

By Mr. FULLER: Petition of American Box Company, of Chicago, Ill., favoring amendments of corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. GARNER of Texas: Petition of Dallas Chamber of Commerce, against corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. GRAFF: Petition of civil-war veterans, favoring increase of pensions as provided in the National Tribune bill—to the Committee on Invalid Pensions.

By Mr. HANNA: Petition of citizens of Bisbee, N. Dak., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Matthias J. Brower—to the Committee on Invalid Pensions.

Also, petition of the Heller Tool Company, of Newark, N. J., against the corporation tax, especially the publicity paragraph—to the Committee on Ways and Means.

By Mr. KRONMILLER: Paper to accompany bill for relief of Frederick Schmanski—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of heirs of Sarah Mallett—to the Committee on War Claims.

By Mr. MAGUIRE of Nebraska: Petition of citizens of the First Nebraska district, against S. 404, relative to Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MILLINGTON: Paper to accompany bill for relief of E. C. Hoxie (H. R. 16137)—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of residents of Dundy County, Nebr., against S. 404 and H. J. Res. 17, relative to Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PRAY: Petition of 28 merchants of the city of Billings, Mont., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Captain Charles French Camp, No. 4, United Spanish War Veterans, of Great Falls, Mont., favoring S. 4233, relative to relief of volunteer officers and soldiers who served in the Philippines beyond term of enlistment—to the Committee on Military Affairs.

By Mr. RANDELL of Louisiana: Papers to accompany bills for relief of heirs of Louis P. Turner and estate of Martha B. King—to the Committee on War Claims.

By Mr. ROBINSON: Paper to accompany bill for relief of W. J. Massey—to the Committee on Claims.

Also, paper to accompany bill for relief of John B. Clarke—to the Committee on Invalid Pensions.

By Mr. STURGISS: Paper to accompany bill for relief of Mrs. Frances Arbogast—to the Committee on War Claims.

By Mr. TENER: Petition of veterans of the civil war, favoring the National Tribune bill—to the Committee on Invalid Pensions.

By Mr. SIMS: Paper to accompany bill for relief of heirs of G. L. Irwin—to the Committee on War Claims.

By Mr. STEENERSON: Petition of John Ball Post, No. 45, Department of Minnesota, against admission of the statue of Robert E. Lee to Statuary Hall—to the Committee on the Library.

By Mr. SULZER: Petition of Kohler & Campbell and Fairchild Brothers & Foster, of New York City, against the corporation-tax clause of the Payne bill, and for its repeal—to the Committee on Ways and Means.

## SENATE.

THURSDAY, January 13, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.  
The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

### ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

The Vestry of St. Paul's Episcopal Church, of Alexandria, Va., v. United States (S. Doc. No. 285); and

Simeon P. Gillett v. United States (S. Doc. No. 284).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 58) authorizing the Secretary of the Interior to pay to the Winnebago tribe of Indians interest accrued since June 30, 1909, with an amendment, in which it requested the concurrence of the Senate.

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

H. R. 14579. An act to amend section 12 of an act entitled "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes," approved May 29, 1908, and for other purposes;

H. R. 15816. An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907; and

H. R. 16871. An act to amend section 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for the relief of clerks of courts exercising jurisdiction under section 3 of said act.

### SEAL HERDS OF ALASKA.

Mr. JONES. I have here an article from the Pacific Fisherman for December, 1909, relating to the seal herds of the Pribilof Islands and the policy of the Government with reference thereto. I ask that it may be printed in the Record, without reading, together with a short published interview with Thomas R. Shepard, an attorney, in reference to the same matters, and that the papers be then referred to the Committee on Fisheries.

There being no objection, the papers were referred to the Committee on Fisheries and ordered to be printed in the Record, as follows:

### A MESSAGE TO THE SIXTY-FIRST NATIONAL CONGRESS.

[From the Pacific Fisherman for December, 1909.]

To Members of the Sixty-first Congress, now in session:

The present administration is one committed to the policy of conservation of national resources, and operating under this policy, is accomplishing a great good in a field of varied activities.

Our forests, our fisheries, our water power, and our public lands are all being jealously guarded with the purpose that they be conserved in all their wealth and productiveness not only for the people of this generation, but as a rich heritage to our posterity.

One resource alone, however, remains shamefully neglected, an asset that if properly conserved should yield an income worth millions of dollars annually to the Government and the people of this Nation.

When the United States, under the inspiration and guidance of Secretary Seward, purchased Alaska from the Russian Government, one of our richest acquisitions in this purchase was the Pribilof Islands and their bountiful seal rookeries. Indeed, this was one of the largest considerations in the purchase, and was urged by Secretary Seward as being, together with the fisheries and mineral wealth, one of the great resources which made Alaska a bargain for this country at the price which was paid.

Unfortunately, however, partly through mismanagement and partly through corporate influence upon our officials at the national capital, the United States Government has received little or no benefit from this resource, but has so administered it that the books show an actual loss rather than an income which should have accrued amounting to millions of dollars.

The seal herds of the Pribilof Islands were formerly numbered in the millions, and as such represented a resource worth close to a hundred million dollars. To-day it is doubtful if there are 50,000 seals left in the entire herd, and the slaughter authorized by the United States Government this year was 15,000 seals. As this does not include pelagic sealing, which is carried on in vast proportions, it is readily determined that at the present rate, unless some radical steps are taken, the entire herds are threatened with total extinction in the course of a few years.

The Government's system of the administration of this important resource has been to lease the privileges of slaughtering these seals to a private corporation, with the understanding that it was to receive a certain percentage of the gross profits accruing from the business. The corporation was given the exclusive privilege of killing these seals on the government islands, and by treaty between the United States, Great Britain, and Russia pelagic sealing was to be prohibitory within a distance of 60 miles of the shores of these islands. This treaty did not include Japan, and her subjects have, during late years, taken advantage of this fact, and are conducting a pelagic sealing industry outside of the 3-mile limit of the islands' shore line, that has proved destructive, indeed, to the life of the herds. Canadians, also, have carried on the same kind of sealing, with a similarly damaging effect, although they are prohibited from approaching so close to the islands.

The blame for the depletion of the herds, however, can not be laid entirely at the door of the pelagic sealers, for the company holding the lease have continually disregarded the terms of this lease. Under its agreement with the Government the North American Commercial Company, the present lessees, are supposed to conduct this slaughter in such a way as to preserve the fecundity of these herds, and to build up rather than tear down this valuable resource which is theirs only in trust. Through their influence with various officials of our State De-

partment under former administrations, they have been able to conduct their business with their own selfish ends in view and to absolutely disregard the rights of the Nation in its ownership of these herds, until they, together with the pelagic sealers, have reduced the herds to almost nothing. In the meantime the stockholders in this company, which consist of a few men of very powerful influence, have grown rich at the expense of the resource.

THE UNITED STATES TREASURY IN ACCOUNT WITH THE SEAL ISLANDS OF ALASKA.

Trial balance sheet, December 1, 1909.

Creditor.	
1870-1909—	
By revenue received from 1870 to 1909, inclusive, tax, rental, etc.	\$9, 800, 000

And what has the Government realized? In order that it may be clearly understood just how much the Public Treasury has lost in its business with the lessees of the seal islands since 1890, we have opened the books which Uncle Sam keeps, the official records of profit and loss, which for some reason have never been properly published heretofore, and find upon striking a trial balance that the Government has lost the immense sum of \$120,000,000. The figures follow:

Debtor.	
1890-1909—	
By 5,000,000 fur-seal skins lost since January 1, 1886, to date	\$125, 000, 000
Cost of Bering Sea Patrol from 1891 to date	4, 500, 000
Cost of Bering Sea Tribunal, 1891-1893	340, 000
Cost of natives' subsistence, Seal Islands, 1890, to date	360, 000
Cost special agents resident on islands, 1868-1909	611, 000
Cost Jordan-Thompson Commission, 1896-1899	45, 000
Costs of Valdez Japanese arrests, deportation, etc., 1905-1909	50, 000
Total cost	130, 956, 000
Less credit by revenue of	9, 800, 000
Shows net loss of property and cash of	121, 156, 000

Bad as the above showing is for the public interests concerned, yet it is not all. We had to pay the costs and the award of the Bering Sea Claims Commission which sat at Victoria in 1896. This swells the above loss more than a million dollars.

