the attention of the Senator from Oregon to it, and he has kindly consented that I myself shall bring it to the attention of the Senate, as it is a matter which I voluntarily brought to his attention. It is in the item for Albion W. Knight and others, rector, wardens, and vestrymen of St. Philip's Church, of Atlanta, Ga. There were two bills, as the Senator probably remembers. One of them was so inaccurate in the last session of Congress that it was withdrawn and another bill substituted in place of it, and when the matter was before the Senate a few days since by inadvertence the wrong bill was in my hand, and I asked the Senator to recognize the propriety of an amendment, which he did, being misled, as I was, by having a bill which was filled with errors.

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

Mr. BACON. I want to state that instead of the item being $2,700, it ought to be only $800.

Mr. FULTON. Eight hundred dollars.

Mr. BACON. I do not know whether it should be corrected by reconsideration or simply by unanimous consent.

Mr. FULTON. By reconsideration.

The VICE-PRESIDENT. Without objection, the paragraph will be regarded as still open.

Mr. FULTON. I wish to state in connection with the item that it was correctly inserted in the bill at $800.

Mr. BACON. Yes.

Mr. FULTON. During the last session the Senator directed my attention to the fact that the findings of the court did provide for an additional amount, nineteen hundred dollars more, and at that time I discovered that this nineteen hundred dollars had been paid and called his attention to it.

Mr. BACON. Yes.

Mr. FULTON. And he forgot it, and when he suggested it on the floor as stated I had forgotten it. Simply looking at the finding, at appears that there should be this nineteen hundred dollars additional.

I merely emphasize this matter in order to call to the attention of Senators how dangerous it is to accept amendments on the floor. Each one of these items requires careful investigation, because so many of these claims have been paid. Each one must be carefully investigated before it can be ascertained whether there is a legitimate demand.

Mr. BACON. If the Senator has the bill before him and can indicate the page and line, I will ask that it may be reconsidered.

The VICE-PRESIDENT. Without objection, it is so ordered, and the Secretary will state the proposed amendment.

The SECRETARY. On page 46, beginning in line 24, the item as amended now reads:

To Albion W. Knight and others, wardens and vestrymen of St. Philip's Episcopal Church, of Atlanta, Ga., $2,700.

It is proposed to strike out "twenty-seven hundred" and insert "eight hundred," the amount the committee originally reported.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to, and the amendment as amended is agreed to.

Mr. FULTON. On page 54, line 16, an amendment has been adopted, but I discover that the names of the surviving executors were omitted. I ask that they may be inserted.

The VICE-PRESIDENT. Without objection, the amendment will be regarded as still open to amendment.

The SECRETARY. On page 54, line 16, after the word "to," the first word in the line, it is proposed to insert the names "E. S. Holloway and W. S. Holloway."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCREARY. While we are on Kentucky claims, I desire to offer an amendment:

To the trustees of the Madison Female Institute, located at Richmond, Ky., $6,500.

There is a favorable finding on this claim.

The VICE-PRESIDENT. Is it an amendment to the committee amendment?

Mr. McCREARY. If it is intended to finish the consideration of the committee amendments before we take up other amendments, then I will withhold the amendment.

The VICE-PRESIDENT. That is the order.

Mr. McCREARY. Very well.

The reading of the bill was resumed, beginning in line 14, on page 56.

The next amendment of the Committee on Claims was on page 56, after line 24, to insert:

To Victorie C. Avet, of Catahoula Parish, administratrix of the estate of Vincent Avet, deceased, of Iberville Parish, $2,425.

To Eugene Barrow, of St. Francisville, $12,625.

To Stephen D. Clark, of Catahoula Parish, for himself and as heir of Emily C. Lovelace, deceased, and Charles L. Clark, deceased, $4,240.

To Antoine Decuir, Joseph Auguste Decuir, and Rose Decuir Macias, $4,115.

Mr. WARREN. I call the attention of the Senator in charge of the bill to line 9, page 57, where there should be inserted, after the name "Macias," the words "heirs of Antoine Decuir, deceased, late of Pointe Coupee Parish."

Mr. FULTON. I think those changes are correct, as the Senator has stated them, and I hope the amendment will be made.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 57, after line 10, to insert:

To Charles R. Delatte, administrator of the estate of Louis Delatte, deceased, late of Baton Rouge, $1,010.

Mr. WARREN. In line 12, after the word "of," insert "East," and after the name "Baton Rouge" insert "Parish," so as to read:

Late of East Baton Rouge Parish.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 57, after line 13, to insert:

To Odile Deslonde, of the parish of Orleans, $5,325.

Mr. WARREN. In line 14, after the name "Deslonde," I move to insert "sole heir of Eloise Deslonde, deceased, late," and after the second "of," where it occurs before the word "Orleans," I move to strike out "Orleans" and insert "Iberville."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 57, after line 15, to insert:

To David P. Gayle and Sarah H. Gayle, administrators of the estate of Alfred Duplantier, deceased, late of Baton Rouge, $9,675.

To Felix Guidry, Arsene Broussard, Cecilia Albarado, and Loretta Broussard, children and heirs at law of Louisa Breaux, wife of Alexander Guidry, deceased, late of the parish of Lafayette, La., $7,780.

The amendment was agreed to.

The next amendment was, at the top of page 58, to insert:

To Adolph Hartiens, tutor of Sidney L. Hartiens, William W. Hartiens, and Mary R. Hartiens, grandchildren and heirs at law of William Osborne, late of Rapides Parish, $9,875.

Mr. FULTON. In line 4, I move to strike out "nine thousand eight hundred and seventy-five" and insert "fifty-four thousand eight hundred and seventy-five."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 58, after line 4, to insert:

To Adorea Honore, of the parish of Pointe Coupee, $976.

To Aurore D. Kerlegan, administratrix of the estate of Lucien Meuillon, deceased, late of the parish of St. Landry, $200.

To Florville Kerlegan, of Lafayette Parish, $671.

To Augustin Lazare, administrator of the estate of John Baptiste Lazare, deceased, late of the parish of St. Landry, $697.

To J. G. Le Blanc, administrator of the estate of Jean Crouchet, deceased, late of the parish of Iberia, $1,040.

To Marianne D. Lemelle, as administratrix of the estate of Robert Lemelle, deceased, late of the parish of St. Landry, $1,106.

To Nicaise Lemelle, administrator of the estate of Bellot A. Donoto, deceased, late of the parish of St. Landry, $750.

To Athenais Chretian Le More, administratrix of the estate of Felicite Neda Chretian, deceased, late of the parish of St. Landry, $7,945.

Mr. WARREN. In line 24, page 58, the name "Chretian" should be "Chretien."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 59, after line 2, to insert:

To Alphonse Menillon, of St. Landry Parish, $245.

Mr. FULTON. On page 59, line 3, the "n" should be changed to a "u," so as to read "Meuillon."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 59, after line 4, to insert:

To Jacintha Strother, of parish of Orleans, in her own right, $4,000, and as administratrix of the estate of Joseph T. Strother, deceased, late of the parish of Pointe Coupee, $2,750.

To Frederick T. Wimbish, administrator of the estate of William R. Wimbish, late of the parish of West Feliciana, $5,100.

To Remy Bagarry, of Iberia Parish, $1,520.

To Arthur Taylor, of Lafayette Parish, surviving partner of Arthur Taylor and Louis Taylor, $787.

Mr. WARREN. I suggest that in line 15, after the name "Taylor," there should be inserted the words "deceased, late of the parish of Lafayette."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 59, after line 16, to insert:

To the board of commissioners of Judah Touro Almshouse fund, New Orleans, La., $21,000.

To Hiram Baldwin, Joseph De France Baldwin, and Richard Robert Baldwin, grandsons and heirs at law of Robert Bradley, deceased, late of Adams County, Miss., $2,000.

To Mrs. Amy A. Taylor, daughter and heir at law of Adeliza Pickett Quays, deceased, late of East Carroll Parish, $1,631.83, and to Marie C. Quays, as executrix of the last will of Philip D. Quays, deceased son of said Adeliza Pickett Quays, deceased, $1,631.83.

Cornelius F. Terrill, Cordelia I. Terrill, and Vira R. Terrill, heirs at law of Richard Terrill, deceased, late of the city of New Orleans, $6,000.

To Charlton B. Tucker, as son and heir at law of J. W. Tucker, deceased, and his wife, Marcelline Tucker, deceased, late of Lafourche Parish, $9,743, and to Louisa Tucker Le Forte, daughter and heir at law of said Marcelline Tucker, deceased, $4,871.

To Sarah Bushnell (née Brown), daughter and heir at law of William R. Brown, deceased, late of the parish of Avoyelles, $1,725, and to Rosa Brown, Meeker Brown, and Jennie May Brown, children and heirs at law of Lindsay L. Brown, deceased, son of said William R. Brown, deceased, $1,725, and to Mrs. Elmyra Jones (née Brown), William Brown, Bertha Brown, May Brown, and Esther Brown, children and heirs at law of Tilton E. Brown, deceased, son of said William R. Brown, deceased, $1,725.

The amendment was agreed to.

Mr. FULTON. On page 60, after line 25, I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

To Elizabeth White, administratrix of Samuel N. White, deceased, late of West Feliciana Parish, $27,800.

Mr. FRYE. Has the Senator in charge of the bill any objection to my offering an amendment at this point?

Mr. FULTON. No; I will consent to it, as I know the Senator wishes to go away.

Mr. FRYE. I offer an amendment, to follow the last item under the heading "Louisiana."

The SECRETARY. Following the amendment just agreed to, at the bottom of page 60, it is proposed to insert:

Thomas J. Woodward, surviving receiver of the New Orleans Towboat Association, $95,382.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 61, after line 7, to insert:

To Edward W. Larrabee, administrator of Stephen Larrabee, deceased, late of Bath, Me., and Charles H. Greenleaf, administrator of Amos L. Allen, deceased, late of Bath, Me., $11,708.97.

The amendment was agreed to.

Mr. FRYE. Now, I want to ask one more favor. I desire to offer another amendment.

Mr. FULTON. What is it?

Mr. FRYE. It is exactly like the last item under the heading "Maine," and Maine is exceedingly modest in this bill. I offer the amendment I send to the desk.

Mr. FULTON. I will not object to its being offered, but I reserve the right to object to the amendment.

Mr. FRYE. Undoubtedly.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent to offer, out of order, an amendment. Without objection, it will be stated.

The SECRETARY. On page 61, under the heading "Maine," after line 12, it is proposed to insert:

To the Portland Company, of Portland, Me., the sum of $16,173.49, being the amount remaining unpaid of the sum awarded to said Portland Company for work done and material furnished in the construction of the U. S. double-ender gunboats Agawan and Pontoosue, as per report of Thomas O. Selfridge, commodore and president of board, Senate executive document No. 18, first session of the Thirty-ninth Congress.

Mr. FRYE. It has been found by the Selfridge board and by the court.

Mr. FULTON. The trouble in matters of this kind is that the committee has not had an opportunity to investigate them, and there is danger of accepting something that has already been paid or that is erroneous and improper in some respects.

I know nothing about this item. I may have seen it before in the records of the committee, but I can not recall it.

Mr. FRYE. It is entirely familiar to me, and the case is exactly on all fours with the item for Larrabee. The amount has been found by the Selfridge board and the court and has never been paid. The claim has been pending ever since I was in the House of Representatives.

Mr. FULTON. I have great confidence in the Senator from Maine; but I desire to look into the item a little more carefully, and later on I may move to strike it out.

Mr. FRYE. I think the Senator will not.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

Mr. McENERY. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Louisiana desires to offer an amendment.

Mr. FULTON. I ask that it be read.

The VICE-PRESIDENT. The Secretary will state it.

The SECRETARY. It is proposed to add to the Louisiana items, at the bottom of page 60:

To Florine A. Albright the sum of $14,640.

The VICE-PRESIDENT. Is there objection to the present consideration of the amendment? It is not in order under the rule.

Mr. FULTON. I object to it.

Mr. McENERY. I should like to say something with respect to the claim.

The VICE-PRESIDENT. The Chair will state that, under the rule, committee amendments are now being considered, and unless there is unanimous consent individual amendments can not now be proposed. The Senator can offer his amendment after the committee amendments shall have been disposed of.

The reading of the bill was resumed.

The next amendment was, in the items under "Maryland," after line 15, on page 62, to insert:

To Edward Anderson, administrator of the estate of Mary Anderson, deceased, daughter and devisee under the last will of Col. George Minor, deceased, $7,450.

To Elizabeth V. Belt, administratrix of the estate of Alfred C. Belt, deceased, late of Loudoun County, Va., $2,970.

To Christ Reformed Congregation, of Middletown, Md., $450.

To corporation of Methodist Episcopal Church, Hancock, Md., $550.

To Cornelia Jones, administratrix of the estate of John S. T. Jones, deceased, late of Montgomery County, $240.

To La Grange Lodge, No. 36, Independent Order of Odd Fellows, Boonesboro, Md., $370.

To S. Sollers Maynard, executor of the last will of Augustine D. O'Leary, deceased, late of Frederick County, $1,450.

To trustees of Evangelical Lutheran Church, Burkittsville, Md., $225.

To trustees of the United Brethren Church, of Boonesboro, Md., $170.

To trustees of Frederick Presbyterian Church, of Frederick, Md., $200.

Mr. WARREN. On page 62, line 24, after "Christ Reformed Congregation, of Middletown, Md.," there should be inserted the words "successor to the German Reformed Church."

Mr. FULTON. Very well; I have no objection to that amendment.

Mr. WARREN. I will say that the word "Maryland" need not be there, as that is the heading of the items.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the bottom of page 62, where the item reads:

"To Christ Reformed Congregation, of Middletown, Md., $450," strike out "Maryland" and insert the words "successor to the German Reformed Church," so as to read:

"To Christ Reformed Congregation, of Middletown, successor to the German Reformed Church, $450."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FULTON. In the Maryland items, on page 63, after line 17, I move to insert:

To Sarah C. Harsch, of Washington County, $655.

To the trustees of the Methodist Episcopal Church, of Oldtown, Md., $1,200.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the items under the heading "Massachusetts," on page 64, after line 2, to insert:

To George T. Sampson, of Boston, surviving partner of the firm of George T. Sampson and Augustus Sampson, deceased, $4,015.38.

To Velma C. Williams, administratrix of the estate of Paul Curtis, deceased, of Boston, $4,128.39.

The following-named 25 persons, the following sums, respectively, as found by the Court of Claims, in the case of Alfred D. Bullock and 24 others against the United States:

To Alfred D. Bullock, $232.11.
To Joseph F. Baker, $210.77.
To John Clark, $142.64.
To William M. Carr, $79.67.
To Winslow L. Crafts, $371.87.
To Charles H. Crocker, $330.83.
To Samuel Dwight, $786.62.
To John Flynn, $400.94.
To John F. Gilmore, $275.44.
To Henry G. Hichborn, $349.93.
To Patrick Marrow, $171.40.
To Eben P. Oakes, $126.79.
To Joseph Riley, $418.59.
To William P. Raymond, $381.44.
To Jennie A. Sawyer, widow of Jefferson Sawyer, deceased, $281.87.
To George D. V. Smith, $33.
To Chester R. Streeter, $488.10.
To George K. Sawyer, $315.43.
To Albert Sawyer, $473.15.
To Samuel J. Cochran, $445.83.
To William O. Bailey, $112.29.
To William H. Rigby, $905.78.
To William N. Winter, $166.66.
To John Ward, $57.75.
To George H. Young, $92.81.

The amendment was agreed to.

Mr. WARREN. I wish to call the attention of the Senator in charge of the bill to line 10 on page 64. I think he ought to reserve the privilege of offering as an amendment there the addresses of those 25 persons.

Mr. FULTON. That is impossible. We can not find them.

Mr. WARREN. I thought, perhaps, on a re-search of the papers they might be found, and they could be put in if they could be found.

Mr. FULTON. They are not in the findings, and it is impracticable to find them.

On page 66, after line 14, in the Massachusetts items, I move to insert:

To Frederick L. Greene, administrator of Thomas B. Flower, deceased, $5,538.

The amendment was agreed to.

The next amendment was, under the heading "Mississippi," on page 69, to insert, after line 5, the following:

To Mrs. J. H. T. Jackson, of Marshall County, administratrix of the estate of Elizabeth H. Welford, deceased, $3,650.

To Belle O. Coward (née Johnston) and Mary Julia Quick (née Johnston), daughters and heirs at law of Vernon H. Johnston, deceased, late of Hinds County, and his wife, Fannie J. Johnston, deceased, $3,960, and to John Anderson, widower and sole heir at law of Jennie Anderson (née Falkner), deceased, daughter of said Fannie J. Johnston, deceased, $360.

To Robert M. Lay, administrator of Nancy Lay, deceased, late of Scott County, $2,804.

To Margaret Raiford Loftin (née Margaret Raiford), administratrix of the estate of Robert Raiford, deceased, late of Marshall County, $2,578.

To James M. Price, of Walker County, Ala., $665.

To William T. Ratliff, administrator of the estate of Sarah G. Clark, deceased, late of Hinds County, $1,355.

To W. T. Smith, of Benton County, administrator of the estate of Maria A. Reinhardt, deceased, $3,395.

To Charles O. Spencer, of Tippah County, $2,031.

To Harriett Miles, of Warren County, $1,795.

The amendment was agreed to.

Mr. McLAURIN. I was absent a few moments ago. I will ask the Senator in charge of the bill if the item putting in the claim of John M. Bass was restored to the bill. I understood it was left out, and it is the only one in the former bill that is left out.

Mr. FULTON. I had just risen to offer an amendment to insert the item.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 70, after line 10, insert:

To the Christian Church of Corinth, Miss., $1,250.

To John M. Bass, administrator of the estate of William O. Moseley, deceased, late of Hinds County, $4,285.

The amendment was agreed to.

The next amendment was, beginning on line 1, page 72, to insert under the heading "Missouri:"

To C. A. Jarred, administrator of the estate of Leroy Noble, deceased, late of Ebenezer, $740.
To trustees of Christian Church, Marshall, Mo., $1,240.
To trustees of Methodist Episcopal Church South, Harrisonville, Mo., $779.75.
To trustees of Methodist Episcopal Church South, of Mexico, Mo., $710.
To trustees of Methodist Episcopal Church South, Springfield, Mo., $3,150.
To trustees of the Christian Church of Sturgeon, Mo., $550.
To trustees of the First Baptist Church, of Jefferson City, Mo., $1,380.
To the University of Missouri, $5,075.
To Karoline Mulhaupt, of Kansas City, $1,395.

The amendment was agreed to.

Mr. FULTON. At the end of the Missouri items, on page 72, after line 22, I move to insert:

To the trustees of the Christian Church of Pleasant Hill, Mo., $5,000.
To Nannie, Oscar W., John R., and Emma Cogswell, heirs of O. H. Cogswell, deceased, late of Jackson County, $1,600.
To the county of St. Genevieve, Mo., the sum of $1,200.
To the First Christian Church of Mexico, Mo., the sum of $550.
To the county of Phelps, Mo., the sum of $890.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 73, after line 8, in the items under the head "New Hampshire," to insert:

The following-named 26 persons the following sums, respectively, as found by the Court of Claims, in the case of Robert Billings and 25 others against the United States:
To Robert B. Billings, $274.83.
To Franklin H. Bond, $291.40.
To William H. Brown, $316.66.
To William C. Bray, $271.15.
To Isaac H. Farr, $433.99.
To John Grant, $519.77.
To Robert M. Ham, $119.36.
To Henry H. Ham, $509.08.
To Albert Hanscom, $46.17.
To James M. Jarvis, $379.34.
To Thomas L. Jose, $388.66.
To Michael E. Long, $308.90.
To Frank E. Lawry, $78.49.
To Brackett Lewis, $45.18.
To William W. Locke, $228.56.
To Walter N. Meloon, $166.81.
To George W. Muchmore, $810.34.
To Christopher Remick, $117.16.
To Edwin D. Rand, $295.89.
To Augustus Stevenson, $917.60.
To George E. Stackpole, $180.60.
To William H. Wilson, $191.55.
To Benjamin F. Winn, $224.90.
To Augustus S. Zara, $429.75.
To Joseph A. Meloon and Charles O. Meloon, executors of Nathaniel L. Meloon, deceased, $471.30.
To Charles Stewart, $349.90.

The amendment was agreed to.

The next amendment was, on page 77, in the items under the heading "New York," to insert, beginning with line 1, the following:

To Benjamin Fenton, surviving partner of the firm of Fenton & Co., of Buffalo, $10,520.66.
To Isabella G. Francis, administratrix of the estate of Roger A. Francis, late of New York, $17,185.47.
To Albert F. Tucker, Edward M. Tucker, Mary O. Garrison, and Ada A. Case, of Brooklyn, children of Farnham Z. Tucker, deceased, $14,473.84.
To Marie L. Hermance, administratrix of the estate of Jeremiah Simonson, deceased, late of Brooklyn, $16,441.81.
To John Crosby Brown, executor of the will of James Brown, deceased, late of New York City, $35,832.04.

The next amendment was, in the items under the heading "North Carolina," on page 78, after line 2, to insert:

To Hardy A. Brewington, administrator of the estate of Raiford Brewington, deceased, late of Sampson County, $530.
To William H. Bucklin, of Craven County, $390.
To Mary Lee Dennis, executrix of the will of Levi T. Oglesby, deceased, late of Carteret County, $182.
To First Baptist Church, Newbern, N. C., $1,200.
To J. W. Howett, administrator of the estate of William Howett, deceased, late of Tyrrell County, $1,480.
To O. H. Perry, administrator of the estate of George W. Perry, deceased, late of Craven County, $4,350.
To trustees of the Methodist Episcopal Church South, of Morehead City, N. C., $800.
To trustees Presbyterian Church of Lumber Bridge, N. C., $1,800.
To Lucy A. Dibble, administratrix of the estate of Sylvester Dibble, deceased, late of Beaufort County, $705.

The amendment was agreed to.

Mr. OVERMAN. I understood that the Senator from Oregon would offer as an amendment the bill I left with the Senator.

Mr. FULTON. The Senator did. There is an amendment that the committee intended to offer there. I have been looking through the papers on my desk for it, but I have not yet discovered it.

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

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I inquire of the Senator from Oregon as to the length of time he contemplates consuming in completing the bill now under consideration.

Mr. FULTON. I think, if we are permitted to go on this afternoon, we will complete the bill in probably a couple of hours more.

Mr. CARTER. I do not observe the Senator from Iowa [Mr. CUMMINS] in the Chamber. Inasmuch as his amendment is the one that is under consideration, I will ask unanimous consent that the unfinished business be temporarily laid aside, hoping that the Senator from Oregon may get through with the pending bill this afternoon.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Oregon proposes an amendment which will be stated.

Mr. FULTON. At the foot of page 78——

Mr. SIMMONS. Mr. President——

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

Mr. FULTON. In just a moment. I wish to offer an amendment. I move to insert:

To the Union Baptist Association of the State of North Carolina——

Mr. OVERMAN. I suggest to the Senator from Oregon to insert:

To Bushrod W. Nash, trustee of Union Baptist Association of North Carolina, successor in interest to the Hood Swamp Baptist Church, of Wayne County, N. C., $650.

Mr. FULTON. Very well; I offer the amendment in that form.

Mr. KEAN. I should like to hear the report accompanying that amendment.

Mr. FULTON. It is a court finding for the use of materials in the construction of quarters, $650. The federal troops tore down the building and took the material for the construction of quarters, and the court finds the value to be $650.

Mr. KEAN. I do not think that is a proper amendment, Mr. President.

Mr. FULTON. It is an amendment the committee agreed to offer, and I offer it as a committee amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oregon.

Mr. KEAN. I trust the amendment will not be agreed to.

The amendment was agreed to.

Mr. SIMMONS. I wish to inquire whether amendments other than committee amendments are now in order?

The VICE-PRESIDENT. They are not in order under the rule governing the consideration of the bill.

Mr. SIMMONS. They will be in order when the committee amendments are completed?

The VICE-PRESIDENT. After the committee amendments are disposed of they will be in order. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment was, under the heading "Pennsylvania," page 80, after line 22, to insert:

To trustees of St. Mark's German Reform Church, Gettysburg, Pa., $215.
To Tonoloway Baptist Church, Fulton County, Pa., $225.
To Kate Reaney Zeiss, administratrix of the estate of William B. Reaney, survivor of Thomas Reaney and Samuel Archibold, late of Chester, Pa., $34,161.63.
The following-named 14 persons, the following sums, respectively, as found by the Court of Claims, in the case of John H. Burtis and 13 others against The United States:
To John H. Burtis, $346.39.
To Cornelius Bennett, $332.80.
To William Croft, $95.13.
To Joseph Clyne, $150.03.
To Jacob Callas, $66.75.
To James A. Driver, $379.80.
To Wellington Griffith, $58.22.
To George W. Heald, $181.34.
To James Hepenstall, $905.10.
To George B. Heald, $433.77.
To John Knight, $245.80.
To Edward Northup, $278.47.
To John D. Post, $290.92.
To Patrick H. White, $71.59.
The following-named 19 persons, the following sums, respectively, as found by the Court of Claims, in the case of Christopher Alexander and 18 others against The United States:
To Christopher Alexander, $374.83.
To Albert O. Chamberlain, $24.94.
To David Craig, $29.87.

To William Coates, $373.91.
To Daniel H. Chattin, $401.09.
To Josephine Cramp, widow of Martin C. Cramp, deceased, $186.06.
To Thomas Denney, $24.60.
To John J. Garrity, $270.14.
To John B. Grover, jr., $225.81.
To William Lynn, $184.60.
To George W. Margerum, $269.43.
To Theodore Mitchell, $274.60.
To Joseph W. Meyers, $1.87.
To John H. Pettit, $421.31.
To Robert Pogue, $91.75.
To James Spear, $996.76.
To Edward T. Weaver, $447.37.
To Thomas R. Walters, $247.69.
To George A. Zirnberg, $455.15.

Mr. WARREN. The Senator from Oregon, I think, has overlooked the spelling of the name in line 5, on page 81. Archibald should be changed by omitting the "i" and changing the second "a" to "o."

Mr. FULTON. That is correct.

Mr. WARREN. Make it "Archbold" in line 5, page 81.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 81, line 5, strike out the "i" in the name of "Archibald" and change the second "a" to "o," so as to read "Archbold."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 84, under the heading "South Carolina," after line 8, to insert:

To Mount Zion Society of Fairfield County, $6,000.
To trustees of Baptist Church of Beaufort, S. C., $2,200.
To vestry of Trinity Protestant Episcopal Church, Edisto Island, S. C., $1,200.

The amendment was agreed to.

Mr. TILLMAN. Mr. President, I ask leave to offer an amendment.

The VICE-PRESIDENT. Is it an amendment to an amendment?

Mr. TILLMAN. It is a Court of Claims finding.

Mr. FULTON. All these are committee amendments which we are considering.

Mr. TILLMAN. Are only committee amendments now in order?

Mr. FULTON. I understand that only committee amendments are now in order.

Mr. TILLMAN. I had supposed from what I had seen around me from different Senators that other amendments are now in order. Of course, I will wait until the Senator says it is time to offer individual amendments.

Mr. WARREN. That is the better way.

Mr. FULTON. I think we had better proceed in the regular order.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary continued the reading of the bill.

The next amendment was, under the heading "Tennessee," on page 90, after line 11, to insert:

To Boiling Fork Baptist Church, Cowan, Tenn., $1,310.
To Cleveland Masonic Lodge, No. 134, Cleveland, Tenn., $940.
To Elam C. Cooper, of Lauderdale County, $815.
To Cumberland University, of Lebanon, Tenn., $8,000.
To First Baptist Church, Memphis, Tenn., $1,200.
To Minna H. Glassie, near Nashville, Tenn., $1,410.
To Hiwassee Masonic Lodge, No. 188, Calhoun, Tenn., $620.
To Robert C. Jameson, administrator of the estate of David J. Jameson, deceased, late of Shelby County, $900.
To Nathaniel W. Jones, of Maury County, $480.
To B. F. McGrew, administrator of the estate of George W. McGrew, deceased, late of Giles County, $7,315.
To Methodist Episcopal Church South, of Charleston, Tenn., $960.
To Mrs. Mary K. Henry, Mrs. Alice A. Pope, Mrs. Jennie Alexander, and Nannie Newby, heirs of Oswell P. Newby, deceased, late of Shelby County, $4,500.
To Presbyterian Church, Loudon, Tenn., $1,200.
To Leonidas Thompson, administrator of the estate of Mathew Brown, deceased, late of Shelby County, $1,420.
To trustees of Christian Church, Franklin, Tenn., $620.
To trustees of Cumberland Presbyterian Church, of Clarksville, Tenn., $1,200.
To trustees of Cumberland Presbyterian Church, of Clifton, Tenn., $980.
To trustees of Cumberland Presbyterian Church, of Waverly, Tenn., $1,040.
To trustees of Hiram Lodge, No. 7, Free and Accepted Masons, of Franklin, Tenn., $2,120.
To trustees of Methodist Episcopal Church South, of Chattanooga, Tenn., $1,800.
To trustees of Methodist Episcopal Church South, Franklin, Tenn., $875.
To trustees of Mill Creek Baptist Church of Davidson County, $1,650.
To trustees of Mount Zion Church, Williamson County, Tenn., $1,300.
To trustees of the Presbyterian Church, Franklin, Tenn., $800.
To trustees of Union University, of Murfreesboro, Tenn., $5,474.
To Baptist Church, Tullahoma, Tenn., $1,200.
To Howard Lodge, No. 13, Independent Order of Odd Fellows, Gallatin, Tenn., $2,300.
To Baptist Church of Bolivar, Tenn., $3,400.
To the board of deacons of the First Baptist Church, Memphis, Tenn., $1,200.
To Boiling Fork Baptist Church, Cowan, Tenn., $1,310.
To University of Nashville, of Nashville, Tenn., $7,300.
To A. A. Wade, administrator of the estate of S. L. Carpenter, deceased, late of Fayette County, $468.
To the Missionary Baptist Church, of Antioch, Tenn., $600.

Mr. WARREN. An item on page 90 is duplicated on page 93, and I think there is one other that is duplicated. I move to strike out lines 5 and 6 on page 93.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 93 strike out the item in lines 5 and 6, in the following words:

To Boiling Fork Baptist Church, Cowan, Tenn., $1,310.

The amendment to the amendment was agreed to.

Mr. WARREN. The same is true as to the item for the First Baptist Church of Memphis, which is in line 21, page 90, and also on page 93, line 3.

Mr. FRAZIER. Let the item on page 90 be stricken out.

Mr. WARREN. I move that amendment to the amendment.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 90, line 21, strike out the words:

To First Baptist Church, Memphis, Tenn., $1,200.

Mr. FULTON. I ask that the item on page 93 be stricken out.

Mr. FRAZIER. No; the item on page 90 should be stricken out, because the item on page 93 reads:

To the board of deacons of the First Baptist Church, etc.

Mr. FULTON. Very well; I will consent to that.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WARREN. I call the attention of the Senator in charge of the bill to line 18, page 88. The name "Moro" should be stricken out and "Mora" inserted, so as to read "Mora B. Ferriss." I move that amendment.

The amendment was agreed to.

Mr. FULTON. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 93, after line 13, insert:

To Patrick G. Meath, of Shelby County, $27,280.
To the trustees of the Christian Church of Union City, Tenn., $850.
To the trustees of the Lynn Creek Baptist Church, of Giles County, $600.

Mr. KEAN. What is the first item?

The SECRETARY. To Patrick G. Meath, of Shelby County, $27,280.

Mr. KEAN. Is there a report accompanying that item?

Mr. FULTON. It is based on the Court of Claims' finding.

Mr. KEAN. I should like to know what are the items of the claim. The Senator has the report before him.

Mr. FULTON. The items enumerated aggregate $74,618.80. The court finds in the sum stated, namely, $27,280.

Brick residence on Tennessee street, $10,800.
Cubbins residence, on Shelby street, $3,000.

Mr. KEAN. Will the Senator tell me on what page he is reading?

Mr. FULTON. On page 230 of the first report.

Fencing, cedar posts on lots 27, 28, 29, 30, 81, 82, 83, 84, $875.
Fencing and cedar posts on 11½ acres, Given, Wright, and Algoe lots, $732.
168,000 feet truss lumber, $30 per thousand, $5,040.
Iron casting, sills, doors, and windows, cotton press, $2,210.
1,200,000 brick, at $6 per thousand, $9,600.
Rents of cotton shed, $15,000.
Damage to same, $1,200.

Mr. KEAN. For rent of cotton shed, $15,000.

Mr. FULTON. The Senator must remember that the court has not found any such amount as that; that while the claim is stated at $74,618, the amount allowed by the committee is $27,280, and it is based on the following statement of the court:

II. During said war for the suppression of the rebellion the military forces of the United States, for their use, took possession of and occupied and used the property described in the petition herein for about two and one-half years, which real estate so used and occupied, together with the material of the character and kind described in said petition taken and used by the United States Army, including the use of and damage to the steamboat *Le Grand*, was then reasonably worth the sum of $27,280, no part of which appears to have been paid.

So the Senator will see that it is simply for the use and rental of the property and damage to the steamboat. That is one of those items, Mr. President, which I explained some days ago. It was stricken from the bill by the second report, but, as I have explained, because of the fact that it was included in the first report and it had been reported as being favorably recommended and provided for in the bill, and because of the embarrassment under which it placed Senators in representing

their constituents, the committee agreed to offer amendments including such items. This would seem to be a very proper item in any event, for, I repeat, it is for rent and for the use of the property and the damage to the steamboat. I think that that portion of the claim ought to be paid. I do not think there can be any real sound objection urged to it.

Mr. KEAN. I do not think it ought to be paid. We differ as to that.

Mr. FULTON. Well, the Senator, of course, has a right to ask for a vote on the item. I ask that the question may be submitted to the Senate.

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

Mr. KEAN. The first item.

The VICE-PRESIDENT. The Chair will put the question on the first item as a separate amendment.

The first item of the amendment was agreed to.

The VICE-PRESIDENT. The question now is on the remaining items of the proposed amendment.

The remainder of the amendment was agreed to.

The VICE-PRESIDENT. The Secretary will state the additional items proposed by the Senator from Oregon [Mr. FULTON].

The SECRETARY. It is proposed to insert, on page 93, after the items just inserted, the following:

To the trustees of the Methodist Episcopal Church South, of Cleveland, $3,000.
To the trustees of the Methodist Episcopal Church South, of Prospect, $900.
To the trustees of the Presbyterian Church of Smyrna, $1,150.
To the trustees of the Presbyterian Church of Strawberry Plains, $1,600.
To W. F. Forbes, administrator of Archie B. Forbes, deceased, late of Memphis, $2,600.
To William M. Moss, administrator of the estate of John Smith, deceased, of Madison County, $1,600.
To the trustees of the First Baptist Church at Jefferson City, $915.
To the trustees of the Methodist Episcopal Church South, of Triune, Williamson County, $3,800.
To William H. Sandrum, of Gibson County, $257.

Mr. KEAN. These claims, as I understand, are all from the State of Tennessee.

The VICE-PRESIDENT. Under the heading "Tennessee."

Mr. KEAN. Now, I should like to ascertain, if I can, what is the total amount of the appropriations for the payment of claims from the State of Tennessee as the bill now stands?

Mr. FULTON. Perhaps the Senator from Tennessee [Mr. FRAZIER] can answer that question.

Mr. FRAZIER. I have not had the items footed up since new items have been added.

Mr. FULTON. Before these items were added, the total for the State of Tennessee was $134,275.33.

Mr. KEAN. How much has been since added?

Mr. FULTON. On the first report before these items were eliminated, the total was $174,219. So that must be what these items will amount to when footed up.

Mr. FRAZIER. Mr. President——

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

Mr. FULTON. I yield to the Senator.

Mr. FRAZIER. I only desire to ask the Senator from Oregon whether he has included in the amendment which he has just offered—I did not catch it, if he did—the item for the trustees of the Methodist Episcopal Church South, of Triune, Williamson County, Tenn.?

Mr. FULTON. Yes; that item was included to the amount of $3,800.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 93, after line 13, to insert:

TEXAS.

To Mary A. Shaw, of Nueces County, $700.

The amendment was agreed to.

Mr. FULTON. On page 93, after line 16, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 93, after line 16, under the heading "Texas," it is proposed to insert:

To Robert E. Williams, John T. Williams, Mary E. Wallace, George M. Williams, and Ida Williams Eddy, heirs of Robert M. Williams, deceased, late of the city of Dallas, $1,140.

The amendment was agreed to.

Mr. CULBERSON. Mr. President, I understand that we are still acting on committee amendments.

Mr. FULTON. Simply committee amendments.

The VICE-PRESIDENT. The Senate is acting on committee amendments.

The reading of the bill was resumed. The next amendment of the Committee on Claims was, under the head of "Virginia," on page 95, after line 15, to insert:

To Rosa M. Bowden, Zenobia Porter, Mary E. Bowden, and Mary Bowden Gustin, heirs of Lemuel J. Bowden, deceased, late of Williamsburg, $3,540.
To Lewis Ellison and Helen Crafford, heirs of Lewis Ellison, deceased, late of James City, $5,120.
To Samuel Fitzhugh, administrator of the estate of Henry Fitzhugh, deceased, late of Stafford County, $1,500.
To Robert G. Griffin, Catharine H. Harris, and Isaac P. Cromwell, administrators of the estate of Hannah T. Cromwell, deceased, sole heirs of the estate of Robert Anderson, deceased, $18,475.
To Makemie Presbyterian Church, Drummondtown, Va., $400.
To Methodist Episcopal Church, Middletown, Va., $851.
To Walter M. Miller, administrator of the estate of Lewis M. Miller, deceased, late of Frederick County, $2,240.
To Presbyterian Church of Marshall, Va., $300.
To St. George Episcopal Church, Pungoteague, Va., $2,800.
To Joshua Sherwood, heir of Lewis A. Sherwood, late of Alexandria County, $400.
To trustees of Baptist Church, Waterford, Va., $525.
To trustees of Baptist Church, Williamsburg, Va., $1,540.
To trustees of Berea Baptist Church, Stafford County, Va., $600.
To trustees of Calvary Episcopal Church, Dinwiddie Court House, Va., $520.
To trustees of Calvary Protestant Episcopal Church, Culpeper County, Va., $1,650.
To trustees of Cedar Run Baptist Church, Culpeper County, Va., $900.
To trustees of Christian Church, Fredericksburg, Va., $2,125.
To trustees of Downing Methodist Episcopal Church South, Oakhall, Va., $235.
To trustees of Ebenezer Methodist Episcopal Church South, of Garrisonville, Va., $600.
To trustees of Fairfax Lodge, No. 43, Ancient, Free, and Accepted Masons, of Culpeper, Va., $700.
To trustees of Fredericksburg Baptist Church, Fredericksburg, Va., $3,000.
To trustees of Grove Baptist Church, of Fauquier County, Va., $600.
To trustees of Hartwood Presbyterian Church, of Stafford County, Va., $800.
To trustees of Kent Street Presbyterian Church, Winchester, Va., $2,750.
To trustees of Liberty Church, of Dranesville, Va., $700.
To trustees of Loudoun Street Presbyterian Church, of Winchester, Va., $2,600.
To trustees of Lutheran Church, Toms Brook, Va., and the trustees of the Reformed Church of Toms Brook, Va., successors to the Union Church, Toms Brook, Va., $250.
To trustees of Macedonia Methodist Episcopal Church, Stafford County, Va., $310.
To trustees of Market Street Methodist Episcopal Church, Winchester, Va., $1,740.
To trustees of Methodist Episcopal Church, Drummondtown, Va., $300.
To trustees of Methodist Episcopal Church South, Marshall, Va., $600.
To trustees of Methodist Episcopal Church South, Williamsburg, Va., $1,300.
To trustees of Mount Horeb Methodist Episcopal Church South, of Fauquier County, Va., $150.
To trustees of Mount Zion Church of United Brethren, Frederick County, Va., $800.
To trustees of Mount Zion Old School Baptist Church, near Aldie, Va., $275.
To trustees of Muhlenberg Evangelical Lutheran Church, of Harrisonburg, Va., $925.
To trustees of Oak Grove Methodist Episcopal Church, Norfolk County, Va., $1,290.
To trustees of Oak Grove Methodist Episcopal Church, Reams Station, Va., $800.
To trustees of Opequon Presbyterian Church, Kernstown, Va., $1,750.
To trustees of Presbyterian Church, Lovettsville, Va., $425.
To trustees of Presbyterian Church, Strasburg, Va., $730.
To trustees of Providence Methodist Episcopal Church, near Suffolk, Va., $890.
To trustees of St. George's Episcopal Church, Fredericksburg, Va., $900.
To trustees of St. Mary's Catholic Church, Fredericksburg, Va., $500.
To trustees of Salem Baptist Church, Clarke County, Va., $600.
To trustees Shiloh (Old Site) Baptist Church, Fredericksburg, Va., $1,500.
To trustees of St. Paul's Free Church, of Routts Hills, Va., $600.
To trustees of the Alfred Street Baptist Church, Alexandria, Va., $900.
To trustees of the Baptist Church of Culpeper, Va., $1,750.
To trustees of the First Baptist Church of Alexandria, Va., $3,900.
To trustees of the John Mann Methodist Episcopal Church (colored), of Winchester, Va., $600.
To trustees of the Massaponax Baptist Church, Massaponax, Va., $195.
To trustees of the Methodist Episcopal Church, of Garys, Va., $1,000.
To trustees of the Methodist Episcopal Church South, of Culpeper, Va., $1,850.
To trustees of the Methodist Episcopal Church South, of Jeffersonton, Va., $325.
To trustees of the Methodist Episcopal Church South, of Stephens City, Va., $500.
To trustees of the Methodist Episcopal Church South, of Suffolk, Va., $2,100.
To trustees of the Methodist Episcopal Church South, of Warrenton, Va., $1,190.
To trustees of the Presbyterian Church of Fredericksburg, Va., $2,625.
To trustees of Presbyterian Church of McDowell, Highland County, Va., $150.
To trustees of the Presbyterian Church, Warrenton, Va., $890.
To trustees of the St. Paul Reformed Church, of Woodstock, Va., $325.
To trustees of Trinity Lutheran Church, of Stephens City, Va., $500.

To trustees Union Church, Falmouth, Va., $750.
To trustees of Washington Street Methodist Episcopal Church South, of Alexandria, Va., $4,600.
To vestry Aquia Protestant Episcopal Church, Stafford County, Va., $1,500.
To vestry of Lambs Creek Protestant Episcopal Church, King George County, Va., $800.
To vestry of St. Luke's Episcopal Church, of Remington, Va., $650.
To vestry of St. Paul's Protestant Episcopal Church, of Haymarket, Va., $1,000.
To vestry of St. Stephen's Protestant Episcopal Church, Culpeper, Va., $1,000.
To wardens Merchant's Hope Protestant Episcopal Church, Prince George County, Va., $1,150.
To wardens of St. Thomas Episcopal Church, Middletown, Va., $600.
To Wilderness Baptist Church, Spottsylvania County, Va., $300.
To Robert M. Wilkinson, administrator of the estate of Samuel Marsh, deceased, of Norfolk, $830.
To Joseph Williams, formerly of Fredericksburg, but now of Washington, D. C., $821.
To Zoar Baptist Church, Bristersburg, Va., $700.
To trustees of Andrew Chapel Methodist Episcopal Church South, Fairfax County, Va., $450.
To trustees of Fletcher Chapel, of King George County, Va., $1,500.
To trustees of Methodist Episcopal Church South, of Paris, Va., $200.
To trustees of New Hope Baptist Church, Orange County, Va., $150.
To trustees of Methodist Episcopal Church South, of Upperville, Va., $210.
To trustees of Methodist Episcopal Church South, Unison, Va., $150.

The amendment was agreed to.

Mr. FULTON. I offer the amendment which I send to the desk, to come in on page 103, after line 10.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 103, after line 10, it is proposed to insert the following:

To the trustees of the Forest Hill Methodist Episcopal Church at Dunfries, $1,000.
To the trustees of the Methodist Episcopal Church South, of Deep Creek, $900.
To the trustees of the Methodist Protestant Church of Fox Hill, $625.
To the trustees of the Mt. Zion Methodist Episcopal Church (colored), of Middleton, $300.
To William H. Taliaferro, administrator of the estate of James G. Taliaferro, King George County, $8,910.
To John B. Myers, administrator of the estate of Alexander Myers, deceased, late of Charles City County, $2,680.
To Mary S. Bland, Anna Bland, and Sue P. Bland, legal heirs of Theodore Bland, deceased, late of Prince George County, $3,600.
To the trustees of Four Mile Creek Baptist Church, of Henrico County, $800.

The amendment was agreed to.

Mr. FULTON. On page 95, line 17, before the name "Bowden," the name "Mary" should be stricken out and the name "Martha" inserted.

Mr. WARREN. That is correct.

Mr. FULTON. I move that amendment to the amendment.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 95, line 17, before the name "Bowden," it is proposed to strike out "Mary" and insert "Martha," so as to read:

To Rosa M. Bowden, Zenobia Porter, Mary E. Bowden, and Martha Bowden Gustin, heirs of Lemuel J. Bowden, deceased, late of Williamsburg, $3,540.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FULTON. In the item at the top of page 102, for the Lambs Creek Protestant Episcopal Church, the word "vestry" should be stricken out and the words "the trustees" inserted. I move that amendment to the amendment.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 102, line 1, after the word "To," it is proposed to strike out "vestry," and insert "the trustees," so as to read:

To the trustees of Lambs Creek Protestant Episcopal Church, King George County, Va., $800.