It will be absolutely necessary, in order that this industry be maintained, that two things be accomplished, and those immediately. One is that pelagic sealing be stopped; the other, that either the Government take over the administration of the Pribilof seal business themselves or make a new lease, which in its terms will restrain the slaughter of the herds to such a point that they will gradually be enabled to multiply and build themselves up to their former proportions.

To restrain pelagic sealing it will be necessary to effect a new treaty with Great Britain and Russia, and include Japan, which will absolutely forbid pelagic sealing by the subjects of any of these nations, for a term of years at least, and will provide for the maintenance and building up of the herds on the islands under the joint inspection and cooperation of all the governments concerned. Great Britain has already shown a willingness to join in such a treaty, providing that this Government restrain the damaging slaughter which it has permitted on the part of the private corporation which controls the lease. But until some steps of this sort are taken it will be virtually impossible to induce Great Britain to enter into such a treaty.

A proper treaty was proposed by the late John Hay, with the cooperation of Prof. Henry W. Elliott, in 1905, but owing to the sudden death of the statesman the document, which was very favorably looked upon by Great Britain, was never ratified, and the treaty has not been proposed by any other Secretary of State since that time, although through private influence an attempt has been made to substitute ineffective ones. These have not met with favor from Great Britain, however, nor would they have accomplished the great object desired.

Great Britain desires, before she restrains her own subjects from sealing on the high seas, that this Government, as a warrant of her good faith, eliminate all private interests and selfish considerations, which means that it stop the slaughter by the private lessees; that this Government manage the seal herds so that instead of showing signs of certain depletion they will multiply and increase, and a basis will be formed for a greater industry in the future, both on the high seas and at the rookeries. So powerful, however, has been the influence of the lessees with our State Department that the rights of America and the desires of England and Canada have been set at naught. In the meantime the chief benefit of a resource which rightfully belongs to the United States is being reaped by a private corporation on the islands and by the Japanese on the high seas.

The lease of the North American Commercial Company expires within a few months and will come up again for renewal. With the influence which this company has shown on previous occasions with the officialism which has this matter in charge, there is little doubt but that lease will be renewed on the same terms, and that the destruction of these herds by the private corporation on the islands and by the Japanese and Canadian pelagic sealers on the high seas will proceed merrily on. In the meantime the United States will expend millions of dollars patrolling northern waters and protecting its natural heritage, until the last vestiges have been destroyed by the corporation slaughterers and the Japanese poachers.

If the present administration is to remain true to its policy of conservation, it will consider long and carefully before it renews the old lease under the present terms. And if the subject is given due consideration and study, it is likely that no lease will be made to private interests; for the time has come when radical action must be taken to save the seal herds from complete extermination, and with the private lease expiring at this time this action should be taken immediately. It will not be taken if left in the hands of present officials. They have had their term of management, and the results demonstrate a gross failure. It is now time for Congress to act in this matter; to appoint an unprejudiced committee, who will make a thorough investigation and will recommend, in spite of all private or selfish consideration, an effective line of conduct on the part of the Government that will conserve this industry for the present and future generations.

Every Congressman and Senator who is in favor of conservation, every lawmaker who is honestly concerned in the rights and interests of the people whom he represents through their suffrage, should feel that this is an emergency. He should take it upon himself as a solemn duty to see that dishonesty, indifference, and favoritism are absolutely eliminated in the consideration of this problem and that the public interests, for the first time in many years, get a square deal in the management of an asset that is entirely their own.

PACIFIC FISHERMAN.

SAYS LEASE SHOULD NOT BE RENEWED.

Thomas R. Shepard, an attorney, formerly of Nome, Alaska, and now residing in Seattle, came down from the north on the revenue cutter *Thetis*, having made the trip to Pribilof Islands as the guest of the commander of the boat.

Mr. Shepard bears out the attitude of the Pacific Fisherman that the seal herds are rapidly being depleted, and also shares the views of this journal to the effect that if these resources are to be saved to the Government the present lease should not be renewed. The kill this year fell about 600 short of the maximum allowed by law, which is 15,000 skins. Mr. Shepard attributes this diminution of the herd to pelagic sealing. The trip to the Pribilofs gave Mr. Shepard an opportunity to briefly study the question of sealing at close range, and he has returned to Seattle firmly convinced that the lease of the North American Commercial Company on the islands should not be renewed by the Government on its expiration this year.

"Although my visit to the islands was necessarily brief, I observed enough to convince me that instead of renewing the twenty-year lease the Government should do one of three things—either maintain a closed season, for a time at least, so as to afford the seals protection, if possible; or, if the closed season should prove impracticable, have the Government operate the industry itself and sell the skins to the highest bidders. Should both of these propositions prove impracticable, I would have the Government exterminate the herds. The cost of maintaining the Bering Sea patrol, which is maintained principally for the protection of the islands against seal poachers, is greater than the revenue which the Government derives from the lease. In other words, the Government's protection of a monopoly, which is what the North American Commercial Company enjoys under its lease, actually costs more than the lease yields in revenue.

"American ships are not allowed to engage in sealing at all under the terms of the lease held by the company, while foreign vessels, other than Canadian, are allowed to come up to the 3-mile limit, and Canadian vessels have the privilege of operating up to the 60-mile limit. When these restrictions are taken into consideration, coupled, as I have stated, with the cost of maintaining the Bering Sea patrol, and the further restrictions that are imposed in the matter of requiring all seal skin garments to be certified by their owners when they leave this country, under penalty of having them confiscated on their return home should the garments be not certified, I think the Treasury Department should hesitate long before renewing the lease. The whole idea of handling the seal herd is in contradistinction to the method we employ of handling every other game animal.

"Pelagic sealing is, I consider, the real problem with which the Government is confronted. The pelagic sealers capture one skin but in reality sacrifice three, because when the mother seal goes out to sea she leaves her pup on the rookery, where it dies for want of natural nourishment, and, in addition, the mother seal invariably carries with her to the ocean the embryo seed. Thus it is shown that for the sake of the mothers' skins the herd is being depleted. The question suggests large opportunities for study in many branches, scientific, legal, and diplomatic, and it seems to me that the whole literature of sealing should be searched, now that the lease on the Pribilofs is about to expire by limitation, in order that no mistake be made when the matter of the renewal is finally disposed of by the Government."

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of William Rode Post, No. 191, Department of Minnesota, Grand Army of the Republic, of Swanville, Minn., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented a petition of the Wholesalers and Manufacturers' Association of Minneapolis, Minn., praying for the repeal of the "corporation-tax law," which was referred to the Committee on Finance.

He also presented a memorial of the Young Men's Christian Association of St. Paul, Minn., remonstrating against any further increase being made in the United States Navy, which was referred to the Committee on Naval Affairs.

Mr. CARTER presented a petition of Lincoln Post, No. 2, Department of Montana, Grand Army of the Republic, of Butte, Mont., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

Mr. DEPEW presented a petition of the New York Council, Order of United Commercial Travelers, of New York City, N. Y., praying for the enactment of legislation concerning baggage and excess baggage carried by common carriers in the District of Columbia and the Territories and common carriers engaged

in commerce between the States and foreign nations, etc., which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Cottage Grange, No. 829, Patrons of Husbandry, of South Dayton, N. Y., and a memorial of Chemung Grange, No. 1104, Patrons of Husbandry, of Chemung, N. Y., remonstrating against the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Bethel African Methodist Episcopal Church, of the State of Georgia, praying that an appropriation be made to aid a proposed semicentennial American emancipation exposition to be held in some southern city in 1913, to commemorate the issuance of the proclamation of emancipation, which was referred to the Committee on Industrial Expositions.

Mr. LA FOLLETTE presented a petition of T. J. Hungerford Post, No. 39, Department of Wisconsin, Grand Army of the Republic, of Spring Green, Wis., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Poy Sippi, Berlin, Raymond, Franksville, Mosling, Underhill, and Green Valley, all in the State of Wisconsin, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of West Depere, Wis., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. BEVERIDGE presented petitions of members of sundry Grand Army Posts, Department of Indiana, Grand Army of the Republic, in the State of Indiana, praying for the passage of the so-called "per diem pension bill," which were referred to the Committee on Pensions.

Mr. PILES presented a petition of General Milroy Post, No. 62, Department of Washington, Grand Army of the Republic, of Tekon, Wash., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented a petition of the Commercial Club of South Bend, Wash., praying for the passage of the so-called "Humphrey ship-subsidy bill," which was referred to the Committee on Commerce.

#### REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 16223) extending the time for certain homesteaders to establish residence upon their lands, reported it with amendments and submitted a report (No. 48) thereon.

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

A bill (S. 3318) to legalize a bridge across the Snake River between the States of Idaho and Oregon (Rept. No. 49); and

A bill (S. 4891) to extend the time for the commencement and completion of a railroad bridge across the Kansas River at or near Kansas City, Kans., in the county of Wyandotte, State of Kansas (Rept. No. 50).

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 4938) to amend an act entitled "An act to require the employment of vessels of the United States for public purposes," approved April 28, 1904, asked to be discharged from its further consideration and that it be referred to the Committee on Interstate Commerce, which was agreed to.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 51) accompanied by a bill (S. 5236) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

- S. 25. Alonzo Conklin;
- S. 38. William L. Naftzger;
- S. 45. Michael Savage;
- S. 55. John S. Kenney;
- S. 59. Thomas G. Harper;
- S. 63. Henry Newhouse;
- S. 146. Charles R. Davis;
- S. 147. Ann Stearns;
- S. 151. John W. Angell;
- S. 167. Jesse M. Moore;
- S. 170. Albert Bornstein;
- S. 195. Martin V. Benkert;

- S. 198. Gilman Stevens;
- S. 201. Lynus J. Kibbe;
- S. 255. George W. Davenport;
- S. 281. William Sherman;
- S. 296. James McDonald;
- S. 300. James K. Pritchard;
- S. 308. Andrew J. Bass;
- S. 309. Wilson S. Bell;
- S. 311. James C. Betts;
- S. 377. Francis W. Hibbard;
- S. 378. Virginia Yard;
- S. 408. Charles H. Gladding;
- S. 416. Thomas B. Fish;
- S. 464. Hiram S. Stevens;
- S. 466. Zaphna L. King;
- S. 479. William H. Gifford;
- S. 536. Rose A. Rowell;
- S. 541. William F. Hodges;
- S. 554. Otis B. Smith;
- S. 556. William Kelly;
- S. 557. John M. Bayley;
- S. 568. Otis T. Simonds;
- S. 587. Snyder D. Freeland;
- S. 588. Charles T. Shepard;
- S. 602. Joel N. Shelton;
- S. 603. Hiram Statia;
- S. 648. George W. Peters;
- S. 649. George Pierce;
- S. 658. Joseph Robichaud;
- S. 663. Merton Stancil;
- S. 669. Samuel Radcliff;
- S. 670. Ira T. Belden;
- S. 671. Parley S. McCracken;
- S. 672. Henry Mott;
- S. 673. William H. Jones;
- S. 674. Joshua B. Shumate;
- S. 751. Hosea Q. Mason;
- S. 753. Henry S. Perry;
- S. 755. Henry W. Charter;
- S. 968. Samuel R. Shirley;
- S. 978. George E. Ward;
- S. 1040. Arthur Mahar;
- S. 1099. Edward Shattuck;
- S. 1217. Penton Belville;
- S. 1242. Mary A. Kerr;
- S. 1243. Richard M. Johnson;
- S. 1302. Daniel M. Shaw;
- S. 1304. Andrew G. Wylie;
- S. 1358. Alice Rugan;
- S. 1361. Oscar F. Gammon;
- S. 1362. Esther A. Field;
- S. 1367. John Chatham;
- S. 1478. Josephine A. Barnard;
- S. 1529. Charles E. Wellman;
- S. 1548. Henry F. Gieseke;
- S. 1599. Charles H. Miner;
- S. 1610. Margaret L. Graham;
- S. 1615. David B. Todd;
- S. 1617. Benjamin F. Estes;
- S. 1622. John Duke;
- S. 1623. Philander C. Burch;
- S. 1625. John V. Nelson, alias John Nelson;
- S. 1701. Mary A. Hubbell;
- S. 1710. William N. Furman;
- S. 1711. Frederick J. Garbanati;
- S. 1753. Michael E. Long;
- S. 1754. Charles A. Gray;
- S. 1784. Sophrona Austin;
- S. 1819. Isaiah P. Watts;
- S. 1885. Wilson M. Mayo;
- S. 1890. Addie A. Robinson;
- S. 2001. Lucy A. Graves;
- S. 2010. Susan J. Tukey;
- S. 2087. Francis G. Bourasaw;
- S. 2092. Silas Wright;
- S. 2134. Lyman G. Willcox;
- S. 2197. George Wolf;
- S. 2281. Lucius H. Hancock;
- S. 2289. Thomas B. Pulsifer;
- S. 2331. Hugh McDonald;
- S. 2337. Charles S. Crowell;
- S. 2348. Wallace W. Sears;
- S. 2362. Joseph R. Snyder;
- S. 2375. Alfred Larkins;
- S. 2381. James Kenyon;
- S. 2510. Charles R. Gentner;

S. 2527. Charles L. D. Sawyer;  
 S. 2523. Archibald H. McMurphy;  
 S. 2619. Henry W. Thieman;  
 S. 2663. Miles Goforth;  
 S. 2726. Charles W. Sizer;  
 S. 2727. George W. Van Tassel;  
 S. 2730. James McNeill;  
 S. 2783. Charles Kisow;  
 S. 2808. David Sutherland;  
 S. 2809. Amos W. Melugin;  
 S. 2820. Shepard D. Edwards;  
 S. 2842. Lewis Bullock;  
 S. 2844. Charles A. Riddle;  
 S. 2852. Jacob M. Zartman;  
 S. 2868. William W. Olmsted;  
 S. 2870. John W. Edwards;  
 S. 2954. Charles N. Taylor;  
 S. 2957. John Charles;  
 S. 2959. Samuel W. Townsend;  
 S. 2960. William Strehlow;  
 S. 2961. Matthew M. Salisbury;  
 S. 2963. Isaac N. Waldrip;  
 S. 2983. Sylvester Hill;  
 S. 2986. Barbara Downer;  
 S. 2991. William G. Brady;  
 S. 3043. William Fritz;  
 S. 3054. Thomas H. Rogers;  
 S. 3212. Daniel M. Keigwin;  
 S. 3389. Buel Chidester;  
 S. 3394. Elizabeth Herder;  
 S. 3707. Kemp Murphy;  
 S. 3803. Thomas Levens;  
 S. 3804. Ira H. Andrews;  
 S. 3805. Aaron E. Machamer;  
 S. 3823. George D. Blackinton;  
 S. 3824. Joseph B. Holmes;  
 S. 3826. Samuel C. McKay;  
 S. 3911. Roswell Thomas;  
 S. 3913. Charles M. Carr;  
 S. 4028. William I. Mathews;  
 S. 4032. Louise G. Townsend;  
 S. 4034. Rane C. Carter;  
 S. 4104. Ira B. Gould;  
 S. 4226. Andrew T. Moonert;  
 S. 4228. Allen W. Cross;  
 S. 4436. George L. Harvey;  
 S. 4450. Mary A. Kollock;  
 S. 4465. George A. Griswold;  
 S. 4518. Edwin L. Hunt; and  
 S. 4549. Francis Masena.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions to certain soldiers and sailors, etc., submitted a report (No. 52) accompanied by a bill (S. 5237) granting pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 168. Derris Gregg;  
 S. 238. Jerome De Vriendt;  
 S. 388. Dorcas Jones;  
 S. 540. Susan E. Baker;  
 S. 754. Franklin Wilcox;  
 S. 758. Samuel Garn;  
 S. 972. Augustus E. Davis;  
 S. 1364. Samuel W. Ingalls;  
 S. 1624. Stephen Taylor;  
 S. 2260. Margaret J. Harvey;  
 S. 2832. Charles E. Bowling;  
 S. 3052. Elizabeth E. Hurst;  
 S. 3206. Mary M. Muse; and  
 S. 3783. Charles Johnson.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 4640) to provide for the construction of a revenue cutter for service on the coast of Alaska to replace the revenue cutter *Rush*, reported it without amendment and submitted a report (No. 53) thereon.