Mr. KEAN. If that amendment is made, then it will be necessary to make similar changes in the other items.

Mr. FULTON. No.

Mr. KEAN. I do not know what the rule is in that State, but in other States the Protestant Episcopal Church is generally incorporated by the warden and vestry of the Protestant Episcopal Church.

Mr. FULTON. These items are made as nearly as possible to follow the findings of the court.

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Claims was, under the head of "West Virginia," on page 104, after line 4, to insert:

To Mary E. Buckey, of Randolph County, $115.
To Caledonia Lodge, No. 4, Independent Order of Odd Fellows, of Shepherdstown, W. Va., $115.
To E. P. Chewning, administrator of the estate of Kelles Chewning, deceased, late of Roane County, $1,100.
To Fetterman (now West Main Street) Methodist Episcopal Church, of Grafton, W. Va., $490.
To J. W. Gardner, administrator of the estate of F. A. Roeder, deceased, late of Jefferson County, $320.
To Harmon W. Hessen, of Martinsburg, W. Va., $2,035.
To James M. Stephenson, of Point Pleasant, Mason County, $244.
To trustees of Elk Branch Presbyterian Church, Duffields, W. Va., $600.
To trustees of Methodist Episcopal Church of Bunkerhill, W. Va., $1,000.
To trustees of Methodist Episcopal Church South, Barboursville, W. Va., $500.
To D. B. Barbour, of Newport News, Va., and Andrew P. Gladden, of Clarksburg, W. Va., $758.
To trustees of Methodist Episcopal Church South, Charles Town, W. Va., $600.
To trustees, Methodist Episcopal Church South, Clarksburg, W. Va., $1,400.
To trustees of Methodist Episcopal Church South, Point Pleasant, W. Va., $1,090.
To trustees Methodist Episcopal Church South, St. Albans, W. Va., $1,400.
To trustees of Methodist Protestant Church, Middleway, W. Va., $825.
To trustees Presbyterian Church, of Clarksburg, W. Va., $525.
To trustees Presbyterian Church, Moorefield, W. Va., $1,430.
To trustees of Presbyterian Church, Springfield, W. Va., $600.
To trustees St. John's Catholic Church, of Summersville, W. Va., $1,050.
To trustees of St. John Episcopal Church, of Charleston, W. Va., $1,850.
To trustees of St. John's Protestant Episcopal Church, Harpers Ferry, W. Va., $1,700.
To trustees of the Methodist Episcopal Church, Webster, W. Va., $450.
To trustees of the Presbyterian Church of Beverly, W. Va., $1,500.
To trustees of the Presbyterian Church of Petersburg, W. Va., $2,000.
To trustees of Zion Protestant Episcopal Church, of Charles Town, W. Va., $540.
To wardens and vestrymen of St. Mark's Protestant Episcopal Church, of St. Albans, W. Va., $2,400.
To trustees of Trinity Protestant Episcopal Church, Martinsburg, W. Va., $1,340.
To county court of Berkeley County, W. Va., $7,920.

Mr. FULTON. I offer the amendment to the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 106, after line 22, it is proposed to insert the following:

To the trustees of the Protestant Church of French Creek, W. Va., $1,100.
To Warwick Hutton, administrator of the estate of Samuel Morrison, deceased, late of Randolph County, $1,340.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SCOTT. I should like to ask the Senator in charge of the bill a question. I have some additional amendments. Their age speaks for them. They are very ancient. Does the Senator desire that I shall offer them now or wait until the committee amendments are disposed of?

Mr. FULTON. I hope the Senator will not ask to have them considered now. We should first consider and dispose of the committee amendments.

Mr. SCOTT. Very well.

The reading of the bill was resumed.

Mr. FULTON. I offer the amendment which I send to the desk, to come in on line 2, page 107. The claimant mentioned in the item has died since the bill was reported, and as a consequence an amendment is necessary.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Under the subhead "Wisconsin," on page 107, line 2, after the word "To," it is proposed to insert "Charlotte Lyke and John B. Lyke, executors of the estate of," and in the same line, after the name "Lyke," to insert "deceased," so as to read:

To Charlotte Lyke and John B. Lyke, executors of the estate of Hiram F. Lyke, deceased, of Waukesha County, $188.56.

The amendment was agreed to.

Mr. FULTON. I ask to recur to the item, on page 69, line 17, as I desire to move an amendment to the amendment which I send to the desk.

The VICE-PRESIDENT. In the absence of objection, the amendment will be considered as pending. The amendment to the amendment will be stated.

The SECRETARY. On page 69, line 17, after the word "To," it is proposed to strike out "Robert M. Lay, administrator" and insert "John R. Owen, in trust for the estate," so as to read:

To John R. Owen, in trust for the estate of Nancy Lay, deceased, late of Scott County, $2,804.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Claims was, on page 107, after line 5, to insert:

DIFFERENCE BETWEEN SEA AND SHORE PAY.

CALIFORNIA.

To Hannah M. Coon, widow (remarried) of Edward B. Bingham, deceased, of Sonoma County, $308.49.
To Emily V. Cutts, widow of Richard M. Cutts, deceased, of Mare Island, $250.96.
To Francenia H. Dale, widow of Frank C. Dale, deceased, of Merced County, $61.64.
To Marcus D. Hyde, of Alameda County, $225.98.
To Louisa I. Laine, widow of Richard W. Laine, deceased, of San Francisco County, $125.55.
To Nicholas Pratt, of California, $352.54.

COLORADO.

To Josephine A. Buell, widow of James W. Buell, deceased, of Jefferson County, $97.61.
To James Thayer, of Crested Butte, $184.95.

CONNECTICUT.

To Elizabeth F. Curtis, administratrix de bonis non of the estate of William Barrymore, deceased, $603.57.
To Harriet B. Gaylord, sister of Dudley E. Taylor, deceased, of New Haven County, $142.89.
To Gideon E. Holloway, son of Gideon E. Holloway, deceased, of New London County, $139.50.
To Julius G. Rathbone, administrator of the estate of George C. Campbell, deceased, of Hartford County, $230.19.

DELAWARE.

To George R. Gray, Newcastle County, $490.74.

DISTRICT OF COLUMBIA.

To Otway C. Berryman, William M. Berryman, Alice B. Bromwell, Columbia M. Payne, children of O. H. Berryman, deceased, of Washington, $67.25.
To John C. Boyd, of Washington, $238.62.
To John B. Briggs, of Washington, $16.44.
To Roberdeau Buchanan, administrator de bonis non of the estate of McKean Buchanan, deceased, of Washington, $855.
To John D. Cahill, administrator of the estate of Dennis Twiggs, deceased, of Washington, $126.58.
To Mary H. Corbett, granddaughter of Samuel Howard, deceased, of Washington, $370.13.
To Louisa A. Crosby, widow of Pierce Crosby, deceased, $269.17.
To Samuel Cross, of Washington, $26.85.
To Thomas T. Didier and Frederick W. Didier, heirs of Frederick B. Didier, deceased, $129.30.
To William S. Dixon, $136.44.
To Edward J. Dorn, $202.19.
To Kate R. Emmerich and Parthenia E. Altemus, sisters of Charles F. Emmerich, deceased, of Washington, $452.87.
To James M. Flint, $193.30.
To Marina B. Harding, widow (remarried) of Henry O. Handy, deceased, of Washington, $195.23.
To Isaac Hazlett, $131.51.
To Cumberland G. Herndon, $204.65.
To John Hubbard, of Washington, $95.34.
To Alice S. Jordan, widow of John W. Jordan, of Washington, $251.79.
To Bella A. Leach, widow of Boynton Leach, deceased, of Washington, $88.83.
To Florence Murray, widow of Alexander Murray, deceased, of Washington, $19.80.
To Henrietta M. D. Oliphant, widow (remarried) of Henry J. Hunt, deceased, $29.04.
To Christine I. Owen, Kathleen D. Owen, Albert T. Owen, and Alfred C. Owen, children of Alfred M. Owen, deceased, of Washington, $175.89.
To Christiana C. Queen, widow of W. W. Queen, deceased, of Washington, $49.25.
To Presley M. Rixey, $123.29.
To William F. Swinburne, of Washington, $36.16.
To Frederick E. Upton, of Washington, $134.79.

FLORIDA.

To Catherine Delap, widow of George Delap, deceased, of Florida, $168.64.

GEORGIA.

To John T. Plunkett, heir at law of Thomas S. Plunkett, deceased, of the State of Georgia, $97.81.

ILLINOIS.

To Antonia Lynch, Margaret Lynch, Charlotte L. Carmody, Josephine L. Ridgeway, Jane L. Canby, children of Dominick Lynch, deceased, of Cook County, and elsewhere, $73.97.
To Mary J. Owen, widow of Elias K. Owen, deceased, Randolph County, $1,631.42.
To Merrill Spalding, executor of Enoch G. Parrott, deceased, Cook County, $1,888.60.
To Horatio L. Wait, of Cook County, $164.48.

INDIANA.

To G. V. Menzies, Posey County, $39.86.

KENTUCKY.

To Theodore Speiden and William S. Speiden, sons of William Speiden, deceased, of Jefferson County, $60.80.
To Harry Pearson and Elba P. Gassaway, grandchildren of William Pearson, deceased, of Hickman County, $30.80.

MAINE.

To Thomas W. Bell, of Kennebunkport, $323.02.
To Daniel Butland, brother of Francis Butland, deceased, of York County, $718.58.
To Loring G. Emerson, of Hancock County, $760.61.
To Merrill Spalding, James A. Spalding, Elizabeth T. Spalding, children of Lyman G. Spalding, deceased, Cumberland County, $64.11.
To Charles H. Evans, executor of the estate of Alice Evans, of the State of Maine, $384.49.
To Bessie D. Laighton, or her heirs, $192.25.

MARYLAND.

To Charles F. Bennett, administrator of the estate of Nicholas Lynch, deceased, of the State of Maryland, $207.67.
To James T. Bowling, of the State of Maryland, $395.73.
To Mary A. Brannan, widow of James A. Brannan, deceased, of the State of Maryland, $1,318.48.
To Harriet C. Brown, administratrix of the estate of Thomas R. Brown, deceased, of Baltimore City County, $256.22.
To Henry H. Clark, of Anne Arundel County, $1,390.36.
To Francis A. Cook, of Anne Arundel County, $870.47.
To Edward A. Coughlin, next of kin and heir at law of Paul Armandt, of the State of Maryland, $63.
To George T. Douglass, son of Daniel T. Douglass, deceased, of Baltimore County, $21.40.
To Howard F. Downs, administrator de bonis non of the estate of James Hutchinson, deceased, of Govans, in the county of Baltimore, $236.12.
To Mary J. Field, widow of William Field, of the State of Maryland, $694.89.
To Fannie S. B. Halm, widow (remarried) of John C. Beaumont, deceased, Washington County, $81.
To Charles A. Le Compte, of the State of Maryland, $322.93.
To Anna McDonald, widow of James McDonald, of the State of Maryland, $422.45.
To William Moody, of the State of Maryland, $543.94.
To Edward K. Rawson, of Anne Arundel County, $136.99.
To Albert P. Southwick, administrator of the estate of John Southwick, deceased, of the State of Maryland, $641.68.
To William G. Sprostan, brother of John G. Sprostan, deceased, of Baltimore City County, $59.25.
To Mary T. Sweeting, heir at law of John Joins, deceased, of the State of Maryland, $179.59.
To Louis A. Cornthwaite, of Baltimore, $861.39.

MASSACHUSETTS.

To Mary J. Abbott, widow of William A. Abbott, deceased, of Essex County, $52.59.
To Josiah B. Aiken, of Suffolk County, $149.04.
To Lucy M. Allen and Joseph A. Holmes, administrators of the estate of Weld N. Allen, deceased, of the State of Massachusetts, $410.03.
To Mary Elizabeth Babbitt, daughter of Charles W. Babbitt, deceased, of Bristol County, $97.70.
To Almena B. Bates, daughter of John A. Bates, deceased, of Suffolk County, $643.04.
To Grace E. Bolton and Mary E. Bolton, sole heirs at law of William H. Bolton, deceased, of the State of Massachusetts, $164.88.
To Helen Bryant, granddaughter of William Black, deceased, of Norfolk County, $322.40.
To William F. Burditt, Eleanora B. Kimball, Albert B. Burditt, Charlotte Ferguson, children of William Burditt, deceased, of Suffolk County, and elsewhere, $317.10.
To Virginia M. Chase, daughter of Moses B. Chase, deceased, of Suffolk County, $152.80.
To Ida T. Coggeshall, daughter of James P. Russell, deceased, of Bristol County, $112.09.
To Frederick W. Cottom, of Norfolk County, $130.94.

Mr. FULTON. On page 116, line 21, I move to change the name "Cottom," to "Cotton."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 116, line 21, it is proposed to change the name "Cottom," to "Cotton," so as to read:

To Frederick W. Cotton, of Norfolk County, $130.94.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Claims was, on page 116, after line 22, to insert:

To Edward Cronin, of Suffolk County, $79.20.
To Alexander D. Damon, of Suffolk County, $54.79.
To Charles T. Davis, nephew of James S. Thornton, deceased, of Essex County, $51.25.
To Ezra Z. Derr, of Suffolk County, $27.40.
To Emily A. Gifford, widow of George P. Gifford, deceased, of Bristol County, $83.63.
To Manasseh Goodwin, heir of Ezra S. Goodwin, of the State of Massachusetts, $234.21.
To Artemas P. Hannum, administrator cum testamento annexo de bonis non of the estate of Josiah A. Hannum, deceased, of the State of Massachusetts, $368.62.
To Elliott C. Harrington, of Suffolk County, $157.46.
To Katharine A. Horan, daughter of William Langdon, deceased, of Suffolk County, $587.50.
To George E. Leach, administrator of the estate of Phineas Leach, of the State of Massachusetts, $1,023.74.
To Edward D. Marchant, son of Cornelius M. Marchant, deceased, of Dukes County, $303.45.
To Ferdinand G. Morrill, of Suffolk County, $118.98.
To Esther and Theresa Redington, only heirs of Robert Redington, of the State of Massachusetts, $238.78.
To George H. Richards, administrator with the will annexed of the estate of William A. Parker, deceased, of Norfolk County, $2,230.
To Mabel G. Smith, daughter of Thomas Smith, deceased, of Middlesex County, $293.69.
To John T. Spavin, Anna M. Spavin, Ernestine E. Spavin, Jennie Whittemore, Elizabeth Farnham, children of Robert Spavin, deceased, of Suffolk County, $282.81.
To Harry N. Stearns, administrator of the estate of Francis Josselyn, deceased, petitioner, of the State of Massachusetts, $1,183.19.
To John A. Tanner, of Suffolk County, $238.62.
To Edward K. Valentine, of Suffolk County, $1,137.47.
To Mary B. Willey, daughter and only child of George F. Willey, deceased, of the State of Massachusetts, $288.83.
To Elizabeth N. Courtney, widow of Charles Courtney, deceased, of the State of Massachusetts, $378.81.

MICHIGAN.

To Mary F. Clark, widow of Frank H. Clark, deceased, of Houghton County, $200.55.
To George G. Clay, of Kent County, $305.76.

MISSOURI.

To Mary S. McQuade and William A. Chambers, children of William Smith, deceased, of St. Louis County, $188.75.

To Belle M. Raborg, widow of George B. Raborg, deceased, of St. Louis City County, $109.20.

To Maria L. Rodgers, granddaughter of Andrew K. Long, deceased, of St. Louis City County, $98.60.

NEBRASKA.

To Willard Foster, heir at law of Edward Foster, of the State of Nebraska, $259.66.

NEW HAMPSHIRE.

To Hazel O. Goodsoe, Perle E. Nute, Leonora W. Goodsoe, and E. Shirlet Rundlett, children of Augustus O. Goodsoe, deceased, of Rockingham County, $293.70.

To Emma G. Jenness, widow of Thomas B. Gammon, of Rockingham County, $208.60.

To Marie S. Perrimond, widow of Xavier Perrimond, deceased, of Rockingham County, $60.

To Emma M. Gay, widow and executrix of the estate of Thomas S. Gay, deceased, of the State of New Hampshire, $477.65.

NEW JERSEY.

To Katharine M. Burnett, widow of Joseph C. Burnett, deceased, of the State of New Jersey, $96.31.

To Nelson H. Drake, of Morris County, $346.85.

To Louise E. Elder, widow of Robert B. Elder, deceased, of Essex County, $144.84.

To Clara B. Hassler, widow of Charles W. Hassler, of the State of New Jersey, $566.35.

To Andrew McCleary, of Camden County, $397.45.

To Amanda E. MacFarlane, widow of John MacFarlane, deceased, of the State of New Jersey, $254.79.

To Thomas Mason, of the State of New Jersey, $37.94.

To Walter J. Mayer, Alfred J. Mayer, and Ida J. Mayer Storch, heirs of William H. Mayer, jr., deceased, of the State of New Jersey, $181.92.

To Clifford C. Pearson, jr., administrator of the estate of Clifford C. Pearson, deceased, of Middlesex County, $294.49.

To Robert C. Ribbans, guardian of minor heirs of Isaiah E. Crowell, deceased, of Essex County, $523.14.

To Robert C. Ribbans, guardian of minor heirs of William M. Maull, of Essex County, $159.

To Winnie M. Stillwell, widow of James Stillwell, deceased, of Essex County, $30.75.

NEW MEXICO.

To Clifford B. Gill, of Dona Ana County, $766.35.

NEW YORK.

To Helen S. Abernathy and Charles H. Abernathy, sole heirs at law of John J. Abernathy, of the State of New York, $191.05.

To William H. Bacon and Annie M. Smith, heirs at law of Francis H. Bacon, deceased, of the States of New York, and New Jersey, $186.22.

To Fanny Belknap, widow of Charles Belknap, deceased, of Queens County, $68.11.

To A. Nelson Bell, Kings County, $131.

To Louisa C. Bell, widow of Edward B. Bell, deceased, of the State of New York, $875.92.

To Caroline H. Broadhead, widow of Edgar Broadhead, deceased, of Orange County, $253.33.

To Christopher Bruns, of New York County, $141.37.

To Albert Buhner, of Kings County, $65.17.

To Charles E. Carter, Elizabeth Crawford Bronson, and Lawrence C. Crawford, heirs at law of John C. Carter, of Washington, D. C., and the State of New York, $372.91.

To Jessie F. Cole, sister of Frederick A. Howes, deceased, of Dutchess County, $194.09.

To John P. Gillis, son of John P. Gillis, deceased, of New York County, $74.14.

To Francis C. Green, executor of the estate of Francis M. Green, of the State of New York, $373.24.

To William H. Hall, Charles G. Hall, Eleanore Darling, and Alexander H. Wells, heirs at law of Michael Hall, deceased, of Kings County, $194.60.

To Harriett F. Hibben, widow of Henry B. Hibben, deceased, of the State of New York, $722.45.

To Robert Hudson, of Onondaga County, $26.03.

To Frances R. Hunsicker, widow of Joseph L. Hunsicker, deceased, of Erie County, $205.48.

To Caroline H. Lillie and Julia W. L. Symington, executrixes of the estate of A. B. H. Lillie, deceased, of New York County, $113.97.

To Gilbert L. McGowan, of the State of New York, $23.25.

To Robert H. McLean, of the county of New York, $112.60.

To E. T. T. Marsh, of the State of New York, $54.58.

To Mary H. Nicholson, widow of James W. A. Nicholson, deceased, of New York County, $273.29.

To Ebenezer S. Prime, of Suffolk County, $325.20.

To Louisa P. Seaman, widow of Stephen Seaman, deceased, of the State of New York, $465.68.

To John M. Steele, of Kings County, $25.20.

To Martha D. Sturgis, daughter of Samuel F. Hazzard, deceased, of New York County, $241.65.

To Eleanor R. Swan and Charles B. Swan, heirs at law of Robert Swan, deceased, of the State of New York, $233.42.

To Edward D. Taussig, of Kings County, $33.97.

To Hobart L. Tremain, of Sullivan County, $295.89.

To Henrietta L. Tucker, widow of Thomas B. Tucker, of the State of New York, $796.63.

To Ira C. Whitehead, of Orange County, $148.76.

To Frederick W. Wunderlich, of the State of New York, $58.04.

To Charles A. White and Isabella G. White, sole heirs at law of Leverett H. White, deceased, of New York and New Jersey, respectively, $250.87.

To Elizabeth M. Pitkin and Carie Pitkin McDowell, heirs of Henry S. Pitkin, deceased, of the State of New York, $382.21.

NORTH CAROLINA.

To Stephen A. Norfleet, administrator of the estate of Ernest Norfleet, deceased, of Bertie County, $53.70.

To Augustus Rodney Macdonough, administrator of the estate of Charles S. McDonough, deceased, of the State of North Carolina, $651.37.

OHIO.

To L. C. Barclay, granddaughter of J. O'Connor Barclay, deceased, of Jefferson County, $119.45.

To James F. Fitzhugh, administrator of the estate of William E. Fitzhugh, deceased, of Clinton County, $1,681.37.

To Mary S. Franklin, widow of Gustavus S. Franklin, deceased, of Ross County, $324.31.

To Charles B. Gilmore, brother of Fernando P. Gilmore, deceased, of Jefferson County, $44.11.

To Mrs. George C. Hagan, widow (remarried) of John G. Mitchell, deceased, of Huron County, $101.88.

To Nopie M. Le Breton, daughter of David McDougal, deceased, of Ross County, $49.75.

To Fred B. McConnell, heir at law of Rufus S. McConnell, deceased, of the State of Ohio, $566.03.

To Mary P. Shirley, executrix of the estate of James R. Shirley, only child of Paul Shirley, deceased, of the State of Ohio, $1,167.43.

To Maria S. Wright, sister of Arthur H. Wright, deceased, of Franklin County, $23.29.

OREGON.

To George H. Sampson, Leander P. Sampson, Elias S. Willis, Henry P. Willis, James M. Willis, jr., and Maria J. Akin, heirs at law of Daniel W. Sampson, deceased, of the States of New York, Massachusetts, and Oregon, $936.68.

PENNSYLVANIA.

To Margaretta D. Abbey, Henry Lelar, jr., William D. Lelar, Mary D. Pierce, and Ellen D. Lelar, children and sole heirs at law of Henry Lelar, of the State of Pennsylvania, $312.37.

To Richard Ashbridge, Philadelphia County, $49.31.

To Georgiana Bonsall, widow of Edward Bonsall, deceased, of Delaware County, $75.07.

To Mattie H. Chaplin, of the State of Pennsylvania, $102.50.

To William Cuddy, of Philadelphia County, $74.79.

To William L. Degn, Annette N. Degn McCoy, Minnie H. Degn Wilson, and Albert L. Degn, heirs to Laust E. Degn, of the State of Pennsylvania, $342.16.

To Walter B. Dick, of the State of Pennsylvania, $64.31.

To Michael C. Drennan, of Northampton County, $15.89.

To the Pennsylvania Company, for insurance on lives and granting annuities, executor of the estate of Henry Etting, deceased, Philadelphia County, $665.86.

The amendment was agreed to.

The next amendment was, on page 128, after line 21, to insert:

To Ellen L. Faunce, widow of Peter Faunce, deceased, of the State of Pennsylvania, $291.09.

Mr. FULTON. In line 23, I move to strike out "$291.09" and insert "$401.76."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was to insert at the top of page 129 the following:

To Margaret A. Hoffner, widow of Richard J. Hoffner, deceased, of the State of Pennsylvania, $255.78.

To Samuel W. Latta, county of Philadelphia, $105.68.

The amendment was agreed to.

The next amendment was, on page 129, after line 5, to insert:

To Jessie E. Linnekin, heir at law of Thomas J. Linnekin, of the State of Pennsylvania, $154.92.

Mr. FULTON. On page 129, line 6, the Christian name "Jessie E." should be stricken out and the name "Selena A." inserted, and in the same line, strike out the words "heir at law" and insert "widow."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 129, after line 8, to insert:

To Mary McLeod, widow of Norman McLeod, of the State of Pennsylvania, $326.75.

To Mary E. Maxwell and Blanche M. Lewis, daughters of James McClelland, deceased, Northampton County, $684.25.

To Georgia E. Morrison, administratrix of the estate of George Smith, of the State of Pennsylvania, $553.48.

To Rebecca P. Nields, executrix of the estate of Henry C. Nields, of the State of Pennsylvania, $960.

To Adelaide R. Shaw, widow of Samuel F. Shaw, deceased, of Philadelphia County, $659.73.

To John C. Spear, of Montgomery County, $232.60.

To Robert Steel, of the State of Pennsylvania, $158.83.

To Elizabeth C. Van Reed, heir at law of George Cochran, deceased, of the State of Pennsylvania, $214.47.

To Phoebe N. Ver Meulen, widow of Edmund C. Ver Meulen, deceased, Philadelphia County, $55.89.

To Henry Whelen, Philadelphia County, $158.12.

To Fred White, son and heir at law of Edward W. White, deceased, of the State of Pennsylvania, $652.75.

To P. Fendall Young, executor of the estate of William F. Young, deceased, Philadelphia County, $231.05.

RHODE ISLAND.

To Thomas Dunn, administrator of the estate of Charles Hunter, deceased, Newport County, $41.20.

VIRGINIA.

To Margaret A. Blackmore, daughter of Charles F. Guillon, deceased, Elizabeth City County, $225.56.

To Mary J. Frothingham, Margaret E. Cavendy, and Mary F. Coy, heirs at law of Edward Cavendish, of the State of Virginia, $253.59.

To James M. Odend'hal, administrator of the estate of John W. Odend'hal, deceased, of Norfolk County, $671.23.

To Mary E. R. Smith, widow (remarried) of Emory H. Taunt, deceased, of Culpeper County, $105.20.

To H. S. Heman, administrator of the estate of William M. King, deceased, of Norfolk County, $207.99.

To Mary S. McIntosh and Elizabeth S. Taylor, children of John L. Saunders, deceased, of Norfolk County, $210.

To George P. Barnes, of Norfolk County, $160.27.

To Charles Schroeder, administrator of the estate of Samuel G. City, of Norfolk, $332.72.

To John T. Newton, of Norfolk County, $66.30.

WEST VIRGINIA.

To Harriet S. Lyeth, administratrix of the estate of Clinton H. Lyeth, deceased, of the State of West Virginia, $202.19.

To Thornton T. Perry, son of Rodger Perry, deceased, of Jefferson County, $51.80.

To Julia M. Woods and Mary E. Hagan, daughters, Mary J. Edelen and William M. Junkin, grandchildren, of David X. Junkin, deceased, Berkeley County, $203.16.

WISCONSIN.

To Charles C. Grafton, brother of Edward C. Grafton, deceased, of Fond du Lac County, $720.39.

MISCELLANEOUS.

To Henry L. Johnson, claimant, a citizen of the United States, $142.47.

The amendment was agreed to.

The next amendment was, on page 132, after line 16, to insert:

FRENCH SPOLIATION CLAIMS.

To pay the findings of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 30, 1801, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801:" *Provided*, That in all cases where the original sufferers were adjudicated bankrupts the awards shall be made on behalf of the next of kin instead of to assignees in bankruptcy, and the awards in the cases of individual claimants shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representatives on whose behalf the award is made represent the next of kin, and the courts which granted the administrations, respectively, shall have certified that the legal representatives have given adequate security for the legal disbursements of the awards, namely:

On the ship Ceres, Roswell Roath, master, namely:

Donald G. Perkins, administrator of the estate of Daniel Dunham, deceased, $7,522.82.

Donald G. Perkins, administrator of the estate of Alpheus Dunham, deceased, $6,003.84.

Edmund D. Roath, administrator of the estate of Roswell Roath, deceased, $1,518.98.

Asahell Willet, administrator of the estate of Jedediah Willet, deceased, $1,518.98.

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $700.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, $800.

H. Burr Crandall, administrator of the estate of Thomas Dickason, deceased, $1,000.

William P. Perkins, executor, etc., of the will of Thomas Perkins, deceased, $500.

On the sloop Abigail, Silas Jones, master, namely:

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $700.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, $800.

On the sloop Two Friends, Peter Pond, master, namely:

George G. Sill, administrator of the estate of Peter Pond, deceased, $925.25.

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $1,800.

George G. King, administrator of the estate of Crowell Hatch, deceased, $1,000.

George G. Sill, administrator of the estate of William Leavenworth, deceased, $1,199.25.

On the ship Sally Butler, Alexander Chisolm, master, namely:

Archibald Smith, administrator de bonis non of the estate of James Seagrove, deceased, $6,311.41.

On the brig Neptune, Hezekiah Flint, master, namely:

David Pingree, administrator of the estate of Thomas Perkins, deceased, $409.34.

Francis M. Boutwell, administrator of the estate of John McLean, deceased, $500.

Arthur D. Hill, administrator of the estate of Benjamin Homer, deceased, $1,000.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $1,000.

On the ketch John, Henry Tibbets, master, namely:

Hasket Derby, administrator of the estate of Elias Hasket Derby, deceased, $12,962.92.

On the brigantine Eliza, Thomas Woodbury, master, namely:

Arthur L. Huntington, administrator of the estate of William Orne, deceased, $29,792.46.

Bayard Tuckerman, administrator of the estate of Walter Channing, deceased, late surviving partner of Gibbs & Channing, $750.

Arthur L. Huntington, administrator of the estate of James Dunlap, $500.

William Ropes Trask, administrator of the estate of Thomas Amory, deceased, $1,000.

Archibald M. Howe, administrator of the estate of Francis Green, deceased, $500.

Harriet E. Sebor, administratrix of the estate of Jacob Sebor, deceased, $250.

Sarah L. Farnum, administratrix of the estate of Leffert Lefferts, deceased, $500.

Louisa A. Starkweather, administratrix of the estate of Richard S. Hallett, deceased, $625.

Walter Bowne, administrator of the estate of Walter Bowne, deceased, $625.

Robert B. Lawrence, administrator of the estate of John R. Bowne, deceased, $125.

Walter S. Church and Walter S. Church, administrators, of the estate of John Barker Church, deceased, $2,000.

Thomas W. Ludlow, administrator of the estate of Thomas Ludlow, deceased, $500.

Francis R. Shaw, administrator of the estate of J. C. Shaw, deceased, $250.

On the brig General Warren, Issachar Stowell, master, namely:

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $6,406.68.

Edmond D. Codman, administrator of the estate of William Gray, jr., deceased, $1,850.

George G. King, administrator of the estate of Crowell Hatch, deceased, $960.

On the ship Cincinnatus, William Martin, master, namely:

Richard H. Pleasants, administrator of the estate of Aquila Brown, jr., deceased, $2,486.75.

William A. Glasgow, jr., administrator of the estate of William P. Tebbs, deceased, $2,560.20.

On the brig Pilgrim, Priam Pease, master, namely:

Nathaniel H. Stone, administrator of the estate of John M. Forbes, deceased, late surviving partner of the firm of J. M. & R. B. Forbes, $20,692.20.

Russell Bradford, administrator of the estate of Joseph Russell, deceased, $2,774.44.

On the ship Venus, Henry Dashiell, master, namely:

David Stewart, administrator of the estate of William P. Stewart, deceased, late surviving partner of the firm of David Stewart & Sons, $6,766.50.

Elizabeth Campbell Murdock, administratrix of the estate of Archibald Campbell, deceased, $6,766.50.

Elizabeth H. Penn, administratrix of the estate of Thomas Higinbotham, deceased, $3,800.

Nicholas L. Dashiell, administrator of the estate of Henry Dashiell, deceased, $1,570.

On the sloop Geneva, Giles Savage, master, namely:

Brooks Adams, administrator, etc., of the estate of Peter C. Brooks, deceased, $1,300.

George G. King, administrator, etc., of the estate of Crowell Hatch, deceased, $800.

Thomas N. Perkins, administrator, etc., of the estate of John C. Jones, deceased, $700.

Francis M. Boutwell, administrator, etc., of the estate of Benjamin Cobb, deceased, $500.

Margaret R. Riley, administratrix, etc., of the estate of Luther Savage, deceased, late surviving partner of the firm of Riley, Savage & Co., $4,850.

On the ship Jane, James Barron, master, namely:

James L. Hubard, administrator of the estate of William Pennock, deceased, $4,601.67.

On the schooner Amelia, Timothy Hall, master, namely:

Julius C. Cable, administrator of the estate of William Walter, deceased, $1,160.

On the brig Isabella and Ann, William Duer, master, namely:

Alexander Proudfit, administrator of the estate of Robert Ralston, $2,716.50.

On the schooner Zilpha, Samuel Briard, master, namely:

Sarah N. Burleigh, administratrix, etc., estate of Samuel Briard, deceased, $5,236.24.

Joseph H. Thacher, administrator estate of John Wardrobe, deceased, $5,236.24.

On the schooner Lovely Lass, William Moore, master, namely:

George H. Barrett, administrator of the estate of John Foster, deceased, $4,630.

C. Whittle Sams, administrator of the estate of Conway Whittle, deceased, $300.

C. Whittle Sams, administrator of the estate of Francis Whittle, deceased, $300.

R. Manson Smith, administrator of the estate of Francis Smith, deceased, $300.

James L. Hubard, administrator of the estate of William Pannock, deceased, $300.

Barton Myers, administrator of the estate of Moses Myers, deceased, $200.

Bassett A. Marsden, administrator of the estate of Benjamin Pollard, deceased, $200.

On the ship Chace, Thomas Johnston, master, namely:

George G. King, administrator of the estate of James Tisdale, $18,947.

On the schooner Whim, John Boyd, master, namely:

Frances Hieskell Ridout, administratrix de bonis non of the estate of William Wilson, deceased, $10,443.

On the schooner Active, Patrick Drummond, master, namely:

William D. Hill, administrator of the estate of Mark L. Hill, deceased $1,640.02.

On the brig Ruby, Luke Keefe, master, namely:

Arthur P. Cushing, administrator of the estate of Marston Watson, deceased, $1,596.30.

Frederic Dodge, administrator of the estate of Matthew Bridge, deceased, $9,240.34.

Thomas H. Perkins, surviving executor of the will of Thomas H. Perkins, deceased, for and on behalf of the firm of James & Thomas H. Perkins, $117.25.

George G. King, administrator of the estate of James Scott, deceased, $1,064.20.

Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, $532.10.

William Ropes Trask, administrator of the estate of Thomas Amory, deceased, $1,704.70.

Charles G. Davis, administrator of the estate of Isaac P. Davis, deceased, $532.10.

Francis M. Boutwell, administrator of the estate of Charles Sigourney, deceased, $425.68.

Julia A. Cotting, administratrix of the estate of Uriah Cotting, deceased, $532.10.

William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $532.10.

John Lowell, administrator of the estate of Tuthill Hubbart, deceased, $532.10.

Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, $2,128.40.

Charles A. Welch, administrator of the estate of William Stackpole, deceased, $640.50.

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $15,856.60.

Walter Hunnewell, administrator of the estate of John Welles, deceased, $532.10.

James S. English, administrator of the estate of Thomas English, deceased, $319.26.

Nathan Matthews, jr., administrator of the estate of Daniel Sargent, deceased, $638.52.

Francis M. Boutwell, administrator of the estate of Eben Preble, deceased, $532.10.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $1,596.30.

Charles A. Davis, administrator of the estate of Samuel Brown, deceased, $3,192.60.

Robert Grant, administrator of the estate of Will Powell, deceased, $1,064.20.

Morton Prince, administrator of the estate of James Prince, deceased, $532.10.

Gordon Dexter, administrator of the estate of Samuel Dexter, deceased, $532.10.

George G. King, administrator of the estate of Crowell Hatch, deceased, $1,064.20.

Chandler Robbins, administrator of the estate of Joseph Russell, deceased, for and on behalf of the firm of Jeffrey & Russell, $1,064.20.

Daniel W. Waldron, administrator of the estate of Jacob Sheafe, deceased, $532.10.

Edmund D. Codman, administrator of the estate of William Gray, deceased, $2,128.40.

Francis M. Boutwell, administrator of the estate of Benjamin Cobb, deceased, $1,064.20.

Archibald M. Howe, administrator of the estate of Francis Green, deceased, $1,064.20.

On the brig Jane, Robert Knox, master, namely:

Crawford D. Hening, administrator of the estate of James Crawford, deceased, late surviving partner of James Crawford & Co., $3,866.

On the schooner Huldah, John H. Riggs or Robert Strong, master, namely:

Edmund D. Codman, administrator, etc., of the estate of William Gray, jr., deceased, $2,000.

Brooks Adams, administrator, etc., of the estate of Peter C. Brooks, deceased, $7000.

A. Lawrence Lowell, administrator, etc., of the estate of Nathaniel Fellowes, deceased, $800.

On the brig Pamela, Samuel Colby, master, namely:

Harry R. Virgin, administrator of the estate of Josiah Cox, deceased, $1,483.48.

Henry B. Cleaves, administrator of the estate of William Chadwick, deceased, $1,883.48.

Bassett A. Marsden, administrator of the estate of Benjamin Pollard, deceased, $405.42.

Joseph S. Webster, administrator of the estate of Thomas Webster, deceased, $200.

Sarah H. Southwick, administratrix of the estate of Saumel F. Hussey, deceased, late surviving partner of the firm of Hussey, Tabor & Co., $600.

Harry R. Virgin, administrator of the estate of Arthur McLellan, deceased, $500.

Harry R. Virgin, administrator of the estate of Jonathan Stevens and Thomas Hovey, composing the firm of Stevens & Hovey, $200.

Harry R. Virgin, administrator of the estate of David Smith, deceased, $300.

Stephen Thacher, administrator of the estate of Woodbury Storer, deceased, $400.

Harry R. Virgin, administrator of the estate of Robert Boyd, deceased, $450.

Harry R. Virgin, administrator of the estate of Hugh McLellan, deceased, late surviving partner of the firm of Joseph McLellan & Son, $600.

Edmund D. Codman, administrator of the estate of William Gray, deceased, $500.

On the schooner Union, Micajah Lunt, master, namely:

Nathaniel Moody, administrator of the estate of John Moody, deceased, $1,868.25.

Frances E. Andrews, administratrix of the estate of Stephen Tilton, deceased, $1,868.25.

Amos Noyes, administrator of the estate of Zebedee Cook, deceased, $250.

Amos Noyes, administrator of the estate of William Cook, deceased, $100.

Joseph A. Titcomb, administrator of the estate of John Wells, deceased, $200.

Franklin A. Wilson, administrator of the estate of John Pearson, jr., deceased, $200.

Edmund D. Codman, administrator of the estate of William Gray, jr., deceased, $1,000.

Charles C. Donnell, administrator of the estate of Joseph Toppan, deceased, $200.

On the ship Bristol, Edward Smith, master, namely:

Caroline A. Woodard and Frank Woodard, administrators of the estate of Thomas Smith, deceased, $6,590.

On the ship Liberty, William Caldwell, master, namely:

Crawford Dawes Henning, administrator of the estate of James Crawford, deceased, $8,990.

On the brig Eleanor, George Price, master, namely:

David Stewart, administrator of the estate of Francis Johonnet, deceased, $133.60.

James Lawson, administrator of the estate of Richard Lawson, deceased, $133.60.

J. Savage Williams, administrator of the estate of Samuel Williams, deceased, $204.31.

Charles J. Bonaparte, administrator of the estate of Benjamin Williams, deceased, $204.31.

On the schooner Brothers, James Vinson, master, namely:

David Stewart, administrator of the estate of James Jaffray, deceased, $6,488.

Mary Jane Thurston, administratrix of the estate of John Hollins, deceased, $490.

Edward C. Noyes and David Stewart, administrators of the estate of James Clarke, deceased, $490.

Cumberland Dugan, administrator of the estate of Cumberland Dugan, deceased, $490.

David Stewart, administrator of the estate of William Wood, jr., deceased, $735.

Charles J. Bonaparte, administrator of the estate of Benjamin Williams, deceased, $490.

J. Savage Williams, administrator of the estate of Samuel Williams, deceased $490.

James Lawson, administrator of the estate of Richard Lawson, deceased, $367.50.

On the ship Aurora, Stephen Butman, master, namely:

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $2,005.

Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, $400.

Henry Parkman, administrator of the estate of John Duballet, deceased, $1,000.

George G. King, administrator of the estate of Crowell Hatch, deceased, $600.

William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $1,000.

John V. Apthorp, administrator of the estate of Caleb Hopkins, deceased, $1,500.

Edward I. Browne, administrator of the estate of Moses Brown, deceased, $400.

Walter Hunnewell, administrator of the estate of Arnold Welles, jr., deceased, $300.

Nathan Matthews, jr., administrator of the estate of Daniel Sargent, deceased, $500.

A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, $500.

Daniel D. Slade, administrator of the estate of Daniel D. Rogers, deceased, $500.

Walter Hunnewell, administrator of the estate of John Welles, deceased, $300.

William S. Carter, administrator of the estate of William Smith, deceased, $500.

William I. Monroe, administrator of the estate of John Brazer, deceased, $400.

A. H. Loring, administrator of the estate of William Boardman, deceased, $105.

Lawrence Bond, administrator of the estate of Nathan Bond, deceased, $400.

On the sloop Flora, Francis Bourn, master, namely:

George F. Chace, administrator of the estate of James Chace, deceased, $662.04.

On the ship Washington, Aaron Foster, master, namely:

Lucy Franklin Read McDonnell, executrix of the will of George Pollock, deceased, late surviving partner of Hugh Pollock & Co., $980.

On the brig Rebecca, John B. Thurston, master, namely:

Saras N. Haines and B. F. Haywood Shreve, administrators of the estate of William Bowne, deceased, $12,880.

On the brig John, James Scott, master, namely:

James F. Adams, administrator of the estate of Seth Adams, deceased, $11,439.12.

James Adams, administrator of the estate of Seth Adams, deceased, late assignee of Thomas Dickason, jr., William C. Martin, James Scott, William Boardman, Arnold Welles, Arnold Welles, jr., and John Brazer, $10,275.83.

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $1,500.

On the ship Madison, Samuel Hancock, master, namely:

Richard S. Whitney, administrator of the estate of John Skinner, jr., deceased, $9,274.

On the brig Polly, Joseph Clements, master, namely:

Harry R. Virgin, administrator of the estate of Thomas Cross, deceased, $3,640.

Harry R. Virgin, administrator of the estate of Greeley Hannaford, deceased, $3,347.

On the brig Fair Columbian, Joseph Myrick, master, namely:

Sarah C. Tilghman, administratrix of the estate of Joseph Forman, deceased, $5,157.33.

Gustav W. Lurman, administrator of the estate of John Donnell, deceased, $1,470.

Mary Jane Thurston, administratrix of the estate of John Hollins, deceased, $980.

Cumberland Dugan, administrator of the estate of Cumberland Dugan, deceased, $980.

Susan R. Groverman, administratrix of the estate of Anthony Groverman, deceased, for and on behalf of the firm of D'Werhagen & Groverman, $980.

David Stewart, administrator of the estate of Edward Johnson, deceased, $980.

David Stewart, administrator of the estate of Robert C. Boislandry, deceased, $490.

Charles J. Bonaparte, administrator of the estate of Benjamin Williams, deceased, $490.

David Stewart and Isabella Rutter, administrators of the estate of Thomas Rutter, deceased, $980.

Nathaniel Morton, administrator of the estate of Nathaniel Morton, deceased, for and on behalf of the firm of Bedford & Morton, $980.

Katharine S. Montell, administratrix of the estate of Robert McKim, deceased, $980.

David Stewart, administrator of the estate of William Lorman, deceased, $980.

Louisa T. Carroll, administratrix of the estate of William Van Wyck, deceased, $320.

On the brig William, David Smith, master, namely:

Fritz H. Jordan, administrator of the estate of Leonard Smith, deceased, $3,343.66.

Joseph A. Titcomb, administrator of the estate of John Wells, deceased, $90.

Francis A. Jewett, administrator of the estate of James Prince, deceased, $300.

William A. Hayes, 2d, administrator of the estate of Nathaniel A. Haven, deceased, $200.

Franklin A. Wilson, administrator of the estate of John Pearson, deceased, $45.

Benjamin F. Peach, administrator of the estate of Moses Savory, deceased, $45.

Jeremiah Nelson, administrator of the estate of Jeremiah Nelson, deceased, $90.

Charles E. Plummer, administrator of the estate of William Cook, deceased, $45.

Arthur A. Noyes, administrator of the estate of Zebedee Cook, deceased, $90.

Jane S. Gerrish, administratrix of the estate of Edward Tappan, deceased, $45.

Helen A. Pike, administratrix of the estate of John Pettingell, deceased, $135.

Lawrence H. H. Johnson, administrator of the estate of William Bartlet, deceased, $1,000.

Eben F. Stone, administrator of the estate of Nathan Hoyt, deceased, $45.

Augusta H. Chapman, administratrix of the estate of Reuben Shapley, deceased, $200.

Henry B. Reed, administrator of the estate of Andrew Frothingham, deceased, $50.

On the brig Jason, Edward Smith, master, namely:

James Emerton, administrator of the estate of Benjamin West, deceased, $2,374.88.

James Emerton, administrator of the estate of Benjamin West, jr., deceased, $2,374.89.

On the brig Delaware, James Dumphy, master, namely:
C. D. Vasse, administrator of the estate of Ambrose Vasse, deceased, $814.62.
William D. Squires, administrator of the estate of Henry Pratt, deceased, late surviving partner of Pratt & Kintzing, $191.65.
J. Bayard Henry, administrator of the estate of Andrew Pettit, deceased, late surviving partner of Pettit & Bayard, $182.10.
George W. Guthrie, administrator of the estate of Alexander Murray, deceased, late surviving partner of Miller & Murray, $182.10.
J. Bayard Henry, administrator of the estate of George Rundle and Thomas Leech, deceased, $222.33.
Francis A. Lewis, administrator of the estate of John Miller, jr., deceased, $182.10.
J. Albert Smyth, administrator of the estate of Jacob Baker, deceased, late surviving partner of Baker & Comegys, $182.10.
Charles Prager, administrator of the estate of Mark Prager, jr., deceased, late surviving partner of Prager & Co., $191.64.
Craig D. Ritchie, administrator of the estate of Joseph Summerl, deceased, late surviving partner of Summerl & Brown, $153.44.
William Brooke Waln, administrator of the estate of Jesse Waln, deceased, $182.09.
Sara Leaming, administrator of the estate of Thomas Murgatroyd, deceased, $182.09.
D. Fitzhugh Savage, administrator of the estate of John Savage, deceased, $141.86.
Francis R. Pemberton, administrator of the estate of John Clifford, deceased, late surviving partner of Thomas & John Clifford, $153.44.
The Pennsylvania Company for Insurance on Lives, etc., administrator of the estate of Thomas M. Willing, deceased, late surviving partner of Willing & Francis, $283.70.
Robert W. Smith, administrator of the estate of Robert Smith, deceased, late surviving partner of Robert Smith & Co., $182.09.
John Lyman Cox and Howard Wurts Page, administrators of the estate of James Cox, deceased, $120.72.
Henry Pettit, administrator of the estate of Charles Pettit, deceased, $111.17.
George Harrison Fisher, administrator of the estate of Jacob Ridgway, deceased, $92.07.
George McCall, administrator of the estate of William McMurtrie, deceased, $92.07.
The city of Philadelphia, administrator of the estate of Stephen Girard, deceased, $28.65.
On the brig Little John Butler, James Smith, jr., master, namely:
Sarah E. Conover, administratrix of the estate of John Reed, deceased, late surviving partner of Reed & Forde, $8,139.34.
Samuel A. Custer, administrator of the estate of Joseph Ball, deceased, $588.
Sarah Leaming, administratrix of the estate of Thomas Murgatroyd, deceased, for and on behalf of the firm of Thomas Murgatroyd & Sons, $980.
Henry Pettit, administrator of the estate of Andrew Pettit, deceased, late surviving partner of Pettit & Bayard, $588.
George W. Guthrie, administrator of the estate of Alexander Murray, deceased, late surviving partner of Miller & Murray, $588.
William D. Squires, administrator of the estate of Henry Pratt, deceased, late surviving partner of Pratt & Kintzing, $588.
Francis Brooke Rawle, administrator of the estate of Jesse Waln, deceased, $980.
James Crawford Dawes, administrator of the estate of Abijah Dawes, deceased, $490.
Cyrus T. Smith, administrator of the estate of William Jones, deceased, late surviving partner of Jones & Clarke, $588.
Augustus J. Pleasonton, administrator of the estate of Joseph Dugan, deceased, late surviving partner of Savage & Dugan, $490.
Francis A. Lewis, administrator of the estate of Peter Blight, deceased, $980.
Richard Delafield, administrator of the estate of John Delafield, deceased, $980.
Benjamin M. Hartshorne and Charles N. Black, executors of the will of Richard Hartshorne, deceased, late surviving partner of Rhinelander, Hartshorne & Co., $2,450.
John A. Foley, administrator of the estate of John Shaw, deceased, $980.
Thomas W. Ludlow, administrator of the estate of Thomas Ludlow, deceased, $490.
Walter S. Church, administrator of the estate of John B. Church, deceased, $1,960.
John L. Rutgers, surviving executor of the will of Nicholas G. Rutgers, deceased, late surviving partner of Benjamin Seaman & Co., $490.
Frances R. Shaw, administratrix of the estate of John C. Shaw, deceased, for and on behalf of the firm of George Knox and John C. Shaw, $490.
Henry E. Young, administrator of the estate of William Craig, deceased, late surviving partner of Henry Sadler & Co., $490.
Elijah K. Hubbard, administrator of the estate of Jacob Sebor, deceased, $490.
Walter Bowne, administrator of the estate of Walter Bowne, deceased, $245.
Louisa A. Starkweather, administratrix of the estate of Richard S. Hallet, deceased, $245.
Julia Battersby, administratrix of the estate of John B. Desdoity, deceased, $490.
George F. Scriba, administrator of the estate of George Scriba, deceased, for and on behalf of the firm of George Scriba and William Henderson, $490.
On the brig Sally, Eden Wadsworth, master, namely:
James F. Adams, administrator of the estate of Seth Adams, deceased, $17,624.46.
On the brig Aurora, James Phillips, jr., master, namely:
Henry E. Young, administrator of the estate of William Craig, deceased, late surviving partner of Henry Sadler & Co., $490.
George F. Scriba, administrator of the estate of George Scriba, deceased, late surviving partner of the firm of George Scriba and William Henderson, $980.
John L. Rutgers, surviving executor of the will of Nicholas G. Rutgers, deceased, late surviving partner of the firm of Benjamin Seaman & Co., $490.
Union Trust Company of New York, administrator of the estate of William Ogden, deceased, $490.
D. Fitzhugh Savage, administrator of the estate of John Savage, deceased, $590.68.
Charlotte F. Smith, administratrix of the estate of William Jones, deceased, late surviving partner of Jones & Clarke, $738.36.
Francis D. Lewis, administrator of the estate of John Miller, jr., deceased, $738.36.
Sarah Leaming, administratrix of the estate of Thomas Murgatroyd, deceased, late surviving partner of the firm of Thomas Murgatroyd & Sons, $738.36.
Charles Prager, administrator of the estate of Mark Prager, jr., deceased, late surviving partner of the firm of Pragers & Co., $738.35.
William D. Squires, administrator of the estate of Henry Pratt, deceased, late surviving partner of Pratt & Kintzing, $738.35.
Francis D. Lewis, administrator of the estate of Peter Blight, deceased, $738.35.
A. Louis Eakin, administrator of the estate of Chandler Price, deceased, late surviving partner of Morgan & Price, $738.35.
William Brooke-Rawle, administrator of the estate of Jesse Waln, deceased, $738.35.
Frederick W. Meeker, administrator of the estate of Samuel Meeker, deceased, $590.68.
Charles D. Vasse, administrator of the estate of Ambrose Vasse, deceased, $738.35.
Craig D. Ritchie, administrator of the estate of Joseph Summerl, deceased, late surviving partner of Summerl & Brown, $531.62.
On the sloop Townsend, Daniel Campbell, master, namely:
William O. McCobb, administrator of the estate of William McCobb, deceased, $2,111.11.
William O. McCobb, administrator of the estate of Joseph Campbell, deceased, $1,111.11.
Jennie E. McFarland, administratrix of the estate of Ephraim McFarland, deceased, $483.96.
Francis M. Boutwell, administrator of the estate of Benjamin Cobb, jr., deceased, $500.
Archibald M. Howe, administrator of the estate of Francis Green, deceased, $500.
William Ropes Trask, administrator of the estate of Thomas Amory, deceased, $500.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $500.
On the schooner Betsie, George Hastie, master, namely:
Frederick W. Meeker, administrator of the estate of Samuel Meeker, deceased, $440.96.
Charles D. Vasse, administrator of the estate of Ambrose Vasse, deceased, $735.
A. Louis Eakin, administrator of the estate of Chandler Price, deceased, late surviving partner of Morgan & Price, $735.
George W. Guthrie, administrator of the estate of Alexander Murray, deceased, late surviving partner of Miller & Murray, $887.55.
William Mifflin, administrator of the estate of Ebenezer Large, deceased, $443.78.
Henry Pettit, administrator of the estate of Andrew Pettit, deceased, late surviving partner of Pettit & Bayard, $710.04.
Richard C. McMurtrie, administrator of the estate of Daniel W. Coxe, deceased, $443.77.
William R. Fisher, administrator of the estate of William Read, deceased, late surviving partner of William Read & Co., $621.29.
On the brig Hope, Joseph Bright, master, namely:
E. Francis Riggs, administrator of the estate of James Lawrason, deceased, late surviving partner of Shreve & Lawrason, $749.50.
Lawrence Stabler, administrator of the estate of William Hartshorne, deceased, late remaining partner of William Hartshorne & Sons, $3,345.
D. Fitzhugh Savage, administrator of the estate of John Savage, deceased, $490.
Francis A. Lewis, administrator of the estate of Peter Blight, deceased, $490.
Charles McCafferty, administrator of the estate of Samuel Blodgett, deceased, $490.
Sarah Leaming, administratrix of the estate of Thomas Murgatroyd, deceased, $490.
J. Bayard Henry, administrator of the estate of John Leamy, deceased, $490.
Francis R. Pemberton, administrator of the estate of John Clifford, deceased, late surviving partner of Thomas and John Clifford, $490.
Samuel Bell, administrator of the estate of John G. Wachsmuth, deceased, $490.
Crawford D. Hening, administrator of the estate of James Crawford, deceased, late surviving partner of James Crawford & Co., $490.
Crawford D. Hening, administrator of the estate of Abijah Dawes, deceased, $392.
Henry Pettit, administrator of the estate of Charles Pettit, deceased, $833.
On the schooner Kitty, Jacob Singleton, master, namely:
Ormes B. Keith, surviving executor of the will of Samuel Keith, deceased, late surviving partner of the firm of William & Samuel Keith, $1,461.76.

The amendment was agreed to.

Mr. FULTON. I offer the amendment I send to the desk.

The SECRETARY. On page 166, after line 16, it is proposed to insert:

On the ship Raven, Thomas Reilly, master, to C. D. Vasse, administrator of the estate of Ambrose Vasse, deceased, $784.

The amendment was agreed to.

The next amendment of the Committee on Claims was, on page 166, after the amendment just adopted, to insert:

On the schooner Greyhound, Sylvanus Snow, master, namely:
George G. King, administrator of the estate of Crowell Hatch, deceased, $700.
A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, $750.
On the sloop Honor, William Kimball, master, namely:
Charles F. Adams, administrator of the estate of Peter C. Brooks, deceased, $2,090.
A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, $475.
George G. King, administrator of the estate of James Tisdale, deceased, $380.
Francis M. Boutwell, administrator of the estate of Joseph Cordis, deceased, $380.
George G. King, administrator of the estate of Crowell Hatch, deceased, $475.
On the schooner Hiram, Ebenezer Barker, master, namely:
Moses Sherwood, administrator for the estate of David Coley, jr., deceased, $2,000.

On the sloop Farmer, John Grow, master, namely:
Francis M. Boutwell, administrator of the estate of William Marshall, jr., deceased, $2,418.32.
Francis M. Boutwell, administrator of the estate of Benjamin Cobb, deceased, $465.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $930.
Nathan Matthews, jr., administrator of the estate of Daniel Sargent, deceased, $465.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $465.
Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, $465.
James C. Davis, administrator of the estate of Cornelius Durant, deceased, $465.
Arthur D. Hill, administrator of the estate of Benjamin Homer, deceased, $465.
William R. Trask, administrator of the estate of Thomas Amory, deceased, $651.
George G. King, administrator of the estate of James Scott, deceased, $465.
Charles K. Cobb, administrator of the estate of Stephen Codman, deceased, $465.
On the schooner Friendship, William Blanchard, master, namely:
Charles F. Adams, administrator of the estate of Peter C. Brooks, deceased, $2,100.
Daniel W. Waldron, administrator of the estate of Jacob Sheafe, deceased, $500.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $700.
Arthur D. Hill, administrator of the estate of Benjamin Homer, deceased, $500.
James C. Davis, administrator of the estate of Cornelius Durant, deceased, $500.
Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, $800.
George G. King, administrator of the estate of James Scott, deceased, $500.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $500.
On the brig Dove, William McN. Watts, master, namely:
George G. King, administrator of the estate of Crowell Hatch, deceased, $1,000.
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $3,000.
A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, $1,000.
William R. Trask, administrator of the estate of Thomas Amory, deceased, $500.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $500.
On the schooner Neptune, Comford Bird, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $2,129.08.
George G. King, administrator of the estate of Crowell Hatch, deceased, $851.63.
A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, $425.82.
A. Lawrence Lowell, administrator of the estate of C. Jones, deceased, $600.
Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, $600.
William S. Carter, administrator of the estate of William Smith, deceased, $532.
John Lowell, administrator of the estate of Tuthill Hubbart, deceased, $532.
Francis M. Boutwell, administrator of the estate of John McLean, deceased, $266.
Samuel Abbott Fowle, administrator of the estate of George Makepeace, deceased, $489.86.
On the schooner Sally, Timothy Davis, master, namely:
Charles F. Trask, administrator of the estate of Samuel Babson, deceased, $2,600.
On the ship Sarah, James Breck, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $1,174.60.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $250.80.
Francis M. Boutwell, administrator of the estate of Benjamin Cobb, deceased, $167.80.
James S. English, administrator of the estate of Thomas English, deceased, $83.90.
Arthur P. Cushing, administrator of the estate of Marston Watson, deceased, $167.80.
Walter Hunnewell, administrator of the estate of John Welles, deceased, $83.90.
Morton Prince, administrator of the estate of James Prince, deceased, $83.90.
Gordon Dexter, administrator of the estate of Samuel Dexter, deceased, $83.90.
Nathan Matthews, jr., administrator of the estate of Daniel Sargent, deceased, $116.20.
Daniel W. Waldron, administrator of the estate of Jacob Sheafe, deceased, $83.
Charles K. Cobb, administrator of the estate of Stephen Codman, deceased, $83.
George G. King, administrator of the estate of James Scott, deceased, $83.
Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, $83.
Arthur D. Hill, administrator of the estate of Benjamin Homer, deceased, $83.
Henry W. Edes, administrator of the estate of John May, deceased, $83.
John O. Shaw, administrator of the estate of Josiah Knapp, deceased, $83.
William Ropes Trask, administrator of the estate of Thomas Amory, deceased, $166.
H. Burr Crandall, administrator of the estate of Thomas Cushing, deceased, $66.40.
Jonathan I. Bowditch, administrator of the estate of Benjamin Pickman, deceased, $83.
Arthur T. Lyman, administrator of the estate of Theodore Lyman, deceased, $83.
Charles K. Cobb, administrator of the estate of John Codman, deceased, $166.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $166.
Elisha Whitney, administrator of the estate of Thomas Stephens, deceased, for and on behalf of the firm of John & Thomas Stephens, $99.60.
John Lowell, administrator of the estate of Tuthill Hubbart, deceased, $83.
Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, $166.
W. Rodman Peabody, administrator of the estate of Daniel D. Rogers, deceased, $132.80.
On the schooner Sylvanus, Edward D. Baker, master, namely:
Nathan Matthews, jr., administrator of the estate of Daniel Sargeant, deceased, $600.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $1,700.
Charles K. Cobb, administrator of the estate of Stephen Codman, deceased, $700.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $700.
Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, $600.
Henry Parkman, administrator of the estate of John Lovett, deceased, $300.
John Lowell, jr., administrator of the estate of Tuthill Hubbart, deceased, $800.
Arthur D. Hill, administrator of the estate of Benjamin Homer, deceased, $500.
James C. Davis, administrator of the estate of Cornelius Durant, deceased, $1,400.
Chandler Robbins, administrator of the estate of Joseph Russell, deceased, $800.
George G. King, administrator of the estate of Crowell Hatch, deceased, $500.
On the schooner Venus, Benjamin Hooper, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $2,000.
James S. English, administrator of the estate of Thomas English, deceased, $500.
George G. King, administrator of the estate of Crowell Hatch, deceased, $1,000.
Daniel W. Waldron, administrator of the estate of Jacob Sheafe, deceased, $500.
Francis M. Boutwell, administrator of the estate of Benjamin Cobb, deceased, $1,000.
Francis M. Boutwell, administrator of the estate of John McLean, deceased, $1,000.
W. Rodman Peabody, administrator of the estate of Daniel D. Rogers, deceased, $500.
Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, $1,000.
William G. Perry, administrator of the estate of Nicholas Gillman, deceased, $1,000.
Elisha Whitney, administrator of the estate of Thomas Stevens, deceased, for and on behalf of the firm of John & Thomas Stevens, $600.
William R. Trask, administrator of the estate of Thomas Amory, deceased, $500.
Edward I. Browne, administrator of the estate of Moses Brown, deceased, $500.
Charles K. Cobb, administrator of the estate of Stephen Codman, deceased, $400.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $1,900.
A. Lawrence Lowell, administrator of the estate of Tuthill Hubbart, deceased, $400.
George G. King, administrator of the estate of James Scott, deceased, $600.
On the schooner Syren, Jared Arnold, master, namely:
Charles J. Bonaparte, administrator of the estate of Benjamin Williams, deceased, $3,064.58.
David Stewart, administrator of the estate of William Wood, jr., deceased, $3,064.58.
David Stewart, administrator of the estate of Henry Payson, deceased, $3,064.58.
Henry W. Ellicott, administrator of the estate of William McFadon, deceased, $532.60.
James Lawson, administrator of the estate of Richard Lawson, deceased, $532.60.
Richard Dalafield, administrator of the estate of John Dalafield, deceased, late surviving partner of Church & Dalafield, $1,716.80.
On the brig Brothers, George Parsons, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $2,100.
Chandler Robbins, administrator of the estate of Joseph Russell, deceased, late surviving partner of Jeffrey & Russell, $500.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $1,136.70.
David G. Haskins, administrator of the estate of David Greene, deceased, $1,048.
On the schooner Isabella, Lewis Lombard, master, namely:
Charles L. De Normandie, administrator of the estate of Benjamin Smith, deceased, $1,760.25.
Nathan Matthews, administrator of the estate of Daniel Sargent, deceased, $338.06.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $100.
George G. King, administrator of the estate of James Scott, deceased, $600.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $600.
Jonathan I. Bowditch, administrator of the estate of Benjamin Pickman, deceased, $500.
Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, $500.
Augustus P. Loring, administrator of the estate of William H. Boardman, deceased, $400.
David G. Haskins, administrator of the estate of David Greene, deceased, $500.
Charles K. Cobb, administrator of the estate of Stephen Codman, deceased, $400.
A. Lawrence Lowell, administrator of the estate of Tuthill Hubbart, deceased, $500.

On the schooner Colly, William Mariner, master, namely:
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $4,516.06.
George G. King, administrator of the estate of Crowell Hatch, deceased, $752.68.
A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, $1,505.36.
George G. King, administrator of the estate of James Scott, deceased, $376.34.
William P. Perkins, administrator of the estate of Thomas Perkins, deceased, $376.34.
Charles A. Welsh, administrator of the estate of William Stackpole, deceased, $376.34.
Walter Hunnewell, administrator of the estate of John Wells, deceased, $376.34.
Walter Hunnewell, administrator of the estate of Arnold Wells, jr., deceased, $376.34.
Frank Dabney, administrator of the estate of Samuel W. Pomeroy, deceased, $376.33.
David G. Haskins, administrator of the estate of David Greene, deceased, $752.67.
On the schooner Juno, William Burgess, master, namely:
Cazenove G. Lee, administrator of the estate of James Patton, deceased, late surviving partner of the firm of Patton & Dykes, $7,066.66.
John W. Apthorp, administrator of the estate of William Foster, deceased, $1,000.
William I. Monroe, administrator of the estate of John Brazer, deceased, $1,000.
William S. Carter, administrator of the estate of William Smith, deceased, $800.
H. Burr Crandall, administrator of the estate of Thomas Dickason, jr., deceased, $500.
Nathan Matthews, administrator of the estate of Daniel Sargent, deceased, $500.
August P. Loring, administrator of the estate of William Boardman, deceased, $1,000.
Lawrence Bond, administrator of the estate of Nathan Bond, deceased, $500.
David Greene Haskins, administrator of the estate of David Greene, deceased, $500.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $500.
William A. Hayes, 2d, administrator of the estate of Eliphalet Ladd, deceased, $500.
Montgomery Fletcher, administrator of the estate of John Walter Fletcher, deceased, for and on behalf of the firm of Fletcher & Otway, $333.33.
On the sloop Fox, Nathaniel Dennis, master, namely:
Edmund D. Codman, administrator of William Gray, jr., $600.
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $1,000.
George G. King, administrator of the estate of Crowell Hatch, deceased, $400.
On the brig Mary, Robert Holmes, master, namely:
Edmund D. Codman, administrator of the estate of William Gray, deceased, $3,960.
William I. Monroe, administrator of the estate of John Brazer, deceased, $115.
On the brig George, Jacob Greenleaf, master, namely:
Helen N. Pike, administratrix of the estate of John Pettingel, deceased, $5,153.03.
Joseph W. Thompson, administrator of David Coffin, $100.
Joseph L. Wheelwright, administrator of the estate of Moses Savory, deceased, $200.
James S. Gerrish, administrator of the estate of Edward Toppan, deceased, $300.
George Otis, administrator of the estate of Joseph Marquand, deceased, $100.
Amos Noyes, administrator of the estate of Zebedee Cook, deceased, $200.
Amos Noyes, administrator of the estate of William Cook, deceased, $100.
Eben F. Stone, administrator of the estate of Nathan Hoyt, deceased, $100.
Henry B. Reed, administrator of the estate of Andrew Frothingham, deceased, $100.
Luther R. Moore, administrator of the estate of William Boardman, deceased, $100.
Charles C. Donnelly, administrator of the estate of Joseph Toppan, deceased, $100.
Francis A. Jewett, administrator of the estate of James Prince, deceased, $500.
Fritz H. Jordan, administrator of the estate of Leonard Smith, deceased, $500.
Franklin A. Wilson, administrator of the estate of John Pearson, jr., deceased, $300.
Jeremiah Nelson, administrator of the estate of Jeremiah Nelson, deceased, $200.
Henry P. Toppan, administrator of the estate of Joshua Toppan, deceased, $100.
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $200.

Mr. FULTON. On page 182, line 16, I move to strike out "two hundred" and insert "two thousand." It is a mistake in the print.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 182, after line 16, to insert:

William Ropes Track, administrator of the estate of Thomas Amory, deceased, $1,000.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $1,000.
On the brig Peggy, John Hourston, master, namely:
Charles F. Mayer, administrator of the estate of Henry Konig, deceased, $3,797.87.
Charles F. Mayer, surviving executor of the will of Frederick Konig, deceased, $3,797.87.
On the schooner William Lovel, John K. Hill, master, namely:
William D. Lee, Thomas D. Lee, Henry A. Lee, Joseph A. Lee, and Virginia Waters, administrators of the estate of William Duncan, deceased, $628.71.

On the brig Abigail, Jeremiah Tibbetts, jr., master, namely:
William H. Sise, administrator of the estate of Ebenezer Tibbetts, deceased, $3,115.
On the schooner Columbus, Benjamin Mason, master, namely:
Samuel M. Came, administrator of the estate of John Low, deceased, $1,583.
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $425.
George G. King, administrator of the estate of Crowell Hatch, deceased, $250.
On the schooner Two Cousins, Elezah Devall, master, namely:
Horace E. Hayden, administrator of the estate of David H. Conyngham, deceased, late surviving partner of Conyngham, Nesbit & Co., $8,012.13.
On the schooner Unity, J. W. Latouche, master, namely:
David Stewart, administrator of the estate of Henry Messonnier, deceased, $4,467.08.
On the brig Fanny, John Gould, master, namely:
Mary Wise Moody, administratrix of the estate of Daniel Wise, deceased, $788.18.
Albert M. Welch, administrator of the estate of Thomas Perkins, 3d, deceased, $1,845.
Edmund D. Codman, administrator of the estate of William Gray, deceased, $1,883.33.
On the schooner Swan, Samuel Shaw, master, namely:
George G. King, administrator of the estate of Crowell Hatch, deceased, $500.
Morton Prince, administrator of the estate of James Prince, deceased, $300.
William P. Dexter, administrator of the estate of Samuel Dexter, deceased, $300.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $400.
On the schooner Hannah, James H. Voax, master, namely:
Charles H. Cotting, administrator of the estate of David W. Child, deceased, $309.27.
Francis M. Boutwell, administrator of the estate of William Marshall, jr., deceased, $309.28.
Brooks Adams, administrator of the estate of Peter C. Brooks, deceased, $2,000.
Morton Prince, administrator of the estate of James Prince, deceased, $500.
A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, $1,000.
Chandler Robbins, administrator of the estate of Joseph Russell, deceased, for and on behalf of the firm of Jeffrey & Russell, $1,000.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $1,000.
George G. King, administrator of the estate of Crowell Hatch, deceased, $1,000.
Nathan Matthews, jr., administrator of the estate of Daniel Sargent, deceased, $416.67.
Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, $583.33.
Henry Parkman, administrator of the estate of John Lovett, deceased, $250.
On the sloop Scrub, John Russell, master, namely:
Newton Dexter, administrator of the estate of Joseph Martin, deceased, $300.
On the brig Lucy, Christopher Grant, master, namely:
Daniel W. Salisbury, surviving executor of the will of Samuel Salisbury, deceased, $2,089.83.
Louis Higginson, administrator of the estate of Stephen Higginson, deceased, $2,089.83.
Charles F. Adams, administrator of the estate of Peter C. Brooks, deceased, $4,500.
Robert Codman, administrator of the estate of William Gray, deceased, $1,000.
George G. King, administrator of the will of Crowell Hatch, deceased, $1,000.
A. Lawrence Lowell, administrator of the estate of Nathaniel Fellowes, deceased, $1,000.
On the sloop James, Robert Palmer, master, namely:
George Meade, administrator of the estate of Anthony Butler, deceased, $4,533.
On the brig Eliza, Christopher O'Conner, master, namely:
Samuel Bell, administrator, etc., of the estate of John Godfrey Wachsmuth, deceased, $2,793.
On the schooner Little Fanny, Peter Fosdick, master, namely:
Samuel J. Randall, administrator of the estate of Matthew Randall, deceased, $2,260.
Charles D. Vasse, administrator of the estate of Ambrose Vasse, deceased, $490.
Charles Prager, administrator of the estate of Mark Prager, jr., deceased, for and on behalf of Pragers & Co., $980.
Francis A. Lewis, administrator of the estate of Peter Blight, deceased, $980.
On the schooner Benja, Samuel O. Row, master, namely:
Charles F. Adams, administrator of the estate of Peter C. Brooks, deceased, $700.
George G. King, administrator of the estate of Crowell Hatch, deceased, $600.
Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $500.
John Lowell, jr., administrator of the estate of Tuthill Hubbart, deceased, $500.
Chandler Robbins, administrator of the estate of Joseph Russell, deceased, late surviving partner of Jeffrey & Russell, $500.
Nathan Matthews, jr., administrator of the estate of Daniel Sargent, deceased, $500.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $400.
On the schooner Hero, Convers Lilly, master, namely:
Walter L. Hall, administrator of the estate of Samuel Davis, deceased, $2,858.50.
Ann W. Davis, administratrix of the estate of Jonathan Davis, deceased, $2,858.50.
William G. Perry, administrator of the estate of Nicholas Gilman, deceased, $250.
Daniel W. Waldron, administrator of the estate of Jacob Sheafe, deceased, $125.
Elisha Whitney, administrator of the estate of Thomas Stevens, deceased, for and on behalf of the firm of John and Thomas Stevens, $150.

Thomas N. Perkins, administrator of the estate of John C. Jones, deceased, $150.

William Ropes Trask, administrator of the estate of Thomas Amory, deceased, $250.

George G. King, administrator of the estate of James Scott, deceased, $125.

Nathan Matthews, administrator of the estate of Daniel Sargent, deceased, $125.

Henry B. Cabot, administrator of the estate of Daniel D. Rogers, deceased, $125.

James C. Davis, administrator of the estate of Cornelius Durant, deceased, $250.

Edward I. Browne, administrator of the estate of Israel Thorndike, deceased, $125.

A. Lawrence Lowell, administrator of the estate of Tuthill Hubbart, deceased, $150.

On the schooner Fortune, William Hubbard, master, namely:

Mary W. Moody, administratrix of the estate of Daniel Wise, deceased, $108.

Edmund D. Codman, administrator of the estate of William Gray, deceased, $600.

On the sloop Anna Corbin, Thomas Justice, master, namely:

John J. Wise, administrator of the estate of John Cropper, deceased, $3,300.75.

Henry G. White, administrator of the estate of Thomas Cropper, deceased, $375.

On the brig Eliza, Benjamin English, master, namely:

George P. Marvin, administrator of the estate of Ebenezer Peck, deceased, $952.82.

George P. Marvin, administrator of the estate of Stephen Alling, deceased, $476.42.

Elihu L. Mix, administrator of the estate of Thomas Atwater, deceased, $476.42.

John C. Hollister, administrator of the estate of Elias Shipman, deceased, $238.21.

John C. Hollister, administrator of the estate of Austin Denison, deceased, $238.21.

On the schooner Jenny, George Walker, master, namely:

Brooks Adams, administrator of the estate of Peter C. Brooks, deceased $500.

George G. King, administrator of the estate of Crowell Hatch, deceased, $500.

Alice S. Wheeler, administratrix of the estate of Abiel Winship, deceased, $3,670.06.

On the schooner Liberty, Asa Williams, master, namely:

Brooks Adams, administrator of the estate of Peter Chardon Brooks, deceased, $2,500.

George G. King, administrator of the estate of Crowell Hatch, deceased, $500.

David Greene Haskins, administrator of the estate of David Greene, deceased, $1,960.

On the brig Sally, Villett, master, namely:

Henry Audley Clark, administrator de bonis non of Peleg Clark, $6,600.

On the scow Eliza, Ephriam Perkins, master, namely:

Walter L. Dane, administrator of the estate of Ephriam Perkins, deceased, $2,484.

On the brig Betsey, Daniel Boyer, master, namely:

Samuel Abbott Fowle, administrator of the estate of George Makepiece, deceased, assignee of Samuel Dowse, $11,250.75.

Mr. FULTON. I offer an amendment to the amendment.

The SECRETARY. On page 192 it is proposed to strike out lines 2 to 5, inclusive, and to insert:

To Samuel Abbott Fowle, administrator of the estate of George Makepeace, deceased, assignee of Samuel Dowse, $11,250.75, the same not being an assigned claim within the meaning of this act, but an asset transferred by Samuel Dowse to George Makepeace on the 17th day of May, 1798, for the sum of $11,400, and prior to the ratification of the treaty of September 30, 1800.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 192, after line 5, to insert:

Provided, however, That any French spoliation claim appropriated for in this act shall not be paid if held by assignment or owned by any insurance company. But this shall not apply to any claim of a class heretofore paid under the act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes."

MISCELLANEOUS CASES.

FOR DIRECT APPROPRIATIONS AND OTHER PURPOSES.

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

That jurisdiction be, and is hereby, given to the Court of Claims (notwithstanding any statutory bar of limitations) over the claims of the Compañía de los Ferrocarriles de Puerto Rico, with power to find the facts and to enter judgment against the United States for the reasonable value of the services performed by said company in the island of Porto Rico for transporting the municipal police and guardia civil between the 12th day of August, 1898, and the 31st day of August, 1902, and for the difference between the amount allowed for transporting the troops, munitions of war, supplies, and the like and the reasonable value of said services for the same period, together with the expense of repair and maintenance of telegraph lines of the Signal Corps, all of said services having been performed during the military occupation of said island.

The amendment was agreed to.

The next amendment was, on page 194, after line 2, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to the owners of the Norwegian steamship Nicaragua the sum of $4,926.67, in full for compensation for damage to said owners by reason of the rescue of an American citizen, John McCafferty, and the consequent quarantine of said ship at Mobile, Ala., in the year 1894.

Mr. NELSON. This amendment should be rejected.

Mr. FULTON. I offer the amendment I send to the desk.

The SECRETARY. On page 194, strike out lines 3, 4, 5, 6, 7, 8, 9, 10, and 11, and in lieu thereof, insert:

Provided, That section 23 of the act of July 31, 1894, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, is hereby amended by adding thereto the words "except where necessary," in order to make a settlement conform to a decision of the Court of Claims: *And provided further,* That the Court of Claims is hereby authorized to consider and act upon those claims arising under the decision of the Supreme Court of March 11, 1889, in the case of United States *v.* Watson, which had been disallowed prior to July 31, 1894. And the bar of any statute of limitations is hereby removed in respect to such claims.

Mr. KEAN. I think we need some explanation of the amendment.

Mr. FULTON. The Senator from Minnesota will explain it.

Mr. NELSON. Mr. President, the amendment is proposed to be rejected because it involves a claim that was included in the general deficiency bill at the last session, having been put into that bill after this bill was reported, and the claim has been allowed and paid; so the amendment should go out.

The amendment offered as a substitute relates to a few military claims under the law of 1838, under which officers were given longevity pay amounting to 1 ration per day for every five years' service—that is, an increase amounting to a daily ration after serving five years, for each period of reenlistment. The law was afterwards extended so as to apply to the service of enlisted men. The Auditor for the Treasury Department refused to allow some of the early longevity claims, because he held it should not include service in the ranks prior to the time they became officers, and held that nobody but regularly commissioned officers could be allowed the longevity pay.

A case went to the Supreme Court involving cadets at West Point, and the Supreme Court held that those cadets, and also enlisted men, were entitled to have their period counted; that their service in the army began from that date, and that the five years' period should be counted from that date. Before that decision was made by the Supreme Court the auditor had disallowed those claims. After that decision the Auditor for the Treasury Department allowed all those claims, but he refuses to reopen a few claims that had been adjudicated under the old rule.

That is all there is in the amendment. There is a very full report on this matter to the House. The amendment simply submits it to the Court of Claims. There are a few claims which were disallowed under the old rule, and it is the purpose to put them on a par with those allowed after the decision of the Supreme Court.

Mr. KEAN. May I ask the Senator from Minnesota a question?

Mr. NELSON. Certainly.

Mr. KEAN. Is there any estimate as to the amount of money that will be required? I see no amount stated.

Mr. NELSON. There is no amount appropriated. The claims are submitted to the Court of Claims, and that court must first act upon them, and then they will have to come back to Congress.

Mr. KEAN. Then this is merely sending these claims to the Court of Claims?

Mr. NELSON. To adjudicate; that is all.

Mr. KEAN. Without any suggestion——

Mr. WARREN. To find the facts, I suppose?

Mr. NELSON. To find the facts.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

The next amendment of the Committee on Claims was, on page 194, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cancel proceedings instituted by the Commissioner of the General Land Office for the recovery of the sum of $6,276, alleged to be due the United States by the Minnesota and Ontario Bridge Company on account of timber used in the construction of the Minnesota and Ontario bridge across Rainy River at Baudette, in the State of Minnesota, the said Minnesota and Ontario Bridge Company having been five years previously to the institution of said proceedings a bona fide and innocent purchaser of said timber from parties then doing business at Baudette, Minn., but whose whereabouts are now unknown. And the said Minnesota and Ontario Bridge Company is hereby relieved of any obligation to pay to the United States Government the amount hereinbefore set forth.

That there be paid, out of any money in the Treasury not otherwise appropriated, to the legal representatives of the estate of Samuel Lee,

deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, the sum of $10,482.80, the same being in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,015.58 to H. R. King, of Grand Rapids, Minn., to reimburse the said King for moneys collected from him on contracts for the cutting of timber in the Indian reservation in Minnesota in excess of the value of the timber.

That in accordance with the findings of fact and the suggestions of the court in the case of the Washington Loan and Trust Company and others against the United States, being case No. 23,193, in the Court of Claims, the disbursing officers of the Treasury be, and they are hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of the estate of Aaron Van Camp, of the District of Columbia, the sum of $38,750, and to the legal representatives of the estate of Virginius P. Chapin, of West Virginia, the sum of $21,350, the same being the amounts unlawfully taken from claimants, respectively, by the consular agent of the United States at Navigators Islands, as set forth by said Court of Claims in their thirteenth finding of fact.

That jurisdiction in equity is hereby conferred upon the circuit court of the United States for the ninth circuit to examine and determine the rights of American citizens under the award of the Paris arbitration concerning the jurisdiction of Bering Sea.

That all American citizens whose rights were affected by said award may submit to the court their claims thereunder, and the court shall enter judgment thereon. Claims not submitted within two years from the passage of this act shall thereafter be forever barred.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George Ivers, administrator of William Ivers, deceased, late of Santa Fe, N. Mex., or to his legal representative, $1,500, the same to be taken and receipted for in full and final satisfaction of his claim for rent and occupation and final destruction of decedent's warehouse by fire in Santa Fe, N. Mex., to prevent the supplies and stores therein belonging to the Government from falling into the hands of the enemy, the commanding officer of the United States who directed the burning of the same having been found by a commission who were appointed by competent authority to inquire into the facts and circumstances of the case that said destruction was justifiable.

The amendment was agreed to.

Mr. FULTON. On page 197, after line 9, I move to insert:

To pay Mary C. Mayers, widow of Joseph L. Mayers, who lost his life as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the U. S. S. Charleston, then lying in Victoria Harbor, Hongkong, China, the sum of $5,000 for her aid and support.

The amendment was agreed to.

The next amendment was, on page 197, after line 9, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Hamiter, of Lafayette County, Ark., the sum of $3,590.47, the proceeds of the sale of 53 bales of cotton sold by the Government in 1865 and placed in the Treasury of the United States.

Mr. FULTON. In line 11, after the words "pay to," I move to insert "Allen H. Hamiter, administrator of the estate of;" and after the name "Hamiter," in the same line, to insert "deceased."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 197, after line 16, to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay to the William Cramp & Sons Ship and Engine Building Company the sum of $135,560, that being the amount found due said company by the Court of Claims on the 29th day of January, 1906, for the preservation, care, maintenance, and insurance of the battle ship Indiana during the two years' delay in its construction, caused by the failure of the Navy Department to furnish the armor for said battle ship.

That the Secretary of the Treasury be, and he is hereby, directed to pay to the personal representative of James H. Dennis the sum of $26,538, being the sum found by the Court of Claims to be due to him by reason of certain contracts for the improvement of the Tennessee River.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Protestant Orphan Asylum at Natchez, in the State of Mississippi, the sum of $2,375, in full settlement and discharge of the claim of said corporation for the use and occupation of the property of the asylum by the military forces of the United States during the war of the rebellion.

The amendment was agreed to.

The next amendment was, on page 198, after line 17, to insert:

That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the reimbursement of George W. Young, postmaster at Wanship, in the State of Utah, for postage stamps stolen from a safe without fault on his part, $163.87.

Mr. SMOOT. I ask that this amendment be rejected.

The amendment was rejected.

The next amendment was, on page 198, after line 23, to insert:

That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the relief of A. A. Noon, of Provo, in the State of Utah, the sum of $1,407.55, the same being the amount of judgments and costs against him in suits by the Government of the United States for the extraction of gilsonite from lands within the Uncompahgre Indian Reservation, under locations made in good faith and believed to be without the limits of the said reservation.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Salvador Costa, of Tallahassee, Fla., the sum of $2,850, for the sloop Mary Lawrence, which was seized and destroyed by the federal authorities during the late civil war.

Mr. FULTON. On page 199, line 12, I move to strike out "two thousand eight hundred and fifty" and to insert "one thousand" before the word "dollars," so as to read "$1,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CARTER. If there is no amendment now pending, I move to insert in lieu of the amendment stricken out on page——

The VICE-PRESIDENT. The reading of the bill has not yet been concluded.

Mr. CARTER. The bill is not open for general amendment at this time?

The VICE-PRESIDENT. The reading has not been concluded. The Secretary will resume the reading of the bill.

The next amendment was, on page 199, after line 15, to insert:

That the Treasurer of the United States, as ex officio sinking-fund commissioner of the District of Columbia, be, and he is hereby, authorized and directed to sell the bonds authorized to be issued under the provisions of the sixth section of the act of the Congress of the United States entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880, and out of the proceeds of the sale of said bonds pay and satisfy the claim of Joseph T. H. Hall, of Washington, D. C., now deceased, against the District of Columbia, for $8,664.19, without interest, being the amount found due him by the judgment of the Court of Claims under date of June 22, 1895, under the provisions of the act of Congress approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," and to pay said amount to Mrs. Julia L. Hall, his widow, of Washington, D. C.

Mr. KEAN. Is there a report on that item?

Mr. FULTON. The Senator will find the report in regard to that item beginning on page 960. I do not remember the facts myself at this time. Does the Senator desire to make any motion in regard to it?

Mr. KEAN. I was trying to find out what the payment is for.

Mr. WARREN. While that is pending, I call the attention of the Senator in charge of the bill to a misspelling on page 116, line 18. "James P. Russell" should read "James B. Russell." I move that amendment.

The amendment was agreed to.

Mr. WARREN. On page 125, line 22, "Carie" should read "Carrie."

The amendment was agreed to.

Mr. KEAN. I have not had——

Mr. WARREN. There is one more correction of spelling, if the Senator please. On page 128, line 6, after the word "Chaplin," the words "widow of J. Crossan Chaplin" should be inserted, so as to read:

To Mattie H. Chaplin, widow of J. Crossan Chaplin.

Mr. FULTON. I will accept the amendment.

The amendment was agreed to.

Mr. WARREN. On page 135, line 15, "Henry Tibbets" should be "Henry Tibbetts." I move that amendment.

The amendment was agreed to.

Mr. KEAN. Mr. President, I have looked at the report on the claim of Mrs. Julia L. Hall, and it seems to be a payment on account of the discount on bonds of the District of Columbia. It is rather a queer claim. I ask to have the report read.

The VICE-PRESIDENT. The Senator from New Jersey asks for the reading of the report. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The Committee on Claims, to whom was referred the bill (S. 679) for the relief of Mrs. Julia L. Hall, having had the same under careful consideration, beg to report it back to the Senate and to recommend its passage without amendment.

A similar bill was favorably reported by both Houses of Congress in the Fifty-seventh Congress, was passed by the Senate, and held an early place on the calendar of the House when the session closed. The number of the report was House Report No. 801. It contains the facts in the case so far as then known, and is adopted by your committee and made a part of their report, as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 1727) for the relief of Mrs. Julia L. Hall, beg leave to submit the following report and recommend that said bill do pass without amendment.

"The claimant is the widow of the late Capt. Joseph T. H. Hall, who for many years was a resident of the city of Washington, D. C., and who died at Denver, Colo., on the 18th day of April, 1899, leaving no children surviving him, the widow being sole surviving heir.

"The claimant and said Hall were married May 10, 1865, and lived together as husband and wife from that time until his death, most of the time in the city of Washington, D. C.

"Claimant was born and reared in said city, where her father, I. C. Lewis, was a prominent citizen of means and did much to improve the city, and much of the money used by her husband in executing the work which is the basis of this claim was furnished by her, having been received in property from her father.

"Captain Hall left little or no property or money, and none that is the source of any income or means of support to the claimant. He was a soldier in the war of the rebellion, serving throughout the war and having an honorable record, and claimant has been granted a pension at $8 per month under the act of June 27, 1890, as his dependent widow, and this pension is her dependence for future permanent support, as she is left without means of support other than this; and on account of advancing years and ill health it is impossible for her to do anything to contribute to her own support.

"Her said husband left a few accounts and claims for work he had done. The principal one, and all she expects to realize anything from, is the claim for work done by him in the city of Washington, for the District of Columbia, which she now asks the Congress to pay in the present bill for her relief.

"In his lifetime the late said Joseph T. H. Hall did work as a contractor for the District of Columbia, in the city of Washington; that he furnished, spread, and broke 'macadam,' according to the specifications of his contract, to the amount of 5,160.50 cubic yards, or 15,481.50 square yards; that what are known and designated as the 'board rates' for said work was $1.50 per square yard, and at these rates his work amounted to $23,222.25; that he was paid $12,461.06, leaving a balance of $10,761.19; but of this amount of cubic yards furnished by said Hall there were 940.40 cubic yards he did not furnish the stone for, and the District paid for same $2.23 per cubic yard, amounting to $2,097. This amount should be deducted from the total of the balance, leaving $8,664.19 due Mr. Hall.

"Under the act of Congress of February 13, 1895, providing for the adjudication of claims against the District in the Court of Claims at the said 'board rates' for the work done as aforesaid, Mr. Hall brought an action in the Court of Claims and secured a judgment for said balance of $8,664.19 June 22, 1896, and also for interest on same at 3.65 per cent from the time of the completion of the work under the contract, which was January 1, 1877. The opinion of the Court of Claims in rendering said judgment is reported in volume 31, Court of Claims Reports, at page 376. The District took exception to said judgment as to the allowance of interest and appealed to the Supreme Court of the United States, and by decision of February 15, 1897, the judgment of the Court of Claims was reversed, the court holding in favor of the contention of the District, that interest should not have been allowed.

"Before further proceedings could be had in the Court of Claims the act of Congress of February 13, 1895, above referred to, was repealed by the act of March 3, 1897, and the Court of Claims had no further jurisdiction to enter judgment for said sum of $8,664.19, being the principal sum for the work without interest.

"That said Hall died without ever having received said sum of $8,664.19, or any part thereof.

"That the sum of $23,222.25 was considered a fair and reasonable price for the work done by her late husband; that the balance of $8,664.19 was found due, and as she has no remedy to compel the payment of the same, she appeals to the Congress to pass an act to pay her the said amount.

Mr. TELLER. I understand there has been some question raised about this claim and some one has asked that the committee's report might be read. While I was connected with the Committee on Claims I passed upon this question and made a report on it, and the facts are within my knowledge.

Captain Hall had a quarry not far from here and he furnished to the Government a large amount of material. This claim went into the Court of Claims. First, the Committee on Claims reported it favorably.

Mr. KEAN. I would be glad if the Senator from Colorado would let the balance of the report be read. The concluding paragraph of the report has not been read.

Mr. TELLER. Very well, let it be read, if the Senator desires.

Mr. KEAN. It relates to the discount on the warrants of the District of Columbia which he took.