Mr. NELSON, from the Committee on Public Lands, to whom the subject was referred, submitted a report (No. 54), accompanied by a bill (S. 5238) to abolish the United States land office at Des Moines, Iowa, which was read twice by its title.

He also, from the Committee on Commerce, to whom was referred the bill (S. 4937) to amend section 4421 of the Revised

Statutes of the United States as amended by act approved June 11, 1906, relating to inspection of steam vessels, reported it with an amendment and submitted a report (No. 55) thereon.

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

A bill (S. 4108) to refund certain tonnage taxes and light dues levied on the steamship *Montara*, without register (Rept. No. 56);

A bill (S. 4912) to provide for the construction of a revenue cutter for service on the Pacific coast to replace the revenue cutter *Perry* (Rept. No. 57); and

A bill (S. 4457) authorizing the establishment of aids to navigation in Alaskan waters and making an appropriation therefor (Rept. No. 58).

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

A bill (S. 4641) to provide for the construction of a revenue cutter for service on the coast of Maine, to replace the revenue cutter *Woodbury* (Rept. No. 59); and

A bill (S. 4639) concerning tonnage duties on vessels entering otherwise than by sea (Rept. No. 60).

Mr. CLAPP, from the Committee on Indian Affairs, submitted a report (No. 67), accompanied by an amendment proposing to appropriate \$3,000 for the installation of a water plant at the Indian school, Rapid City, S. Dak., intended to be proposed to the urgent deficiency appropriation bill, and moved that it be printed and, with accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 4769) authorizing the Secretary of the Interior to ascertain the amount due William Johnson and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians," reported it without amendment and submitted a report (No. 61) thereon.

Mr. BOURNE, from the Committee on Commerce, to whom was referred the bill (S. 4272) granting life-saving medals to Edward Spencer, Charles H. Fowler, and Joseph C. Hartzell, reported it with an amendment and submitted a report (No. 62) thereon.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (S. 2445) granting an honorable discharge to Peter Fleming, reported it with an amendment and submitted a report (No. 63) thereon.

Mr. CLARKE of Arkansas, from the Committee on Commerce, to whom was referred the bill (S. 5070) to provide for the construction of a revenue cutter for service on the coast of Florida to replace the revenue cutter *Forward*, reported it without amendment and submitted a report (No. 64) thereon.

Mr. BROWN, from the Committee on Military Affairs, to whom was referred the bill (S. 4672) to correct the military record of William Keyes, reported it without amendment and submitted a report (No. 65) thereon.

Mr. DIXON, from the Committee on Military Affairs, to whom was referred the bill (S. 4671) to amend the military record of Aaron Cornish, reported it with an amendment and submitted a report (No. 66) thereon.

#### SURVEY OF CAPE LOOKOUT, NORTH CAROLINA.

Mr. SIMMONS, from the Committee on Commerce, reported the following concurrent resolution (S. C. Res. 21), which was considered by unanimous consent and agreed to:

Senate concurrent resolution 21.

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War is hereby authorized and directed to cause a further and supplemental examination to be made of Cape Lookout, North Carolina, provided for in the river and harbor act of March 3, 1909, with a view to determining its relative advantage and value as a site for a harbor of refuge for coastwise and deep-draft vessels, as compared with other localities on the coast of North Carolina, especially the harbors of Beaufort, Southport, or Cape Fear and Cape Hatteras, and to submit the results of such examination, together with estimates of cost, to Congress at the earliest date practicable.*

#### ESTATE OF ELIZABETH BRINKLEY.

Mr. BURNHAM. I submit a resolution to correct an error in a similar bill referred at the last session to the Court of Claims, and I ask for its present consideration.

The resolution (S. Res. 138) was read, considered by unanimous consent, and agreed to, as follows:

Senate resolution 138.

*Resolved, That the bill (S. 4281) entitled "A bill for the relief of the heirs of Elizabeth Brinkley, deceased," now pending in the Senate, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.*

## BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DEPEW:

A bill (S. 5239) granting an increase of pension to William H. Hicks (with accompanying papers);

A bill (S. 5240) granting an increase of pension to Melvina White; and

A bill (S. 5241) granting a pension to Margaret H. Flint; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 5242) to further amend the last paragraph of section 3394 of the Revised Statutes heretofore amended; to the Committee on Finance.

A bill (S. 5243) granting permission to Rear-Admiral C. H. Davis, U. S. Navy, to accept a silver cup and salver and a silver punch bowl and cups tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments; to the Committee on Foreign Relations.

By Mr. MARTIN:

A bill (S. 5244) to authorize the abandonment of Jefferson street, between Fourteenth street and Colorado avenue NW., Washington, D. C.; and

A bill (S. 5245) to authorize certain changes in the permanent system of highways plan, District of Columbia; to the Committee on the District of Columbia.

A bill (S. 5246) to reinstate Alonzo Burke as a chief carpenter in the United States Navy (with an accompanying paper); and

A bill (S. 5247) to authorize and direct the President of the United States to place upon the retired list of the United States Navy Lieut. Commander James H. Reid, with the rank of commander; to the Committee on Naval Affairs.

A bill (S. 5248) to authorize the Virginia Iron, Coal and Coke Company to build a dam across the New River near Foster Falls, Va. (with accompanying papers); to the Committee on Commerce.

By Mr. MONEY:

A bill (S. 5249) granting an increase of pension to H. W. Hale (with an accompanying paper); and

A bill (S. 5250) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico," approved February 6, 1907; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 5251) granting pensions to volunteer army nurses of the civil war; to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 5252) to authorize the closing of a part of Forty-first street NW., in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CURTIS:

(By request.) A bill (S. 5253) to prohibit selling of intoxicating beverages in the Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. DIXON:

A bill (S. 5254) to increase the limit of cost of the public building at Missoula, Mont.; and

A bill (S. 5255) for the purchase of a site for a public building at Kalispell, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. FLINT:

A bill (S. 5256) to amend chapter 1402, volume 33, United States Statutes at Large; to the Committee on Indian Affairs.