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

The Secretary read as follows:

This amount, $8,664.19, is the principal sum of the balance found due January 1, 1877, and the Court of Claims allowed interest on the same from said date.

Had it not been for the allowance of the interest this amount would have been paid by the District.

We recommend the passage of the bill and the payment of said principal sum found due, as the balance unpaid for the work done, without interest, according to the decision of the Supreme Court above referred to.

Since the above report was made, the original contract between Mr. Hall and the District of Columbia, and other papers in the case which were for a time lost, have been restored to their proper place in the office of the clerk of the United States Court of Claims.

It appears that Mr. Hall's contract was dated May 31, 1872, and called specifically for payment "in lawful money of the United States," and required him to pay his workmen "in cash current."

In contracts made with other parties a little later it was expressly stipulated that payments be made in "bonds issued by the sinking fund commissioners of the District of Columbia, which bonds shall be received and accepted at their par value." With the exception of a small sum, Mr. Hall, in violation of the terms of his contract, was obliged to accept in payment certificates of indebtedness payable in these bonds instead of "lawful money of the United States."

On account of the uncertain legality of their issue, these bonds were worth at the time of delivery about 50 cents on the dollar, and it appears from sworn testimony that for $11,900 worth of these bonds, which Mr. Hall accepted under protest, he realized the sum of $5,950. However, the equity in this claim does not rest simply in the fact that Mr. Hall was obliged to accept bonds of uncertain value contrary to the terms of his contract, and that the unpaid balance at interest would amount to far more than the claim of his bill; it is also evident that Mr. Hall was obliged by his contract to pay his workmen "in cash current," and did so pay them, and in consequence he had to mortgage and ultimately lose one piece of property after another, including his home.

Mr. RAYNER. I should like to ask the chairman of the committee whether we can offer amendments after the committee amendments are disposed of.

Mr. FULTON. I do not expect to conclude the consideration of the bill this evening.

Mr. RAYNER. If you do, I ask that the Maryland items be passed over.

Mr. FULTON. Even if we should conclude the consideration of it so far as the committee amendments are concerned, I will ask that it be laid over and there will be opportunity at a later time to offer amendments.

Mr. TELLER. Mr. President, I do not desire to take up the time of the Senate, but this is a just and proper claim, and was so found by the court for services rendered. Captain Hall had a larger claim which was not allowed. This amount was allowed him, but he did not live to collect it. His widow is now in a condition where she needs it very much, and I see no reason why it should not be paid.

The amendment was agreed to.

The next amendment was, on page 200, after line 15, to insert:

LIMITATION.

In case of the death of any claimant, or death or discharge of any executor or administrator of any claimant herein named, then payment of such claim shall be made to the legal representatives: *Provided*, That where a claimant is dead the administrator, executor, or legal representative shall file a certified copy of his bond, which bond must be at least equal in amount of the sum hereby appropriated: *And provided further*, That in all cases where the original claimants were adjudicated bankrupts the payments shall be made to the next of kin instead of to assignees in bankruptcy; but these provisions shall not apply to payments in the cases of the French spoliation claims, which shall be made as heretofore prescribed in this act: *And provided further*, That wherever under this bill it is provided that a payment be made to an executor or an administrator, whether original or ancillary or de bonis non, and such executor or administrator is dead or no longer holds his office, the payment shall be made to the successor therein, his title to hold such office being established to the satisfaction of the Secretary of the Treasury; and whenever under this bill it is provided that a payment shall be made to a corporation and such corporation has been merged in or consolidated with another corporation, payment shall be made to the corporation with which the consolidation or merger has been made.

The amendment was agreed to.

Mr. FULTON. On page 197, after line 16, I move to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50 per month, for sixty months, to Bernard W. Murray: *Provided*, That should the said Bernard W. Murray die before the expiration of sixty months, leaving no minor children, said payments shall thereupon cease; should the said Bernard W. Murray die before the expiration of sixty months, leaving minor children, said payments shall cease upon the majority of the youngest of said children.

The amendment was agreed to.

The VICE-PRESIDENT. Has the Senator from Oregon concluded the presentation of the committee amendments?

Mr. FULTON. No; I have an amendment on the table to repeal certain sections of the Tucker Act.

Mr. CULBERSON. Mr. President——

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

Mr. FULTON. I yield.

Mr. CULBERSON. I understood, in some general way, that the amendment to which the Senator refers would await the disposition of the other amendments to the bill.

Mr. FULTON. I will state that the committee has about concluded the amendments which it has to offer. Possibly it may offer some to-morrow; but my desire was that this amendment should be read and placed before the Senate, and then that Senators shall consider it and be ready to suggest any modifications.

Mr. CULBERSON. I think that course is entirely satisfactory.

Mr. FULTON. I desire simply that it shall be pending.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Oregon.

The SECRETARY. It is proposed to add to the bill the following:

That section 14 of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the Tucker Act, be, and the same is hereby, repealed: *Provided*, That all bills and claims hereto referred to the Court of Claims under and pursuant to the provisions of said section may be prosecuted in, and shall be heard, determined, and reported by, said court in all respects as if said section were continued in force.

That section 4 of the act entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," approved March 3, 1883, and commonly known as the Bowman Act, be, and said section 4 is hereby, repealed, and section 3 of said act is hereby amended so as to read as follows:

"SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction of or damage to property by the army or navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by, or for stores, subsistence, or supplies taken by or furnished to any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States: *Provided*, That all claims for supplies or stores taken by or furnished

to any part of the military or naval forces of the United States for their use during the war for the suppression of the rebellion, heretofore referred or transmitted to the Court of Claims by virtue of and pursuant to the provisions of said act of March 3, 1883, may be prosecuted in and shall be heard, determined, and reported by said court in all respects as fully and completely as if said section 4 of said act of March 3, 1883, had not been repealed or said section 3 thereof had not been amended by this act."

Mr. FULTON. I call the attention of the Senate to the fact that it is only section 14 of the Tucker Act which it is proposed to repeal by this amendment, under which practically all of what are known as "war claims" are sent to the Court of Claims. Section 14 provides:

That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the executive departments in the investigations of claims and demands against the Government," etc.

It provides for the court making findings and certifying them back to Congress. The Tucker Act provides for giving jurisdiction to the Court of Claims in many other matters. It is not desired to repeal, of course, the entire act, but that section which permits this character of claims to go to the Court of Claims.

It has been suggested to me that the taking effect of the amendment should be postponed to some future time. My own judgment would be that bills which are now pending before Congress might properly be referred to the Court of Claims, but that thereafter none of this character of claims should go there. I believe that all such claims with any possible merit have been already brought to the attention of Congress, and that no injustice will be done by providing that after the present session, say after the 15th of March next, this proposed amendment shall take effect; that from and after that date the repeal shall be effective. That will enable the sending down of all matters that are pending before the Senate at the present time, and it will prevent those gentlemen who are living by working up claims from digging up any more claims of that character between adjournment and the time of the taking effect of the repeal. If we postpone the time for the taking effect of this repeal, say for a year or two years, it will only stimulate the industry of persons who are engaged in hunting up and presenting to Congress this character of claims.

When I say presenting to Congress, of course, I know no one will understand me to mean a Member of Congress, because these claims are brought to his attention and he is appealed to by citizens of his State to present them, and, of course, he can not avoid doing it.

Mr. TILLMAN. Mr. President——

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

Mr. FULTON. Certainly.

Mr. TILLMAN. Has it occurred to the Senator that there may be many meritorious claims which have never been presented, but which could be prepared and presented for adjudication by the Court of Claims after a fair notice of twelve months or two years? Not that that would increase the number of industrious lawyers, perhaps, who are working around the country looking for plausible causes of making a claim, but there are really just and honest claims which have never been presented simply because it has appeared so difficult heretofore to get any recognition of the justice of such claims in Congress that people have felt that it was a hopeless task to undertake it; but they would do so if they were given an opportunity. You may hedge the matter about with any reasonable restrictions you see fit, still not barring out absolutely the adjudication by the Court of Claims after a limited time. I think southern Representatives here would—I surely would—be glad to be relieved of the burden of endeavoring to press claims which they believe to be just, but which they know are hopeless under certain restrictions and regulations here. A large part of my correspondence has been in answering inquiries of this person, that person, and the other person who think they have a claim against the Government, but which I, upon investigation, report to them "there is no chance in the world for you to get anything." Still I have to answer them, look up the law, and point out the whys and the wherefores. I wish I could simply say, once for all, "Congress has fixed a limit within which time you must prepare your claim, present it, and let the Court of Claims sift it; and after that," I could say, "there is no use for you to bother me with any such correspondence as that." I believe every Senator on this side of the Chamber would be thankful to you and to Congress if, after giving due notice, you should repeal the law which allows opportunities for anybody to present a claim.

Mr. FULTON. I call the attention of the Senator to the fact that the Tucker Act, so called, was passed in 1887. Ever since that time there certainly has been very little difficulty in getting matters presented to the Court of Claims for a finding. The Bowman Act was passed in 1883. Under it claims of this character might go to the court; but, of course, if they were barred by the statute of limitations, that was a perfect defense under the Bowman Act. I can not, however, believe that there are any claims still not brought to the attention of Congress or Members of Congress that have any real merit in them. It would be extraordinary that during all this period of years the people should hold legitimate and meritorious claims, knowing that they could send them to a Member of Congress and have a bill introduced for their payment; and if the bill was not enacted, the claim could be sent to the Court of Claims without costing the claimant anything, and yet they have refrained from doing so.

Mr. TILLMAN. And yet the Senator has in this very bill, or knows that there are in this very bill, claims over a hundred years old which are no more meritorious than a great many which would go to the Court of Claims if notice was given that beyond a certain period they would be barred.

Mr. FULTON. The Senator, I suppose, refers——

Mr. TILLMAN. Many of the claims in the bill are a hundred years old.

Mr. FULTON. The Senator refers to the French spoliation claims, I suppose?

Mr. TILLMAN. Yes.

Mr. FULTON. But those have been pending all along.

Mr. WARREN. If the Senator will allow me, the French spoliation claims are different in this: The French Government has settled with our Government, and it is a mere matter between our Government and the claimants.

Mr. FULTON. Yes. During all these years—over a hundred years, as has been said—this Government has held the money which belongs to these claimants.

Mr. TILLMAN. Why has it taken a hundred years to settle an honest and just claim?

Mr. FULTON. The Senator has had some experience in Congress.

Mr. TILLMAN. Yes. I have got some claims here that the Court of Claims has adjudicated, and yet the committee has refused to put them into the bill when it has put in similar claims right on the floor to-day.

Mr. SMOOT. Mr. President——

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

Mr. TILLMAN. Yes.

Mr. SMOOT. I should like to suggest to the Senator that even if section 14 of the Tucker Act should be repealed, as suggested by the chairman of the committee, that will not preclude any meritorious claims from being considered by the Claims Committee, or being passed upon by the Senate or the other House.

Mr. TILLMAN. The difficulty is in determining what is a meritorious claim. From my experience with what few claims I have undertaken to prosecute here to a successful legislative passage, I know that the burden on Senators is very great, and the indifference and disinclination of committees to investigate, under the labors which we have to perform, make it practically useless to undertake to bring claims in here, and when we send them to the Court of Claims—a court constituted for the express purpose of investigating and adjudicating and determining what is just and right—I do not see why it would not be reasonable and just to have a limit fixed, after which all claims should be barred; and I should be glad to vote for such a thing, but I do not think we ought to have the thing killed off by ipse dixit right straight ahead in two minutes and a half.

Mr. FULTON. That was not my proposition—within two minutes and a half, but in two months and a half.

Mr. TILLMAN. But you said "those which are already pending."

Mr. FULTON. Yes.

Mr. TILLMAN. Why not give those to whom I refer an opportunity?

Mr. FULTON. I think I can explain the matter so that the Senator will understand it. My suggestion was that the limit as to the time when this amendment will take effect should not go beyond the middle of March.

Mr. WARREN. I want to ask the Senator from Oregon if it is his plan to have all cases now pending in the Senate or that may be pending in this session until its close sent to the Court

of Claims, and that his amendment will not cut out those bills that might be introduced to-morrow or next day or next week?

Mr. FULTON. That was the idea.

Mr. WARREN. Nor does he propose to cut out any claims now pending in the Court of Claims.

Mr. FULTON. Certainly not.

Mr. WARREN. I agree with the Senator. I think that March 5 gives time enough, then. The time certainly ought not to be extended beyond January 1, 1910, in any event.

Mr. FULTON. But if you allow it to go beyond that, if you extend the time a year, it will be simply starting out a great industrial army enlisted for the purpose of working up this character of claims and presenting them before the law takes effect. I think it would be bad public policy to extend the time of the taking effect of the repealing provision for that length of time or during that period.

I am about to retire from Congress, and it is not a matter of great concern to me, except simply as a citizen; but were I remaining here, if the present system were continued in force, I should positively decline to serve on the Committee on Claims.

Mr. WARREN. May I ask the Senator a question right there?

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

Mr. FULTON. Certainly.

Mr. WARREN. May I ask the Senator if it would be the intention of his committee, if this provision passes, to clean up all the bills pending before his committee by sending them to the Court of Claims at the end, or near the end, of this session?

Mr. FULTON. It would be my judgment to send all pending bills of that character to the Court of Claims, or practically all, at least. There might be some that I would not so send.

Mr. SMOOT. In further answer to the Senator, I should like to say that there are nearly a thousand cases already before the committee which have been pending here for years and years.

Mr. WARREN. There are more than a thousand.

Mr. SMOOT. At least that.

Mr. TILLMAN. That shows how utterly hopeless it is——

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

Mr. FULTON. For a question.

Mr. TILLMAN. I say the statement just made by the Senator from Utah [Mr. SMOOT] shows how utterly hopeless it is for us to get the Committee on Claims of the Senate to investigate the merits of any claim which is presented.

Mr. FULTON. No.

Mr. SMOOT. Mr. President——

Mr. FULTON. Let me answer.

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

Mr. TILLMAN. I do not charge the committee with any dereliction.

Mr. FULTON. No; I do not yield any further, Mr. President. Instead of showing how hopeless it is to get a committee that will earnestly examine these claims, it simply shows that there is a limitation——

Mr. TILLMAN. On your ability.

Mr. FULTON. On the possibility of men having time to perform the work.

Mr. TILLMAN. I am not charging the committee with any dereliction of duty or unwillingness; but it is an impossible thing to do.

Mr. FULTON. It is an impossible thing, it is true, to examine all of these claims; but the truth is, that the very great majority of the claims are fraudulent and are not founded on any honest, legitimate evidence.

Mr. SMOOT. Mr. President——

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

Mr. FULTON. Certainly.

Mr. SMOOT. I should like to say further that, so far as I am concerned as a member of the Committee on Claims, I have spent hours and hours and days and days going over testimony in these cases, and there are very few claims that I have gone into that I consider just. I have always been perfectly willing to report a claim if there was a particle of merit in it, and I feel that way now.

Mr. FULTON. Mr. President, the great trouble about sending claims to the Court of Claims is that it frequently places Congress in a false position. People are invited to go before the court. They employ lawyers to prosecute their cases. They secure findings that are called favorable, and, in truth, are favorable; but, as a matter of fact, it is because the Government is practically helpless to meet the evidence which is produced. For instance, where there is a question of loyalty the claimant brings in some witness who testifies that he knew the claimant or the claimant's intestate during his lifetime, and that he was loyal. The Government can not secure any testimony to meet that, because of the long time that has elapsed since the date of the occurrence. So the question of loyalty is adjusted and the finding is probably in favor of the claimant. The probability, Mr. President, in my judgment, is that at least 75 per cent of those findings are untrue in fact, and based on testimony that was not true. I do not criticise the court for it. The court, like the committee, is practically helpless in the matter.

Mr. CULBERSON. Mr. President——

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

Mr. FULTON. I do.

Mr. CULBERSON. I will ask the Senator if he does not think it would be better for Congress to stand between these claims and the Court of Claims; in other words, instead of dumping all of these claims on the Court of Claims, and, as the Senator says, inviting people to go there, ought not Congress, in the first instance, examine them and refer to the court only such claims as on their face appear to have merit? In that view, ought there not be far more time than that suggested in connection with the repeal of this law, if the people who have not prosecuted their claims are to have an opportunity to present them to Congress for examination and reference to the Court of Claims—say several years, two, three, or four years?

Mr. FULTON. I will say to the Senator that any committee of the Senate or of the other House that shall undertake to examine these claims will find itself in exactly the same position in which the court is. Parties will present affidavits in support of a claim, and there will be no way by which the committee can secure any evidence to meet that produced by the claimant. So the committee would be helpless, so far as I can see.

Mr. CULBERSON. As a matter of fact, I will ask the chairman of the committee, is it not frequently the case that the committee, after examination, refuse to refer cases to the Court of Claims?

Mr. FULTON. Oh, yes.

Mr. WARREN. The committee asks for proof before referring a claim to the court?

Mr. FULTON. Oh, yes; quite frequently the committee has refused to recommend the reference of a case to the Court of Claims.

Mr. WARREN. Mr. President——

Mr. FULTON. Just a second. I want to say that while of course it is possible that by pursuing the course I suggest some claim that is founded in justice may be rejected, it is very improbable that any considerable number of claims will meet that fate, because, in the first place, none of these claims are claims that the Government is under any real obligation to pay. The payment of them is a mere gratuity; and so long a time has now elapsed since the occurrence that it seems to me the period has arrived when we should cease paying these war claims at all. Now, I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, referring to the inquiry made by the Senator from Texas [Mr. CULBERSON], my observation and experience about these claims have been that it is an easy matter for a constituent to ask a Member of the Senate to introduce a claims bill, and it is a hard matter to refuse to introduce it. As a consequence, hundreds of these claims come here. Very many of those who ask for the introduction of such bills do not follow them up by depositing with the committee any affidavits or proof to enable the committee to ascertain whether or not there may be just ground for their consideration. When these claims go down to the court, a very large number of them are never taken up, because the attorneys representing them do not take them up in the court, having no evidence upon which to take them up. Two years ago or so, I think, some 5,000 of them were stricken from the files.

No committee of this Senate has the time to investigate the number of claims that come in here. Neither the Committee on Claims nor any other committee can do it. If that committee should sit every day during the entire session on claims work alone, it would not then probably have time to take up all the bills—some 3,000 in number—that each session go to them.

Now, if we were cleaning up as a whole, and they should all be sent down to the court, there would be this state of affairs: A large number would never enter an appearance by attorneys, so that they would finally be stricken from the files because of lack of support. The others would be tried out in the court, where all the evidence that could be adduced would be presented and considered. So, it seems to me that the chairman's plan

is a good one, in that it gives an opportunity to take up the claims now pending in his committee or those that may be introduced, send them to the Court of Claims, and put that court to work on them. That does not debar the committee from taking up as a committee such few remaining claims as may come in afterwards, and I should hope that each claim might be considered promptly thereafter, each upon its merits, and reported, either favorably or unfavorably, and disposed of, so as to keep the files clear.

Mr. FULTON. Mr. President, I do not care to pursue this subject further at the present time. So far as I am personally concerned, I do not intend to ask for a vote on this amendment to-night. I have simply called it up in order to explain my views, so that those who are interested in the question may take it under consideration and present such suggestions to-morrow, or when the bill shall be taken up again, as seem to them proper.

Mr. GALLINGER. Mr. President——

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

Mr. FULTON. Certainly, I yield to the Senator.

Mr. GALLINGER. I would ask the Senator, Mr. President, if he can state approximately how many bills have been before the Committee on Claims during the present Congress?

Mr. FULTON. Over 2,500, I am told.

Mr. WARREN. Nearer 3,000.

Mr. GALLINGER. One thing has attracted my attention in connection with the Committee on Claims. I know that it is utterly impossible, physically impossible, for that committee to give consideration to all these claims; but it has seemed to me a strange circumstance that the committee does not report some of these claims adversely. I served in the House of Representatives on the Claims Committee, and I made some adverse reports. I served as chairman of the Committee on Pensions of this body, and I found it very helpful to report adversely a bill that carried a line of bills with it, so that we would not be bothered in the future with similar bills. It has seemed to me that if adverse reports were made on bills that do not merit consideration by the Committee on Claims, the committee would unload a good deal of their work in that way. This is no criticism on the committee, except that I have not noticed that adverse reports have been made.

Mr. FULTON. Not many. That is quite true, Mr. President. Occasionally adverse reports have been made; but I think the Senator will understand why that is.

Mr. GALLINGER. I think I understand it. Parties interested beg the committee not to report their claims adversely, but to pigeonhole them; and they are constantly with you.

Mr. FULTON. Yes.

Mr. TELLER. Mr. President, I have had some experience on the Committee on Claims. I was chairman of that committee for a good many years, and I know while I was chairman we reported adversely a great many claims.

Mr. WARREN. But they usually came up again; they were reintroduced regularly.

Mr. TELLER. Frequently, as the Senator from Wyoming says, they were again introduced. There is no legal obstacle against that, and, of course, they would come again and, very likely, be again reported adversely. They were cases that were within what, perhaps, the President would call the "twilight zone." It was a little difficult to tell whether they were meritorious or not. The claimant would say: "I have not all the evidence I can get. I will get some more." Such bills would probably go over a session, and perhaps two or three sessions.

I want to say just a word in reply to the chairman of the committee as to there being no attention given to these cases in the court. Whose fault is it, Mr. President, that that is so? It is the Government's own fault. The Government of the United States has ample opportunity——

Mr. FULTON. Mr. President——

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

Mr. TELLER. In a moment.

Mr. FULTON. The Senator does not correctly quote me.

Mr. TELLER. The Government of the United States has ample opportunity, Mr. President, to find out the truth as to these claims; and I believe they have found out very largely. I myself doubt very much whether the court has reported a great many claims that were not founded in justice and right.

I want to say another word. The Senator from Oregon says the payment of these claims is a gratuity. Mr. President, anything that we provide for by law as an obligation of the Government can hardly be called a gratuity. The Government undertook at the close of the war to say that certain acts of the army had been contrary to law and that where the claimant was a loyal citizen of the United States the army could not take his property without compensation. The army might take the property of an alien; it might take the property of an enemy; but not the property of a loyal citizen of the United States.

Mr. President, I became a member of the Committee on Claims when Senator Cockrell, long known in this body, was its chairman; and, while he had been a confederate general, I want to say to his credit that he exacted of every claimant who came before that committee the utmost proof of loyalty. No man could have done it better than he did; and that rule, so far as I know, was followed while I had any connection with the committee. The first question was whether the claimant was loyal to the Government. That being proved, we examined as to the merits of his claim—how much property had been taken and what it was worth.

There were, perhaps, some claims allowed that, under the law of nations and the laws of war, would not have been allowed. For instance, suppose there was a battle and in that battle a church was destroyed, according to the law of nations the Government would not be liable for that. For a long time the committee held to the strict rule of law. The claimant must show that his claim was within the law of nations and that his property was destroyed contrary to that law. In battle a church, a private house, a public house, or anything else may be destroyed and, under the law of nations, there is no obligations on the Government destroying it to pay for it.

But here in the Senate, and ultimately in the other House, we settled the proposition that where educational institutions, schools, charitable institutions, and churches were destroyed we would pay for them. The most noted case was, of course, the case of William and Mary College. If anybody will take the pains to read the argument which the late Senator Hoar made in this Chamber on that subject, he will see that the Senate proceeded to pay for that class of claims, not because it was an obligation on the Government, but because it was a proper thing for a great Government like ours to do for the cause of education and for the cause of humanity. It might be the case of a hospital, for instance, which had been destroyed.

So, Mr. President, there may be some of these claims that are unworthy, and undoubtedly there are; but there are very many claims that I have seen rejected here that I know were honest and just claims which the Government ought to have paid. I will venture to say, after an experience of a good many years, that there have been more claims rejected that ought to have been paid than there ever have been claims paid that ought not to have been paid.

Mr. McENERY. Mr. President, I desire to offer an amendment.

The VICE-PRESIDENT. Has the Senator from Oregon concluded offering the committee amendments?

Mr. FULTON. There is one other committee amendment to be proposed. I now send it to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 200, after line 15, it is proposed to insert:

> That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $110.50, and that the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Gen. C. C. Andrews the said sum of $110.50.

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

The amendment was agreed to.

Mr. FULTON. There will probably be a few additional committee amendments later on, but for the present I have no further committee amendments.

Mr. FORAKER. I want to reserve the right for the senior Senator from Pennsylvania [Mr. PENROSE] or the junior Senator from Pennsylvania [Mr. KNOX], who are away to-day, to offer an amendment known as the "insurance-company amendment."

Mr. FULTON. I will say to the Senator that I am not going to ask that the bill be finally acted upon to-night.

Mr. McENERY. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the items under the heading "Louisiana," it is proposed to insert the following:

> To Florine A. Albright the sum of $14,640.

Mr. FULTON. My recollection is that there has been paid on this claim already quite a large sum. The committee went very carefully over this matter, and I trust that the amendment will not be adopted.

Mr. McENERY. Mr. President, this claim was before the House of Representatives in the Forty-seventh Congress. The

facts appearing before the House were just about as they are now. The question of loyalty was involved, and that is the only question affecting this claim. There is no dispute as to the amount. After a short discussion the claim was referred to the Court of Claims by the unanimous vote of the House of Representatives, the late Mr. Dingley participating in the discussion, and, after a few inquiries, supporting the bill. It then came to the Senate, and the facts in the case enlisted the sympathies of Senator Hoar and impressed him with the justice of the claim. Mr. Hoar, in the Forty-seventh Congress, first session, said:

I desire to ask the consent of the Senate to take up a bill which will occupy a very few minutes, and which I am sure every person named in every bill on the calendar would consent to give precedence to. It is a bill permitting the representatives of Sterling T. Austin to go to the Court of Claims with a claim which is described in the bill. They are two most estimable young ladies, whose father and brother were both shot on the same day in midday some time ago, under circumstances which are well known. I do not think it is necessary to enter into any discussion of that matter, but I merely ask my friend from Alabama to permit that bill to be taken up. The report is a very brief one, and it will take a very few minutes to dispose of the bill.

It was unanimously referred to the Court of Claims. The claimants presented an itemized account, embracing cotton and other personal property. The claim for this personal property—horses, mules, corn, and so forth—was held back in order that it should not complicate the claim for cotton. The claim went to the Court of Claims, and that court sent the claim back with a finding as follows:

But the court is satisfied that the surviving representatives did not give any aid and comfort to the late rebellion, but were throughout the war loyal to the Government of the United States.

As to the loyalty of Sterling T. Austin, the court found, in substance, that he was constructively disloyal, because he lived in the Confederacy, but they found the beneficiaries of this bill strictly loyal.

There was evidence before the Court of Claims, which is very voluminous, by the most respectable citizens, army officers, federal civil officials, all of whom testified to the loyalty of Austin, to that extent that many of them stated that they had heard him during the war express the most loyal sentiments for the Union. Whenever he had an opportunity, and could do so with prudence to himself, he uttered the strongest sentiments of loyalty to the Government of the United States. He was ostracised by his people. He was under continued observation because of his suspected loyalty. He transferred his slaves to various points in order that they should not be put to work on confederate works. It is needless to make any extended argument upon this matter. From the able report of the Committee on Claims, referring to the summary, I quote:

The substance of this case, therefore, is substantially this:

"Austin was a planter in Georgia and Alabama. Prior to the breaking out of the rebellion he sold his property in those States and moved to the Three Bayou plantation, in Louisiana. The Government has now in its possession $59,287, the net proceeds of property of Austin taken by the Government. No act of disloyalty has been discovered after the most searching investigation, nor is there any pretense that he did any disloyal act excepting this matter of the removal of his slaves from one point to another. As to the removal from the Three Bayou place, in Louisiana, that is conclusively shown to have been done in his absence and against his direction. It is equally conclusively shown that the removal of the slaves from Shreeveport into Texas was done by him because those slaves were being impressed to work for the confederacy. So far, therefore, as the removal of slaves is concerned, it can not be imputed to him as an act of disloyalty, for both of these removals are under such circumstances as indicate quite the contrary of disloyalty. In the first instance he instructs that they should not be removed on the approach of the federal forces, and in the second instance he removed them himself to prevent their being used in aid of the confederacy."

This is the only fact cited to show his disloyalty—the removal of his slaves—which was construed by the court to mean that he intended to place them beyond the jurisdiction of the Government of the United States after it had got possession of the territory in which he lived. But the evidence is that he took them back at the first opportunity and placed them under the protection of the federal troops.

There is a finding of the court as to the value of the property. There is no dispute about that. They have never received anything except for the cotton. This is a claim for the other personal property. The itemized account amounts to $55,860. Only $14,600 is asked for, less than one-third of the sum. As I have said, they received only the value of the cotton, and this is a claim for the other personal property.

The itemized account is as follows:

90 mules	$18,000
11 horses	2,200
20,000 bushels of corn	20,000
100 cattle	4,000
300 hogs	4,500
8 yoke work cattle	960
6 wagons	1,200
Corn meal, fodder, carpenter and blacksmith tools, household and kitchen furniture, and other property	5,000
Total	55,860

We now ask that there be placed on this bill provision for the property referred to in the third paragraph of the finding:

III. There was taken from claimant's decedent during the year 1863, from his plantation in Lake Providence, Carroll Parish, La., during his absence therefrom, by the military forces of the United States, by proper authority, for the use of the army, stores and supplies as above described which, at the time and place of taking, were reasonably worth the sum of $14,640, no part of which appears to have been paid.

The claimants have never received anything under this second bill. The only amount they have received was for the value of the cotton, these items never entering into the first claim which was made before the Congress. I quote the concluding paragraph of the report made by the Senator from Wyoming [Mr. WARREN] when he was chairman of the Committee on Claims:

It is submitted, therefore, that a finding of constructive disloyalty, found by the court after Colonel Austin was dead, and had no opportunity himself to testify or explain his motives, ought not to operate with greater force than an attaint and conviction of treason; and he being dead, and his heirs being loyal, the Government has no longer any excuse for withholding its payment.

Your committee, in view of all the foregoing, report back the bill and recommend its passage.

Mr. FULTON. I merely wish to say that this case went to the Court of Claims. The court found that the claimants' decedent had been disloyal. The committee rejected it for that reason. The same party has been paid a large claim for other matters.

The amendment was rejected.

Mr. McCREARY. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the Kentucky items the following:

To the trustees of the Madison Female Institute, located at Richmond, Ky., $6,500.

Mr. McCREARY. Mr. President, the Madison Female Institute is a college for the education of females, located at Richmond, Ky., and is regularly incorporated.

Mr. FULTON. Is there a Court of Claims finding?

Mr. McCREARY. Yes; a Court of Claims finding.

Mr. FULTON. Read it.

Mr. McCREARY. I will read it in a moment.

Prior to the year 1862 the claimant was, and now is, the owner of a large tract of land situated in the county of Madison, State of Kentucky, and near the city of Richmond. In the year 1862 the real estate was improved, and a large and handsome building was erected, used for the education of females. On August 30, 1862, the battle of Richmond was fought—the confederates under Gen. Kirby Smith and the Federals under General Thomas. Twenty thousand soldiers engaged in that battle. It was one of the bloodiest battles fought in Kentucky. There were a good many killed and a great many wounded, and immediately this large college building was seized and was used as a hospital, and was occupied for some time.

The case went to the Court of Claims, and the Court of Claims made a favorable finding. The court said:

III. On August 30, 1862, the battle of Richmond, Ky., was fought, and said above-described property was seized and taken possession of by the Federal troops and converted into a hospital, and was continuously used as such from August 30, 1862, to June 25, 1863, when possession thereof was surrendered to its lawful owners. For the time during which said occupancy continued—to wit, for the period of nine months and twenty-five days—the Quartermaster-General allowed and Congress appropriated and paid to the claimant the sum of $4,097.22 as rental for said property.

IV. During the period of said occupancy the military forces of the United States, by proper authority, took possession of and used for military purposes the outhouses, fences, trees, shrubbery, and porches belonging to the said Madison Female Institute, which property was then and there worth the sum of $6,500, no part of which appears to have been paid.

I want to say also that it has been proved in this case that it required $5,086.20 to repair the building after the soldiers left it. The Court of Claims made a favorable report, and justice being certainly on the side of the trustees of the Madison Female College I ask that the claim be allowed.

Mr. FULTON obtained the floor.

Mr. KEAN. Mr. President——

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

Mr. FULTON. Certainly.

Mr. KEAN. I was merely going to ask the Senator from Oregon if he would not let the bill be laid aside at the present time.

Mr. FULTON. Let us first dispose of this item.

Mr. McCREARY. Yes.

Mr. KEAN. Then we will have an executive session.

Mr. CARTER. Mr. President——

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

Mr. FULTON. Certainly.

Mr. CARTER. I desire to present an amendment which I think will not lead to any discussion.

Mr. FULTON. Very well.

Mr. President, I merely want to say a word in regard to the amendment which the Senator from Kentucky has offered. I could not hear all of the findings as he read them, and it is impossible for the chairman of the committee to remember all of these court findings. I have gone over them all; I recollect going over this one, but I submit that after the committee has passed on them they ought not to be attached to the pending bill under the circumstances.

Many of these claims—I do not say so of this case—have already been paid, and when you come to look them up you discover that they have been paid. But one can not tell on the spur of the moment when an amendment is offered.

For instance, the Senator from Georgia [Mr. BACON], the other day when the bill was pending, called my attention to the fact that in a certain case the court's finding provided for $2,700 where we had allowed only $800. I said it was correct, and the item should be corrected, and I had it changed to $2,700. I remembered subsequently that $1,900 had been paid once before on that very same claim.

Mr. CARTER. I suggest that this item go over until the morning, in view——

Mr. FULTON. No; I am not going to argue the matter. I am simply going to ask the Senate to reject the amendment. I submit that it ought not to be included in the bill.

Mr. McCREARY. What do we have a Court of Claims for, Mr. President? I have no evidence that the Committee on Claims of the Senate ever examined this item, but the Court of Claims, after a thorough examination, made a favorable finding, that there should be paid $6,500. There is no doubt that the battle of Richmond was fought. It is not denied that the building was used as a hospital, and that the fences and outhouses were greatly damaged. It is a just claim. I shall not take up the time of the Senate further. I hope the amendment will be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

The amendment was agreed to.

Mr. CARTER. I offer the amendment I send to the desk, to come in after line 17, on page 198.

Mr. KEAN. I understood the chairman of the committee had agreed to allow the bill to be laid aside for the day, and I was about to move that the Senate proceed to the consideration of executive business.

Mr. CARTER. The Senator from Oregon suggested that he would first receive this amendment.

Mr. KEAN. I will withhold the motion.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be stated.

The SECRETARY. On page 198, after line 7, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. W. Langhorne and H. S. Howell, of Helena, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $1,568, being the amount paid by them for rent of the building used by the United States for a land office at Helena, Mont., from November, 1885, up to and including June, 1900, a period of fifty-six months, at $14 per month, and the further sum of $280, being the amount paid by them for janitor service for the same period at $5 per month, in all $1,848.

Mr. KEAN. This seems to be a claim for rent.

Mr. CARTER. It has been approved by the Committee on Claims, favorably reported, and is on the calendar in the shape of a bill.

Mr. KEAN. That may be.

Mr. CARTER. Almost every kind of conceivable claim seems to be in the bill now, and a little rent will not hurt it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. DOLLIVER. I offer the amendment I send to the desk.

The SECRETARY. On page 51, after line 4, insert:

To Florence Lambert, who was permanently disabled while engaged in the employment of the United States Government at Frankfort Arsenal, in the State of Pennsylvania, on about September 3, 1898, $2,500.

Mr. DOLLIVER. I will say a bill embodying this claim has passed the Senate.

Mr. SMOOT. Mr. President, I should like to explain my position in relation to the amendments that have been offered to this bill.

I understood it was tacitly agreed that no amendments outside of those that had been reported to the Senate and those that were left off of the original House bill should be considered on this bill; and with that understanding I have written at least two or three hundred letters, notifying claimants that their bills or claims could not go on this bill. If we are now going to throw it open, and all amendments are to be put upon this omnibus claims bill that Senators desire placed there, I want a little time, so that the people to whom I have said their claims could not be put on this bill may have a chance to present their amendments.

Mr. McCREARY. I merely want to say that, so far as I am concerned, I made no such agreement.

Mr. DOLLIVER. I should like to say simply that this is a very pitiable case, in which a woman employed in the arsenal at Frankfort, Pa., was injured by an accidental explosion in the cartridge factory—her eye blown out, her face disfigured, and both arms blown off.

Mr. FULTON. I will say to the Senator that I know about the case. I agree with him. I do not think it is an unreasonable allowance for the injury.

Mr. SMOOT. Mr. President, I want to say that I know the case thoroughly; I examined it two years ago; and if any personal-injury case ever presented to the Senate should be paid, this particular case should be paid.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. DOLLIVER].

The amendment was agreed to.

Mr. FULTON. I ask that the pending measure may be temporarily laid aside.

The VICE-PRESIDENT. It is so ordered.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, if the bill has gone over, I want to give notice that to-morrow morning immediately after the routine morning business I shall move that the Senate proceed to the consideration of the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 29, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1909.

ASSISTANT ATTORNEY-GENERAL.

Alford W. Cooley, of New York, to be Assistant Attorney-General. A reappointment, the position having been vacant since his resignation on August 5, 1908.

PHILIPPINE COMMISSIONER.

Juan Sumulong, of the Philippine Islands, to be a member of the Philippine Commission, vice Trinidad H. Pardo de Tavera, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1909.

POSTMASTERS.

ARIZONA.

W. H. Knight to be postmaster at Humboldt, Ariz.

ARKANSAS.

Benjamin W. Allen to be postmaster at Hamburg, Ark.
A. B. Lippman to be postmaster at Augusta, Ark.
George B. Miles to be postmaster at Des Arc, Ark.
Charles H. Tisdale to be postmaster at Hazen, Ark.

CALIFORNIA.

John L. Butler to be postmaster at Colfax, Cal.
Flora S. Knauer to be postmaster at Reedley, Cal.
H. C. Trippett to be postmaster at Roseville, Cal.

ILLINOIS.

Jacob H. Koch to be postmaster at New Athens, Ill.

IOWA.

George H. Otis to be postmaster at Monona, Iowa.
James R. Williams to be postmaster at Larchwood, Iowa.

KANSAS.

Esther C. Colin to be postmaster at Argonia, Kans.
Frank W. Elliott to be postmaster at Edna, Kans.
William A. Hillhouse to be postmaster at Glasco, Kans.
Benson L. Mickel to be postmaster at Soldier, Kans.
Etta M. Townsend to be postmaster at Englewood, Kans.

MINNESOTA.

Herman Ohde to be postmaster at Henderson, Minn.

NEBRASKA.

Charles F. Clawges to be postmaster at Bridgeport, Nebr.

NEVADA.

Amelia E. Roth to be postmaster at Virginia City, Nev.

NORTH DAKOTA.

Hans McC. Paulson to be postmaster at Crosby, N. Dak.

OHIO.

Edmund L. McCallay to be postmaster at Middletown, Ohio.

OKLAHOMA.

Stephen A. Douglas to be postmaster at Ardmore, Okla.
Frank Gallop to be postmaster at Clinton, Okla.
Edwin F. Korns to be postmaster at Newkirk, Okla.

PENNSYLVANIA.

John A. Keiper to be postmaster at Conemaugh, Pa.

SOUTH DAKOTA.

Joseph Kubler to be postmaster at Custer, S. Dak.

TEXAS.

George Keck to be postmaster at Plainview, Tex.
Jeff Potter to be postmaster at Tulia, Tex.
Adelia C. Pruitt to be postmaster at Lindale, Tex.

WASHINGTON.

Jacob T. Grove to be postmaster at Deer Park, Wash.
William H. McCoy to be postmaster at Reardan, Wash.
F. W. Martin to be postmaster at Cle Elum, Wash.
William L. Shearer to be postmaster at Toppenish, Wash.

WISCONSIN.

Fred J. Buell to be postmaster at Burlington, Wis.
James R. Shaver to be postmaster at Augusta, Wis.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from the following convention on January 27, 1909:

An arbitration convention between the United States and the Republic of Brazil, signed at Washington on January 23, 1909. (Ex. T, 60th, 2d.)

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 28, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

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

JURISDICTION OF CRIMES ON THE MISSISSIPPI RIVER.

Mr. MACON. Mr. Speaker, I desire to call up Senate joint resolution 118 from the Speaker's table and ask for its present consideration.

The SPEAKER. The gentleman asks unanimous consent to consider at the present time the Senate joint resolution, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution 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.

Resolved, etc., That the consent of the Congress of the United States is hereby given to the States of Tennessee and Arkansas to enter into such agreement or compact as they may deem desirable or necessary, not in conflict with the Constitution of the United States, or any law thereof, to fix the boundary line between said States, where the Mississippi River now, or formerly, formed the said boundary line, and to cede respectively each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River, and also to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Mississippi River.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I ask the gentleman from Arkansas if this is exactly similar to the bill which passed the other day about the other State?

Mr. MACON. Yes, sir; exactly.

The SPEAKER. The Chair hears no objection.

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

BUSINESS.

The SPEAKER. There are four or five little matters for unanimous consent, some of them of importance to the House generally and some important to the Members; and the Chair is of the impression they can be disposed of in a very few minutes. The gentleman from West Virginia has a privileged matter, and so has the gentleman from Indiana, and if gentlemen are willing until the regular order is demanded, the Chair would be glad to recognize the gentleman from West Virginia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 8540. An act 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.'"

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 26709. An act to amend an act to provide for the reorganization of the consular service of the United States;

H. R. 26606. An act to authorize the Lewis Bridge Company to construct a bridge across the Missouri River; and

H. R. 26920. An act to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia.

The message also announced that the Senate had passed the following concurrent resolutions, in which the concurrence of the House of Representatives is requested:

Senate concurrent resolution 81.

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.

Senate concurrent resolution 79.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of Polson Bay, Flathead Lake, Montana, with a view to dredging the channel and putting in piling on the east side thereof.

Senate concurrent resolution 78.

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 Willamette and Columbia rivers, in the State of Oregon, so as to provide a 30-foot channel from Portland, Oreg., to the Pacific Ocean, and report the same to Congress.

Senate concurrent resolution 77.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of the South Bay Channel, Humboldt Harbor, California, with a view to the removal of obstructions to navigation to and from the wharf at Fields Landing.

Senate concurrent resolution 76.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the most feasible and practical way of connecting the waters of Apalachicola River and St. Andrew Bay, in the State of Florida, with a view to determining the advantage, best location, and probable cost of a canal connecting said waters, and to submit a plan and estimate for such improvement.

ELECTORAL COUNT.

Mr. GAINES of West Virginia. Mr. Speaker, I move to concur in the Senate concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

Senate concurrent resolution 57.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 10th day of February, 1909, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

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

ADMISSION TO GALLERIES DURING ELECTORAL COUNT.

Mr. GAINES of West Virginia. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 520.

Resolved, That on Wednesday, the 10th day of February, 1909, the whole of the gallery, except that which is designated as executive, diplomatic, and reporters' galleries, and one section of the southern end of the public gallery, shall be reserved for the use of the families of Senators, Members of the House of Representatives, Delegates, and their visitors. The Doorkeeper shall strictly enforce this order. The Speaker shall issue to each Senator, Member of the House of Representatives, and Delegate two cards of admission, and only persons holding these cards shall be admitted.

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

Mr. COOPER of Wisconsin. I desire to inquire of the gentleman from West Virginia does that resolution include the Resident Commissioners of Porto Rico and the Philippines.

Mr. GAINES of West Virginia. It does not include them.

Mr. COOPER of Wisconsin. Does not the gentleman believe that these three Resident Commissioners ought themselves to have seats in the galleries?

Mr. GAINES of West Virginia. Mr. Speaker, in accordance with the suggestion of the gentleman from Wisconsin, I move to amend by adding the words "and Resident Commissioners of Porto Rico and the Philippines."

The SPEAKER. The gentleman modifies the resolution?

Mr. GAINES of West Virginia. I do.

Mr. HAMLIN. Mr. Speaker, I ask that the resolution as modified may be reported.

The SPEAKER. The Clerk will report the resolution as modified.

The Clerk read as follows:

Resolved, That on Wednesday, the 10th day of February, 1909, the whole of the gallery except that which is designated as executive, diplomatic, and reporters' galleries, and one section of the southern end of the public gallery, shall be reserved for the use of the families of Senators, Members of the House of Representatives, Delegates, and Resident Commissioners from Porto Rico and the Philippines and their visitors.

The Doorkeeper shall strictly enforce this order.

The Speaker shall issue to each Senator, Member of the House of Representatives and Delegate and Resident Commissioners from Porto Rico and the Philippines two cards of admission, and only persons holding these cards shall be admitted.

Mr. HAMLIN. I would like to ask the gentleman a question. Does that mean that Members——

Mr. GAINES of West Virginia. I can not hear the gentleman.

Mr. HAMLIN. If this resolution is adopted, does that mean that Senators and Members will only be permitted two cards of admission to the galleries from the Speaker, regardless of the number of his family?

Mr. GAINES of West Virginia. That is the meaning of the resolution. I may as well state, in this connection, that the number to be accommodated with tickets is 490, which, with two tickets to each one, makes 986, and really more than exceeds the capacity of the galleries, if all the galleries were reserved; but by letting a few have seats upon the steps and standing in the doorways, the whole number getting tickets will be accommodated, and by reserving one section, under this resolution, more than was reserved formerly, the crowding will not be so great as heretofore.

Mr. HAMLIN. Do I understand that the cards of admission to Members and Senators will fill the galleries?