By Mr. PAGE:

A bill (S. 5257) granting an increase of pension to Alanson H. Allard (with accompanying papers);

A bill (S. 5258) granting an increase of pension to Dascomb E. Gibson (with accompanying papers);

A bill (S. 5259) granting an increase of pension to Carlos C. Shaw (with accompanying papers);

A bill (S. 5260) granting an increase of pension to Darwin A. Brink (with accompanying papers);

A bill (S. 5261) granting an increase of pension to Almont Silsby (with accompanying papers); and

A bill (S. 5262) granting an increase of pension to John C. Bettis (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 5263) granting an increase of pension to Joseph David; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 5264) granting an increase of pension to Alfred G. Brann; and

A bill (S. 5265) granting an increase of pension to R. C. Perkins (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 5266) granting an increase of pension to Elizabeth C. Montrose; to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 5267) granting an increase of pension to Hannah V. Neale (with an accompanying paper); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 5268) providing for the construction of two steam launches for the United States Revenue-Cutter Service, for duty in the waters of Puget Sound; to the Committee on Commerce.

A bill (S. 5269) to provide for allotments to certain members of the Hoh, Quileute, and Ozette tribes of Indians in the State of Washington; to the Committee on Indian Affairs.

By Mr. MARTIN:

A bill (S. 5270) granting a pension to James W. Ruffin;

A bill (S. 5271) granting a pension to Isabella Lee Edelin; and

A bill (S. 5272) granting a pension to Allinder J. Johnson; to the Committee on Pensions.

A bill (S. 5273) for the relief of the heirs of James Coleman, deceased (with an accompanying paper);

A bill (S. 5274) for the relief of James H. Hottel;

A bill (S. 5275) for the relief of the heirs of Susan M. Pendleton, deceased;

A bill (S. 5276) for the relief of the heirs of J. D. Makely, deceased;

A bill (S. 5277) for the relief of the estate of Brandt Kinche-  
loe, deceased;

A bill (S. 5278) for the relief of the estate of John Jett, deceased;

A bill (S. 5279) for the relief of the estate of S. P. C. Henkel, deceased;

A bill (S. 5280) for the relief of Mrs. C. N. Graves, widow of R. F. Graves, Jr., deceased;

A bill (S. 5281) for the relief of Lullie F. Jones, administratrix of Mrs. Sarah C. Jones and Mrs. Lucy F. Tyler;

A bill (S. 5282) for the relief of the trustees of Union Church of Richardsville, Culpeper County, Va.;

A bill (S. 5283) for the relief of the trustees of Union Church of Stevensburg, Culpeper County, Va.; and

A bill (S. 5284) for the relief of the trustees of Smith Creek Baptist Church, of New Market, Shenandoah County, Va.; to the Committee on Claims.

By Mr. McENERY:

A bill (S. 5285) granting an increase of pension to Julia Weber (with accompanying papers); to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 5286) to carry into effect the findings of the Court of Claims in the case of the estate of Alexander F. Beckham, deceased (with accompanying papers); to the Committee on Claims.

By Mr. GALLINGER:

A bill (S. 5287) to parole juvenile offenders; to the Committee on the District of Columbia.

By Mr. BANKHEAD:

A joint resolution (S. J. Res. 63) authorizing the Secretary of War to loan certain tents, saddles, and bridles for the use of the Confederate Veterans' Reunion, to be held at Mobile, Ala., in April, 1910; to the Committee on Military Affairs.

By Mr. FRAZIER:

A joint resolution (S. J. Res. 64) to authorize the Secretary of War to furnish two condemned bronze cannon to the city of Memphis, Tenn.; to the Committee on Military Affairs.

By Mr. DIXON:

A joint resolution (S. J. Res. 65) to authorize the Secretary of War to furnish two condemned bronze cannon to the city of Missoula, Mont.; to the Committee on Military Affairs.

## LANDS IN HARNEY COUNTY, OREG.

Mr. CHAMBERLAIN. Mr. President, two days ago I submitted an amendment intended to be proposed to the sundry civil appropriation bill, and it was referred to the Committee on Appropriations. I desire to have it withdrawn from the Committee on Appropriations and referred to the Committee on Public Lands. It relates to a survey of the remaining unsurveyed townships in Harney County, Oreg.

The VICE-PRESIDENT. Without objection, an order changing the reference will be made. The Chair hears no objection.

#### CLAIMS OF POSTMASTERS IN TENNESSEE.

Mr. FRAZIER submitted the following resolution (S. Res. 133), which was referred to the Committee on Post-Offices and Post-Roads:

##### Senate resolution 133.

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to have audited and reported for payment to the Senate the salaries of those who served as postmasters at post-offices in the State of Tennessee in biennial terms between July 1, 1864, and June 30, 1874, whose names and periods of service appear in applications before 1887 on file in the department, the salary of each former postmaster to be stated for each specified term of service by commissions and box rents, as shown by the registered returns of each former postmaster on file in the Sixth Auditor's Office, and to show the exact excess of the salary by commissions and box rents over the salary paid in every case where the paid salary is 10 per cent less than the salary by box rents and commissions; and to comply in all respects with the public order of the Postmaster-General of February 17, 1884, for stating such salary accounts of former postmasters under the act of March 3, 1883; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim.

#### CLAIMS OF POSTMASTERS IN COLORADO.

Mr. HUGHES submitted the following resolution (S. Res. 137), which was read:

##### Senate resolution 137.

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to have audited and reported for payment to the Senate the salaries of those who served as postmasters at post-offices in the State of Colorado in biennial terms between July 1, 1864, and June 30, 1874, whose names and periods of service appear in applications before 1887 on file in the department, the salary of each former postmaster to be stated for each specified term of service by commissions and box rents, as shown by the registered returns of each former postmaster on file in the Sixth Auditor's Office, and to show the exact excess of the salary by commissions and box rents over the salary paid in every case where the paid salary is 10 per cent less than the salary by box rents and commissions; and to comply in all respects with the public order of the Postmaster-General of February 17, 1884, for stating such salary accounts of former postmasters under the act of March 3, 1883; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim.

Mr. HUGHES. I ask that the resolution may lie on the table subject to call.

The VICE-PRESIDENT. Without objection, the resolution will lie on the table.

#### PROHIBITION OF LIQUOR TRAFFIC IN HAWAII.

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

The resolution (S. Res. 135) was read, as follows:

##### Senate resolution 135.

*Resolved*, That 1,000 additional copies of the hearing held before the Committee on Pacific Islands and Porto Rico on the bill (S. 1862) to prohibit selling of intoxicating beverages in Territory of Hawaii be printed for the use of the committee.

Mr. SMOOT. I wish to ask the Senator from New York a question with respect to the cost.

Mr. DEPEW. I have no idea what the cost will be.

Mr. PENROSE. Let the resolution go to the committee.

Mr. DEPEW. Very well; I move that it be referred to the Committee on Printing.

The motion was agreed to.

#### VOTES ON TARIFF BILL.

Mr. BACON. I ask that 1,500 additional copies of Senate Document No. 153, Sixty-first Congress, first session, being a compilation of the votes on the tariff bill, be printed for the use of the Senate document room.

There being no objection, the order was reduced to writing and agreed to, as follows:

*Ordered*, That 1,500 additional copies of Senate Document No. 153, Sixty-first Congress, first session, entitled "Votes on Tariff Bill," be printed for the use of the Senate document room.

#### CLAIMS OF POSTMASTERS IN KENTUCKY.

The VICE-PRESIDENT. The morning business is closed and the calendar under Rule VIII—

Mr. HALE. I think there was an agreement yesterday that the matter going over should be brought up at the close of the morning business to-day.

The VICE-PRESIDENT. The Secretary has just so informed the Chair. The Chair was not present when the agreement was made.

Mr. HALE. So I suppose that would be first in order.

The VICE-PRESIDENT. The Senator from Maine is correct. The Secretary will state the resolution.

The SECRETARY. Senate resolution 69, by Mr. BRADLEY, directing the Secretary of the Treasury to have audited and reported

for payment the salaries of certain postmasters in the State of Kentucky.

Mr. HEYBURN. Mr. President, I would ask unanimous consent to consider Calendar No. 44, Senate bill 3316, which is unobjectioned to. It is intended to relieve against a situation where certain government officials were laid off because the money had been exhausted. The bill, which is approved by the department, provides for an appropriation to enable the completion of the appraisement of the lands.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent—

Mr. BEVERIDGE. Mr. President, I was just about to suggest to the Senator that I understand the unanimous-consent agreement of yesterday was that the matter referred to by the Senator from Maine should now be considered. Of course, that being a unanimous-consent agreement, it would be impossible to impair it by a subsequent unanimous-consent agreement, as the Senator will see when his attention is called to it. I am hardly ever hostile to anything the Senator wants, but a unanimous-consent agreement having been entered into, I do not understand that it can be impaired.

Mr. HEYBURN. The unanimous-consent agreement in regard to the matter under consideration has performed its function. I waited until that was completed and the measure taken up. The unanimous consent was that the resolution should be taken up for consideration. It is up for consideration. So the unanimous agreement is functus, so far as preventing any other business from being taken up. I merely ask leave to interrupt the order of business now before the Senate for the purpose of having a measure passed to relieve a situation that is rather embarrassing. It is a question whether certain employees shall be laid off or whether the money shall be provided.

Mr. BEVERIDGE. I have no disposition, of course, as the Senator well knows, to disturb in any wise the consideration of a measure that interests him. But a unanimous-consent agreement was made that the resolution in charge of the Senator from Kentucky should be taken up this morning, and it was given only after a great deal of hesitation. I do not think that the unanimous-consent agreement could now be performed by merely calling the matter up. Certainly it would not be performed in spirit. I am not interested one way or the other.

Mr. HEYBURN. I imagine that the resolution will not occupy a great length of time. I will defer the consideration of the bill, but I should like to say that just as soon as I may do it without opposition, I desire to ask for its passage.

The VICE-PRESIDENT. The Secretary will read the resolution, which is now the special order under the order of the Senate made yesterday.

The SECRETARY. As perfected by the Senator from Kentucky [Mr. BRADLEY], the resolution reads as follows:

##### Senate resolution 69.

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to have audited and reported for payment to the Senate the salaries of those who served as postmasters at post-offices in the various States and Territories of the United States in biennial terms between July 1, 1864, and June 30, 1874, whose names and periods of service appear in applications before 1887 on file in the department, the salary of each former postmaster to be stated for each specified term of service by commissions and box rents as shown by the registered returns of each former postmaster on file in the Sixth Auditor's Office, and to show the exact excess of the salary by commissions and box rents over the salary paid in every case where the paid salary is 10 per cent less than the salary by box rents and commissions; and to comply in all respects with the public order of the Postmaster-General of February 17, 1884, for stating such salary accounts of former postmasters under the act of March 3, 1883; and to enable the Secretary of the Treasury the better to comply with this resolution, the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim.

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

Mr. HALE. I think there is a motion pending to refer.

Mr. PENROSE. I should like to be heard on the resolution.

The VICE-PRESIDENT. The Senator from Pennsylvania will proceed.

Mr. PENROSE. Mr. President, if the Senator from Kentucky will permit the resolution to be referred to the Committee on Post-Offices and Post-Roads, I will promise him to report back this and all similar resolutions within a week from to-day. If that is not satisfactory to the Senator, I am prepared to discuss this claim now.

Mr. BRADLEY. Mr. President, I decline.

Mr. PENROSE. Then, Mr. President, I desire to state to the Senate that these claims are known as the "Spalding claims," which have a considerable notoriety all over the United States, and their chief promoter and instigator at the present time is no less a person than Mr. E. G. Rathbone, Fourth Assistant Postmaster-General under Mr. McKinley's administration and

subsequently superintendent of posts in Cuba, a gentleman whose record is well known to the Senate, and particularly to the junior Senator from Kansas [Mr. Bristow].

In connection with the resolutions offered regarding Tennessee and North Dakota, I have a report now from the Acting Secretary of the Treasury, which I will ask the Secretary to read, and to which I ask the attention of the Senate.

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

The Secretary read as follows:

TREASURY DEPARTMENT,  
Washington, January 11, 1910.

Hon. BOIES PENROSE,  
Chairman Senate Committee on Post-Offices and Post-Roads.

SIR: Receipt is acknowledged of your letter of the 21st ultimo transmitting copies of resolutions Nos. 96 and 108, pertaining to the salary accounts of former postmasters who served in Tennessee and North Dakota, and requesting that the committee be supplied with an expression of opinion regarding their merits. With the exception of the names of the States the resolutions are identical and read as follows:

"Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have audited and reported for payment to the Senate the salaries of those who served as postmasters at post-offices in the State of — in biennial terms between July 1, 1864, and June 30, 1874, whose names and periods of service appear in applications before 1887 on file in the department, the salary of each former postmaster to be stated for each specified term of service by commissions and box rents as shown by the registered returns of each former postmaster on file in the Sixth Auditor's Office, and to show the exact excess of the salary by commissions and box rents over the salary paid in every case where the paid salary is 10 per cent less than the salary by box rents and commissions; and to comply in all respects with the public order of the Postmaster-General of February 17, 1884, for stating such salary accounts of former postmasters under the act of March 3, 1883; and to enable the Secretary of the Treasury the better to comply with this resolution, the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim."

The said "public order" of February 17, 1884, was an item furnished the press by Postmaster-General Gresham through Chief Clerk Walker. It outlined a method of readjustment which, at a later date, was prohibited by law, namely, the act of Congress approved August 4, 1886, 24 Stat., 307.

The foregoing resolutions are predicated upon the acts of Congress approved March 3, 1883, 22 Stat., 487; the act of June 12, 1866, 14 Stat., 60, sec. 8; the act of July 1, 1864, 13 Stat., 335; and the act of June 22, 1854, 10 Stat., 298.

To give a clear presentation of the facts it is necessary to refer to those statutes and the construction placed thereon.

The act of June 22, 1854, authorized the Postmaster-General to allow postmasters commissions on the postage collected at their respective offices in each quarter of the year, and in due proportion for any period less than a quarter, at the following rates:

	Per cent.
On any sum not exceeding \$100	60
On any sum over and above \$100 and not exceeding \$400	50
On any sum over and above \$400 but not exceeding \$2,400	40
On all sums over \$2,400	15

The act of July 1, 1864, made a complete change in the manner of remunerating postmasters by instituting a system of assigning salaries prospectively for two years on the basis of the average annual compensation for the preceding two years, or eight quarters. The act provides:

"That the annual compensation of postmasters shall be at a fixed salary, in lieu of commissions, to be divided into five classes. \* \* \* Whenever the compensation of postmasters of the several offices \* \* \* for the two consecutive years next preceding the 1st day of July, 1864, shall have amounted to an average annual sum not less than \$3,000, such offices shall be assigned to the first class. \* \* \* To offices of the first, second, and third classes shall be severally assigned salaries, in even hundreds of dollars, as nearly as practicable in amount the same as, but not exceeding, the average compensation of the postmasters thereof for the two years next preceding; and to offices of the fourth class shall be assigned severally salaries, in even tens of dollars, as nearly as practicable in amount the same as, but not exceeding, such average compensation for the two years next preceding; and to offices of the fifth class shall be assigned severally salaries, in even dollars, as nearly as practicable in amount the same as, but not exceeding, such average compensation for the two years next preceding."

"Sec. 2. And be it further enacted, That the Postmaster-General shall review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any office; but any change made in such salary shall not take effect until the first day of the quarter next following such order, and all orders made assigning or changing salaries shall be made in writing and recorded in his journal, and notified to the auditor for the Post-Office Department."