Mr. GAINES of West Virginia. Practically that is true, and we have reserved one section in the south end of the gallery not reserved for cards of admission. This, with the reservations which are made now, will fairly well accommodate those who will secure tickets through Senators and Members. It might be well, Mr. Speaker, in this connection to call the attention of Members to the fact that there has heretofore been much complaint on the part of Members that they did not get their tickets. It seems that tickets that have been mailed to Members sometimes have failed to reach the Members, in which case the Member becomes strongly suspicious that those tickets have not been sent to him. I suggest to the Members it would be well if they would cooperate with the officer designated to distribute the tickets, and the result may be more satisfactory.

Mr. SHERMAN. Would it not be advisable for them to call for the tickets personally instead of having them sent by mail?

Mr. GAINES of West Virginia. That would be sure to lead to trouble, and I think the officer in charge of the distribution can work out a plan which will be better than the one that has heretofore been designated.

Mr. GAINES of Tennessee. I suggest that the tickets could be delivered to Members at their desks.

Mr. GAINES of West Virginia. The difficulty is in finding the Members at their desks.

Mr. GAINES of Tennessee. It is their own fault, then.

Mr. GAINES of West Virginia. I think the plan suggested is the most practical one for the distribution of the tickets, and, with the cooperation of the Members of the House, I think will be a satisfactory plan.

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

The resolution was agreed to.

TELLERS ON THE PART OF THE HOUSE.

The SPEAKER announced as tellers on the part of the House at the counting of the electoral vote the chairman of the Committee on Election of President, Vice-President, and Representatives in Congress, Mr. GAINES of West Virginia, and the ranking Member of the minority upon that committee, Mr. RUCKER.

MINERAL SURVEYS.

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 25396) for relief of applicants for mineral surveys, and that the bill be now considered in the House.

The SPEAKER. The gentleman from California asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the following bill, and that the same be considered at this time. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the moneys covered into the Treasury from deposits made by individuals to cover cost of work performed and to be performed in the offices of the United States surveyors-general in connection with the survey of mineral lands, any excess in the amount deposited over and above the actual cost of the work performed, including all expenses incident thereto for which the deposits were severally made. Such repayments shall be made to the person or persons who made the several deposits, or to his or their legal representatives, after the completion or abandonment of the work for which the deposits were made, and upon an account certified by the surveyor-general of the district in which the mineral land surveyed, or sought to be surveyed, is situated and approved by the Commissioner of the General Land Office.

The amendments recommended by the Committee on Mines and Mining were read, as follows:

Page 1, after the word "moneys," in line 4, add the words "heretofore or hereafter."

Page 1, after the words "were severally made," in line 11, add the words "or the whole of any unused deposit; and such sums, as the several cases may be, shall be deemed to be annually and permanently appropriated for that purpose."

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I should like to ask the gentleman for an explanation of this bill. I see that it provides for a payment from a certain fund.

Mr. ENGLEBRIGHT. The moneys that this bill refers to are deposits that are made by private individuals with the United States Surveyor-General to cover work done in that office. As the law now stands the parties are entitled to the refund of any of this money that is not used for that purpose, but the department have held that they have no authority to pay it back. The money is not available in the regular fund of the United

States; it belongs to the individuals, and they should get it back.

Mr. PAYNE. This bill only allows the Government to pay it back after the purpose for which the deposit was made has been accomplished.

Mr. ENGLEBRIGHT. Yes.

Mr. MANN. Only the surplus.

Mr. ENGLEBRIGHT. Only the surplus; certainly.

Mr. UNDERWOOD. Mr. Speaker, I should like to ask the gentleman from California whether this bill is retroactive in its effect?

Mr. ENGLEBRIGHT. It is retroactive to the extent of the money now held there. There are a large number of small deposits that are encumbering the department records. The department can not pay the money back, and there is nothing for which the money can be used.

Mr. TAWNEY. Mr. Speaker, for the present I shall object to the consideration of the bill.

The SPEAKER. Objection is heard.

Subsequently,

The SPEAKER. The gentleman from California [Mr. ENGLEBRIGHT] informs the Chair that the gentleman from Minnesota [Mr. TAWNEY] withdraws his objection to the consideration of the bill (H. R. 25396) for the relief of applicants for mineral surveys.

Mr. TAWNEY. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. What is the bill?

The SPEAKER. The gentleman from California asked unanimous consent for the present consideration of the bill of which the Clerk will read the title.

The CLERK. House bill 25396, for the relief of applicants for mineral surveys.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

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

ARMY TENTS FOR NORTH AMERICAN GYMNASTIC UNION.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 226, authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the North American Gymnastic Union, at Cincinnati, Ohio, having in charge the arrangements for the Thirtieth National Gymnastic Festival of the North American Gymnastic Union, to be held in Cincinnati, Ohio, in June, 1909, 250 tents, with poles, ridges, and pins for each: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said committee designated at such time prior to the date of said convention as may be agreed upon by the Secretary of War and August Herrmann, chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from said August Herrmann a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what is the character of the organization, and what precedents there are for this action—loaning tents to a private organization?

Mr. LONGWORTH. This association is the German Turners' Society of the United States, and the resolution is precisely similar to one introduced last year by the gentleman from Texas [Mr. BEALL], which passed the House, except that that resolution——

Mr. HULL of Iowa. That was for the Elks.

Mr. LONGWORTH. That was for the Elks, and it provided for the loan of 2,500 tents. I want to say, Mr. Speaker, that since the report of the Committee on Military Affairs I have been advised by gentlemen interested in this convention that the number authorized by this resolution will not be sufficient, and I ask unanimous consent to amend the resolution by striking out the word "two," in line 9, and inserting the word "three;" so that the number of tents will be 350, instead of 250.

Mr. MANN. I simply wish to say this to the gentleman: I remember the precedent that the gentleman cites. It was an exceedingly bad precedent. It is proposed now to follow that with another very bad precedent, loaning a number of tents for private purposes. While I shall not object to this bill, so long as I am in the House and have the opportunity I shall hereafter object to unanimous consent for the consideration of any like proposition.

Mr. MACON. Unless you change your mind. [Laughter.]

Mr. MANN. And that is something I do not intend to do with reference to this subject.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. If there be no objection, the amendment offered by the gentleman from Ohio will be considered as agreed to.

There was no objection.

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

LAND DISTRICT IN SOUTH DAKOTA.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 26062) authorizing the creation of a land district in the State of South Dakota, to be known as the Bellefourche land district.

The Clerk read the bill at length.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman, Did not Congress, at the last session, provide for a new land district in South Dakota?

Mr. MARTIN. It did.

Mr. MANN. And this is a proposition to provide for an additional land district?

Mr. MARTIN. Yes.

Mr. MANN. That is going a little rapid, is it not?

Mr. MARTIN. We are making pretty rapid progress out West. Mr. Speaker, I can easily satisfy the gentleman from Illinois that we need this additional land district.

Mr. MANN. I think the gentleman had better let the bill go over, for it will take some time.

Mr. MARTIN. It ought not to take much time.

Mr. MANN. It will take a pretty full explanation to convince the "gentleman from Illinois" that it is necessary to pass a bill now creating a land office when we have already passed one bill for that purpose within a year. For the present, Mr. Speaker, I object.

JOSIAH H. SHINN.

Mr. BARTLETT of Georgia. Mr. Speaker, I call up the resolution, in lieu of House resolution 508, from the Committee on Accounts.

The Clerk read as follows:

House resolution 523.

Resolved, That Josiah H. Shinn is hereby appointed as successor to the person named in the resolution adopted by the House February 7, 1900, as special messenger, pursuant to the act approved May 22, 1908.

Mr. FITZGERALD. I reserve a point of order to that resolution.

The SPEAKER. It occurs to the Chair that it is a privileged resolution.

Mr. FITZGERALD. It may occur to the Chair, but I call the attention of the Chair to the fact that this employee is not provided for by law.

Mr. BARTLETT of Georgia. He is provided for by law by resolution passed in 1908.

The SPEAKER. The Chair finds in the report of the committee the following:

The same law also provides that a successor to said employee may be made by the House of Representatives at any time.

Mr. BARTLETT of Georgia. That is in the act of 1908. That law was passed and concurred in by the present Congress.

Mr. FITZERALD. While the Chair has been looking up the question raised, I have received the information which I desired, and I therefore withdraw the point of order.

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

The resolution was agreed to.

DESERTERS FROM THE NAVAL SERVICE.

Mr. ROBERTS. Mr. Speaker, I call up conference report on the bill S. 5473, to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law from the naval service.

The Clerk read the report and statement as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, 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 disagreement to the amendments of the House and agree to the same.

ERNEST W. ROBERTS,
A. F. DAWSON,
L. P. PADGETT,
Managers on the part of the House.

GEO. C. PERKINS,
J. H. GALLINGER,
B. R. TILLMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill (S. 5473) "to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service," submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report.

The Senate, in receding from its disagreement to the amendments of the House and agreeing to the same, without further amendment, leaves the bill without change as it passed the House of Representatives.

ERNEST W. ROBERTS,
A. F. DAWSON,
L. P. PADGETT,
Managers on the part of the House.

The conference report was agreed to.

THIRTEENTH AND SUBSEQUENT DECENNIAL CENSUSES.

Mr. CRUMPACKER. Mr. Speaker, I call up the conference report from the Speaker's table on the bill H. R. 16954, to provide for the Thirteenth and subsequent decennial censuses. I ask unanimous consent that the statement be read in lieu of the report.

Mr. FITZGERALD. Reserving the right to object, I desire to inquire if there is anything in it subject to a point of order? Have the conferees incorporated any new matter?

The SPEAKER. The Chair can not answer that.

Mr. FITZGERALD. I am asking the gentleman from Indiana, chairman of the committee.

Mr. CRUMPACKER. No; they have not.

The SPEAKER. Is there objection?

Mr. COX of Indiana. I would like to ask the gentleman from Indiana a question, whether or not the bill as amended by the Senate does not provide for the purchase of real estate?

Mr. CRUMPACKER. Yes; but that amendment of the Senate was not agreed to. It is still open.

The SPEAKER. The Chair hears no objection. The Clerk will read the statement.

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. 16954) to provide for the Thirteenth and subsequent decennial censuses, 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 4, 21.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25; and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

"Strike out the proposed amendment and insert in lieu thereof the following:

"And for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 7, lines 11 and 12 of the bill, strike out the words, "and had a product valued at five hundred dollars or more;" and in the Senate amendment strike out the words, "one thousand;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: After the word "feeble-minded," in the proposed amendment, insert the following: ", blind, deaf and dumb;" and the Senate agree to the same.

On amendments numbered 24, 26, and 27, the committee of conference have been unable to agree.

EDGAR D. CRUMPACKER,
EDWIN C. BURLEIGH,
JAMES HAY,
Managers on the part of the House of Representatives.

CHESTER I. LONG,
EUGENE HALE,
S. D. MCENERY,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The Senate recedes from its amendments Nos. 4 and 21.

Amendment No. 4 was the insertion of the word "race" and amendment No. 21 was the words "A false test schedule."

Amendment No. 1, from which the House receded, is the inclusion of a geographer in section 3 of the bill. There has been a geographer in the permanent Census Office for some years, but that officer is not provided for in the act creating that office or in any other supplemental statute, but it is provided for in the annual appropriations. It was therefore thought wise to make provision in this law for the geographer.

Amendment No. 2, from which the House conferees recede, requires the appointment of the Assistant Director of the Census to be made by and with the advice and consent of the Senate. This office is of sufficient importance and dignity to justify the regular constitutional method of appointment.

Amendment No. 3, to which the House conferees agreed, raises the salary of the geographer from $2,750 to $3,000. This was done upon the advice of the Director of the Census, who said the geographer was one of the most important officers in the bureau, and during the temporary period the work of that officer was exceptionally arduous.

Amendment No. 5, which the House conferees agreed to, provides that in the population schedule an inquiry shall be made as to whether the inhabitant is an employer or an employee.

Amendment No. 6 is the changing of "and" to "or."

Amendments Nos. 8, 9, and 10 are changes in the phraseology, but do not affect the import or effect of the text.

Amendments Nos. 12 and 13 are mere matters of phraseology that do not affect the substance of the bill.

Amendment No. 14 requires the investigation and report respecting the production of turpentine and rosin. This amendment was put in the bill with the consent of the Director of the Census, who said the investigation could be made with but little additional expense; that in former censuses inquiries as to the production of turpentine and rosin had been made.

Amendment No. 15, to which the House conferees agreed, provides for the striking out of the words "one year" and inserting the words "six months." This was made necessary because of the date of the probable passage of the bill. It would be impossible to designate the supervisors for the next census within at least one year of the time fixed for the date of the commencement of the enumeration.

Amendment No. 16, to which the House conferees agreed, provides that the Director of the Census need not designate supervisors for Alaska and the Hawaiian Islands, but in lieu thereof may employ special agents to take the census of those territories, in his discretion.

Amendment No. 17, to which the House conferees agreed, provides for a change of the basis of the pay of supervisors. The bill as it passed the House contained somewhat of a complicated scheme for fixing the pay of supervisors, and it provided for a minimum compensation of twelve hundred dollars. The Senate amendment strikes out the House provision and substitutes a provision to the effect that the pay of supervisors shall be fifteen hundred dollars and, in addition, one dollar for each thousand population in their respective districts. According to the scheme contained in the House provision, it was estimated that not more than four or five supervisors in the entire country would receive the minimum compensation, and the change made by the Senate amendment will add little or nothing to the aggregate expense of the supervisors. It is a simpler and, perhaps, a juster method of fixing the pay of those officers.

Amendment No. 18, agreed to by the House conferees, provides for striking out a provision in the bill limiting enumera-

tors' districts so as to include not to exceed 2,000 inhabitants. The Twelfth Census bill fixed a limitation of 4,000. It was thought better to leave the question of convenient districts to the discretion of the Director of the Census.

Amendment No. 19, to which the House conferees agreed, provides that the Director of the Census may fix a mixed rate of pay for the enumerators, consisting of an allowance of fees and also an additional per diem allowance of not more than $2 a day where conditions justify it. The House provision fixed a scheme of pay on the fee basis and then provided that where the Director of the Census deemed such compensation insufficient he might authorize a per diem allowance. The amendment gives him authority to fix a mixed compensation of fees and per diem.

Amendment No. 22, which was agreed to by the House conferees, is a mere elaboration of the House provision, so as to make its purpose more clear.

Amendment No. 23, which was agreed to by the House conferees, adds the word "manuscripts" to the list of newspapers and periodicals that the Director of the Census is authorized to purchase.

Amendment No. 25, which was agreed to by the House conferees, is the addition of the words "or agriculture" after the word "population." The effect of this amendment is to authorize the Director of the Census to give out certain information respecting agricultural returns as well as population returns upon the written request of the governor of any State or Territory or of any court of record.

Senate amendment No. 7 provided for the separate enumeration of persons under 18 years of age who are ruptured, crippled, or deformed; also the enumeration of cases of intermarriage between white persons and persons of either whole or of partial negro blood, specifying whether the husband or wife is of negro blood; also that the enumeration of institutions shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, and inmates of benevolent institutions. This amendment was agreed to with an amendment providing for striking out the entire Senate amendment and substituting therefor the following language: "and for the enumeration of institutions shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions."

Amendment No. 11 was agreed to by the House conferees with the following amendment: Strike out the words "and had a product valued at $500 or more," and also strike out "one thousand," the words inserted by the Senate. The amendment has no material significance.

Senate amendment No. 20 was agreed to with the following amendment: Add, after the word "feeble-minded," "blind, deaf and dumb."

The committee on conference were unable to agree on amendments Nos. 24, 26, and 27. Amendment 24 gives authority to the Director of the Census to contract for printing and binding for the Census Office under certain conditions with private establishments on the principle of competition.

Amendment No. 26 authorizes the Director of the Census, under the supervision of the Secretary of Commerce and Labor, to purchase or acquire by condemnation the real estate and building now occupied by the Census Office and the lot adjoining the same. The amendment also authorizes the Director of the Census, under the supervision of the Secretary of Commerce and Labor, to construct a building upon the additional land purchased for the use of the Census Office.

Amendment No. 27 has reference simply to the renumbering of the sections of the bill.

EDGAR D. CRUMPACKER,
EDWIN C. BURLEIGH,
JAMES HAY,
Managers on the part of the House of Representatives.

Mr. CRUMPACKER. Mr. Speaker, I move that the conference report be agreed to.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the conference report be agreed to.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the gentleman from Indiana what will become of amendments 24, 26, and 27?

Mr. CRUMPACKER. I will say that agreeing to the conference report leaves these amendments still open, subject to be disposed of by the House.

Mr. KEIFER. I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Ohio for a question.

Mr. KEIFER. I notice in amendment 5, on page 6, these words, following the word "occupation":"

Whether or not employer or employee.

I understand that that is inserted there in lieu of the parts agreed to be struck out, viz, amendment 8, on the same page, which reads thus:

All persons engaged in agricultural pursuits.

I also understand that this substitute was made because it is proper to put it in under the schedule of population. I have no objection to the change, but I would like to know whether those in charge of the bill believe that they will accomplish the object of the provision struck out, No. 8, the object being by it to get in the next census a report showing the number of people engaged in agricultural pursuits in the United States.

Mr. CRUMPACKER. Mr. Speaker, it was the belief of the conferees that the amendments would accomplish the same purpose, and the Director of the Census attended the first meeting of the conferees and said he thought the language was better; that the Twelfth Census already had material, if it had been tabulated, to accomplish the purpose the gentleman desired; and he said under this provision the reports would show the percentage of population engaged in agricultural pursuits as distinguished from the population engaged in other pursuits or in no pursuits at all.

Mr. KEIFER. Mr. Speaker, I understand the purpose of making this amendment. I do not understand that it will accomplish the purpose intended at all, except to get a report in the next census of those engaged in the pursuit of agriculture in the capacity of "employer or employee," and those who own cultivated lands who might have other occupations, but who would be, through their ownership, interested in agriculture, are not to be reported under the provision at all.

Mr. CRUMPACKER. They have always been reported; they were in the schedules of the Twelfth Census, but they have not been tabulated separately.

Mr. KEIFER. I beg the gentleman's pardon, unless it be, as he stated a moment ago, that they had such statistics in the Census Bureau, but have never been able in the history of the United States to work them out and answer the question that I desire to have answered.

Mr. CRUMPACKER. Begging the gentleman's pardon, no such statement was made. It is not a question of ability. There might be numerous classifications of population made from the schedules that have not been tabulated. These classifications have not been made, but can be from the schedules already in the office; but the Director of the Census announced this language was sufficient, and that the Census Office would make that classification, because the importance of it was impressed upon him in the conference and in the debate in the House before. He understood and read over carefully the debates, and had in mind his correspondence with the gentleman from Ohio [Mr. KEIFER], and I think appreciates the importance of making that kind of a classification, and said this language would cover the subject fully. Therefore we agreed to the report.

Mr. KEIFER. I only desire to say, in justice to the Director of the Census, that he has said the same thing to me. My fear is that the language used, "employer and employee," is not broad enough to cover all persons engaged in agriculture. I only want to add that for years, extending back nearly forty, I have been inquiring of the Census Bureau of this country to get an answer to the question as to what per cent of the people of the United States were engaged in agriculture in this country, but for some reason or other they have never been able to accurately answer it—only by an estimate—and whether the data is in the Census Bureau or not it has never been worked out.

Mr. CRUMPACKER. Mr. Speaker, I ask for a vote.

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

Mr. CRUMPACKER. Yes.

Mr. STAFFORD. I notice in amendment No. 17 the conferees agree to the change of the basis of computation for salaries of the supervisors.

Mr. CRUMPACKER. Yes.

Mr. STAFFORD. I would like to inquire whether the arrangement as agreed upon is for an annual salary or for his total salary while engaged in that special work?

Mr. CRUMPACKER. It is compensation for the entire service.

Mr. STAFFORD. How long is it expected that the supervisor will be engaged in the performance of this work?

Mr. CRUMPACKER. Well, perhaps from five to ten months, off and on.

Mr. STAFFORD. What is the superior advantage of the plan as accepted by the conferees over that which was contained in the House bill?

Mr. CRUMPACKER. Well, it is not so involved. The gentleman doubtless has read the House bill scheme, and will notice that it is rather complex and a little difficult to work out, and the results are substantially the same. The Senate plan raises the minimum pay, and the Director of the Census made an estimate, from which he reached the conclusion that it would not increase the pay of more than five or six at the outside of the supervisors, because there were not more than that many who would receive the minimum pay under the House plan, and the result would be substantially the same.

Mr. STAFFORD. What will be the population of the district over which the supervisor will have charge, generally speaking?

Mr. CRUMPACKER. Well, throughout the country, as a general rule, there will be a supervisor for each congressional district. The district which I have the honor to represent, I think, has about 260,000 population——

Mr. STAFFORD. Is it intended to follow absolutely the boundary lines of the congressional district in the appointment of supervisors of the census?

Mr. CRUMPACKER. The law says that the director shall appoint a supervisor for each congressional district as far as it is practicable to do so. There are 330 supervisors provided for, but it has been the custom in the State of Massachusetts to appoint only one supervisor for that entire State, one for the State of Connecticut, one for the city of New York, one for the city of Brooklyn, and one for each of the other great cities, so that outside of the great cities there will be one supervisor for each congressional district.

Mr. WILSON of Illinois. Mr. Speaker, I would like to ask the gentleman, Are the conferees still considering amendment numbered 24?

Mr. CRUMPACKER. No; that was disagreed to. The House will have that amendment up for discussion when we dispose of the conference report.

Mr. COLE. Was there any provision for the expenses of travel of these supervisors while away from home?

Mr. CRUMPACKER. Yes; for the supervisors.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield for a question?

Mr. CRUMPACKER. Yes; I yield for a question.

Mr. GOLDFOGLE. I could not hear over here what the gentleman from Indiana was saying. Did the gentleman from Indiana say that there was to be one supervisor for every congressional district throughout the country?

Mr. CRUMPACKER. I did not.

Mr. GOLDFOGLE. How are the supervisors apportioned in the bill?

Mr. CRUMPACKER. As I said, but one supervisor will be appointed for the entire city of New York, one for the State of Massachusetts, and only one for the State of Connecticut, one for the city of Brooklyn, one each for the large cities containing more than one congressional district. That has been the plan for a number of years. I now ask for a vote, Mr. Speaker.

Mr. ROBERTS. Mr. Speaker, I would like to ask the gentleman a question. Will the gentleman inform us why there should be one supervisor in Massachusetts, and one in Connecticut, and two for States like Rhode Island, Vermont, New Hampshire, Maine, and other small States?

Mr. CRUMPACKER. Well, that has been the custom from time immemorial. Massachusetts has a superintendent of census, who has always acted as supervisor, and has conducted the taking of the federal census, and he has the mechanism to do it, and it has been found the best results come from that practice.

Mr. DAWSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAWSON. Does the adoption of the motion of the gentleman from Indiana carry with it a further disagreement to those items which have not been agreed to?

The SPEAKER. There will be items not agreed to which will be subject to the action of the House.

The question was taken, and the conference report was agreed to.

Mr. CRUMPACKER. Mr. Speaker, I move that the House further insist upon its disagreement to amendment numbered 24.

Mr. LIVINGSTON. Mr. Speaker, let us have the amendment reported, so we can understand what it is.

The SPEAKER. The gentleman from Indiana moves that the House do insist upon its disagreement to Senate amendment numbered 24, and the Clerk will report the amendment.

Mr. TAWNEY. Mr. Speaker, I move to recede and concur in Senate amendment numbered 24.

The SPEAKER. The gentleman from Minnesota moves that the House do recede from its disagreement to Senate amendment numbered 24 and concur therein, which motion takes precedence over the motion of the gentleman from Indiana, and the Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 12, after the word "reports," insert:

"*Provided*, That whenever in the opinion of the Director of the Census the Public Printer does not produce the printing and binding required under the provisions of this act with sufficient promptness, or whenever said printing and binding are not produced by the Public Printer in a manner satisfactory to the Director of the Census in quality or price, said Director is hereby authorized to contract with private parties for printing and binding after due competition."

Mr. CRUMPACKER. Mr. Speaker, I presume I am entitled to the floor.

The SPEAKER. While the motion of the gentleman from Minnesota [Mr. TAWNEY] takes precedence of the motion of the gentleman from Indiana [Mr. CRUMPACKER], yet the control of the floor remains with the gentleman having charge of the bill.

Mr. CRUMPACKER. Mr. Speaker, I yield five minutes to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, this is nothing more nor less than a plain, practical business proposition. The bill as it passed the House required the printing of the Thirteenth Census reports to be done in the Government Printing Office. Now, the Senate has amended the House provision in this respect, giving to the Director of the Census, subject to the approval of the Secretary of Commerce and Labor, the authority to contract for this printing with outside concerns, if in his judgment it would expedite the printing, or if the printing was unsatisfactory for any reason, including the cost, in the Government Printing Office.

In the consideration of the estimates of the legislative, executive, and judicial appropriations bill this question of the cost of the printing of the next census was considered. The committee at that time was informed by the Director of the Census that the Cuban census which we have taken is now being printed—and one of the volumes I hold in my hand—by a private concern in the State of Vermont.

This Cuban census report could not have been printed in the Government Printing Office for the reason that the law does not authorize any printing in the Government Printing Office unless it is done for the Government of the United States. It therefore afforded the Director of the Census an opportunity to ascertain the difference between the cost of printing our next census in the Printing Office and the cost of doing that work with some outside company. And when before the committee in the Senate in the consideration of this bill the Director of the Census, in a letter addressed to a Senator on this subject, pointed out the advantage it would be to the Government of the United States if this discretion were vested in him by law, giving him the discretionary power of having this work done in the Government Printing Office or having it done by outside printing companies. In this letter he says:

JANUARY 8, 1909.

DEAR SENATOR LONG: In response to your letter, I am glad to define the attitude of the Census Office toward the amendment of the Senate committee to the pending Thirteenth Census bill with reference to the printing (sec. 28).

This question was raised before the committee purely as a business matter, and not in any antagonism or hostility to the Government Printing Office, with which official relations of the pleasantest character, based upon mutual aid, have always been maintained. It was the purpose when this bill was originally framed a year ago to make exclusive use of the printing facilities of the government office. At the suggestion of the director, the section which authorized an independent census printing plant at the Eleventh and Twelfth censuses was omitted from the bill. The task of organizing and conducting a printing office ought not to be superimposed upon that of taking a decennial census. Moreover, in view of the satisfactory service of the Government Printing Office at the Twelfth Census, it did not seem to be necessary.

On the basis of the printing costs of that census, I estimated a year ago an expenditure of $800,000 for the printing of the Thirteenth Census, $20,000 less than its cost at the Twelfth. This estimate was based upon the price for tabular matter then charged at the Government Printing Office, which was regarded as reasonably satisfactory. Shortly after the estimate was submitted to Congress, rapid and unforseen changes took place in the Printing Office. With the change in the Government Printer, the price schedules have also been changed, and the scale prevailing when the estimate was made was withdrawn without notice or explanation to the Census Office. The net advance in charges for tabular matter approximates 50 per cent; and, moreover, an opinion has been sought from the Comptroller of the Treasury, under which it is practically impossible to return to the former prices. The difference between the printing costs of the Thirteenth Census, as estimated a year ago, and that which must actually be incurred under existing conditions is so great as to place the Director of the

Census in a most unfortunate position, and it becomes his duty to call the attention of Congress to the fact that those in charge of the next census can not justly be held responsible for this large increase in an expenditure over which they can exercise no control whatever.

These were the circumstances under which there was suggested, for the consideration of the Census Committee, the alternative proposition which now appears in the bill. It was suggested in the belief that it will afford a safe and businesslike method by which this particular item of expense can be held in check, and as preferable to the establishment of an independent census-printing plant. It is wholly a business proposition, the responsibility for determining which must rest with Congress.

If the provision should receive the approval of Congress, it should be properly safeguarded; and the determination of the question whether an exigency had arisen requiring resort to outside printing facilities might well be left to the Joint Committee on Printing of Congress, which has general jurisdiction over the government printing.

In addition to the question of cost, there is also the very important question of expedition. The pending bill requires that the Thirteenth Census shall be compiled and published within two years from the date of the enumeration. Here, again, the matter is entirely beyond the control of the director, unless some latitude is given. The copy for the current Census report upon the annual mortality statistics, almost entirely tabular matter, consisting of over 500 pages, was sent to the Public Printer more than one month ago, and the office is still awaiting the proofs for some of this report. It has been explained, in response to frequent inquiry, that the Printing Office is much crowded with tabular matter, and that the Census Office must take its turn with the rest, and that delays, especially when Congress is in session, are inevitable. If delays are to occur in handling the Thirteenth Census similar to those now encountered in the mortality report, and in other reports, it will be impossible to comply with the provision above quoted, requiring publication within two years. Necessarily the printing of the final volumes must be largely crowded into the last months of the last year of the census period, when Congress will be in session.

It is to be hoped and expected that the Government Printing Office will be able to meet the requirements of the Thirteenth Census with such promptness and at such reasonable prices, that in the event of the adoption of this amendment no occasion will arise for recourse to private printers. The likelihood for satisfactory service will be greatly increased with the alternative provision in the law. It is certain that no one now in responsible position in the census would seek to take advantage of the privilege, except in the event of actual necessity. It is well understood that the Government Printing Office is the best equipped office in the world, and that it can do work of a quality nowhere surpassed. On every ground of convenience and character of work the Census Office would prefer that its publications should carry the Government imprint.

The Thirteenth Census will necessarily cost a large sum of money. We would like to keep that cost within reasonable bounds by every proper precaution. Beyond that and beyond the need for expedition we have no interest whatever in this proposition, and desire only to place such facts in the possession of Congress as will enable it to reach an intelligent decision.

Very respectfully,

S. N. D. NORTH,
Director.

Hon. C. I. LONG,
United States Senate, Washington, D. C.

MEMORANDUM.

JANUARY 26, 1909.

In a letter addressed to the chairman of the Committee on the Census of the Senate, dated January 8, 1909, the Director of the Census stated that the net advance in charges for tabular printed matter approximates 50 per cent. The explanation of this statement is as follows:

During the Twelfth Census the scale which had been in force for years in the Printing Office, of 70 cents per hour or 70 cents per thousand ems, was applied to the Census Office. The tabular matter produced by the Printing Office was set on time—that is, the men who set it were paid by the hour—but when the Printing Office charged the census they measured it up with a type measure so that a census page area contained exactly 20,000 ems, double price, 6-point matter, which at 70 cents amounted to $14 a page uniformly for all census tabular matter. As many of these pages take but little time to set, and few of them more than ten or twelve hours, it is obvious that even at 70 cents an hour, the regular price for time work, there was a great margin of what is known as "fat," which probably approximated $50,000 of really improper charge, which was secured by the Printing Office by this method of charge. The injustice of performing work in one way and charging for it in another way, resulting in a heavy surplus charge, was emphatically stated several times to Mr. Stillings during his incumbency of the Public Printership. He admitted the injustice of it, and made a careful investigation and found that the Printing Office was overcharging the census to the extent of at least $3 a page. Accordingly, toward the close of the fiscal year 1907, he reduced the price to $11 a page and gave the census a rebate amounting to approximately $8,000 for that fiscal year. This rate remained in force until Mr. Stillings's resignation. While it was in force the estimate to which the director refers was made up.

Toward the close of Mr. Stillings' administration he changed his cost accounting and established a new system, which readjusted and in effect demoralized the scale charged to the various departments, so that none of them knew where they stood, most of the items being advanced. When the chief clerk of the Census was placed in the Printing Office by the President, the clamor and agitation of the various departments over the question of cost, due to the fact that all of them were in doubt as to the sufficiency of their current appropriations upon the new basis of charges, compelled immediate temporary adjustment. Mr. Rossiter recommended to the President a return to the early scale, upon which the estimates then current were based, except in the case of the composition, which should be set at 80 cents per thousand, instead of 70. This recommendation was made, however, upon the explicit statement that the return should be but temporary, especially in the case of composition, merely to tide over the departments in their current appropriations, the whole subject to receive careful and complete attention as soon as the troubles in the Printing Office would permit the Public Printer to give it his attention. This recommendation was approved by the President; and the old scale, with a slight advance in composition, was temporarily in force.

Upon the appointment of Mr. Leech, he almost immediately took up the question of the scale and made the 80-cent rate permanent, with minor adjustments of the other items in the scale—presswork, binding, etc.—which he declined to make public to the departments.

This is the explanation of the director's statement of a 50 per cent increase in tabular composition, since by the scale now in force the Census Office pays $16 a page for tabular composition as compared with a rate of $11 a page granted the census by the previous Public Printer. The tabular pages required at the Twelfth Census were not less than 8,000, consequently the difference in cost in this item alone, if the number of tabular pages were the same at the Thirteenth Census as at the Twelfth, would amount to $40,000. It must be remembered, however, that the Twelfth Census tabular matter was set entirely by hand. Since that time machines have been introduced in the Printing Office, which, if they have any value at all, should mean material reduction in cost, and the price of tabular matter, instead of advancing to $16, ought not to exceed $10 a page at most liberal figure.

It is the opinion of some experts, and even of some persons connected with the Printing Office, that the cost of machine tabular composition contained in a census page should not exceed $8 a page. Probably any private contractor would be glad to produce the work at that price, and would make a good margin of profit.

The cost of folding and binding of books in the Government Printing Office is in general from 50 to 100 per cent higher than the price for similar work charged by private concerns.

Attention is called to the fact that in making the rate of 80 cents permanent, Public Printer Leech submitted the question of the propriety of making special prices, such as the $11 rate to the census, granted by Public Printer Stillings, to the comptroller for consideration and decision. The comptroller ruled in effect that no special price could be made, but that the departments should be charged upon a uniform basis.

The SPEAKER pro tempore [Mr. OLMSTED]. The time of the gentleman has expired.

Mr. TAWNEY. I ask for five minutes more.

Mr. CRUMPACKER. I yield to the gentleman from Minnesota five minutes additional time.

Mr. TAWNEY. It is upon the ground, Mr. Speaker, of the decreased cost to the Government of the United States of printing the census, and also in the interest of greater expedition and more certainty as to the time when this work can be completed, that the Director of the Census asks that this discretion be granted to him. I think Congress ought to give it, in view of the fact that the difference between the cost of printing the report of the Cuban census in the Government Printing Office and the cost of printing the same census report by a private corporation aggregates 55 per cent. It seems to me authority should be given the Director of the Census as proposed in the Senate amendment so that he may, if he can, save this amount to the Government.

Mr. BONYNGE. Fifty-five per cent less?

Mr. TAWNEY. Fifty-five per cent less, on account of the work being done outside, than it would have cost if that work had been done in the Government Printing Office. I have a copy of a letter from the chief clerk of the Census Bureau, addressed to the chairman of the Committee on the Census in the Senate, Senator LONG, which is as follows:

JANUARY 21, 1909.

Hon. CHESTER I. LONG,
United States Senate, Washington, D. C.

DEAR SENATOR LONG: The Washington Post of yesterday morning contained an attack upon the statements which I made before the Senate Committee on the Census concerning the cost of the Cuban census report. The substance of this attack was that the report had cost about $20,000; that it had required the detail of two men from Washington to Vermont for a considerable period, at an expense of $1,300; and that the whole operation was much more expensive than if the work had been performed in the Government Printing Office.

The facts as testified to before your committee are not altered by the attack above mentioned. The accounts, which have been received since my testimony, vary a few dollars from the estimated cost of the report. All the bills for this report are now paid except for the binding, which is in progress in New York; hence the final cost can vary little, if at all, from the following figure:

"Twenty thousand copies, 710 pages, 42 inserts (illustrations and maps), cover stamped in two colors, $11,752.57."

Concerning the detail of two men to Vermont, it is a fact that two men were detailed to Vermont to read proof. The services of these two employees, paid by the Cuban Government, would have been absolutely necessary in Washington had the book been made even inside of the Census Office. Therefore this item of clerical assistance is not included either in the cost of the work as produced by private contractors or in the estimated cost if produced by the Government Printing Office. It is a fact that the traveling expenses and the per diem allowance, amounting to approximately $500, might be regarded as an extra charge. There are also some extra freight charges, for which I have not received the bills, amounting perhaps to $100, a total to be added to the cost of perhaps $600.

In my testimony before the committee I referred only to the Cuban census report. There is, in addition, an abstract of this census now in process of production. The composition and presswork upon this book are being produced by the Lyons Printing Company, of Lyons, N. Y., and the binding will be done by the J. F. Tapley Company, of New York City, who bound the report. As this volume is in English, the proof reading simple, and the number of pages but 280, no detail was required to the producing office. The work is proceeding rapidly and smoothly.

The cost, according to the estimates made and approved by the Cuban Government, will be $2,787.57 for an edition of 10,000 copies, consisting of 280 pages, 22 illustrations, with cloth binding, stamped in brown ink from an original design. The cost of this book if produced in the Government Printing Office, according to the informal estimates obtained, would be $4,904.27.

For these two publications the actual cost and the charge if produced in the Government Printing Office may be stated as follows:

	Actual cost, private contractors.	Estimated cost, Government Printing Office.
Cuban Census Report	$11,752.57	$17,750.52
Cuban Census Abstract	2,787.57	4,904.27
Total	14,540.14	22,654.79

From this you will perceive that a total expenditure of $14,540.14 to private contractors has produced work of an entirely satisfactory, and, indeed, excellent character, which would have cost $22,654.79 if produced in the Government Printing Office, an excess of 55 per cent.

I respectfully refer you again to my statement made before the committee, that I was not conducting an attack, in any sense, on the Government Printing Office, but that as these facts had developed it seemed to be the duty of the Census Office to call them to your attention as a matter of proper administration. The Director of the Census has already expressed to you his views upon this subject, and his desire to avoid controversy in connection with the subject of census printing.

Very truly, yours,

W. S. ROSSITER, *Chief Clerk.*

Mr. KEIFER. I would like to ask you a question.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CRUMPACKER. I yield five minutes more to the gentleman from Minnesota.

Mr. TAWNEY. I yield to the gentleman on my left.

Mr. BARNHART. Do I understand the gentleman to state that the expense at the Printing Office had increased 50 per cent?

Mr. TAWNEY. Cost; not expense. The cost of printing tabular work has been increased 50 per cent.

Mr. BARNHART. Since when?

Mr. TAWNEY. Within the last six months.

Mr. BARNHART. On what basis do they get that?

Mr. TAWNEY. Simply, when Mr. Leech came into the Printing Office as Public Printer he advanced this cost, and up to this time the Committee on Appropriations have not been able to ascertain, as the Public Printer has not been before the Committee, but heads of the several departments have been before the committee asking for deficiency appropriations in their printing appropriations on account of this advance in the cost of tabular work, and also in the cost of other printing.

Mr. BARNHART. Why has not the Public Printer been called over?

Mr. TAWNEY. The cost of the other printing has been increased 20 per cent.

Mr. BARNHART. I am a printer, and I know there has not been such general increase in wages in this country during that time.

Mr. TAWNEY. The rate, or cost of printing, for the departments is fixed arbitrarily by the Public Printer. The Secretary of the Interior, who had a deficiency estimate for public printing, stated to the committee that this advance was made by the Public Printer, and as a result of that advance their printing appropriation was insufficient to meet the requirements of the service for the remainder of the fiscal year. In the letter sent to Senator LODGE by the Director of the Census he directly states that there was no explanation given of this increase in the cost. The matter of the cost of printing for the departments in the Government Printing Office is absolutely under the control of the Public Printer.

Mr. LIVINGSTON. Will the gentleman permit me a moment?

Mr. TAWNEY. I yield to the gentleman from Georgia.

Mr. LIVINGSTON. When the bill referred to by the gentleman [Mr. TAWNEY] came before the Appropriations Committee, Mr. Leech had resigned and the present incumbent knew nothing about this increase nor the scale; and your committee did not get it, and therefore can not answer the question of the gentleman on my right.

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

Mr. TAWNEY. I yield to the gentleman from Ohio.

Mr. KEIFER. I understand from the statement you have recently read, you have estimates of the cost of printing tabular statements such as issued by the Census Bureau. Now, I want to know who made that estimate?

Mr. TAWNEY. The Director of the Census made that estimate a year ago upon estimates made to him by the then Public Printer, Mr. Stillings. Since then the cost was increased by his successor to such an extent that it would require the appropriation of a great deal more money for the printing of the census reports than the amount originally estimated.

Let me call attention to the fact that this provision of the Senate does not take out of the Government Printing Office the printing of the Thirteenth Census reports. It leaves it entirely within the discretion of the Director of the Census, subject to the approval of the Secretary of Commerce and Labor; and if this provision is not inserted in this bill, he will be compelled to have the census reports printed at the Government Printing Office regardless of cost and regardless of time or anything else.

Mr. BARNHART. You say this will leave it entirely to the discretion of the Director of the Census?

Mr. TAWNEY. Subject to the approval of the Secretary of Commerce and Labor.

Mr. BARNHART. Will he have the same power to increase the price for this work that the Public Printer has?

Mr. TAWNEY. No. It is to be done by competition. If it is done by outside parties, it is after due competition.

Mr. DAWSON. About these comparative figures for the printing of the Cuban census, may I ask the gentleman whether they are on the theory of completed work in the Government Printing Office, or simply as the bid of a private concern; and that after the private concern has set up this Cuban census, it comes in with a large additional charge for correction?

Mr. TAWNEY. No, sir; it is not. The Cuban census is being printed by a private concern after the Director of the Census invited bids or proposals for that printing. A contract was let after competitive bids had been submitted, and it includes every item of expense, except the mere matter of proof reading, which the Census Office was required to do in any event.

The only additional expense is the cost of the transportation of the two proof readers from Washington to the place where the work is being done, and that expense will not exceed $500.

[The time of Mr. TAWNEY having expired, Mr. CRUMPACKER yielded to him five minutes more.]

Mr. HEPBURN. Mr. Chairman, I should like to ask the chairman of the Committee on Appropriations if in the estimate of cost at the Government Printing Office any account has been taken of the fact that rents are not paid? And is there any regard paid to the losses by depreciation of machinery?

Mr. TAWNEY. The fact that the Government Printing Office pays no rent or insurance or that there is depreciation in the plant as well as in the equipment is not considered in the estimate submitted by the Public Printer.

Mr. HEPBURN. If it were, then the disparity of cost in the government establishment and in the private establishment would be still greater.

Mr. TAWNEY. Still greater.

Mr. HEPBURN. Now I want to ask the gentleman if he does not know that the reason why this extraordinary cost in the Government Printing Office is necessary is because the Government Printing Office is run by a labor union establishment?

Mr. TAWNEY. Well, I do not know that the Government Printing Office is run by a labor union, but I believe from testimony that has been presented to the Committee on Appropriations with respect to appropriations for public printing that there are organizations that attempt to control arbitrarily the price paid for the services rendered to the Government in that institution; and I want to say further that it is due to these demands, coming from whatever source they may, as I am informed, that the Public Printer, in order to do the work of the departments, was obliged to advance the cost of tabular printing 50 per cent, and also advance the cost of other printing 20 per cent, as I am informed.

Mr. COX of Indiana. Supposing this Senate amendment is adopted, can the gentleman from Minnesota inform the House as to how much that would save the Government in the printing for the Thirteenth Census?

Mr. TAWNEY. The estimate originally submitted by the Director of the Census, based upon the estimate of Mr. Stillings a year ago for the printing of the Thirteenth Census, was $800,000. Of course you can not determine with certainty the exact cost of printing the reports of our next census; but based upon the difference between the cost of printing the Cuban census in the Government Printing Office and the cost of doing that same work in a private printing office, being 55 per cent, the gentleman can himself arrive at what the saving would be to the Government to have this work done by a private concern, if it becomes necessary, by reason of the cost, or for any other reason.

I want to say, further, Mr. Speaker, that under normal conditions, we are now told by the Director of the Census, that the cost of printing will be nearer $1,000,000 than $800,000, because there will be so much more tabular work done, there are so many more investigations covered by the coming census than there have been in the past.

Mr. COOPER of Wisconsin. I understand the gentleman from Minnesota to assert, or at least to intimate, that employees in the Government Printing Office are responsible for the exorbitant price demanded for the printing of the census, or for printing in the Government Printing Office.

Mr. TAWNEY. I did not so state.

Mr. COOPER of Wisconsin. Well, that was the intimation. Now, how could any employee of that office be benefited by this exorbitant price, they being paid, as I understand it, under an appropriation which expressly provides what each shall receive?

Mr. TAWNEY. Oh, no; the appropriation for that entire service up to the present time is in a lump sum. We hope at this session of Congress to segregate the administrative force from that lump-sum appropriation and provide specifically for their compensation, but the operative force is paid entirely out of a large lump-sum appropriation.

Mr. COOPER of Wisconsin. Is not there an amount specified in the law somewhere which these people shall be paid?

Mr. TAWNEY. It is entirely within the discretion of the Public Printer, under the law. His limitation is the amount of money appropriated for the service.

Mr. COOPER of Wisconsin. He can pay wages to employees at his discretion in any sum?

Mr. TAWNEY. Yes.

Mr. LANDIS. I wish to say to the gentleman that the compensation per hour is fixed by law.

Mr. TAWNEY. While the compensation fixed by law is by the hour, it does not control the compensation for piecework; that can be increased.

Mr. LANDIS. I will say to the gentleman that there is no piecework done in connection with this work in the Government Printing Office.

Mr. TAWNEY. Mr. Speaker, I want to emphasize this fact: Members of the House need not be frightened on account of the Government Printing Office not having work enough to do during the time we are preparing and printing reports of the next census. That office will have all the work it can do, and every man now employed there will be employed there hereafter whether this provision goes through or not. There is therefore no excuse for any man voting against this proposition on the ground that labor organizations are in any way concerned. Because if this work goes to outside concerns, then the laboring men outside of the employment of the Government Printing Office will get the benefit of it, and the laboring men who are in the Government Printing Office will continue their employment at the higher rate of wages they are now receiving. It is purely a matter of practical business common sense.

Here is a special service. This is not an annual service, but a special service, involving the expenditure of large sums of money. By authorizing the Director of the Census to have this work done by an outside concern, if in his discretion it is wise to have it done thus, we will save to the Government of the United States half the amount otherwise expended. I can not see why any Member of Congress should hesitate in giving this discretion to the Director of the Census. The government interest is the only interest concerned. Labor in any event will get the benefit whether inside or outside the government service.

Mr. CRUMPACKER. Mr. Speaker, I feel it my duty now to explain to the House the attitude of the House conferees on this question. Amendment No. 24 was not discussed in conference at all; no attempt was made to agree upon it because, in asking and obtaining unanimous consent from the House to disagree to the Senate amendment and put the bill into conference, I stated to the House that no agreement would be made upon amendment No. 24 or amendment No. 26, this one and the building proposition. The Senate conferees knew of the statement I had made, having read it in the RECORD, and agreed that these two propositions could not be considered in conference.

Therefore the House conferees, in their parliamentary attitude, I presume, are against the Senate amendment; but perhaps only in their parliamentary attitude do they occupy that position. My position is absolutely neutral. I want the House to determine this question upon its merits.

The Director of the Census asked the Senate to incorporate this provision in the bill. He did not ask for it when the bill was being prepared by the House Census Committee, because the scale of prices the Census Office had from the Public Printer's office was entirely satisfactory; that for ten or twelve years the Census Office had obtained reasonable and satisfactory rates from the Printing Office; that all the reports and, in fact, all the printing for the Twelfth Census, except what was done in the office itself, and all of the special reports of the Bureau of Census had been done by the Public Printer at reasonable rates; and making his estimate for the cost of the Thirteenth Census, the director estimated the cost of printing to be $800,000, based upon the rates theretofore given. After the House bill had been reported to the House and a couple of days had been devoted to its consideration, the then Public Printer increased the rates of tabular matter about 50 per cent, and the director said if he was required to pay the higher rates the expense for printing the reports of the Thirteenth Census would be $1,200,000 instead of $800,000.

Mr. BARNHART. I understood my colleague [Mr. LANDIS] to say that these prices in the Printing Office are fixed by law. Then, by what authority was the expense in printing increased 50 per cent?

Mr. CRUMPACKER. The price that the Public Printer charges other departments is not fixed by law. He bases his charges upon such estimates as he makes, and may do it in an arbitrary way, and the law does not provide any basis for the estimates. He did not consult the Director of the Census at all, but simply withdrew the former standing scale of prices and substituted another that increased tabular work 50 per cent.

Mr. BARNHART. Now, the report is current among the printers all over the country that the wages have been increased to printers who do tabular work so that they are able to earn from $5 to $12 per day. I am trying to learn whether or not it is authorized by law.

Mr. CRUMPACKER. I do not know; the law fixes the rate per hour, and if they have a piecework system in the Public Printing Office it may be changed. We do not charge that the Public Printer has been paying undue prices to the employees of that office.

He may have fixed the price unduly high in order that his office may make some profit out of it, and thereby increase his appropriations, the annual fund for the benefit of the office. The attitude of the Director of the Census is this: Having made his estimate to Congress, based on his former scale of prices, he wants Congress to know the change in the situation, and if Congress decides that he must still have the reports of the Thirteenth Census printed by the Public Printer without regard to the question of price, then let Congress take the responsibility, and when appropriations come in in the future of largely increased amounts for public printing, Congress will understand the reason for it. The Director of the Census has no personal interest to serve, and no official interest except to be placed in the right attitude before Congress. Mr. Donnelly, the present Public Printer, has recently submitted prices to the Director of the Census which the Director says are entirely reasonable and fair, and if that scale of prices continues he will not think of going outside of the Public Printer's office to have a page of printing done; but these prices are subject to change at the arbitrary will or caprice, if you will, of the Public Printer, and the Census Office may be held up at any time in the future by a new scale of prices.

Mr. DAWSON. I would like to ask the gentleman a question. Is it not a matter of fact that the foundation for this amendment, which was put in by the Senate, was the unsettled condition of affairs in the Public Printing Office by reason of the rapid changes in Public Printers?

Mr. CRUMPACKER. No; it was on account of the arbitrary, and the Director of the Census believes, unreasonable advance in the rate charged for printing tabular matter. That was the reason for it, and the object of incorporating this provision in the bill was to give the Director of the Census a sort of leverage that he might use in order to secure a reasonable rate from the Public Printer's office. If Mr. Donnelly continues in the service, I have no doubt that the rates will be entirely reasonable, and I have no sort of doubt that every bit of printing will be done in the Government Printing Office.

Mr. DAWSON. If the gentleman will permit me, in the hearings before the Senate committee, Mr. Rossiter, in his testimony, stated as a reason for this amendment, "the troubles which had come on in such rapid succession in the Printing Office early last winter." Then he goes on to state that—

> The director planned, as we approached the Thirteenth Census, to avoid asking for the independent office which had been allowed in the two previous acts, and to continue to depend entirely upon the Government Printing Office for census printing and binding. This was because, as suggested, the service had been excellent at the Twelfth Census, and also because the prices which were being quoted at that time by a special arrangement with the then Public Printer, Mr. Stillings, were fairly reasonable. This was at the time we were preparing the first draft of the bill.
>
> The CHAIRMAN. Of this bill?
>
> Mr. ROSSITER. Yes, sir; of this bill, prior to the troubles which came on in such rapid succession in the Printing Office early last winter. In consequence this bill has come to you placing the Census Office in a position having less control over its printing than it had at either of the two previous censuses.

It seems to me that the testimony of Mr. Rossiter clearly indicates that the reason for this provision in the bill was the unsettled condition of affairs in the Printing Office, which, I assume, has now entirely passed away.

Mr. TAWNEY. How does the gentleman know that it has entirely passed away?

Mr. CRUMPACKER. The rapid changes would not make any difference to the Director of the Census, even if they have a new Public Printer every week, provided he gets a reasonable price. It was the arbitrary increase in the rates—about 50 per cent—that inspired this amendment.

Mr. LANGLEY. Will the gentleman from Indiana yield to me for a moment?

Mr. CRUMPACKER. Yes; I yield to the gentleman from Kentucky.

Mr. LANGLEY. The gentleman from Iowa [Mr. DAWSON] suggests that the recent troubles in the Printing Office and the change of Public Printers was the source of this controversy about excessive rates for census printing. These excessive charges were made against the census printing fund long before the troubles arose to which the gentleman from Iowa refers. I recall one instance, something like two years ago, in which the Public Printer gave the Census Office a rebate amounting, approximately, to $8,000, reimbursing the census printing fund for excessive charges against it in the fiscal year 1907.

Gentlemen do not seem to understand the source of these excessive charges to which reference has been made in this debate. It was not due to an increase in the rates paid the employees, but to the method of cost accounting in the Government Printing Office.

The census tabular matter was set on a time basis—that is, the men who did the setting were paid by the hour—but the charge against the census printing fund was made at so much per thousand ems, which amounted to $14 a page, and they measured each page with a type measure and estimated it on that basis regardless of the number of hours it took to set each page, which, of course, varied according to the material. When the attention of the Public Printer was called to this he allowed the rebate to which I have referred and reduced the price to $11 a page. This was changed again, however, later on, and a scale was adopted as a result of which the Census Office is now paying $16 a page for tabular matter instead of $11, which it was paying when the director made his estimate of $800,000 for the Thirteenth Census printing.

They now have machines for the setting of tabular matter, and it is estimated that instead of costing $16 a page it should not now exceed more than $10 a page, and some experts even estimate it as low as $8 a page.

The Government Printing Office rates are undeniably much higher now for such work than is charged by private parties, and I think the Senate amendment ought to be adopted, even though the director does not go outside for the printing, so that the alternative which the amendment gives him will enable him to get the work done expeditiously and at reasonable rates in the Government Printing Office, which he might not be able to do if he had no alternative.

Mr. CRUMPACKER. Mr. Speaker, I shall retain the floor. I want to say that the law ought to require the Public Printer to print matter for other branches of the service here at actual cost, and then there would be some basis for computation. It does not now, and it enables the Public Printer, if he sees fit, to add 10 or 20 or even 50 per cent above actual cost, and have that much more money to spend in the administration of his bureau without that control and scrutiny which Congress puts upon appropriations that it makes directly. There is one of the vices in the business.

Mr. CALDER. Mr. Speaker, I simply want to add that in my capacity as a member of the Committee on the Census I took the trouble to inquire about this printing from the Public Printer, and he informs me that he will be in a position to do all of this work for the census as cheap as any first-class office in the country.

Mr. TAWNEY. In that case he will have the opportunity of doing it.

Mr. CRUMPACKER. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. LANDIS].

Mr. LANDIS. Mr. Speaker, I shall not oppose this amendment for the reason that I feel that, as the Census Committee has stated, the Director of the Census should have a certain leeway in view of the experience he has recently had. The Public Printer has absolute jurisdiction in fixing the scale of charges in the Government Printing Office.

Mr. DRISCOLL. Will the gentleman yield to a question right there?

Mr. LANDIS. And that scale has been changed three times within the past eighteen months.

The old scale which had been in operation fully fifteen years was changed when the audit system came in in November, 1907, in accordance with their theories, and increased the apparent cost of the public printing to such an extent that the departments and independent bureaus protested and the President ordered an investigation. The result was a restoration of the old scale. In the meantime another Public Printer was appointed. I would say that we have had during the past eighteen months three changes of scales and four Public Printers. A new Public Printer was appointed and came from the Philippines in June, and he brought a scale with him. I was notified at my home in Indiana about the 29th of June that he was going to put into effect in the Government Printing Office a new scale of charges which had been tried successfully in the Philippines. The office was just recovering from the confusion wrought by the audit-system scale. I immediately telegraphed him that I regarded the matter as one of such importance that I had referred the papers to the secretary of the Printing Investigation Commission, who had authority under resolution of the commission to represent them in such matters in the absence of the commission from Washington, and that he would be in Washington not later than July 1, the date that it was proposed to put the new scale into effect, to confer with him in this matter.

The secretary of the commission arrived here on the 1st day of July and found that that scale, notwithstanding my telegram, had been put into effect the day before, and all the departments had been notified. The result was that the appropriations and the allotments of the appropriations to the various departments had been made on one scale by Congress, based by Congress and the departments on one scale, and the charges against the departments were to be made on another scale. In other words, the putting into effect of this new scale absolutely destroyed the integrity of every appropriation and every allotment made. The effect upon the work of the Census Bureau was this: About eighteen months ago the Director of the Census was paying at the rate of $14 a page for tabular matter. He took the matter up with the Public Printer, and a rate of $11 per page was agreed upon as fair, and under that rate he was proceeding. When this new Public Printer came in he put into effect his new scale, which put the price per page to about $16, and the Director of the Census discussed this matter with me and stated these conditions, and I told him that, under the circumstances, in order that he might have something substantial from which and upon which to calculate, I should not oppose the amendment which has come here from the Senate.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent to print with my remarks certain letters—one from the Director of the Census to Senator LONG, chairman on the Census in the Senate; a letter from the Public Printer; a letter from Mr. Rossiter bearing upon this question.

Mr. HULL of Iowa. If the gentleman will——

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

JANUARY 8, 1909.

DEAR SENATOR LONG: In response to your letter I am glad to define the attitude of the Census Office toward the amendment of the Senate Committee to the pending Thirteenth Census bill with reference to the printing (sec. 28).

This question was raised before the committee purely as a business matter, and not in any antagonism or hostility to the Government Printing Office, with which official relations of the pleasantest character, based upon mutual aid, have always been maintained. It was the purpose when this bill was originally framed a year ago to make exclusive use of the printing facilities of the government office. At the suggestion of the director, the section which authorized an independent census printing plant at the Eleventh and Twelfth censuses was omitted from the bill. The task of organizing and conducting a printing office ought not to be superimposed upon that of taking a decennial census. Moreover, in view of the satisfactory service of the Government Printing Office at the Twelfth Census it did not seem to be necessary.

On the basis of the printing costs of that census, I estimated a year ago an expenditure of $800,000 for the printing of the Thirteenth Census—$20,000 less than its cost at the Twelfth. This estimate was based upon the price for tabular matter then charged at the Government Printing Office, which was regarded as reasonably satisfactory. Shortly after the estimate was submitted to Congress, rapid and unforeseen changes took place in the printing office. With the change in the Government Printer, the price schedules have also been changed; and the scale prevailing when the estimate was made was withdrawn without notice or explanation to the Census Office. The net advance in charges for tabular matter approximates 50 per cent; and moreover, an opinion has been sought from the Comptroller of the Treasury, under which it is practically impossible to return to the former prices. The difference between the printing costs of the Thirteenth Census, as estimated a year ago, and that which must actually be incurred under existing conditions, is so great as to place the Director of the Census in a most unfortunate position; and it became his duty to call the attention of Congress to the fact that those in charge of the next census can not justly be held responsible for this large increase in an expenditure over which they can exercise no control whatever.

These were the circumstances under which there was suggested for the consideration of the Census Committee the alternative proposition, which now appears in the bill. It was suggested in the belief that it will afford a safe and businesslike method by which this particular item of expense can be held in check, and as preferable to the establishment of an independent census printing plant. It is wholly a business proposition, the responsibility for determining which must rest with Congress.

If the provision should receive the approval of Congress, it should be properly safeguarded; and the determination of the question, whether

an exigency had arisen requiring resort to outside printing facilities might well be left to the Joint Committee on Printing of Congress, which has general jurisdiction over the government printing.

In addition to the question of cost, there is also the very important question of expedition. The pending bill requires that the Thirteenth Census shall be compiled and published within two years from the date of the enumeration. Here again the matter is entirely beyond the control of the director, unless some latitude is given. The copy for the current census report upon the annual mortality statistics, almost entirely tabular matter, consisting of over 500 pages, was sent to the Public Printer more than one month ago, and the office is still awaiting the proofs for some of this report. It has been explained, in response to frequent inquiry, that the Printing Office is much crowded with tabular matter, and that the Census Office must take its turn with the rest, and that delays, especially when Congress is in session, are inevitable. If delays are to occur in handling the Thirteenth Census, similar to those now encountered in the mortality report, and in other reports, it will be impossible to comply with the provision above quoted, requiring publication within two years. Necessarily, the printing of the final volumes must be largely crowded into the last months of the last year of the census period, when Congress will be in session.

It is to be hoped and expected that the Government Printing Office will be able to meet the requirements of the Thirteenth Census with such promptness and at such reasonable prices that in the event of the adoption of this amendment no occasion will arise for recourse to private printers. The likelihood for satisfactory service will be greatly increased with the alternative provision in the law. It is certain that no one now in responsible position in the Census would seek to take advantage of the privilege, except in the event of actual necessity. It is well understood that the Government Printing Office is the best equipped office in the world and that it can do work of a quality nowhere surpassed. On every ground of convenience and character of work the Census Office would prefer that its publications shall carry the government imprint.

The Thirteenth Census will necessarily cost a large sum of money. We would like to keep that cost within reasonable bounds by every proper precaution. Beyond that and beyond the need for expedition, we have no interest whatever in this proposition, and desire only to place such facts in the possession of Congress as will enable it to reach an intelligent decision.

Very respectfully,

S. N. D. NORTH,
Director.

Hon. C. I. LONG,
United States Senate, Washington, D. C.

JANUARY 21, 1909.

Hon. CHESTER I. LONG,
United States Senate, Washington, D. C.

DEAR SENATOR LONG: The Washington Post of yesterday morning contained an attack upon the statements which I made before the Senate Committee on the Census, concerning the cost of the Cuban census report. The substance of this attack was that the report had cost about $20,000; that it had required the detail of two men from Washington to Vermont for a considerable period, at an expense of $1,300, and that the whole operation was much more expensive than if the work had been performed in the Government Printing Office.

The facts, as testified to before your committee, are not altered by the attack above mentioned. The accounts which have been received since my testimony vary a few dollars from the estimated cost of the report. All the bills for this report are now paid, except for the binding, which is in progress in New York; hence the final cost can vary little, if at all, from the following figure:

"Twenty thousand copies, 710 pages, 42 inserts (illustrations and maps), cover stamped in 2 colors, $11,752.57."

Concerning the detail of two men to Vermont, it is a fact that two men were detailed to Vermont to read proof. The services of these two employees, paid by the Cuban Government, would have been absolutely necessary in Washington had the book been made even inside of the Census Office. Therefore, this item of clerical assistance is not included either in the cost of the work as produced by private contractors, or in the estimated cost if produced by the Government Printing Office. It is a fact that the traveling expenses and the per diem allowance, amounting to approximately $500, might be regarded as an extra charge. There are also some extra freight charges, for which I have not received the bills, amounting, perhaps, to $100, a total to be added to the cost of perhaps $600.

In my testimony before the committee I referred only to the Cuban census report. There is in addition an abstract of this census now in process of production. The composition and presswork upon this book are being produced by the Lyons Printing Company, of Lyons, N. Y., and the binding will be done by the J. F. Tapley Company, of New York City, who bound the report. As this volume is in English, the proof reading simple, and the number of pages but 280, no detail was required to the producing office. The work is proceeding rapidly and smoothly.

The cost, according to the estimates made and approved by the Cuban Government, will be $2,787.57 for an edition of 10,000 copies, consisting of 280 pages, 22 illustrations, with cloth binding, stamped in brown ink from an original design. The cost of this book if produced in the Government Printing Office, according to the informal estimates obtained, would be $4,904.27.

For these two publications the actual cost and the charge if produced in the Government Printing Office may be stated as follows:

	Actual cost, private contractors.	Estimated cost, Government Printing Office.
Cuban Census Report	$11,752.57	$17,750.52
Cuban Census Abstract	2,787.57	4,904.27
Total	14,540.14	22,654.79

From this you will perceive that a total expenditure of $14,540.14 to private contractors has produced work of an entirely satisfactory and, indeed, excellent character which would have cost $22,654.79 if produced in the Government Printing Office, an excess of 55 per cent.

I respectfully refer you again to my statement, made before the committee, that I was not conducting an attack, in any sense, on the Government Printing Office, but that as these facts had developed it seemed to be the duty of the Census Office to call them to your attention as a matter of proper administration. The Director of the Census has already expressed to you his views upon this subject and his desire to avoid controversy in connection with the subject of census printing.

Very truly, yours,

W. S. ROSSITER, *Chief Clerk.*

OFFICE OF THE PUBLIC PRINTER,
Washington, January 25, 1909.

SIR: I have the honor to transmit for your consideration the following statement relative to the printing of the Thirteenth Census:

The plant of the Government Printing Office includes 79 linotype (type-setting) machines, 162 monotype keyboards, and 124 monotype casting machines. The monotype machines are especially adapted to the work of setting tabular matter. The major portion of the composition for the census reports consists of tabular matter. With this large plant of monotype machines I have no hesitancy in saying that the census work can be handled promptly, satisfactorily, and economically from the standpoint of the Census Bureau as well as of the Government Printing Office.

The regular work of the Government is not of sufficient volume to require the use of the entire plant of monotype machines, and the Public Printer who purchased the equipment must necessarily have had in mind its utilization in producing the reports of the United States Census Bureau. A proper return to the Government from this investment in machines can not be had unless the volume of tabular matter supplied to this office is greatly increased.

The equipment of the binding and press room divisions is adequate to perform expeditiously, satisfactorily, and economically the reports of the Census Bureau in addition to the regular run of government work.

A census report page contains 10,000 ems of tabular matter. The output of a monotype caster is about 4,800 ems per hour. We have equipment sufficient to turn out 128 pages per day in addition to the current work of the office. I confidently make the statement that the Government Printing Office can perform the printing of the census reports more expeditiously than any other office, or combination of offices, in the United States.

If the Census Office will furnish its copy as regularly and edited in the same manner that it will be compelled to edit if sent to contracting printers, the cost of the census work can be materially reduced below the standard price of 80 cents per thousand ems (single price). By proper editing of the copy proof changes can be avoided, the cost of proof reading minimized, and the quantity of killed matter greatly reduced. The cost of producing the census work in this office depends upon the extent to which the Government Printing Office and the Census Bureau cooperate and work in harmony. I assure you that I will, with my assistants, exert every possible effort to bring about the much desired cooperative relation, and, when this is accomplished, I am positive that the cost of composition will not exceed $12 per page of 6-point tabular matter, and may possibly be brought below that amount.

The Government Printing Office is now experiencing difficulty in securing the services of competent machine operators to perform the extra work of Congress. We can only retain the services of highly skilled mechanics by providing them with continuous employment. Men of this class will not leave permanent positions to accept temporary employment in the Government Printing Office during the sessions of Congress, and unless the maximum volume of work possible be held by the Government to be performed in its own thoroughly equipped plant it will be impossible for the Public Printer to keep intact a working force of skilled mechanics sufficient to properly handle the work of the so-called "rush season."

In view of the ample equipment of the Government Printing Office, I certainly consider the establishment of any additional branch offices to be noneconomical.

All of which is respectfully submitted.

Respectfully,

SAM'L B. DONNELLY, *Public Printer.*

Hon. E. D. CRUMPACKER,
Chairman of the House Committee on Census,
House of Representatives, Washington, D. C.

Mr. LANDIS. I desire to say to the House in this connection that we have in mind certain changes and certain regulations by which I feel we will be able to protect the Census Bureau and other departments of the Government and Congress against this recent change of scale.

Mr. HAY. Will the gentleman from Indiana yield to me for one or two minutes?

Mr. CRUMPACKER. Mr. Speaker, I desire to know how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Indiana has sixteen minutes remaining.

Mr. HULL of Iowa. Mr. Speaker, I would like to ask——

Mr. CRUMPACKER. Mr. Speaker, I now yield five minutes to the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for five minutes.

Mr. HULL of Iowa. Mr. Speaker, there has been almost an hour taken in this debate, and practically that hour has been taken by those in favor of the motion of the gentleman from Minnesota. It seems to me like in all fairness there should be an extension of the debate in order to get the facts before this House. I want to call attention, Mr. Speaker, to the fact that if this motion of the gentleman from Minnesota prevails it means to absolutely take from the Government Printing Office the printing of this census—absolutely. It is couched in gentle language, but its effect will be to take it from the Government Printing Office. Now, I want to say further to this House that

to my mind the comparison of cost is not a fair one for this reason, that no matter——

Mr. LANDIS. Will the gentleman yield?

Mr. HULL of Iowa. I have only five minutes.

Mr. LANDIS. I will say to the gentleman that I must differ with his conclusions in regard to all of this work going away from the Government Printing Office.

Mr. HULL of Iowa. I think it is the intention and purpose to take it all away. Mr. Speaker, those who are setting type, the typesetters—I do not know what the technical term would be—are paid by the thousand ems.

Mr. LANDIS. They are paid by the hour.

Mr. HULL of Iowa. Their pay is fixed by the hour and not by the number of ems they set, according to the gentleman from Indiana, who speaks from full knowledge. Then the cost of any extra work is virtually what is paid for composition and white paper.

For, Mr. Speaker, whether there is one bit of extra work going on there or not, the expense of the salaries for the Public Printer, his assistants, the foremen, the proof readers, the heating plant and the lighting plant, and all the expenses of keeping up that great organization will go on just the same, whether they are busy all the time or not.

Mr. LANDIS. Just as they do in the War Department and in the Treasury Department.

Mr. HULL of Iowa. And every other department. This Government Printing Office was organized to do work for the Government. It is the greatest printing plant on earth. It is supported by government funds, it is paid out of the Treasury, and we have this great plant running there regardless of whether the work is pushing or not at all times. They may reduce the number of compositors, they may dispose of some few proof readers, but they will not take off one of the higher paid officers or employees. These are the fixed charges of the office and go on all the time.

How about your census? The Government pays for the printing of the census out of the same Treasury that we pay for running the Government Printing Office. It looks to me more like a matter of bookkeeping than anything else—taking funds out of one pocket and putting them in another pocket. When you come to the question of cost in the Government Printing Office, if you will deduct out of the cost of your printing these fixed charges that we are going to carry on regardless of the census work, you reduce the cost of the printing more than one-half.

Mr. TAWNEY. Will the gentleman permit me to interrupt him right there? That statement is on the assumption that part of the time the Government Printing Office will be idle, when, as a matter of fact, they have got more work now than they are able to do as promptly as the departments require it to be done.

Mr. HULL of Iowa. They may have work, and always will have work, but a large part of this census will be printed when Congress is not in session, when the largest part of their work has dropped off, and when it is not as imperative as when Congress is in session. It seems to me, if we are going to keep up the Government Printing Office for printing public documents and carrying on government work, the very place for this census and all other government work to be done is in the Government Printing Office, and, if the Public Printer raises the price beyond what it should be, the Committee on Printing should come in here with a bill that will limit him in his power, as I believe the gentleman from Indiana says they propose to do. No man should have the power that this Government Printer seems to have, as developed to-day. In place of taking the printing away from here, I would say that the way to remedy the evil is to correct his abuse of power by law that will make it impossible for him to do such arbitrary things in the future.

Mr. CRUMPACKER. Mr. Speaker, I reserve the balance of my time.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry. I understand the gentleman from Virginia [Mr. HAY] is a member of the committee, but the time of the gentleman from Indiana [Mr. CRUMPACKER] has been consumed by those in favor of the motion made by the gentleman from Minnesota [Mr. TAWNEY], and I understand the gentleman from Virginia is in favor of that motion. Now, when will those who are opposed to it be entitled to recognition or time?

Mr. HAY. I will yield the gentleman some time if he wants it.

I only want to say a few words, Mr. Speaker. The feature of the amendment dealing with the expense has been fully gone into. I think it might be well to call the attention of the House to the fact that the bill requires the Director of the Census to have the census reports printed within two years. That is obligatory upon the Director of the Census. Now, it appears from the communication received from him, addressed to Senator LONG, chairman of the Committee on the Census in the Senate, it will be impossible to have this information printed in the time prescribed under the bill. Therefore that is all the more reason that the House should adopt the amendment proposed by the Senate, in order to give the Director of the Census an opportunity to make contracts on the outside, so that this work can be expeditiously gotten before the country. If the publication of the work is to be deferred, it will be of little use to the country, and therefore the bill provides that it shall be given to the country within two years. If you are not going to give the Director of the Census an opportunity to get the work before the country within the time prescribed in the bill, what will be the use in getting it before the country at all?

Mr. DAWSON. Will the gentleman yield to a question on that point?

Mr. HAY. Certainly.

Mr. DAWSON. Would it expedite the publication of these volumes to have the work done at some point outside of Washington, where it would be necessary to send all proofs to the Census Office for correction and have them returned to the private printing office? And I might add, for the information of the gentleman from Virginia, that I understand that the practice in the Census Office has been to what we call in the printing office "butcher" proof more than in other departments of the Government. I ask if that would facilitate the publication?

Mr. HAY. I assume that the Director of the Census would have this outside work done at places near enough so that he would be able to expedite the printing of the census.

Mr. DAWSON. If the gentleman will permit, in the case of the Cuban census they started in by sending the proofs to the Census Office, and they found that occasioned so much delay that the Census Office sent two men up to Vermont, at additional cost. That ought, it seems to me, to be taken into account in connection with this question of the cost of printing.

Mr. HAY. One of the purposes of this amendment is not only to reduce the expense, but to insure expedition in printing the Thirteenth Census. That obligation is placed by the law upon the shoulders of the Director of the Census. Now, it is not to be assumed that the Director of the Census is going to employ some firm in some remote part of the country which will impede the printing rather than expedite it. For that reason it is important, not only to the Director of the Census as an officer of the Government carrying out the law, but it is important to the people of the country that this work shall be expeditiously done, that the Director of the Census ought to be given the leeway which is given in this Senate amendment.

Mr. DAWSON. Will the gentleman permit one more question?

Mr. HAY. Oh, certainly.

Mr. DAWSON. Is it not necessary under the terms of this amendment that this printing be let by competitive bids?

Mr. HAY. I do not so understand.

Mr. TAWNEY. The language expressly provides that in the event he exercises the discretion to contract for outside printing, that it shall be done by competition.

Mr. HAY. Oh, yes; the outside printing.

Mr. DAWSON. Then he would have to let the printing to the lowest bidder whether he be at Spokane or any other remote place?

Mr. HAY. I do not think so.

Mr. DAWSON. In the case of the Cuban census it was let to a firm in Vermont.

Mr. MANN. Your town might get the benefit of it.

Mr. GAINES of Tennessee. Can this be let in part to private contractors and part done by the Government?

Mr. HAY. Unquestionably. I will say that it is not the purpose nor the intention of the Director of the Census to let this work out to outside bidders unless it is found impossible to have it expeditiously and cheaply done at the Government Printing Office.

Mr. GAINES of Tennessee. Is it provided that it may be divided that way between the Government Printing Office and outside parties?

Mr. HAY. Undoubtedly, he can have it done that way; some at the Government Printing Office and some outside.

Mr. GAINES of Tennessee. How do they get at the facts? It seems it is an assumed fact that it costs 55 per cent more to do this work at the Government Printing Office than by outsiders. How do they get at that?

Mr. HAY. I presume they arrive at it by information given to the Director of the Census by the Government Printing Office and from outside printing establishments.

Mr. GAINES of Tennessee. Have we any proof of that?

Mr. HAY. We have; the whole matter was discussed by the gentleman from Minnesota.

Mr. GAINES of Tennessee. I was not in the Hall at the time, but busy in conference.

Mr. HAY. Now, I will yield to the gentleman from New York. How much time does the gentleman want?

Mr. FITZGERALD. Five minutes.

Mr. HAY. I yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, I am opposed to the adoption of the Senate amendment. There is here a great Government Printing Office, which, in my judgment, should be utilized. While it is true that the office is fully occupied while Congress is in session, it will not be fully occupied when Congress is not in session. They have certain fixed charges——

Mr. TAWNEY. Will the gentleman permit an interruption, to correct him?

Mr. FITZGERALD. They have certain fixed charges, which are paid or met regardless of whether the plant is utilized to its full capacity.

Mr. TAWNEY. I will say to the gentleman that during the hearings on the urgent deficiency bill a few days ago we were told by the Secretary of the Interior that work sent over to the Government Printing Office early in June was delayed until some time in July on account of the fact, as claimed by the Printing Office, that they were so busy that they did not have time to do the work. Congress was not in session at that time.

Mr. FITZGERALD. That may be; but the gentleman is mistaken. During the period of congressional work and when departmental reports come in at one time it makes the rush; but that is the only time when the work in the office is overcrowded. The gentleman from Indiana, in my judgment, has pointed out the chief reasons for the inability to ascertain what it will cost to do the work at this office. No great establishment that has had its head changed four times in eighteen months can be conducted in an efficient manner. If there was some permanency in the tenure of the head of the office, if some man competent to conduct the office was selected to do it, the work then could be done in a proper and efficient manner. When the qualifications of the man selected to conduct the office are required to be those of a man equipped to conduct a great printing establishment, then the office will be run in a proper manner. I believe that the chief reason for this inefficiency in the Printing Office has been removed.

Mr. BARNHART. I want to ask a question for information. You say that the tenure of office ought to be longer. Would it not be better to have a law regulating the expenditures of that office first, so that he may not exercise his discretion and make the expenses what he chooses to make them in the management of the office?

Mr. FITZGERALD. I do not know just what the gentleman has in mind. Of course, Congress can not pass a law fixing the price to be charged for various kinds of printing; but it should be possible to get a competent man, familiar with the conduct of a printing office, who would be able to have the work done at a reasonable price.

Mr. LANDIS. I would ask the gentleman if he thinks it would be possible in the State of New York to secure a competent man to take charge of an industrial establishment involving an expenditure of $7,000,000 annually, for $5,500 a year?

Mr. FITZGERALD. There seems to be no dearth of competitors, either in New York or in other parts of the United States, willing to do that. The President had no difficulty in getting four men whom he believed to be competent, and surely he would not select a man whom he did not believe to be fully equipped. So there can be no particular difficulty. The fact is, in my judgment, that the office has been run very badly. It should be possible to get a man to conduct it properly for that salary, because if he does so it will give him such a reputation that he can easily command in the commercial world a much larger compensation. I believe that if the gentleman who has been appointed be now given a fair opportunity, it will be possible for him to conduct this establishment in a way that will be satisfactory.

Under the pending amendment it is possible to have the printing done by contract, regardless of price, with no requirement that it be done by the lowest responsible bidder, and without an invitation to all printing houses to compete, or any requirement which will enable them to do so.

Mr. HAY. I yield ten minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, there have been some very remarkable statements made on the floor of this House to-day. In the interest of the Government, in the interest of economy, we have established a great printing office in this city. It has cost many hundreds of thousands of dollars. I do not know how many millions, in fact, it has cost the Government. It ought to be the most complete printing establishment in the world. It ought to be able to execute work in the best possible manner and upon the cheapest possible scale. Yet we are told that, without taking into account rents, deterioration of plant, insurance, or any expense of that kind, it is more expensive by 55 per cent to the Government to do work in that establishment than to have it done in the private establishments of the country. Now, Mr. Speaker, there is some reason for that. What is it? A number of gentlemen have talked about possible reasons. Is it not true that the reason of this excessive cost is because that establishment is run in the interest of a labor union in this city; that it is dominated by that labor union, and that these excessive expenses are the result of the power and influence of that union over the management of that institution? Mr. Speaker, there are gentlemen who forget that union labor in the United States does not represent labor in the United States. There are perhaps 2,000,000 men who insist upon the closed shop, who insist that no man shall work in the United States who does not pay allegiance to them, who does not bear their certificate, who does not pay taxes to their treasury; and yet there are twenty-four other millions of Americans who labor by their hands whom these gentlemen do not seem to be at all solicitous about.

Mr. Speaker, I have all my life been in full sympathy with those who labor. I am a mechanic. I have been a worker all my life. My sympathies are with those who toil. This sentiment has directed my political life. I am a Republican because I believe in free labor. I am a Republican because in my early days I believed that labor should own itself and capital should not own labor. I am a Republican because I believed that it was the duty of the United States, by every method possible, to enlarge the labor field of the United States, to make more and more and more places in which its laborers should find a field for the exercise of their energies at proper compensation. I have been a Republican because I believed in protecting the labor of my own country rather than bringing large emolument to the labor of other countries.

But I am not in favor of allowing a class an opportunity to dominate over the interests of others. These gentlemen, who are the apologists of this procedure, that would take $400,000 in a single job out of the Treasury of the United States forget that if this proposition prevailed, as suggested by the gentleman from Minnesota, the labor will yet be performed, and performed by American citizens. We do not diminish the amount of work that is to be done. We do not take work out of the hands of any American citizen, but we simply say that it shall be in the interest of 24,000,000 laborers rather than in the interest of two millions that propose to ostracize the other twenty-four millions. I am in favor of this proposition. I believe that we ought to so arrange that this work may be done in the government establishment if it can be done in the interest of the whole American people; but if it is to cost two or three or four hundred thousand dollars more to be done there, I prefer that it should go to another class of laborers, who are not seeking to control the interest of the Government in this important particular. [Applause.]

Mr. HULL of Iowa. Mr. Speaker, I would like one of the gentlemen to yield me five minutes now.

Mr. CRUMPACKER. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has eleven minutes remaining.

Mr. CRUMPACKER. I will yield five minutes to the gentleman from Iowa.

Mr. HULL of Iowa. Mr. Speaker, I want to protest against my colleague stating my position on this bill. I have had nothing to say about union labor, or any other labor. The question of union or antiunion is not involved. I think that question has been dragged in here at this time where it does not belong, for this reason the Government Printing Office is not a closed shop. It is a civil-service organization, and any man that passes the examination, whether he belongs to union labor or not, has a right to an appointment, and he will get it if he wins it.

That was settled in a controversy in the recent past. So that my colleague, when he seeks to attribute to his colleagues from Iowa unworthy motives in their position on this matter, has not a single leg to stand on, except his own imagination.

This whole question ought to be determined outside of the question of union labor. That question has nothing to do with it. My position on this proposition is this: This Government keeps up a great printing establishment, the greatest on earth, fully equipped for all kinds of work, and at all times. Every printer and every man competent for a place in the United States, no matter where he may live, no matter what his color may be, no matter what organization he belongs to, has a right

to take that examination, and, if he meets all the requirements, a certificate from the Civil Service Commission and an appointment in the Public Printing Office.

It is true that they try to divide them among the States, giving a certain proportion to each State, so that if one State has its full number of employees, that State is checked off until the one behind has caught up with it.

Now, Mr. Speaker, my proposition is this: As I said, we keep up the greatest printing office on earth, fully equipped, where it does business for ourselves and for the Government only. The Treasury pays both for the printing of the census and for the maintenance of the Public Printing Office. Your foreman, your superintendent, your proof readers, your Public Printer and his three assistants are all paid whether they do this work or do not do it. The additional cost of printing this work is possibly a few more proof readers and compositors, and the white paper. So I do not believe that this apparent saving will be a real saving when the balance is struck at the Treasury.

Now, Mr. Speaker, I want to say this much in explanation of what seems to me to be an uncalled for assault by my colleague upon the position of those who do not believe that the motion of the gentleman from Minnesota should prevail; and I reiterate what I said before, that I hope the House will vote it down, so that we will stand by the House proposition and have the work done in the Government Printing Office, where it properly belongs.

Mr. HAY. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has forty-two minutes.

Mr. HEPBURN. Will the gentleman from Virginia yield to me for a moment?

Mr. HAY. I will yield to the gentleman from Iowa three minutes.

Mr. HEPBURN. Mr. Speaker, I am sorry that the gentleman from Iowa [Mr. HULL] should have felt that he was aggrieved by anything that I had said. Will he point out any sentiments of mine that were an assault upon him?

Mr. HULL of Iowa. The gentleman said that his colleagues from Iowa were influenced in this by the fact that it was a labor union, and that we were mulcting the Treasury of $400,000 on account of a labor union.

Mr. HEPBURN. I said this, I think, Mr. Speaker, that my friend was speaking in the interest of these 2,000,000 men; and on the side of the proposition that would result in mulcting the Government in this sum. That was the statement that I made. I am not prepared to change it. Mr. Speaker, I want to call the gentleman's attention to this fact, that the telegrams that have been coming here to Members, that the lobbyists that have been here against this proposition, come from and belong to the labor union that I have referred to.

Mr. HULL of Iowa. I want to say right there, that I have had no telegram or lobbyist come to me.

Mr. HEPBURN. Very well, then, I am not talking about the gentleman. [Laughter.] "The jade, she doth protest too much." Mr. Speaker, I want to say, further, that practically the Government Printing Office is a closed shop, that 95 per cent of its membership are union men, and that they freeze out the man who is not a union man, or they compel him to join the union. I have had men complain to me that a union man would not even give them "sorts"—a term that my printer friend yonder will understand the meaning of—that they would not tell a newcomer as to methods, of even whether a matter should be set as a "hanging indention" or otherwise, that they freeze them out, and that seems to be established by the proof; and they have dominated, and do dominate, the Government Printing Office in this city.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. HITCHCOCK].

Mr. DAWSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DAWSON. Most of the time of the House during the last hour and a half has been consumed by those in favor of the motion of the gentleman from Minnesota [Mr. TAWNEY]. I would like to ask whether it is the gentleman from Virginia [Mr. HAY] or the gentleman from Indiana [Mr. CRUMPACKER], who is in charge of the time in opposition of the motion of the gentleman from Minnesota?

Mr. HAY. Mr. Speaker, I will state that I am just now yielding five minutes to a gentleman who wants to oppose the motion of the gentleman from Minnesota, and I will yield some time to the gentleman from Iowa [Mr. DAWSON] if he desires it.

The SPEAKER pro tempore. The Chair considers the parliamentary inquiry answered.

Mr. HITCHCOCK. Mr. Speaker, I am opposed to this amendment because it has not been shown that any substantial saving to the Government can be made by putting out this particular public printing in private shops. Even those gentlemen who advocate the adoption of this amendment do so with the declaration that it is only proposed to use the amendment as a club over the Public Printer to compel him to adjust the charge for printing to satisfy the head of the Census Bureau. Mr. Speaker, it seems to me that this is a "tempest in a teapot." The prices paid by the Public Printer for labor, which so outrages the feelings of the gentleman from Iowa [Mr. HEPBURN], are substantially the same prices as are paid for printing and to printers by the newspapers in the large cities of the country. Moreover, those are prices fixed by law and can not be reduced at the behest of the Director of the Census even if the Public Printer were disposed to do so. Then, too, Mr. Speaker, the increase in the charge made by the Public Printer against the various departments, as represented here on the floor to-day, is not an actual increase to the Government, but simply means the taking of money out from one governmental pocket and putting it into another governmental pocket. It is nothing but an increase in the estimate made by the Public Printer himself of what his bureau should be paid by other government offices.

Mr. TAWNEY. How does the gentleman reconcile that statement with the fact that the appropriations made for the public printing are insufficient, under the changed scale of costs, of doing that work?

Mr. HITCHCOCK. I will tell the gentleman one reason why this charge for public printing has increased and why the charges against the various departments have increased. It is because there has been a great increase in the cost of paper used by the Public Printer.

Mr. TAWNEY. That is not the ground, however, upon which the Public Printer bases an increase of 55 per cent in the cost of this work to the departments.

Mr. HITCHCOCK. The charge against various departments made by the Public Printer is nothing but an estimate. Change your Public Printer and you change your estimate. The gentleman has admitted himself that one Public Printer increased the estimate 50 per cent; but that increase, while it counted against one particular department or all departments, counted as much in favor of the Public Printer, so that the Government lost nothing; taxes were not increased, expenditures were not increased. There was simply a change in bookkeeping. What was added to the cost of printing in the various departments was deducted from the deficit in the office of the Public Printer.

Mr. TAWNEY. If the appropriations must be increased I would like to know if the expenditures are not necessarily increased to the extent that the appropriations are increased for this service?

Mr. HITCHCOCK. The appropriations are increased for everything, but what is added in the various departments for printing appears in the Public Printer's office as increased earnings. One reason why appropriations are increased in this particular case is because the price of paper has been advanced on an average of about 25 per cent; at least that is the advance to private consumers.

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

Mr. HITCHCOCK. Yes.

Mr. MANN. Is the gentleman able to say how much difference there has been in the cost of paper to the Government durin the last eighteen or twenty months?

Mr. HITCHCOCK. I am not able to state. I sent for the report of the Public Printer just now, but only have the report for 1906. In that year about $5,000,000 were expended by the Public Printer. Of this amount about $4,000,000 was for labor of all grades, about one million was for paper and supplies. The paper item was over half a million dollars. The big item in many cases is the charge for paper, and that is particularly true of the census reports, which have to be published in great quantities. I notice, for instance, on one page of the report for tabular printing the labor item is $151,000 and the paper item is $208,000.

Mr. TAWNEY. What department of the Government Printing Office was that from which the gentleman has just read?

Mr. HITCHCOCK. I am not able to state, but it is under the head of charge for tabular statements. Now, Mr. Speaker, I want to refer for a moment to the speech made by the gentleman from Iowa [Mr. HEPBURN], who takes this occasion to make an assault on union labor as though union labor were responsible for all the extravagances of the Government or for the extravagances in the office of the Public Printer. Mr. Speaker——

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. HAY. Mr. Speaker, I yield three minutes more to the gentleman from Nebraska, and I will take this occasion to state that I have already promised all the time that I have.

The SPEAKER pro tempore. The gentleman from Nebraska is recognized for three minutes.

Mr. HITCHCOCK. Mr. Speaker, the gentleman from Iowa can not set back the clock of progress. Union labor has come, and come to stay. While union labor may have been guilty of some mistakes, and undoubtedly has been; guilty of some wrongs, and undoubtedly has been; union labor has brought a benefit to the working classes of this country immeasurably beyond and above all detriment that it has brought in its wake. [Applause.] Union labor has established itself wherever civilization has been established, and in establishing itself has raised the condition of those who labor and their standard of living. It has been in this country, Mr. Speaker, the only salvation of the working classes in facing the tremendous increase in the cost of living brought upon them by the tariff, the trusts, and other conditions which it has had to confront. [Applause.] Mr. Speaker, it seems to me undoubtedly out of place for a Member to make an attack on union labor in a discussion which involves simply the question of whether the Government Printer shall be allowed to do this work or whether it shall be done outside. If the Government Printer, a creature of the Government, a creature of Congress, an appointee of the President, does not do his work in the proper way, let him be controlled. If his estimates do not conform to reason or if his policy does not satisfy other departments, let the administration regulate him. It is an error to assert that the Public Printer's office is a closed shop. It is open to all the world and to any man taking and passing the examination, and the compensation of the printers is fixed not by the men themselves, not by the union, but by law. [Applause.]

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, this is a very important question; not so much because it is an attempt to break down the Government Printing Office in this particular case, but because it would become a precedent for every head of a bureau to come to Congress and ask permission to go out and advertise for contracts and to secure contracts, as some one stated here, which would be subject to his direction and not to that of the Government Printer. But if I were in favor of so radical a step as this I would be opposed to this amendment. Mr. Speaker, no such loose provision has ever been undertaken to be engrafted upon our statute books as this would be. It is given to the Director of the Census to determine whether he will have the printing done if it is not sufficiently promptly done in his judgment. Also, if he is not satisfied with the manner of doing it; also if he is not satisfied with the quality of the work done; and also if he is not satisfied with the price, with which he has little to do. Now, with those four things all in his discretion, subject to the approval of the Secretary of Commerce and Labor, he is permitted under this provision to go out and let a contract to whomsoever he pleases. It says he may let a contract for printing and binding "after due competition." What is due competition? Just such as in his discretion he might choose to exercise, and nothing more. No advertising or estimates is required to be made, nor is there to be competition with the Government Printing Office. The director might let a contract at any price, however high, under this provision. The bill does not require the contract to even be to the lowest bidder.