The act of June 12, 1866, is in part as follows:

"Sec. 8. And be it further enacted, That section two of the act entitled 'An act to establish salaries for postmasters, and for other purposes,' approved July 1, 1864, be amended by adding the following: 'Provided, That when the quarterly returns of any postmaster of the third, fourth or fifth class show that the salary allowed is 10 per cent less than it would be on the basis of commissions under the act of 1854, fixing compensation, then the Postmaster-General shall review and readjust under the provisions of said section.'"

The act of March 3, 1883, is as follows:

"Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to readjust the salaries of all postmasters and late postmasters of the third, fourth, and fifth classes, under the classification provided for in the act of July 1, 1864, whose salaries have not heretofore been readjusted under the terms of section 8 of the act of June 12, 1866, who made sworn returns of receipts and business for readjustment of salary to the Postmaster-General, the First Assistant Postmaster-General, or the Third Assistant Postmaster-General,

or who made quarterly returns in conformity with the then existing law and regulations, showing that the salary allowed was 10 per cent less than it would have been upon the basis of commissions under the act of 1854, such readjustment to be made in accordance with the mode presented in section 8 of the act of June 12, 1866, and to date from the beginning of the quarter succeeding that in which such sworn returns of receipts and business or quarterly returns were made: *Provided*, That every readjustment of salary under this act shall be upon a written application signed by the postmaster or late postmaster or legal representatives entitled to said readjustment; and that each payment shall be by warrant or check on the Treasurer or some assistant treasurer of the United States, made payable to the order of said applicant, and forwarded by mail to him at the post-office within whose delivery he resided and whose address shall be set forth in the application above provided for."

The attorney for the claimants has contended, under said act of 1883, for the "retrospective" method of readjustment; that is, the claimants are entitled to a sum equal to the difference between the amount of any salary which, during a particular term, they had received, and the sum which they would have received during the same term had they been paid commissions on the business done in the office at the rate prescribed by the act of 1854.

Such a construction is precluded by the act of 1883. It directs that readjustments shall "be made in accordance with the mode presented in section 8 of the act of June 12, 1866, and to date from the beginning of the quarter succeeding that in which such sworn returns of receipts and business or quarterly returns were made." The statute, therefore, commands a readjustment on the "prospective" basis.

In the case of *United States v. McLean* (95 U. S., 753) the Supreme Court of the United States, in reversing a judgment of the Court of Claims, said that the legislation of 1864 and 1866 "takes effect in all cases prospectively."

Postmaster-General Gresham submitted the matter of readjusting salaries of former postmasters to Attorney-General Brewster for a legal opinion. The Attorney-General's opinions (17 A. G., 658; 18 id., 17) were thus summarized by the Post-Office Department:

"The act of 1883 required the readjustment of salaries, which it is directed to be in accordance with the mode prescribed in section 8 of the act of June, 1866 (as is expressly declared in the act of 1883); that the act of 1866 expressly declares that readjustments thereunder shall be made under the provisions of section 2 of the act of 1864 (as said act of 1866 expressly so requires). Turning to section 2 of the act of 1864, it will be seen that it required readjustments to be made on the basis of the preceding section; that is to say, the preceding two years' compensation being taken as the basis of the salary for the two succeeding years from any point of time of readjustment."

"Hence, he argues, the aim of the act of 1866, not being intended to overturn the biennial system of readjustment, the future salary to be based on the average annual compensation for the two preceding years, it meant that the future salary should be based upon the eight preceding returns when it appeared that by that basis the compensation actually allowed was 10 per cent less than it would have been if made by commissions on the receipts of the offices as shown by the returns."

"Such construction, while it works results different from the expectations of many claimants, gives effect and meaning, as Attorney-General Brewster argues very clearly, to every part and clause of the act of 1883."

To illustrate the procedure: When a postmaster applied for a readjustment of his salary between July 1, 1863, and July 1, 1870, the amount of postages sold during the preceding eight quarters was ascertained. Commissions under the act of 1854 would be computed on those receipts. The average receipts of one year would be compared with the annual salary allowed for the two years after July, 1868. If the commissions would show an increase of 10 per cent more than the salary allowed for the two succeeding years, then the difference would be added to that salary. Each readjustment was therefore made for a given two years upon the returns for the two years preceding.

The Post-Office Department readjusted the salaries of former postmasters under the Attorney-General's interpretation—that the object of the law was not to abrogate or abandon the system of biennial readjustment for prospective period on the basis of past receipts—with the following results:

Total number of cases reviewed	68,725
Number of cases allowed	26,238
Aggregate amount allowed and paid under the act of March 3, 1883	\$1,221,009.69

Whatever doubt may have existed in 1883-84 as to the proper construction to be placed upon the four acts of Congress above set forth was removed by the act of Congress approved August 4, 1886 (24 Stat., 307). The prospective method of readjustment was approved and ratified as a correct administration of the statute of 1883 and all others applicable to it, no claim for readjustment was to be considered unless presented before January 1, 1887, and the use of any and every different method of readjustment than the one therein approved was prohibited.

There is an incidental feature connected with these proceedings to which I refer with reluctance. I only do so because it has received the notice of the United States Supreme Court. In the printed matter issued by the counsel for the claimants the Post-Office Department was charged with "unparalleled official chicanery" and with suppressing public accounts to defeat payment of public debts. The Supreme Court, in the case of *United States v. Ewing* (184 U. S., 140), dismissed the matter with these words:

"We feel called upon to say that the charges of misconduct, maladministration, and fraud against the officers of the Post-Office Department, so freely scattered through the pages of the briefs of the counsel for appellee, are entirely unwarranted by anything contained in the record before us and ought not to have been made."

On March 6, 1906, the Senate adopted the following resolution:

"That the Secretary of the Treasury be, and he is hereby, directed to have stated in the Sixth Auditor's Office the salary accounts of former postmasters, named on annexed memorandum schedule, who served at post-offices in Colorado in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster and for each term of service, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884; and the Secretary of

the Treasury is hereby directed to report to the Senate such stated salary accounts of former postmasters as soon as they can be made ready."

In submitting the figures to the Senate, attention was invited to the act of Congress prohibiting the use of the method stated in the resolution.

Another resolution was adopted May 27, 1908. The Secretary of the Treasury was directed to have stated and audited the salary accounts of former postmasters who served in the various States and Territories of the United States between 1864 and 1874, "and whose accounts have not been readjusted and certified for payment." The computations were to be made, however, according to existing law, the act of 1886. In this respect the 1908 resolution differs very materially from the Tennessee and North Dakota resolutions above referred to.

In compiling the data under the 1908 resolution it was ascertained that the salary accounts at 395 post-offices in the United States had not been readjusted, the amount involved being \$31,055.08. (See S. Doc. No. 627, 60th Cong., 2d sess.) This last resolution included the State of Tennessee and the present State of North Dakota.

There is inclosed herein a list of decisions of the Court of Claims and the United States Supreme Court bearing on the subject of adjustments of postmasters' salaries.

To sum up: The salary accounts of all postmasters in the various States and Territories have been readjusted in compliance with the direction of Congress.

The resolutions transmitted by you direct the reexamination of accounts in Tennessee and North Dakota by a method prohibited by law.

I have the honor to state that, in my judgment, the resolutions are without merit and should not be adopted.

Respectfully,

C. D. NORTON,  
Acting Secretary.

Mr. PENROSE. Mr. President, I ask unanimous consent to have printed in the RECORD the decisions of the courts on the subject of the readjustments referred to by the Acting Secretary of the Treasury in his adverse report on these resolutions.

The VICE-PRESIDENT. In the absence of objection, the request of the Senator from Pennsylvania will be complied with.

Mr. PENROSE. At the suggestion of some Senators near me, I ask that the decisions be read, although they are quite long and technical.

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

The Secretary read as follows:

#### DECISIONS OF THE COURTS ON THE SUBJECT OF READJUSTMENTS OF POSTMASTERS' SALARIES.

United States v. McLean (95 U. S., 750).