If these were days of graft there would be a chance for it here. Gentlemen advocate it because they want the Director of the Census to have, or he wants to have, the right to control the printing establishment which does the census printing. Now, this would be a most extraordinary thing in legislation in the States of this Union. In our own legislation, when we propose to let contracts for work, we provide for advertisement and for the letting of the contract to the lowest bidder. Here there is no such provision in the amendment. It is drawn so loosely that the Director of the Census might let the contract as and to whom he pleases. Does anybody dispute it?

Mr. TAWNEY. Yes.

Mr. KEIFER. The gentleman from Minnesota [Mr. TAWNEY], who will make his motion to agree to this provision, says he disputes it, but the language of this warrants all I have said about it.

Now, we have had estimates of the cost of printing that are meaningless. That has been fully explained. We have nothing here that indicates to my mind that there is any necessity for even a proper provision to go into competition with the printers all over the country. There were some estimates made here some time ago by somebody who was ill prepared to make them, based upon old methods and cast-off printing machinery, and so on, that were very extravagant. Now, when we have the greatest printing office in the world in its equipment, all sorts of presses in duplication, all sorts of methods and machinery for binding, and all that, we are to be told that the Director of the Census has the right, if he does not like the quality of the work, the promptness of the work, or the price that is being charged in this great office for doing printing generally, to go out and let it to whomsoever he pleases, and at any price he pleases. [Cries of "Vote!"]

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. Mr. Speaker, I am a member of this committee, and I rise for the purpose of recording myself in favor of the motion made by the gentleman from Minnesota [Mr. TAWNEY], and therefore in favor of the amendment as proposed by the Senate. This discussion has taken a very wide latitude. I do not care a farthing whether or not the Government Printing Office is run and operated by a labor union. I do not know anything about that proposition as to whether or not it is organized, controlled, and dominated by labor organizations, as I said a moment ago, nor do I care one iota whether that is true of whether it is not true.

I quite agree with everything said by the gentleman from Nebraska about organized labor.

But we are dealing with a proposition here that every man, woman, and child in the United States has an interest in. I call your attention to the second section of this bill, which provides for the taking of the decennial census of the United States, and it provides that the publication shall be prepared, printed, and distributed in the first three years of the taking of the census. Now, to my mind, the evidence is clear to the effect that circumstances and conditions may arise in the Government Printing Office during the decennial census period whereby the second section of this bill could not possibly be complied with. Shall the 87,000,000 of people in the United States who are interested directly in the taking of the Thirteenth Census be held absolutely at the mercy, as it were, of the Government Printing Office in the event it can not get these reports out in the time as provided for by section 2 of this bill? To my mind this further fact has been established, that it would be to the interest of economy to adopt this proposed Senate amendment.

The statement has been made, and it has not been denied, that we have had four different Public Printers in eighteen months' time. It is conceded, therefore, either directly or indirectly, that something has been wrong in the way of the management of the Government Printing Office. Suppose that condition occurs during the taking of the decennial census, or the first three years of its existence, or to the extent that the Government can not get out these publications, what would be the condition?

In response to the argument made by the gentleman from Ohio [Mr. KEIFER], it can certainly be presumed that if this matter is submitted to competitive bids the Director of the Census and the Secretary of Commerce and Labor will at least do their duty, and if the Government desires to come in and submit competitive bids along with private concerns, that, at least, it will give the Government of the United States the opportunity to come in and submit its competitive bid.

Mr. KEIFER. Will the gentleman allow me to suggest that that is exactly prohibited by the clause we are now talking about?

Mr. COX of Indiana. Then, in response to that, while I have not yet observed or had the opportunity to observe any contract made by the Government of the United States for the furnishing of its supplies, yet I imagine that under the law the Government has the right to accept or to reject any bid which it may have tendered to it or offered to it. This amendment does not propose to take the printing relating to the decennial census period away from the Government during this period. It only provides to aid the Government to get this printing done in the case of emergency; should the emergency not arise, the Government will not undertake to take the option of printing away from the Government, but will permit it to be done by the Government.

Mr. KEIFER. Speaking about contracts let under special contract.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Speaker, it does not seem to me the question of unionism has any place in this debate. The main question for this House to decide in regard to the printing of the Thirteenth Census is the question, first, as to price, and second, the promptness in delivery. The gentleman from Indiana [Mr. Cox] has just called attention to the fact and argued upon what the situation would be if the Government Printing Office could not get these volumes out within the required time. Why, that would be wholly within the control of Congress. Congress controls the Government Printing Office. We could easily make a provision to care for any contingency that might arise if the work was done down at the Government Printing Office. But if it were being done in a private plant, we would

be entirely helpless in the premises upon the question of promptness of delivery.

Mr. Speaker, I desire to call attention to the fact that if this work is let out to private contractors, it must be let under the provision that is now proposed, to the lowest bidder. That does not take into account the proximity of the bidder to the city of Washington. If the work is to be done distant from the city of Washington, as the Cuban census has been done, then we must submit to the almost interminable delays of sending the proof here to the city of Washington and then returning it to the place where the work is being done.

Mr. TAWNEY. They would have to send a proof reader to the place.

Mr. DAWSON. If we did that, then we increase the cost of printing, because we not only have to pay the salaries of the proof readers, but their expenses while absent from Washington. I want to add, Mr. Speaker, that census tables are somewhat different from ordinary printing. Census tables, after they have been set up and the proofs have been sent to the Census Bureau, have been known to be completely reshaped, and new tables in those cases have had to be set up in the Government Printing Office.

If that is to be done in the Thirteenth Census, and no doubt it will be, I want to say to the gentlemen who expect to promote economy by this provision that, in my judgment, in the long run they will be paying an additional amount for the publication of the census by reason of the additional expense made on account of changes made in the tables and corrections in proofs.

Mr. COX of Indiana. Will the gentleman permit a question?

Mr. DAWSON. Certainly.

Mr. COX of Indiana. In taking into consideration competitive bids, does not the gentleman believe that the Government before it enters into a contract will take all these things into consideration, such as distance from the capital and everything the gentleman has referred to?

Mr. DAWSON. On the question of economy, I do not think that is worth a cent if you are going to take proximity into account——

Mr. COX of Indiana. Have not they the right to reject any and all bids?

Mr. DAWSON. On the question of economy it has been said that the Cuban census was printed at a much lower figure by a private concern than it could have been done by the Government Printing Office. I am reliably informed that the Cuban census, instead of costing the Cuban Government the amount of the original bid, eleven or twelve thousand dollars, actually cost between eighteen and twenty thousand by reason of the changes, and so forth, which the private party was enabled to make.

Mr. TAWNEY. Mr. Speaker, I submit that the gentleman——

Mr. DAWSON. I can not yield now.

Mr. TAWNEY (continuing). Ought to give the source of his information in order that we may compare it with that given.

Mr. DAWSON. The gentleman has had half an hour's time.

Mr. TAWNEY. No, sir; I did not.

Mr. DAWSON. Now, Mr. Speaker, there is one other point this House ought to take into consideration in connection with this matter, and that is the question of the possibility of reprinting some of these volumes. We all know that in times to come there may be occasions when Congress will want a reprint of some of these volumes. Supposing they are printed by a private concern, will the Government have control of the plates? No. If we reprint the volume we must then send it to the Government Printing Office and go to the additional expense of setting it up and incur the same cost as it would have been originally. These, it seems to me, Mr. Speaker, are some of the considerations that ought to be taken into account in connection with this amendment. [Cries of "Vote!"]

Mr. CRUMPACKER. Mr. Speaker, I want a vote on this question. I will yield to the gentleman from Minnesota four minutes, and after that I will ask for the previous question.

Mr. TAWNEY. Mr. Speaker, among the various arguments that have been made against concurring in the Senate amendment the one made by the gentleman from Iowa [Mr. HULL] seems to have impressed the Members of the House, perhaps, more than any other, namely, that it is necessary for us to permit the work of printing the reports of the next census to be done in the Government Printing Office, so that the men there employed shall be kept at work. In reply, I want to say that this census work is special, or work not contemplated in connection with the regular work of the Government Printing Office. Whether the census reports are printed there or not, the employees of that institution will all be employed and receive their usual compensation.

I want to call the attention of the House to the fact that if this amendment is not adopted and does not become a part of this law, the Government of the United States, in respect to printing the next census reports, will be in a position that it has not been in at any time in the past. For the purpose of meeting conditions that might arise, either as to delay or increase in the cost of printing the census reports, the laws under which the last two previous censuses were taken provided for a printing establishment in the Census Bureau itself. There is no provision of that kind in this law. Hitherto the Census Bureau was authorized to establish and maintain an independent printing office in the Census Bureau for the purpose of doing certain of the printing the bureau required.

Mr. FITZGERALD. Will the gentleman yield for a question? Does not the gentleman know that they only had six pressmen there?

Mr. TAWNEY. I am making my statement from the testimony of Mr. Rossiter, the chief clerk of the Census Office.

Mr. FITZGERALD. I should like to call the attention of the gentleman to the provision as enacted.

Mr. MANN. That was the law. They could have had it.

Mr. Speaker, I want to state further that this is merely a precautionary measure, so that the Census Bureau will not be at the mercy of conditions over which it has no control when it comes to print the census reports within the time fixed by law. Take, for example, the situation that has obtained in the Government Printing Office during the last year, when the scale of prices has changed one month from another month; when it has been absolutely impossible to know how much government printing was going to cost when orders for printing were given, because there was no certainty that the scale of prices would not be changed by some new Public Printer. Now, this is merely as a precaution, to protect the Government against conditions over which the Census Bureau has absolutely no control. If this provision goes in, it does not mean that the census is going to be printed in a private establishment, unless conditions arise making it absolutely necessary to do so; and it being proposed merely as a precaution, I think the House ought by all means to concur, for if the scale of prices charged by the Government Printing Office is that which was estimated for not long ago, then the cost of printing the census will be at least four or five hundred thousand dollars in excess of what it could be done for by some private establishments. I hope therefore the motion to recede and concur will prevail.

Mr. CRUMPACKER. Mr. Speaker, I move the previous question on all the motions pending.

The SPEAKER pro tempore (Mr. OLMSTED). The gentleman from Indiana moves the previous question on all motions pending.

Mr. BUTLER. There is only one amendment pending.

Mr. CRUMPACKER. One amendment, but there are two motions.

Mr. BUTLER. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BUTLER. Does this include more than one amendment?

The SPEAKER pro tempore. Only the twenty-fourth amendment.

The previous question was ordered.

Mr. FITZGERALD. I ask that the motion be divided.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from Minnesota [Mr. TAWNEY] that the House do recede from its disagreement to the Senate amendment 24 and concur therein. Now, the gentleman from New York demands a division of that question.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry. Is the motion to recede and concur divisible?

The SPEAKER pro tempore. Under the rulings, the Chair thinks it is divisible.

Mr. BUTLER. If we recede, then what do we do?

The SPEAKER pro tempore. The question is upon the first branch of the motion, which is that the House do recede from its disagreement to Senate amendment No. 24.

Mr. HAY. A parliamentary inquiry. Do we not first vote upon the motion to concur, which brings the two Houses together?

The SPEAKER pro tempore. We must first recede from the disagreement to the Senate amendment before we can concur. The question, therefore, is upon the motion that the House do recede from its disagreement to Senate amendment 24.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FITZGERALD. Division!

The House divided; and there were—ayes 77, noes 59.

Mr. FITZGERALD. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

Mr. TAWNEY. Will the Chair please restate the question that the House is asked to vote upon?

The SPEAKER pro tempore. The question now is upon the motion that the House do recede from its disagreement to Sen-

ate amendment 24. Upon that question the yeas and nays are ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 116, answered "present" 6, not voting 136, as follows:

YEAS—128.

Alexander, Mo.	Ellerbe	Humphreys, Miss.	Parsons
Ames	Ellis, Mo.	James, Ollie M.	Perkins
Barclay	Estopinal	Jones, Va.	Pujo
Bartlett, Ga.	Fassett	Knapp	Reeder
Bede	Flood	Knopf	Reid
Bell, Ga.	Floyd	Küstermann	Roberts
Bennet, N. Y.	Gaines, Tenn.	Landis	Robinson
Bennett, Ky.	Gardner, Mass.	Langley	Rucker
Bingham	Gardner, Mich.	Livingston	Russell, Mo.
Bowers	Garner	Loudenslager	Sherley
Boyd	Garrett	Lovering	Slayden
Brantley	Gillett	McCreary	Slemp
Broussard	Glass	McKinley, Ill.	Smith, Cal.
Brownlow	Graff	McMorran	Smith, Iowa
Burke	Gronna	Macon	Southwick
Burleson	Hackney	Madden	Sperry
Candler	Hamlin	Madison	Stevens, Minn.
Capron	Hammond	Malby	Sturgiss
Carlin	Haugen	Mann	Swasey
Cassel	Hay	Marshall	Tawney
Clark, Fla.	Helm	Miller	Taylor, Ala.
Conner	Henry, Conn.	Mondell	Tirrell
Cook, Pa.	Hepburn	Moon, Pa.	Volstead
Cooper, Pa.	Higgins	Moore, Pa.	Vreeland
Cousins	Hinshaw	Moore, Tex.	Wallace
Cox, Ind.	Hobson	Morse	Wanger
Craig	Holliday	Mudd	Washburn
Douglas	Howard	Nye	Watson
Driscoll	Howland	Olmsted	Webb
Durey	Hubbard, W. Va.	Overstreet	Wiley
Dwight	Hull, Tenn.	Padgett	Woodyard
Edwards, Ky.	Humphrey, Wash.	Page	Young

NAYS—116.

Adair	De Armond	Hubbard, Iowa	Parker
Adamson	Denver	Hughes, N. J.	Pearre
Aiken	Dixon	Hull, Iowa	Peters
Allen	Edwards, Ga.	Johnson, Ky.	Prince
Ansberry	Ellis, Oreg.	Kahn	Rainey
Ashbrook	Englebright	Keifer	Randell, Tex.
Barchfeld	Esch	Kellher	Rauch
Barnhart	Ferris	Kennedy, Iowa	Rodenberg
Bartholdt	Fitzgerald	Kennedy, Ohio	Ryan
Bates	Focht	Kimball	Sabath
Beale, Pa.	Fornes	Kinkaid	Shackleford
Beall, Tex.	Foster, Ill.	Kitchin	Sheppard
Birdsall	Foster, Ind.	Knowland	Sims
Booher	French	Law	Smith, Mo.
Burleigh	Gillespie	Lindbergh	Smith, Tex.
Butler	Godwin	Lindsay	Stanley
Caldwell	Gordon	Lloyd	Stephens, Tex.
Campbell	Goulden	Longworth	Sterling
Cary	Greene	Loud	Sulloway
Chapman	Gregg	McDermott	Talbott
Clark, Mo.	Griggs	McGavin	Taylor, Ohio
Cockran	Hamilton, Iowa	McHenry	Thistlewood
Cook, Colo.	Harding	McKinney	Thomas, N. C.
Cooper, Wis.	Hardwick	McLachlan, Cal.	Tou Velle
Crawford	Hardy	Martin	Underwood
Crumpacker	Harrison	Mouser	Watkins
Davenport	Hayes	Murphy	Willett
Davis	Henry, Tex.	Nelson	Wilson, Ill.
Dawson	Hitchcock	Norris	Wood

ANSWERED "PRESENT"—6.

Clayton	Jenkins	Rhinock	Sherman
Foster, Vt.	Johnson, S. C.		

NOT VOTING—136.

Acheson	Draper	Huff	Patterson
Alexander, N. Y.	Fairchild	Hughes, W. Va.	Payne
Andrus	Favrot	Jackson	Pollard
Anthony	Finley	James, Addison D.	Porter
Bannon	Foelker	Jones, Wash.	Pou
Bartlett, Nev.	Fordney	Kipp	Pratt
Bonynge	Foss	Lafean	Pray
Boutell	Foulkrod	Lamar, Fla.	Ransdell, La.
Bradley	Fowler	Lamar, Mo.	Reynolds
Brodhead	Fuller	Lamb	Richardson
Brundidge	Fulton	Laning	Riordan
Burgess	Gaines, W. Va.	Lassiter	Rothermel
Burnett	Gardner, N. J.	Lawrence	Russell, Tex.
Burton, Del.	Gilhams	Leake	Saunders
Burton, Ohio	Gill	Lee	Scott
Byrd	Goebel	Legare	Sherwood
Calder	Goldfogle	Lenahan	Small
Calderhead	Graham	Lever	Smith, Mich.
Carter	Granger	Lewis	Snapp
Caulfield	Guernsey	Lorimer	Sparkman
Chaney	Hackett	Lowden	Spight
Cocks, N. Y.	Haggott	McCall	Stafford
Cole	Hale	McGuire	Steenerson
Cooper, Tex.	Hall	McKinlay, Cal.	Sulzer
Coudrey	Hamill	McLain	Thomas, Ohio
Cravens	Hamilton, Mich.	McLaughlin, Mich.	Townsend
Currier	Haskins	McMillan	Waldo
Cushman	Hawley	Maynard	Weeks
Dalzell	Heflin	Moon, Tenn.	Weems
Darragh	Hill, Conn.	Murdock	Weisse
Davidson	Hill, Miss.	Needham	Wheeler
Dawes	Houston	Nicholls	Williams
Denby	Howell, N. J.	O'Connell	Wilson, Pa.
Diekema	Howell, Utah	Olcott	Wolf

So the motion to recede was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Until further notice:

Mr. WHEELER with Mr. WOLF.

Mr. WEEMS with Mr. WEISSE.

Mr. WEEKS with Mr. SPIGHT.

Mr. TOWNSEND with Mr. SULZER.

Mr. SMITH of Michigan with Mr. SPARKMAN.

Mr. SCOTT with Mr. SMALL.

Mr. PORTER with Mr. SAUNDERS.

Mr. POLLARD with Mr. SHERWOOD.

Mr. PAYNE with Mr. WILLIAMS.

Mr. MCMILLAN with Mr. ROTHERMEL.

Mr. MCKINLAY of California with Mr. RICHARDSON.

Mr. LOWDEN with Mr. RANSDELL of Louisiana.

Mr. LORIMER with Mr. PATTERSON.

Mr. HUGHES of West Virginia with Mr. O'CONNELL.

Mr. HUFF with Mr. MAYNARD.

Mr. HOWELL of Utah with Mr. MCLAIN.

Mr. HAMILTON of Michigan with Mr. LEWIS.

Mr. HAGGOTT with Mr. LEVER.

Mr. GUERNSEY with Mr. LENAHAN.

Mr. GRAHAM with Mr. LEE.

Mr. GOEBEL with Mr. LASSITER.

Mr. GAINES of West Virginia with Mr. LAMB.

Mr. FULLER with Mr. JOHNSON of South Carolina.

Mr. FOULKROD with Mr. HEFLIN.

Mr. FAIRCHILD with Mr. HAMILL.

Mr. DENBY with Mr. HACKETT.

Mr. DAWES with Mr. GOLDFOGLE.

Mr. DAVIDSON with Mr. GILL.

Mr. DALZELL with Mr. FULTON.

Mr. CUSHMAN with Mr. COOPER of Texas.

Mr. COLE with Mr. CLAYTON.

Mr. COCKS of New York with Mr. CARTER.

Mr. CALDER with Mr. BYRD.

Mr. BURTON of Delaware with Mr. BURNETT.

Mr. BOUTELL with Mr. BRODHEAD.

Mr. BANNON with Mr. BARTLETT of Nevada.

Mr. OLCOTT with Mr. RHINOCK.

Mr. HOWELL of New Jersey with Mr. KIPP.

Mr. ALEXANDER of New York with Mr. BURGESS.

Mr. DIEKEMA with Mr. FAVROT.

Mr. CALDERHEAD with Mr. LEGARE.

Mr. HILL of Connecticut with Mr. GRANGER.

Mr. JENKINS with Mr. HILL of Mississippi.

Mr. FOELKER with Mr. RUSSELL of Texas.

Mr. JONES of Washington with Mr. MOON of Tennessee.

Mr. COUDREY with Mr. PRATT.

Mr. ADDISON D. JAMES with Mr. HOUSTON.

Mr. LAWRENCE with Mr. LAMAR of Florida.

Mr. BRADLEY with Mr. LAMAR of Missouri.

Mr. WALDO with Mr. WILSON of Pennsylvania.

Mr. DRAPER with Mr. NICHOLLS.

Mr. REYNOLDS with Mr. BRUNDIDGE.

Mr. FOSTER of Vermont with Mr. POU.

Mr. MCLAUGHLIN of Michigan with Mr. CRAVENS.

The result of the vote was announced as above recorded.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment to the pending Senate amendment, which I send to the desk and ask to have read.

Mr. HAY. Mr. Speaker, I make the point of order that the previous question is ordered on both motions, to recede and concur.

Mr. FITZGERALD. But this is not on either motion. I offer that amendment to the pending Senate amendment.

Mr. HAY. But the previous question was ordered on both motions.

Mr. FITZGERALD. The previous question was ordered on the pending motion. One was the motion to insist and the other was the motion to recede and concur. The House having now receded, the amendment is before the House, and to that I offer this amendment.

Mr. HAY. My recollection is that the gentleman from Indiana asked the previous question on both motions—on all motions—and the previous question was ordered. The motions before the House are the motions of the gentleman from Minnesota to recede and concur.

Mr. FITZGERALD. Yes; but this is a preferential motion.

Mr. CRUMPACKER. Mr. Speaker, I would like to have the amendment reported for the information of the House pending its consideration by the Chair.

The SPEAKER pro tempore. That can be done only by unanimous consent.

Mr. CRUMPACKER. I think the motion to amend is not in order.

The SPEAKER pro tempore. The Chair will rule upon the point of order, if it is insisted upon.

Mr. FITZGERALD. I ask unanimous consent that the amendment be reported for the information of the House.

Mr. HAY. I insist on my point of order.

The SPEAKER pro tempore. The point of order being insisted upon, the Chair will rule. The Chair understands that the previous question was demanded and ordered upon all pending motions. That being the case, the question now before the House for consideration appears to have been squarely ruled upon by the present Speaker of the House on the 2d of March, 1907, when it was decided that the previous question being demanded and ordered on a motion to concur in a Senate amendment, a motion to amend is not in order. The Chair therefore sustains the point of order. The question now is on the motion to concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 97, noes 65.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from New York demands the yeas and nays. All in favor of taking the yeas and nays will rise and stand until counted. [After counting.] Thirty gentlemen standing; not a sufficient number, and the yeas and nays are refused.

So the motion to concur in Senate amendment No. 24 was agreed to.

The SPEAKER pro tempore. The Clerk will now report Senate amendment No. 26.

The Clerk read as follows:

SEC. 33. That the Director of the Census, under the supervision of the Secretary of Commerce and Labor, be, and he is hereby authorized and directed to acquire by purchase, condemnation, or otherwise, for the use of the Census Office, and for other governmental purposes, the site and buildings thereon, containing about 118,000 square feet of ground, and constituting the southern 350 feet, more or less, of square No. 574, in Washington, D. C., bounded on the north by a public alley, on the south by B street, on the east by First street, and on the west by Second street NW.: *Provided*, That not more than $430,000 shall be paid for the property herein referred to.

That the said Director of the Census, under the supervision of the Secretary of Commerce and Labor, is instructed to cause to be erected on such portion of the site as is not now occupied by buildings, a commodious and substantial building with fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the Census Office, and for other governmental purposes, the cost of such building not to exceed $250,000. A sum of money sufficient to pay for the property and the erection of the said building is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no part of the said appropriation shall be expended until a valid title to the property referred to shall be vested in the United States.

Mr. CRUMPACKER. Mr. Speaker, for the purpose of getting the sense of the House on this amendment, I move that the House recede from its disagreement to the Senate amendment and concur therein. The amendment provides for the purchase by the Government of the property now occupied by the permanent Census Office, including the land and buildings and certain other property adjacent thereto on the north, one, I think, a vacant lot and the other a lot upon which there is a building now occupied by the Southern Railway as a sort of subsidiary office. The Government has an option on this property at the price of $3.31 a square foot, including the buildings. The Senate amendment also provides an appropriation of $250,000 for the construction of a building upon the vacant property included in the proposition to purchase, a building large enough to accommodate the entire temporary census force. The present office is altogether inadequate. The building, I understand, was constructed for the use of the Government in housing the clerks and offices for the last census, but it became necessary to rent three or four other places scattered about over the city to accommodate many of the clerks and divisions in the office. It was found to embarrass the administration of the work, to add very materially to the cost of the work, and it is the judgment of the Director of the Census, who knows perhaps more about the particular question than anybody else, that we can save in rents and in cost of administration during the three years of the next decennial census period substantially enough to pay for the property.

The location is within the scope of territory that the park commission has recommended to be purchased and owned by the Federal Government. Some criticism has been made of the location in regard to its altitude. It is largely filled ground. At one time that locality, like the great city of Chicago, was marshy.

Mr. SHEPPARD. Will the gentleman yield for a question? When does the option on this expire?

Mr. CRUMPACKER. On the 1st of July next.

Mr. MADDEN. How many square feet of ground is there?

Mr. CRUMPACKER. I do not have that in my head.

Mr. SHEPPARD. For what purpose was this option obtained?

Mr. CRUMPACKER. Mr. Speaker, I am trying to hear the question of the gentleman from Texas.

Mr. SHEPPARD. When was the option acquired, and for what purpose was it acquired?

Mr. CRUMPACKER. The option was acquired when we first rented the property. The property belongs to some heirs, I understand the Emery estate, and the trustee of that estate put up the building and rented the property to the Government, and my recollection is that the annual rental is $21,000, and by the contract it was provided that the Government should have the right to buy the property at a price of $3.31 a square foot, including the building. That option expired a year ago. We secured a renewal of the option, and that extension was for one year.

Mr. SIMS. How much is it per square foot?

Mr. CRUMPACKER. Three dollars and thirty-one cents.

Mr. SIMS. When the option expired, we took a renewal at the same price?

Mr. CRUMPACKER. They renewed it at the same price.

Mr. SIMS. For another year?

Mr. CRUMPACKER. For another year.

Mr. SIMS. Which proves conclusively that the property is not going up.

Mr. CRUMPACKER. Well, I do not know that that proves that it is not going up. They made a contract and renewed it, and we have the option, and it is estimated that, taking the building into consideration, the price of the land is $2.10 a square foot.

Mr. LANDIS. I would like to ask the gentleman how that compares with the price of property in the same locality disposed of recently?

Mr. CRUMPACKER. It is considerably cheaper. There has been a piece of property sold in that immediate vicinity at a considerably higher price. This property is not in the hands of a real-estate agent, but it is being handled altogether by the trustees. Complaint has been made in relation to its altitude. The ground is higher than the level of the post-office building or the District of Columbia administration building.

It is a fairly convenient place, and it will result in a great saving to the Government in the administration of the Thirteenth Census in having the entire census force together, instead of having it scattered about all over the city. To have it so scattered will delay the work and it will cost a great deal to send unfinished work from one locality to another or from one room to another and it would require a great many additional messengers, but the expense in additional rent and service will be comparatively small as compared with the expense occasioned by the delay that will necessarily result from that policy.

Mr. SIMS. Will it be possible to put up such a building as the Government ought to put up there and have it ready for use by the time we will take this census?

Mr. CRUMPACKER. The gentleman, I suppose, has in mind the appropriation limiting the cost of the building to $250,000. The building can be constructed and all ready before we need the clerks, and I sincerely believe we can save almost the entire purchase price of this property in rent and in other ways during the three-year period covered by the decennial census.

Mr. SIMS. If the Government does not rent this building, then who would; who would have any use for it except the Government?

Mr. CRUMPACKER. Well, for that matter it might be sold, but if we could get the census force in the present building we would not be buying additional property. The present census office will accommodate about one-half of the clerical force that will be in the office during the decennial census period, and we would have to look about over the city to find accommodations here and there, wherever we could—a dozen in one place and fifty or a hundred in another—and it would simply scatter the force all over the city, and the gentleman from Tennessee ought to appreciate the embarrassment that it would occasion and the additional expense it would involve. For $250,000 we can put up a building that is entirely adequate, entirely sufficient to accommodate the force of the temporary census office, and have them together. I think it is a good bargain.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Indiana [Mr. CRUMPACKER] a question on this amendment. I am not clear as to whether it is the purpose under this amendment to construct a permanent building for the use of the permanent Census Bureau of the Department of Commerce and Labor or whether it is the purpose merely to construct a temporary building to be used in connection with the housing of clerks employed in taking the next census.

Mr. CRUMPACKER. The purpose is to construct a $250,000 building, to be used in accommodating the additional force during each decennial census period, or possibly the permanent force might move into it. I do not know. I am not informed. We have got to have the room; we have got to get it from some source; and we want to have the accommodations so that we can have the entire force together.

Mr. TAWNEY. Now, this amendment, if agreed to, involves the expenditure of $680,000, including the site?

Mr. CRUMPACKER. Yes.

Mr. TAWNEY. Or a little more. We have a permanent Census Bureau in a rented building. I have no objection to the construction of a building of sufficient size and capacity to accommodate the permanent part of this organization; but I question the feasibility or advisability of our providing or authorizing the construction of a building during the time of taking the census, when a temporary force must be employed, for the purpose of also housing the permanent organization. Does not the gentleman think it would be better to provide temporarily for the force of employees necessary to take the next census, and after that is over and we know how much space will be required for the permanent organization, provide a suitable building for that permanent organization?

Mr. CRUMPACKER. I do not, if by the carrying out of this contract we will save substantially enough to buy the property; because, when we get through, we will have as much money as we would otherwise have, and the property in the bargain. Does the gentleman understand that sort of a business proposition?

Mr. TAWNEY. I do not know what contract the gentleman refers to.

Mr. CRUMPACKER. The option we have.

Mr. TAWNEY. I was unfortunately absent when the gentleman stated what the option is.

Mr. CRUMPACKER. The option is $3.31 a foot, including the improvements—the building. We must house the clerks, and it is good business and good administration to have them together, because their work is interdependent, and the gentleman well knows that all this work is emergent. It has got to be done with dispatch, without delay, in order that it may be completed in time, and completed economically, and we can save nearly if not the entire amount of the purchase by buying this property, putting up this building——

Mr. TAWNEY. In the event that we do not take up the option, are we to be thrown out of the building?

Mr. CRUMPACKER. Not necessarily thrown out. The present building has sufficient capacity to accommodate only about *one-half of the* force during the temporary period. During the last census the gentleman knows we had a lot of clerks up in the Union Building, and I do not know where all—scattered all over town. Where will we go this time? The question of housing the bureaus and the divisions in the administration of the Government is a serious problem. This property, if we do not buy it now, may ultimately be worth eight or ten dollars a square foot.

Mr. TAWNEY. Does the gentleman think it would be good business management for us to provide a building of sufficient size to accommodate all the employees engaged here in Washington in the taking of the census every ten years?

Mr. CRUMPACKER. I believe that the building we have in mind will be sufficient to accommodate all of the clerks at the next decennial period, and perhaps at the decennial period following that; but in the meantime, if the Government sees fit to make some other disposition of it after the decennial period is over, put another bureau or division, or two or three of them, in the new building, or use it for storage purposes, it may do so; but the strong argument is that we will save substantially the cost of this property in rents and in securing more efficient administration, and have it practically free.

I will yield to the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. I do not know if I understood my colleague when he stated a moment ago as to how long the Government had its present option on this property.

Mr. CRUMPACKER. I understand until the 1st of next July.

Mr. COX of Indiana. When did that option begin? When was the contract made between the owner of the property and the Government?

Mr. CRUMPACKER. I think it was originally made about ten years ago, and expired about a year ago and was renewed for one additional year.

Mr. COX of Indiana. Will the gentleman inform the House how much rent the Government paid for the taking of the Eleventh Census under General Merriam?

Mr. LANGLEY. The total amount of rentals paid for all the buildings, including the building now occupied, during the past ten years, was two hundred and sixty-two thousand and some odd dollars. The annual rental of the building now occupied is $21,000.

Mr. CRUMPACKER. I do not know how much we paid ten years ago. I do not know what buildings we had rented. I know we had a number, and we have been renting this property from that time to this.

Mr. LANGLEY. Mr. Speaker——

Mr. COX of Indiana. One more question, and that is whether or not the Government is getting this building any cheaper, so far as rent is concerned, than during the time of the taking of the census by General Merriam?

Mr. CRUMPACKER. I understand the rental is just the same.

Mr. COX of Indiana. How much is the rental?

Mr. CRUMPACKER. Twenty-one thousand dollars a year, the gentleman from Kentucky [Mr. LANGLEY] informs me.

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

Mr. CRUMPACKER. Certainly.

Mr. ROBERTS. I want to ask the gentleman if this contemplates the purchase of any new property not now occupied by this building?

Mr. LANGLEY. A part of the Emery estate, adjoining a vacant lot, containing about 10,500 square feet.

Mr. LANDIS. There is quite a strip of land to the west, which is now vacant, contemplated in this purchase.

Mr. ROBERTS. The building in which the Census Bureau is now located is a brick building, is it not?

Mr. CRUMPACKER. Yes.

Mr. ROBERTS. Two story?

Mr. CRUMPACKER. Yes.

Mr. ROBERTS. Will the gentleman inform the House what is contemplated in the $250,000 addition to this building? Will the architecture still be brick, and can these walls be used to run up a higher building?

Mr. CRUMPACKER. I understand a new building will be erected, three or four stories high.

Mr. ROBERTS. Will they utilize any of the present building in that construction or raise it from the ground?

Mr. CRUMPACKER. It will occupy the vacant property included in the purchase.

Mr. ROBERTS. The present property is to remain intact?

Mr. CRUMPACKER. A new building is to be constructed on the west side of the present building.

Mr. ROBERTS. On land not now occupied?

Mr. CRUMPACKER. On land not now occupied.

Mr. ROBERTS. A further question that may have some relation to it. What relation will the permanent buildings in this location have to the plan for the beautification of Washington, according to a plan which was reported by a commission some years ago, which involved having all the buildings on the Mall and on the south side of the Avenue?

Mr. CRUMPACKER. This row of buildings is included within the park scheme for the Government to purchase and own for different purposes. That is substantially all I know about it.

Mr. KEIFER. I understood the gentleman to say that the cost price was $3.10 per square foot?

Mr. CRUMPACKER. Yes.

Mr. KEIFER. Then, why do you put the sum to be appropriated and to be paid for this 118,000 square feet of ground at $430,000?

Mr. CRUMPACKER. I do not know. I have not figured it out.

Mr. KEIFER. If that sum was paid, it would be substantially $3.64 a square foot—more than $3.63 per square foot.

Mr. CRUMPACKER. I have not examined the mathematics of the Senate. I have here a statement made by Mr. Rossiter, the Acting Director of the Census, in the absence of Mr. North, covering this whole question, which I want to insert in the RECORD. I would like to have it read for the information of the House. It contains succinctly and clearly the reasons why this property ought to be purchased.

Mr. KEIFER. I am dealing with the price now, and that is what I wanted to find out.

Mr. CRUMPACKER. I do not know.

Mr. KEIFER. If I make no mistake, you have put the price which you propose to give at substantially $3.64 a square foot; but if we can get it at $3.10 a square foot, we ought not to pay more.

Mr. MADDEN. Will the gentleman yield to me?

Mr. CRUMPACKER. I yield for a question.

Mr. MADDEN. The bill provides for an expense of $430,000 for the purchase of 118,000 square feet of ground. The gentle-

man states that the option price is $3.10 per square foot. As I figure it, that is $363,800. What becomes of the difference between $363,800 and the $430,000 provided in the bill?

Mr. CRUMPACKER. That is the question the gentleman from Ohio just asked me, and I answered him that I had not gone into the mathematics of the bill; but I have a statement here from the Director of the Census, in which he says the option price of purchase is $3.31 a square foot; and, of course, they will not pay any more than the option.

Mr. MADDEN. Will the gentleman yield for one further question? I understood the gentleman to say that the option price included the purchase of the building now on the ground.

Mr. CRUMPACKER. It covers the building on the ground.

Mr. MADDEN. If that be the case, why is this additional $64,000 embodied in the bill over and above the option price?

Mr. CRUMPACKER. I am not prepared to explain. I do not know. I took the statement of the Senate and the statement of the Director of the Census. The probabilities are that the gentleman's figures did not include the building and ground occupied by the old high school building, now occupied by the Southern Railway Company as its offices.

Mr. MADDEN. My understanding of the gentleman's statement was that the option price covered everything.

Mr. CRUMPACKER. That is my understanding.

Mr. KEIFER. There is no such provision in the bill about including buildings.

Mr. MADDEN. If it does not cover everything, and nobody knows anything about it, would it not be a good idea to postpone the consideration of the question?

Mr. CRUMPACKER. I will have read from the Clerk's desk a statement from the Director of the Census, and if the gentleman desires information and will give attention to it, it will probably satisfy him in every respect. It will not, if he does not listen.

Mr. BURLESON. Let us have it read.

Mr. MADDEN. I should be very glad to have it read.

Mr. CRUMPACKER. I ask to have this letter of the Director of the Census read from the desk in my time.

Mr. DOUGLAS. I should like to ask the gentleman a question first. What consideration have the House Committee on the Census given to this matter?

Mr. CRUMPACKER. Oh, the House committee have had it up. We had it up a year ago, and the Director of the Census came before the House committee and we decided that it was within the jurisdiction of the Committee on Public Buildings and Grounds. We advised the Director of the Census to go to that committee. A bill was introduced, and he went before that committee, and that committee concluded that its policy was not to include in the bill it was engaged upon any public buildings in the District of Columbia. Therefore it was not reported upon. The Director of the Census came to me again early in the present session and asked me if there would be any impropriety in his presenting this matter to the Senate committee, and I said I thought there would be none; and so he went before the Senate committee and submitted his evidence, and the Senate committee incorporated this amendment in the bill.

Mr. DOUGLAS. So that this plan has had the consideration of the House Committee on the Census?

Mr. CRUMPACKER. It has.

Mr. DOUGLAS. And is approved by them?

Mr. CRUMPACKER. Yes.

Mr. HULL of Iowa. Does the gentleman believe that it is good policy to undertake to erect this building at the time the census is being taken? Would it not be better to wait until afterwards?

Mr. CRUMPACKER. Either the gentleman was not listening or I was not speaking to any purpose at all.

Mr. HULL of Iowa. I was temporarily absent from the Hall of the House.

Mr. CRUMPACKER. My statement was that the building can be constructed two or three months before we will need it for the use of the new clerks.

Mr. HULL of Iowa. It will not interfere with the present clerks in their work?

Mr. CRUMPACKER. No, indeed; it does not involve the destruction of the present building. This is simply for an additional building, for the accommodation of the additional clerks, and will not disturb one clerk in the present building.

Mr. HULL of Iowa. I am glad to have this explanation. Now, one other question. Is this in accordance with the policy of trying to concentrate our public buildings on the Avenue, where they can be reached readily and seen by visitors? Does not the gentleman think it would be policy to put this building on the Avenue, or some place where it would not be off to one side?

Mr. CRUMPACKER. We do not want to put on the Avenue, as a matter of ornamentation, the proposed census building. We want to build it where it will be worth something for practical purposes. What would the gentleman say to a proposition to remove the present census building out onto the Avenue, to be viewed and admired by visitors? It is not a very sightly object?

Mr. HULL of Iowa. If it was a question as to the present one, I would not want to have that moved onto the Avenue. I would want to keep it in the background.

Mr. CRUMPACKER. I will say to the gentleman that the purpose in building this is the hope of saving in rent and in expense of administration during the temporary period of the census taking practically the entire cost of the property.

Mr. JOHNSON of South Carolina. You want a workshop.

Mr. HITCHCOCK. Mr. Speaker, we have not been able to hear very well over here. I would like to ask the gentleman from Indiana whether the proposed building is a temporary building for permanent employees or a permanent building for temporary employees?

Mr. CRUMPACKER. It will be made of brick, probably, and it will have a roof on it, and it will be occupied by clerks in the Census Office. [Laughter.] Now, Mr. Speaker, I ask for the reading of the letter.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, January 16, 1909.

DEAR JUDGE CRUMPACKER: As you are aware, the director has been called suddenly away from Washington. Before leaving the city he turned over to me a memorandum which he had prepared, setting forth his reasons for favoring the Senate building amendment to the Thirteenth Census bill. These reasons are as follows:

I. Congress is enacting a law for the Thirteenth Census, and enormously difficult undertaking. It commands that the main reports shall be completed and published on or before July 1, 1912. Unless this amendment prevails, Congress will be in the position of requiring that this work shal be done while refusing to provide the necessary facilities for doing it. It will be directing the Census Office to make bricks without straw.

In modern manufacturing the profit is made by labor-saving devices, and particularly by those which permit continuous processes; and it is so with the census. Unless this amendment is adopted, it will be necessary to house the Thirteenth Census clerks in four or five rented buildings, all of them ill adapted to the work and at long distances from each other. The "continuous process" will thus be impossible; the time and money lost in carting the work about the city from stage to stage in its progress will greatly exceed in amount the entire cost of constructing the proposed new building and purchasing the adjoining high school building.

II. On the ground of economy alone, therefore, the proposition should be approved, because it means an actual saving of money to the Government in the cost of the Thirteenth Census.

III. The saving in expedition is a consideration of even greater importance than that of economy. The Thirteenth Census can easily be completed in four months' less time if the work is concentrated in one locality. Section 2 of the pending bill requires that the main reports shall be completed and published during the decennial census period—that is, on or before July 1, 1912. The time allowed is hardly sufficient for the performing of this great work even under the most favorable conditions. Such a condition should not be imposed upon the director if he is to do this work with a force scattered throughout the city. In order to accomplish the task within the time fixed, simple and direct methods are absolutely essential. Such methods are impossible in handling such a large number of employees unless the force is concentrated.

IV. Objection was made in the Senate to the purchase of this site, because it is low ground and in a malarial locality. The ground is low; but it is practically the same level as all the ground south of Pennsylvania avenue as far west as Fourteenth street, including that upon which the more recently constructed government buildings are located, and that upon which the new building for the State Department, the Department of Justice, and the Department of Commerce and Labor will be located. The Census building is situated at a greater distance from the river than any of the buildings named, and its elevation (15.27 feet) is better than that of either the municipal building (13.54 feet) or the Post-Office building (12.35 feet).

The experience of the Census Office proves that it is not a malarial site. The comfort and health of the employees, so far as concerns temperature, circulation of air, and general sanitary conditions, can be as well safeguarded here as in the Post-Office building, the Smithsonian Institution, the new National Museum, the new Agricultural building, the new Municipal building, and many other buildings now rented by the Government.

V. The land has been included by the National Park Commission in the property which must ultimately be purchased and added to the government reservations. It is immediately contiguous to the Capitol Park, and whether it is finally utilized as a building site or as a park reservation, its immediate purchase is highly desirable, at the price named in the bill, which is materially less than the price paid by private parties for property immediately contiguous, with no improvements thereon. I refer especially to the Bliss purchases directly across the street on First street and on First and B streets.

VI. This price represents the cheapest land purchase made by the Government for any purpose, within the city limits, for a great many years. It averages $3.31 per square foot, including the present buildings, which can be utilized not only for the Thirteenth, but also for the Fourteenth Census of 1920. If, from the purchase price fixed in the bill, is deducted the value of the Census building, as represented by its actual cost of construction, the price for the ground alone, under the option which the Government holds, is approximately $2.10 per square foot. The price paid for the land of the new Municipal building site, without any buildings thereon, was $11.98 per square foot, or nearly six times this amount.

It is possible to obtain the property for this low cost only because of the option rights which the Government obtained under the original contract with the late Mr. Emery for a building for the Twelfth Census, an option which expires on July 1 next, and which can not be further renewed.

If Congress adopts this plan, every dollar of the appropriation will go to the actual present owners of the property.

VII. The proposition is an emergency proposition, which Congress would not be asked to approve if the need for immediate action were not imperative. The Census Office would like to be located upon some breeze-swept hillside, in the environs of Washington, in a perfectly equipped building, monumental in character, costing two or three million dollars. Such a scheme would contribute greatly to the architectural development of the national capital, and its realization would, incidentally, be pleasant for those in charge of the Thirteenth Census. This ideal solution of the problem may some day be reached, when the National Treasury is in a condition to justify its advocacy.

But it is a plan impossible of consideration, even if the question of money were not involved, in connection with the Thirteenth Census, for the reason that adequate quarters to promptly handle that census must be obtained within the next ten months.

The pending plan provides these quarters at a total cost to the Government not greater than the amount which will have to be paid out for rentals, and for the increase in the cost of the work, due to scattering it in five or six buildings, in distant parts of the city, every one of which will be miserably adapted to this particular work, and compel its production under the worst possible conditions, so far as concerns cost, health, light, comfort, and expedition. The census work demands large rooms, in which can be concentrated from 300 to 1,000 clerks, doing the same work, under the same supervision; and, so far as I am aware, no accommodations at all meeting these requirements can be rented anywhere in the city of Washington to-day at any price. I therefore repeat what was said in the director's annual report, that the plan proposed by the Senate amendment will involve a much less money cost than the only alternative, i. e., the rental of many scattered buildings.

VIII. When the Thirteenth Census is completed, the Government will own this property at a total cost materially less than it will have incurred if it shall choose to continue to pay large rentals to private parties, permitting them to retain title to the property at the end of the transaction.

Thereafter the Government can make such use of it as seems best. It can devote it to park purposes; it can utilize it as the site of a monumental building, costing three or four millions; or it can utilize it for the taking of the Fourteenth Census at no aditional cost, if that shall seem wise ten years hence.

In the meanwhile, during the intercensal period, the Government can utilize the extra space for the housing of bureaus now occupying rented quarters. In order to secure proper accommodations, many branches of the service have been compelled to rent space in the high-priced modern office buildings. When it is considered that the rental which the United States Government is paying for offices in this class of buildings ranges from $1 to $2 a year per square foot, it will be seen that this extra space afforded by the Census building during the intercensal period, which amounts to at least 100,000 square feet, has a very considerable money value. This saving alone will more than offset the cost of constructing the new building proposed.

IX. A site for a new building for the State Department, the Department of Justice, and the Department of Commerce and Labor has already been authorized and is now in process of acquirement. Upon it will be erected a monumental building, for which no appropriation has yet been voted, and which can not be ready for occupancy until long after the Thirteenth Census is completed and preparations for the Fourteenth Census are already under way. It is not possible to construct that building, with any regard for economy, so that it will meet the requirements of the census at the decennial periods, expanding suddenly from 600 clerks to, say, 4,000. It is fully understood by the department that provision for decennial census requirements can not be made in the plans for this building. There is therefore no conflict whatever between this plan and that for a monumental department building.

X. In a word, the Senate amendment is a plain, straight, business proposition, approved by the Secretary of the Department of Commerce and Labor, to meet an emergency situation precisely in the way that it would be met, under similar conditions, in commercial life. The Government has an opportunity to make a good bargain, practically on its own terms, under conditions which mean an actual annual saving of money, with possession at the lowest possible cost of desirable property, which it will ultimately buy, undoubtedly at a much higher cost.

XI. In presenting these arguments in favor of the proposed purchase, I trust that the fact will not be overlooked that the main, controlling, and conclusive argument in its favor is its advantage to the Thirteenth Census in the matter of economy, convenience, and expedition; also that, aside from this consideration, it is a good business proposition.

Very truly, yours,

W. S. ROSSITER,
Acting Director.

Hon. EDGAR D. CRUMPACKER,
House of Representatives.

Mr. CRUMPACKER. I now yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, as has been stated by the gentleman from Indiana, this is a proposition to spend $680,000, $430,000 to be devoted to the purchase of the present census property and $250,000 for the purchase of additional ground and the erection of an additional building for the use of the United States Census Bureau.

It is a matter that belongs to the jurisdiction of the Committee on Public Buildings and Grounds. The fact that it does not come from that committee, however, is not the fault of the Director of the Census or of anybody else. That gentleman appeared before our committee during the last session and presented this matter is a most urgent manner. But in view of the great demand made upon us by the country, it was impossible to include in the last omnibus public-building bill a provision to give to the census a permanent home. I do not say this provision, but a provision for the census.

The committee gathered some information on the question, and I should like to give the House the benefit of that information.

I believe, from what I have learned, that the price for this property is an entirely fair one. There is, as far as we could learn, no real-estate speculation connected with it whatsoever. The present arrangement which we have with the owners of that property is also a very fair one. As I understand, the rental charges are only about 4 per cent on the original investment. Consequently, in my judgment, it could easily be continued for an indefinite period of time without injury to anybody.

It is obvious to all who have looked into it that the present building does not comport in any sense with the dignity of the Government. It might harmonize geographically with the general plan for the beautification of Washington, but it certainly does not harmonize with our views architecturally.

I am very much afraid if the property is purchased we will never get a census building such as this Government ought to have. An addition will be erected, the same as the present one, and it will be practically an eyesore in the immediate vicinity of the Capitol.

The only question, Mr. Speaker, since there is no objection as to price, which is to be decided by the House now is whether we shall at this time, with a deficit staring us in the face, at a time when the Committee on Public Buildings and Grounds must refuse to listen to all appeals from Members of this House for small additional appropriations for public buildings in their districts—whether at such a time it is wise and proper for us to make this large expenditure of money.

Where there is a will there is a way, and, in my judgment, it will be easy for us to rent additional facilities and accommodations for the census, and this plan appeals more to me because the additional building which is needed will only be needed for about three years and not for ten years. So that if we rent another building for three years, the next census can be taken under the present arrangement.

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

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. CRUMPACKER. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Indiana has seventeen minutes.

Mr. CRUMPACKER. I will yield two minutes more to the gentleman from Missouri in order that he may answer a question by the gentleman from Indiana [Mr. LANDIS].

Mr. LANDIS. Does it occur to the gentleman that during the seven years when we would not need the space for the census force that that space could be utilized in placing people who are in rented quarters now?

Mr. BARTHOLDT. That is the very fear I expressed. If the space is not needed for the census it will be used by some one else, and consequently we will have continually a building that we do not want, and which will not comport with the dignity of this Government.

Now, I want to refer to the statement that within the next census period we can save enough money to practically pay for this property. We are now paying $21,000; add to that $10,000 for a building which will be needed for the taking of the new census; that will bring the amount up to $30,000; in ten years that will amount to $300,000, while here we propose to appropriate $780,000 and have a building that no one wants.

Mr. CRUMPACKER. Now, Mr. Speaker, I yield two minutes to my genial friend from Illinois [Mr. MADDEN.]

Mr. MADDEN. Mr. Speaker, the gentleman from Indiana [Mr. CRUMPACKER] directed the attention of the House to the reading of a communication from the Census Bureau, which, in effect, stated that they needed this property for the accommodation of the clerks to be employed in taking the next census, and which stated that the option price on the property to be purchased was $3.31 per square foot. This $3.31 includes the purchase of a building now on the ground. At that price, the 118,000 square feet of ground to be purchased would amount to $290,580. The bill proposes to appropriate $430,000 for the purchase of this property, which would be, instead of $3.31 a square foot, $3.64⅓ per square foot. What I do not understand is how an option price can be but $3.31 per square foot while the price appropriated is $3.64⅓ per square foot.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CRUMPACKER. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I want to give the reasons why I propose to vote for this amendment. The rent for census quarters in 1909 aggregates $256,000, and for this sum the Gov-

ernment has not anything to show in the way of tangible property. The approach of the coming decennial census necessitates a decision on the part of Congress whether it will continue the policy of renting property or owning it. If the present policy is continued it will cost the Government for the next nine years about $270,000, and at the end of that period the Government will not have anything to show for the expenditure of this large sum of money. It seems to me that good business judgment commends the purchase of the Census building, with the adjoining vacant lot and former high-school building, and the erection of a fireproof building, all of which together will cost only $674,000; and if this plan is followed ample space will be provided for the Thirteenth decennial census force, and for seven out of ten years the building will be available for other government uses. By the plan proposed $270,000 in rentals would be saved and a large amount in rentals for other government properties, or more than 60 per cent of the cost, and the degree to which the work of the Director of the Census would be simplified and facilitated can not be estimated. For these reasons, Mr. Speaker, I am in favor of the adoption of the motion of the gentleman from Indiana, and I do not believe that any wise purpose will be subserved in postponing the purchase and the erection of this building. It will come in time; it is absolutely necessary for the purposes of the Government; and the sooner the property is acquired and the sooner the building is put up the less it will cost.

Mr. CRUMPACKER. Mr. Speaker, just a word in conclusion in relation to the criticism made by the gentleman from Illinois [Mr. MADDEN]. The amendment fixes the maximum appropriation for the purchase of the property, expecting, of course, that the price shall not be above the option. The criticism made by the gentleman from Missouri [Mr. BARTHOLDT] in relation to the advisability of making the purchase omits an important factor. In his calculation respecting the saving to the Government on account of the purchase he entirely overlooked the important factor suggested by the Director of the Census, that we save four months' time in doing the work if we purchase the property and put up the building, and the value of that time alone would more than pay the entire purchase price of all the property.

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

Mr. CRUMPACKER. Yes.

Mr. BUTLER. Do I understand that if we appropriate the money and buy this piece of ground, it means that the Census building shall stand at this point?

Mr. CRUMPACKER. No; it does not mean that. It means simply this: If we purchase this ground, make this improvement, we will provide facilities for all of the clerks for the Thirteenth Census, and in so doing we will save money enough to pay the entire purchase price. That is what it means, and Congress can do what it chooses with the property at any time in the future. The Government may at some time in the future build a magnificent marble-front building, like the District administrative building on Pennsylvania avenue, like the one the gentleman from Missouri has in his mind. That may be done some time in the future, when we have more money.

Mr. BUTLER. Does the gentleman advocate the erection of a permanent census building at this point?

Mr. CRUMPACKER. No; I do not. The proposed building is to cost not more than $250,000, and have room sufficient to accommodate 1,600 or 2,000 clerks during the temporary census period. The Government will then own the property, having gotten it practically for nothing.

Mr. LANGLEY. I want to call the attention of the gentleman from Indiana and the House to the fact that the director states that the building it is proposed to erect could be used for the Fourteenth Census also.

Mr. BARTHOLDT. I want to make a suggestion. If the House adopts this provision I would suggest the necessity of an amendment——

Mr. CRUMPACKER. Mr. Speaker, I move the previous question on the motion.

Mr. HARDY. I would like to ask the gentleman a question for information.

Mr. BARTHOLDT. I think I have the floor.

The SPEAKER pro tempore. The gentleman from Indiana has the floor.

Mr. BARTHOLDT. I want to make this suggestion, that these plans should be drawn by the Treasury Department at least. There is no provision of that kind in the bill, and the gentleman is certainly interested in having that done.

Mr. CRUMPACKER. I am not going into the details of the proposition. The amendment can be voted up or down as it is.

Mr. LANDIS. I will ask the gentleman to yield in order that I may correct a statement made by the gentleman from Illinois relative to the price.

Mr. CRUMPACKER. I yield to the gentleman.

Mr. LANDIS. Mr. Speaker, the option on the property that is occupied by the present Census building is $354,126. That property in dimension is 70 by 150 feet, making, all told, 10,500 feet. At $354,126 it would be $3.31 a foot, and the gentleman from Illinois was evidently led into his error by reason of the fact that he added the dimensions of the old high-school building property, on which we have an option for $70,000, and based his price per foot on that computation.

Mr. KEIFER. But, Mr. Speaker, the 118,000 square feet mentioned in the bill, costing $430,000, makes $3.64 a square foot.

Mr. LANDIS. But the gentleman has not figured on the right basis.

Mr. KEIFER. I figure that exactly.

Mr. HARDY. The question I wanted to ask the gentleman was, Who pays the insurance and keeps up the repairs on this Census building for which the Government pays some $20,000 rent per annum?

Mr. CRUMPACKER. Well, I do not know, but I presume the owners.

Mr. HARDY. You do not know whether the Government does the repairs or not?

Mr. CRUMPACKER. I do not know whether the Government does or not, but I presume the owners keep up the outside and the Government keeps it up on the inside, the usual practice and, I think, the law in the absence of any specific contract.

Mr. DRISCOLL. Who owns the building?

Mr. CRUMPACKER. The owners of the land. Now, Mr. Speaker, I demand the previous question.

The question was taken, and the previous question was ordered.

Mr. BARTHOLDT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTHOLDT. If this is adopted by the House, the previous question having been ordered, will the conference committee be allowed to amend this section at all or not?

The SPEAKER pro tempore. The motion is to recede and concur, and if that should be adopted there is nothing left to be done. The question now is on the motion of the gentleman from Indiana, that the House do recede from its disagreement to Senate amendment numbered 26 and concur therein.

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

On a division (demanded by Mr. BUTLER) there were—ayes 73, noes 32.

So the motion was agreed to.

Mr. CRUMPACKER. Mr. Speaker, the other amendment is a pro forma amendment relating to the numbering of a section, and therefore I move that it be agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Change section 33 to section 34.

The SPEAKER pro tempore. The question now is upon the motion to recede and concur.

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

Mr. HULL of Iowa. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HULL of Iowa. For the purpose of making a privileged motion to go into the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman will suspend for a moment. The Chair will call attention to the bill S. 4712 and the bill H. R. 16374 on the Union Calendar, bills identical in form having passed; and without objection, the Committee of the Whole House will be discharged from their further consideration, and the bills will lie upon the table. [After a pause.] The Chair hears no objection.

The Clerk will report the titles of the bills.

The Clerk read as follows:

S. 4712. An act to provide for the care of persons adjudged insane in the District of Alaska.

A bill (H. R. 16374) to confirm to the Wahiawa Water Company, of Hawaii, the right of way for irrigation purposes.

The SPEAKER pro tempore. And also the following bills on the House Calendar, having been passed in another form, will be, without objection, laid on the table. [After a pause.] The Chair hears no objection.

The Clerk will report titles of the bills.

The Clerk read as follows:

A bill (H. R. 3966) ratifying chapters 57 and 61 of the session laws of the twenty-third Arizona legislative assembly, providing for the issuance of bonds by Mohave County.

A bill (H. R. 16964) ratifying an act of the legislative assembly of the Territory of Arizona providing for the erection of a court-house and jail at Yuma, in Yuma County, Territory of Arizona.

A bill (H. R. 13097) to enable the city of Phoenix, in Maricopa County, Ariz., to issue bonds of said municipality for the purpose of funding its floating indebtedness incurred prior to July 1, 1906.

Joint resolution (H. J. Res. 94) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico.

A bill (H. R. 16643) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii.

A bill (H. R. 16644) to ratify and confirm an act of the legislature of the Territory of Hawaii authorizing the manufacture and distribution of electric light and power in the district of Wailuku, on the island of Maui, Territory of Hawaii.

A bill (H. R. 3963) ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz.

A bill (H. R. 3962) authorizing the county of Gila, Ariz., to issue bonds for the completion of the court-house and jail.

A bill (H. R. 19364) ratifying bonds of road district No. 1, Maricopa County, Ariz.

A bill (H. R. 19411) authorizing the incorporated town of Valdez, Alaska, to issue bonds to the amount of $15,000 for the purpose of constructing dams and dikes for protection against glacier streams.

S. 4748. An act to amend an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March 3, 1899.

A bill (H. R. 21311) to ratify and confirm an act of the legislature of the Territory of Hawaii authorizing the manufacture and distribution of electric light and power in the district of Wailuku, on the island of Maui, Territory of Hawaii.

A bill (H. R. 21312) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii.

A bill (H. R. 17982) to authorize the issue of bridge bonds by the county of Bernalillo, in the Territory of New Mexico.

A bill (H. R. 21004) authorizing the Territory of New Mexico to sell and transfer certain school lands to the town of Portales, N. Mex.

A bill (H. R. 19604) restricting the practice of medicine and surgery in the Territory of Alaska.

S. 6417. An act to amend sections 4467 and 4468 of the Revised Statutes, relating to lists of passengers on steam vessels.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 26915, an act making appropriations for the support of the army for the fiscal year ending June 30, 1910; and, pending that, Mr. Speaker, I would like to ask the gentleman from Virginia [Mr. HAY] if we can not agree on fixing the time when general debate shall close?

Mr. HAY. I understood it would be three hours on a side.

Mr. HULL of Iowa. That will be satisfactory, then. I ask unanimous consent that general debate shall close in six hours—three hours to be controlled by the gentleman from Virginia [Mr. HAY] and three hours by myself.

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

The question is on the motion for the House to resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 26915, the army appropriation bill, with Mr. PERKINS in the chair.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, the bill as it is reported to the House needs but little explanation. It carries an increased amount over the current fiscal year, made necessary very largely by the increased pay given the army when the pay was increased for the officers and the enlisted men, and by the fact that to-day the army is more nearly up to the number authorized by law for its minimum force by some twelve thousand or more men than it was last year. I think there is only about five thousand of a shortage in the enlisted force at this time, and there was something near eighteen thousand or twenty thousand of a shortage at the time the bill for this fiscal year was passed.

I do not intend, Mr. Chairman, to take up the time to-night in discussing the bill. I do not know that I will take up any time during the general debate, but if I do, I prefer it to come a little later. The last provision of the bill, in regard to the general staff, is, of course, clearly subject to a point of order, and if no one else discusses it, I do not know that I care to discuss it at all until it comes before the House in such shape that the House can act upon it. I believe the provision is right. My object in going into the Committee of the Whole House on the state of the Union to-night was largely because I understood the gentleman from Illinois [Mr. RAINEY] desired to make a statement.

Mr. MANN. Will the gentleman answer one question along the line he spoke of in the bill?

Mr. HULL of Iowa. Yes.

Mr. MANN. I notice the amount proposed for the pay of enlisted men is raised from $10,000,000 last year to $15,000,000 and something over this year, an increase of 50 per cent. Is the gentleman able to tell now how much of that is caused by the increase in the number of men in the army and how much is caused by the increase in the pay of the enlisted men?

Mr. HULL of Iowa. I will say to the gentleman that I could not answer as to that, but there is a large increase on account of the increased number of men. There is another increase that comes from the increased pay for reenlistment, that we gave as increased pay as an inducement for them to reenlist. It is not any part of the bonus of three months' pay; but reenlistment, up to a certain point, carries with it an increase of pay, both by the noncommissioned officers and the privates; but just how much that will be I do not know. If the gentleman desires it, I can get it accurately from the Pay Department.

Mr. MANN. It is a very interesting proposition, where there is an increase of 50 per cent in total cost, to know how much is caused by our legislation of last year and how much by the increase in the growth of the army.

Mr. HULL of Iowa. I will say to the gentleman that, as he will remember, last year we gave $7,000,000 in a lump sum, to be distributed over these increases where we could not agree on just how much there might be—an amendment that was put on in the Senate.

Mr. MANN. I know; but that was to cover the increase in pay?

Mr. HULL of Iowa. Yes.

Mr. MANN. What I wanted to get at was this: The bill that was brought in last year and which became law proposed ten millions for the pay of enlisted men on the then basis. Now the proposition is fifteen millions and something over. Of course I know a large share is the increase in pay, a large part for the increased number of enlisted men in the army, but if it is feasible I should like to get the details.

Mr. HULL of Iowa. I think it is feasible. I gave the gentleman the estimates. The estimates were made upon the full number of men authorized by law; and we deduct something over a million and a half from the estimates on the ground that the army would not be entirely filled up; that while the recruiting may keep it up to the present state, yet the Government is not making an effort to get in every man it can, and quite a number of the recruiting officers have been recalled. So we cut off a million and a half from estimates for the full pay of the army. If every man authorized by the order of the President fixing the peace basis was enlisted, there would be a deficiency in this item.

If the gentleman from Virginia wants to occupy some of his time, I would like him to do so.

Mr. HAY. I will ask the gentleman to use some time. Gentlemen on this side who desire time do not desire it now. I will yield the gentleman an hour of my time.

Mr. HULL of Iowa. I will yield twenty minutes to the gentleman from Indiana [Mr. HOLLIDAY.]

Mr. HOLLIDAY. Mr. Chairman, I do not know that I will consume twenty minutes, but I want to submit a few remarks upon the present condition of the army, in which I think the American people are interested. I do not know, Mr. Chairman, when the law was passed or the rule adopted by which men were put out of the active service when they attained the age of 64 years. But whenever it was done and however it was done, it seems to me to have been very bad policy indeed. As it stands now, at the time a man reaches the age when he is best fitted to serve the country the Government dispenses with his services. The only argument I have ever heard in support of the proposition is that this gives a better opportunity for the promotion of the younger officers, who might otherwise have to wait long for increase of pay and advancement in rank. Well, Mr. Chairman, if the younger officers do not now have enough pay and rank commensurate with their abilities, I am willing to give both in some other way. I think it is wrong to increase the pay and at the same time impair the efficiency of the service. It is poor business policy. Whoever heard of a railroad company that discharged its trained and qualified engineers in order to make places for its firemen?

Mr. Chairman, every student of history knows that when Von Moltke laid France prostrate at the feet of Germany he had passed beyond the age at which an American general would have been retired; and if the same rule had applied in the German Empire as applies in the American Army, Von Moltke would have been sitting around cooling his heels while younger

officers might have lost the war that he carried to so successful an issue.

We know that in the case of England, when it found itself in trouble with the gallant Boers in Africa, when army after army had been crippled and demoralized, the English Government looked around for a man of sufficient capacity to lead its army to victory, and they found him in the person of General Roberts, who had long passed the age at which an American general would have been placed upon the retired list. I may also add that in the war with Spain the laurels won by the officers there were won by men who had participated in the civil war in the United States, and consequently none of them could have been young men.

I believe, Mr. Chairman, that some policy should be adopted by which, when the Government educates a man and trains him for service, it ought to have the benefit of his services as long as he is able to do proper and efficient work. I remember I had the pleasure a few years ago of passing some weeks in company with a distinguished general, a man whose fame stands high in this country. As I looked at his stalwart frame, as I saw him at work and listened to his talk, I felt absolutely convinced there was never a day nor an hour in his life in which he was better fitted to command an army than he was upon the day that he retired from the service.

I suppose, however, there is no remedy for this. It has got started in that way, and I suppose it will continue in that way. If it serves no other purpose, it gives a chance for more promotions.

But, Mr. Chairman, if we can not keep these trained men in the service on the active list, then we ought to utilize to a much greater extent the retired list. The pay of officers on the retired list is growing, not gradually, but by leaps and bounds, and if the present system keeps on it will only be a question of time when it will take more money to pay the men on the retired list than the men on the active list. If we must have them (we have got them, and I do not complain of it, for they were all gallant men and most of them retired against their will), let us utilize them in their present positions. We have a very large number of men on the active list who are engaged in detached service. A number of them are teaching school. A good many more of them are acting as recruiting agents, a duty which certainly does not require great physical strength. They are used for a number of purposes. I think we ought by legislative enactment to provide that the men on the retired list should perform these duties and the active officers kept with their commands.

In the American Army to-day there is 1 commissioned officer on an average to every 18 enlisted men, and a bill has passed the Senate and is now pending in this House which, if enacted into law, will bring up the ratio to 1 officer to every 15 enlisted men. Of course, the new men will go in as second lieutenants, boosting the other men up. They will stay in the army a few years, the Government will get a few years' service out of them, and then they will go upon the retired list. Their service to the Government will cease within a reasonable time, but their pay, like Tennyson's brook, will go on forever. It seems to me that this is a waste of the people's money. There is a feeling of unrest throughout the country over the enormous expenditures that are growing in every direction in this country.

Mr. GAINES of Tennessee. I should like to know how many have been retired in the last year or two.

Mr. HOLLIDAY. I am not able to give the gentleman the figures. I am simply stating a general proposition.

Now, we ought to save every penny to the country that we can, and when we educate a man at the expense of the taxpayers of the country, we ought to get out of him all the service that we can. We ought only to dispense with his services when he ceases to be useful. Of course every time when it is desired to increase the army or the navy somebody starts a war scare, and we turn pale over the prospect of an invasion by some great power, for which we are not prepared, and we vote all the money that is needed, and then the war scare gradually subsides. I am opposed to increasing the army at this time, and yet it is increased by little things that they keep asking for all along the line. It would not be good policy to go to the country and ask that a great many new regiments be recruited, but, indirectly and remotely, they manage to get more officers in the service every year; and after a while, when we get as many officers as there are enlisted men, we will have to recruit a big army in order to furnish the officers something to do. Against that I desire to protest.

And in this connection I wish to say that a disposition to spend money on the army, the navy, and everything else is growing at a tremendous rate in this country. This is probably the last time that I shall trespass upon the indulgence of my fellow-Members. I am going to leave this body——

Mr. MANN. Very much to our regret. [Applause.]

Mr. HOLLIDAY. I simply wish to remind you that there are still a few people in the United States who do not hold any office. They do not reap the emoluments so lavishly handed out by Congress, but they pay the bills and bear the burdens; and when you add vastly to salaries, to armaments, to navies, and armies somebody has got to pay the bills. It seems to me that sometimes in the debates of this House we look too steadily at the man who is the beneficiary of these various bills and forget about the people who pay the money and foot the bills. [Applause.] I suppose we will be called upon in a few days to vote largely to increase the salaries of the men who are already the best paid of any men in the United States. I suppose the proposition will go through. I have never known a proposition to increase a salary to fail in this House.

Mr. MANN. Oh, yes.

Mr. HOLLIDAY. Other Members may know of it, but I do not know of it. I want to say that I for one am going to stand for economy. I am going back to my constituents, I am going to mingle with the laboring men, the toilers among whom I have lived for so many years, and I want to be able to tell them that so far as my feeble voice was raised it was to lighten their burdens rather than to make them heavier.

We have a committee of very able men who are now devising ways and means for the purpose of raising money for this country, and then there are several hundred men who are equally busy devising ways of getting rid of it as fast as we raise it. [Laughter.]

We ought to call a halt somewhere in this matter of extravagance. The people are demanding it. There is a feeling of unrest throughout the country growing out of it. Why, in the matter of raising these salaries they will come before the House in a few days, and one argument is that these men must have something with which to entertain. Gentlemen of the committee, I have read the Constitution a few times, and I have never found any provision in it requiring any public official to do any entertaining whatever. I have read most of the general laws passed by Congress, and I have found no law requiring a man to expend money in lavish entertainments. And yet the people who pay the bills, the people who bear the burden, are expected to come forward with the cash to enable these men to dispense hospitality which they think is necessary for their social position. It is said that the judges of the country are unable to live and entertain properly on the salaries that they now receive.

I have heard it argued that we would get better judges and stronger men if we should pay them more money. I do not believe in the argument. I do not remember exactly what John Marshall was paid when he was Chief Justice of the United States, but my judgment is that his entire salary would not pay for more than one modern swallowtail dinner. And yet we have not improved upon John Marshall from that day down to this. [Laughter and applause.]

When we increase salaries the result is not to get better men, but to make a bigger scramble for the places. That has always been the result. So it is in all these matters. Let us practice economy; let us see that the people get a dollar's worth of benefit for every dollar expended. Let us not waste the money on the army or the navy.

Let me say to you, and I betray no confidence in saying it, that whenever a proposition comes in here to increase the pay of the army, they say it ought to be increased because the navy gets more than the army; and as soon as we bring the army up to the navy, the navy comes in and says the navy ought to have a little more than the army; and so we keep it up by this general process, a species of perpetual motion, and the Lord only knows when it will stop.

It is time to call a halt in all these matters. I observe that the gentleman from Minnesota [Mr. TAWNEY], the able chairman of the Committee on Appropriations, does his best every session to keep the appropriations within reasonable bounds. The House generally runs over him, and what little is left of his mangled remains disappears when the bills go over to the other end of the Capitol. [Laughter.]

Let us forget during the closing days of this session to consider alone the beneficiaries of the measures to spend money, and let us give some consideration to the men who raise the money which we so lavishly disburse on the floor of the House. [Applause.]

Mr. KEIFER. Mr. Chairman, I would like to interrupt the gentleman a moment. I did not interrupt him to answer the question he asked in reference to when the limit of retirement was fixed for army officers, but I desire to say that long before

the limit was fixed for the retirement of the army officers there was a limit of time, 62 years, for officers in the navy. In 1882, as I recollect, at the suggestion of William Tecumseh Sherman, who was himself to become a retired officer, the limit of 64 years was made for officers in the army. The legislation came in the Forty-seventh Congress in that way, and General Sherman himself was one of the first to be retired under that limitation.

Mr. HOLLIDAY. I accept the explanation. I do not care who is responsible for it. I might say that the gentleman from Ohio who furnishes the information was himself a gallant and meritorious officer in the last war with Spain, and while I can not give his exact age, if he had been in the Regular Army he would not have had any command at all [laughter]; and so with General Wheeler and others who rendered such conspicuous service.

It only illustrates my argument. General Sherman was a great and good man. In his definition of war I most cordially concur, but I am not willing to acquiesce in every detail that he proposed in regard to the government of the army.

Let us think about that. We will probably have no general bill this session, but some time it will come. My proposition is not to keep a man in service after he ceases to be useful.

Mr. FOCHT. How about the Government paying for the support of the state troops? That is the next step, is it not?

Mr. HOLLIDAY. Yes; we have taken the militia under our consideration, and it will only be a question of time until that will be on the retired list. A great many men have aspirations for different things, but there seems to be a practical unanimity of aspiration to get on the retired list.

Mr. WANGER. Mr. Chairman, I would say that at the time of the Spanish war my frisky young constituent, Gen. William H. Davis, then about 80 years old, tendered his services to the Government and they were refused, and the same afternoon he called to pay his respects to Gen. James Longstreet, then about the same age, the latter using an ear trumpet in order that he might hear what was said. Those two vigorous youths declared that it was perfectly absurd, this policy of the Government in not accepting them on account of the years they had reached. [Laughter.]

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

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PERKINS, 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. 26915, the army appropriation bill, and had come to no resolution thereon.

SENATE CONCURRENT RESOLUTIONS AND BILLS REFERRED.

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

Senate concurrent resolution 76.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the most feasible and practical way of connecting the waters of Apalachicola River and St. Andrew Bay, in the State of Florida, with a view to determining the advantage, best location, and probable cost of a canal connecting said waters, and to submit a plan and estimate for such improvement—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 77.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of the South Bay Channel, Humboldt Harbor, California, with a view to the removal of obstructions to navigation to and from the wharf at Fields Landing—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 78.

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 Willamette and Columbia rivers, in the State of Oregon, so as to provide a 30-foot channel from Portland, Oreg., to the Pacific Ocean, and report the same to Congress—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 79.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized to cause preliminary examination and survey to be made of Polson Bay, Flathead Lake, Montana, with a view to dredging the channel and putting in piling on the east side thereof—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 81.

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—

to the Committee on Rivers and Harbors.

S. 8021. An act to prohibit the importation and use of opium for other than medicinal purposes—to the Committee on Ways and Means.

S. 8540. An act 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 the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS 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 bills:

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;

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;

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; and

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.

ADJOURNMENT.

Then, on motion of Mr. HULL of Iowa (at 5 o'clock and 26 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 Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for purchase of an organ for the chapel of the Military Academy (H. Doc. No. 1377)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for improvements at West Point Military Academy (H. Doc. No. 1378)—to the Committee on Military Affairs 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 expenses of Coast and Geodetic Survey (H. Doc. No. 1379)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOWELL of Utah, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 8357) to extend the time for disposing of lands on the Huntley project, within the ceded Crow Indian Reservation, Mont., reported the same without amendment, accompanied by a report (No. 1976), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 24327) to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10,

1880, reported the same without amendment, accompanied by a report (No. 1979), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 381) providing for the repair and rebuilding of the road from Harrisonville, N. J., to the post at Fort Mott, N. J., and the national cemetery at Finns Point, New Jersey, reported the same without amendment, accompanied by a report (No. 1981), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BATES, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred House Document No. 1286, relative to the disposal of useless papers in the executive departments, submitted a report thereon (No. 1982), which said report was referred to the House Calendar.

Mr. FOSTER of Indiana, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24635) to create a new division in the middle judicial district of the State of Tennessee, reported the same with amendments, accompanied by a report (No. 1984), 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 Texas, from the Committee on War Claims, to which was referred House bill 19873, reported in lieu thereof a resolution (H. Res. 518) referring to the Court of Claims the papers in the case of the legal representatives of William P. Bird, accompanied by a report (No. 1974), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 27253, reported in lieu thereof a resolution (H. Res. 519) referring to the Court of Claims the papers in the case of Carl G. and John Palm, accompanied by a report (No. 1975), which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred House bill 21420, reported in lieu thereof a resolution (H. Res. 521) referring to the Court of Claims the papers in the case of John B. De Bord, accompanied by a report (No. 1977), which said resolution and report were referred to the Private Calendar.

Mr. LAW, from the Committee on War Claims, to which was referred House bill 2897, reported in lieu thereof a resolution (H. Res. 522) referring to the Court of Claims the papers in the case of G. W. Howland, accompanied by a report (No. 1980), which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16854) for the relief of James Easson, reported the same without amendment, accompanied by a report (No. 1973), which said bill and report were referred to the Private Calendar.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 6312) for the relief of the Philadelphia Company, of Pittsburg, Pa., reported the same without amendment, accompanied by a report (No. 1978), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 18360) granting an increase of pension to John Kennedy, and the same was 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. WASHBURN: A bill (H. R. 27310) to amend and consolidate the acts respecting copyright—to the Committee on Patents.

By Mr. JENKINS: A bill (H. R. 27311) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."—to the Committee on the Judiciary.

By Mr. RANDELL of Texas: A bill (H. R. 27312) providing for the appointment of a clerk for the district court for the eastern district of Texas and for the maintenance of his office and deputies, and for other purposes—to the Committee on the Judiciary.

By Mr. HAMMOND: A bill (H. R. 27313) to create in the Department of War a roll to be known as the "Volunteers' honor roll" and to authorize placing thereon with half pay certain persons who served in the United States Army, Navy, or Marine Corps during the civil war—to the Committee on Military Affairs.

By Mr. SHEPPARD: A bill (H. R. 27314) providing for the appointment of a clerk for the eastern district of Texas and the maintenance of offices for said clerk or deputies at each of the divisions of the district where terms of court are held—to the Committee on the Judiciary.

By Mr. CHAPMAN: A bill (H. R. 27315) to appropriate money for a protecting wall on the Ohio River at Fort Massac Park, Massac County, Ill.—to the Committee on Rivers and Harbors.

By Mr. CALDER: A bill (H. R. 27316) providing for the raising of the U. S. battle ship *Maine* in Habana Harbor and to provide for the interment of the bodies therein—to the Committee on Appropriations.

By Mr. SMITH of Michigan: A bill (H. R. 27317) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907—to the Committee on the District of Columbia.

By Mr. PETERS: A bill (H. R. 27318) to require radio-telegraphic installations and radio telegraphers on certain ocean steamers—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: A bill (H. R. 27319) authorizing railway companies to purchase lands in Indian reservations for reservoirs, material or ballast pits, and for the purpose of planting and growing trees for the protection of their lines of railway from snow—to the Committee on Indian Affairs.

By Mr. HOBSON: A bill (H. R. 27320) to provide for experiments in the delivery of merchandise packages on rural free-delivery routes—to the Committee on the Post-office and Post-Roads.

By Mr. STEVENS of Minnesota: A bill (H. R. 27321) to enlarge the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT (by request): A bill (H. R. 27322) providing for a return-delivery service by the Post-Office Department of books, including under the name all magazines and pamphlets rated as second class, but not newspapers nor advertising publications—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSTER of Indiana: A bill (H. R. 27360) to divide the judicial district of Indiana into divisions, and for other purposes connected therewith—to the Committee on the Judiciary.

By Mr. FRENCH: Memorial of the legislature of Idaho, asking appropriations for improvement of Columbia and Snake rivers—to the Committee on Rivers and Harbors.

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. ADAMSON: A bill (H. R. 27323) for the relief of the legal representatives of Henry Callier, deceased—to the Committee on War Claims.

By Mr. BARNHART: A bill (H. R. 27324) for the relief of Levi C. Smith—to the Committee on War Claims.

Also, a bill (H. R. 27325) granting an increase of pension to Samuel R. Jennings—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 27326) granting a pension to George Graff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27327) granting an increase of pension to Mary R. Greer—to the Committee on Pensions.

Also, a bill (H. R. 27328) granting an increase of pension to Henry P. Marley—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 27329) granting an increase of pension to Joseph D. Armstrong—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 27330) granting an increase of pension to Clay Doolittle—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 27331) granting an increase of pension to Frederick Kahler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27332) granting an increase of pension to Henry H. Clark—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 27333) granting an increase of pension to John R. Miller—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 27334) granting an increase of pension to Charles A. Divelley—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 27335) granting a pension to Emma E. Turner—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 27336) for the relief of Robert Graham—to the Committee on War Claims.

By Mr. DENBY: A bill (H. R. 27337) for the relief of Charles Brown Calvert—to the Committee on Claims.

By Mr. DRISCOLL: A bill (H. R. 27338) for the relief of Liston H. Pearce—to the Committee on Military Affairs.

Also, a bill (H. R. 27339) granting an increase of pension to Goold B. Harris—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 27340) for the relief of Adolph M. Cohen—to the Committee on War Claims.

Also, a bill (H. R. 27341) for the relief of the estate of C. Royal, deceased—to the Committee on War Claims.

By Mr. FASSETT: A bill (H. R. 27342) to amend the military record of David H. Dickinson—to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 27343) granting an increase of pension to Michael Burns—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 27344) granting an increase of pension to John E. Cook—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 27345) granting an increase of pension to George W. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27346) granting an increase of pension to Dixon A. Jenkins—to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 27347) granting a pension to Charles Ladshaw—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 27348) granting a pension to John M. Linvell—to the Committee on Pensions.

Also, a bill (H. R. 27349) granting a pension to James B. Strong—to the Committee on Pensions.

Also, a bill (H. R. 27350) for the relief of Gilbert Yates—to the Committee on War Claims.

Also, a bill (H. R. 27351) granting an increase of pension to William Snowden—to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 27352) granting an increase of pension to Michael G. Kaufmann—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 27353) authorizing the President to transfer First Lieut. George G. Craig, Medical Reserve Corps, U. S. Army, to the Medical Corps, U. S. Army, and place him on the retired list—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 27354) granting an increase of pension to John C. Moore—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 27355) granting a pension to Charles D. Munger—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 27356) granting an increase of pension to Thomas Kelly—to the Committee on Pensions.

By Mr. SWASEY: A bill (H. R. 27357) granting an increase of pension to Isaac W. Comery—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 27358) granting an increase of pension to William Nutt—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 27359) granting an increase of pension to Ezra P. Byram—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Paper to accompany bill for relief of Aaron S. Lynn (H. R. 27154)—to the Committee on Military Affairs.

By Mr. ALLEN: Petition of Adeline S. Brett and 12 others, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of Adams, Thompson & Co., favoring modification and equalization of duty on various kinds of oilcloths and linoleum—to the Committee on Ways and Means.

By Mr. BANNON: Papers to accompany bill granting an increase of pension to William Stakely—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of St. Louis City Division of the National German-American Alliance, against the Humphrey bill and any prohibition amendments to the penal code—to the Committee on the Judiciary.

By Mr. BATES: Paper to accompany bill for relief of George Graff—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Petition of citizens of Dubuque, Iowa, against a tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of Charles Payne Post, No. 141, Grand Army of the Republic, against a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of citizens of Iowa, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BURKE: Petition of the J. K. McKee Company and the Pittsburg Dry Goods Company, favoring the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, for increase of salaries of United States judges—to the Committee on the Judiciary.

By Mr. CALDER: Petition of National Lumber Manufacturers' Association, against any reduction of duty on lumber and shingles—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, favoring increase of salaries of United States judges (S. 6973)—to the Committee on Appropriations.

Also, petition of board of directors 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.

By Mr. CAMPBELL: Petition of Socialist Local of Pittsburg, Kans., against extradition of Rudovitz and Pouren by the Russian Government—to the Committee on Foreign Affairs.

By Mr. CLARK of Missouri: Petition of J. C. Nelson, of Sharpsburg, Ky., for repeal of tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOK of Pennsylvania: Petition of Builders' Exchange of Philadelphia, favoring replacing gypsum rock on the free list—to the Committee on Ways and Means.

By Mr. COOPER of Pennsylvania: Petition of N. J. Hutchinson and others, for the creation of a national highways commission and for an appropriation to give federal aid to the States in highway construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of business men of Genoa Junction, Wis., against parcels post on the rural mail-delivery routes and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of various residents of Wisconsin, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. DENBY: Petition of legislative committee of National Grange, favoring federal aid to highways—to the Committee on Agriculture.

By Mr. EDWARDS of Georgia: Paper to accompany bill for relief of Adolph M. Cohen—to the Committee on War Claims.

By Mr. ESCH: Petition of American Protective Tariff League, against creation of a tariff commission—to the Committee on Ways and Means.

By Mr. FOCHT: Petition of Hon. W. N. Sterret and others, favoring parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of Capt. J. W. Muller, favoring H. R. 7620, to establish a naval militia—to the Committee on Naval Affairs.

By Mr. FOSTER of Vermont: Petition of Ira Valley Grange, No. 342, Patrons of Husbandry, of Ira, Vt., in favor of H. R. 15837, for a national highways commission and appropriation giving federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petition of citizens of Londonderry, Stratton, and Jamaica, Vt., against passage of Johnston bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of Chicago-Toledo-Cincinnati Deep Water Association, of Defiance, Ohio, for construction of a canal between Toledo and Chicago, Ill., and for the enlargement of the Miami and Erie Canal between Cincinnati and Toledo—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Antisaloon League of America, of Washington, D. C., favoring the Gallinger bill (S. 7305), providing for local option in city of Washington—to the Committee on the District of Columbia.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Hiram Binkley (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. GOULDEN: Petition of Capt. J. W. Muller, favoring H. R. 7620, to establish a naval militia—to the Committee on Naval Affairs.

By Mr. GRAHAM: Petition of New York Board of Trade and Transportation, favoring increase of salaries of United States judges—to the Committee on Appropriations.

Also, petition of J. K. McKee Company and the Pittsburg Dry Goods Company, favoring amendment to the bankruptcy act as per the Sherley bill (H. R. 21929)—to the Committee on the Judiciary.

By Mr. HAMMOND: Petiton of Fred Hartmann and others, of Walters, Minn., against a tariff on tea and coffee—to the Committee on Ways and Means.

By Mr. HAYES: Petition of San Jose (Cal.) Grange, No. 10, Patrons of Husbandry, favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of South Carolina: Paper to accompany bill for relief of Charles Ladshaw—to the Committee on Pensions.

By Mr. KAHN: Petitions of N. E. Cornwell and 168 other residents of Eureka, Cal.; E. A. Pedersen and 95 other residents of Eureka, Cal.; D. Hugst and 94 other residents of Seattle, Wash.; and J. P. Prain and 83 other residents of Port Costa, Cal., favoring an exclusion law against all Asiatics save travelers, students, and merchants—to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of Golden Grange, No. 977, of Auburn, Mich., against the parcels-post and postal savings banks system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sterling Grange, No. 1105, of Sterling, Mich., for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. NELSON: Petition of merchants and shoe dealers of Madison, Wis., asking for repeal of duty on hides—to the Committee on Ways and Means.

Also, petition of citizens of Second Congressional District of Wisconsin, against passage of Senate bill 3490—to the Committee on the District of Columbia.

Also, petition of dealers and growers of beans, favoring present duty on beans—to the Committee on Ways and Means.

Also, petition of citizens of Blue Mound, Wis., favoring national highways commission—to the Committee on Agriculture.

Also, petition of business men of Stoughton and De Forest, Dane County, Wis., against parcels-post legislation in any form—to the Committee on the Post-Office and Post-Roads.

Also, petition of lawyers of Wisconsin, favoring an increase of salaries to judges of federal courts—to the Committee on Appropriations.

By Mr. OVERSTREET: Petition of Lumbermen's Club of Memphis, Tenn., against reduction of duty on lumber—to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

By Mr. ROBINSON: Paper to accompany bill for relief of George H. Preddy—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of Kalmbach & Glenan and 28 others, of South Lyon, Mich., against a parcels-post and postal savings banks law—to the Committee on the Post-Office and Post-Roads.

Also, petition of P. A. Sherman and 36 others, of Michigan, against reduction of tariff on beans—to the Committee on Ways and Means.

By Mr. SWASEY: Petition of sundry citizens of Richmond, Me., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Brownfield, Me., for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. TIRRELL: Petition of Fred R. Trask and others, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Frank W. Denby and others and H. P. Harriman and others, for national highways commission and federal aid in construction of public roads (H. R. 15837)—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of William Nutt—to the Committee on Invalid Pensions.

Mr. VREELAND: Petition of residents of Cattaraugus County, N. Y., in favor of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Petition of Rassilas Grange, No. 1187, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Petition of Hon. F. H. Rockwell and 10 other residents of Tioga County, Pa., favoring establishment of a parcels-post and postal savings banks system—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Paper to accompany bill for relief of William S. Dumont—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *January 29, 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.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and the conclusions of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel schooner *Rebecca*, Mildmay Smith and John Hall, master (H. Doc. No. 1382), 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. 16954) to provide for the Thirteenth and subsequent decennial censuses, and recedes from its disagreement to the amendments of the Senate Nos. 24, 26, and 27, and agrees to the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5473) to authorize the Secretary of the Navy to mitigate or remit loss of rights of citizenship in certain cases.

The message further announced that the Speaker of the House had appointed Mr. GAINES of West Virginia and Mr. RUCKER of Missouri as tellers on the part of the House in pursuance of the provisions of Senate concurrent resolution No. 57, providing for the counting of the electoral votes for President and Vice-President on February 10, 1909.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 25396. An act for relief of applicants for mineral surveys; and

H. J. Res. 226. Joint resolution authorizing the Secretary of War to loan certain tents for use at the festival encampment of the North American Gymnastic Union, to be held at Cincinnati, Ohio, in June, 1909.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Asiatic Exclusion League of North America, remonstrating against the suspension of all legislation by the people of California toward the segregation of the children of Asiatics in the public schools and the ownership of land by aliens in that State, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Fifth National Encampment, United Spanish War Veterans, of Hartford, Conn., praying that an appropriation be made for raising the wreck of the battle ship *Maine*, which was referred to the Committee on Naval Affairs.

He also presented a petition of the West Wisconsin Conference of the Methodist Episcopal Church of La Crosse, Wis., praying for the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, and also to require all persons engaged in interstate commerce to give those who work on Sunday a full rest day during the succeeding week, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the board of trustees of the Newberry Library, in the State of Illinois, praying for the repeal of the duty on books and other printed matter, and remonstrating against any diminution of the privileges that libraries now possess, which was referred to the Committee on Finance.