##### Syllabus.

After the salary of a deputy postmaster has been fixed, it can not be increased until a readjustment of it, based upon his quarterly returns, shall have been made by the Postmaster-General.

Such readjustment is an executive act, taking effect in all cases prospectively, and if it be not performed the law imposes no obligation upon the Government to pay an increased salary.

Courts can not enforce rights depending for their existence upon a prior performance by an executive officer of certain duties which he has failed to perform.

Claimant then sought to mandamus the Postmaster-General, and for that purpose commenced suit in the Supreme Court of the District of Columbia. That court refused to grant the mandamus, which decision was affirmed by the United States Supreme Court in 124 United States Reports, 86, viz:

##### Syllabus.

Upon the statutes of the United States which are considered at length in the opinion of the court: *Held*, That no obligation rests upon the Postmaster-General to readjust the salaries of postmasters oftener than once in two years; that such readjustment, when it takes place, establishes the amount of the salary prospectively for two years, but that a discretion rests with the Postmaster-General to make a more frequent readjustment, when cases of hardship seem to require it.

On this subject see also United States ex rel. Trask v. Wanamaker (147 U. S., 149).

Spalding v. Mason (161 U. S., 375). A case wherein Spalding sold to one Mason interest in postmasters' claims.

Spalding's construction of the act of March 3, 1883, is thus stated by the Supreme Court on page 384:

In making up the list of 7,500 cases referred to, Spalding had construed the act of 1866—as he subsequently did the act of 1883—as entitling the claimants embraced in said list to a sum equal to the difference between the amount of any salary which, during a particular term, they had received, and the sum which they would have received had they been paid commissions on the business done in the office at the rate prescribed by the act of 1854.

Spalding v. Vilas (161 U. S., 483). Suit commenced against the Postmaster-General for \$100,000, besides costs and disbursements.

##### Syllabus.

It was the duty of the Postmaster-General to cause all checks or warrants issued under the authority of the act of March 3, 1883 (c. 119, 22 Stat., 487), and of the act of August 4, 1886 (c. 903, sec. 8, 24 Stat., 250, 307, 308), to be sent directly to the claimants, and it was his right to call their attention to the provisions of the act of 1883; and if the legislation to which attention was thus invited worked injury to an attorney employed by such claimants to present their claims in that it gave his clients an opportunity to evade, for a time, the payment of what they may have agreed to allow him, it was an injury from which no cause of action could arise.

The Postmaster-General was directly in the line of duty when, in order that the will of Congress, as expressed in the act of 1883, might be carried out, he informed claimants that they were under no legal obligation to respect any transfer, assignment, or power of attorney, which section 3477 of the Revised Statutes declared to be null and void. If the plaintiff had not taken any such transfers, assignments, or powers of attorney from his clients he could not have been injured by the reference made by the Postmaster-General to that section. If he had taken such instruments he can not complain that the Postmaster-General called the attention of claimants to the statute on the subject, and correctly interpreted it.

The act of the head of one of the departments of the Government in calling the attention of any person having business with such department to a statute relating in any way to such business can not be made the foundation of a cause of action against such officer.

The same general conditions of public policy and convenience which demand for judges of courts of superior jurisdiction immunity from civil suits for damages arising from acts done by them in the course of the performance of their judicial functions, apply to a large extent to official communications made by heads of executive departments when engaged in the discharge of duties imposed upon them by law.

United States v. Verdier (164 U. S., 213), reversing 28 Court of Claims, 268, see below.

##### Syllabus.

In actions in the Court of Claims interest prior to the judgment can not be allowed to claimants, against the United States; but the provisions of Revised Statutes 966 peremptorily requires it to be allowed to the United States, against claimants, under all circumstances to which the statute applies and without regard to equities which might be considered between private parties.

United States v. Ewing (184 U. S., 140), reversing 35 Court of Claims, 374, see below.

##### Syllabus.

Construing the act of March 3, 1883, chapter 119, 22 Statutes, 487, and the act of June 12, 1866, 14 Statutes, 59, both relating to the salaries of postmasters, as their terms require, the judgment of the Court of Claims in this case is erroneous; but the charges of misconduct, maladministration, and fraud against the officers of the Post-Office Department, so freely scattered through the briefs of counsel for appellee, are entirely unwarranted by anything contained in the record. Elizabeth Trask v. United States, 27 Court of Claims, 330.

##### Syllabus.

A postmaster of the fourth class applies to the Postmaster-General for the readjustment of her salary, directed by the act of March 3, 1883. A clerk in the department prepares two statements of the claimant's account under the statute. These statements do not appear to have been acted upon by the Postmaster-General.

I. Under the act of March 3, 1883 (22 Stat. L., p. 487), which provides "that the Postmaster-General be, and he is hereby, authorized and directed to readjust the salaries of all postmasters," etc., "such readjustment to be made in accordance with the mode presented in section 8 of the act of June 12, 1866." A readjustment is necessary to consummate a right of action. A court can not perform the executive act of making the readjustment if the Postmaster-General neglects that performance of his duty.

II. A statement of readjustment made by a clerk in the Post-Office Department showing the amount to which the claimant is entitled, but not apparently acted upon by the Postmaster-General, can not be taken as the readjustment prescribed by the act 1883.

III. Parol evidence to show the adoption or ratification of an alleged readjustment of salary by the Postmaster-General in the absence of record evidence is inadmissible.

Hester A. Birdsong v. United States (34 Ct. Cls., 437).

##### Syllabus.

Claimant sues to recover a balance of salary unpaid as postmaster under the act of March 3, 1883 (22 Stat. L., p. 487), directing the Postmaster-General to readjust salaries. The Supreme Court decides (McLean v. The United States, 95 U. S. R., 750) that such an action can not be maintained unless a readjustment has preceded it. The claimant seeks to establish such readjustment by correspondence between the Postmaster-General and a Senator.

I. Examination of a case will stop when it appears that the evidence relied on is a correspondence to all intents and purposes between the legislative and executive branches of the Government, entered into for the purpose of obtaining data for legislation.

II. A statement of computation made up from the books of the Post-Office Department at the request of a Senator, but never adopted by the Postmaster-General, is not an adjustment of salary.

III. The court can not direct the Postmaster-General as to what adjustment should be made.

William T. Ewing v. The United States (35 Ct. Cls., 374), reversed in 184 U. S., 140; see above.

Robert Peysert et al. v. The United States, 41 Court of Claims, 311.

##### Syllabus.

The act (March 3, 1883) authorizes and directs the Postmaster-General to readjust the salaries of postmasters. The claimants allege that he did so, but that he has refused to report the readjustments to the Auditor for the Post-Office Department and has refused to furnish information to the claimants, and has forbidden an examination of the records by claimants' attorney, and has refused all information which would enable the claimants to prosecute the cases. The claimants endeavor to supply proof by the testimony of a witness who has examined the records and made extracts of parts. They also rely upon the returns showing what amounts should have been allowed in the readjustments and upon a report of the Postmaster-General to Congress, stating that the "review of salaries of postmasters and ex-postmasters of the third, fourth, and fifth classes under the act of March 3, 1883, \* \* \* has been completed, as the act of Congress approved August 4, 1886, limited the presentation of claims to January 1, 1887, and applications filed to January 1, 1887, have been reviewed," and that "the review of salaries of postmasters and ex-postmasters of the third, fourth, and fifth classes under the act of March 3, 1883, has been completed."

I. A postmaster can not recover for a readjustment of salary under the act of June 12, 1866 (14 Stat. L., p. 59, sec. 8), and the act of March 3, 1883 (22 Stat. L., p. 486), unless there has actually been a readjustment by the Postmaster-General. Readjustment in such cases is essential to recovery, and the vital thing to be considered is the fact of readjustment.

II. An executive act, like the readjustment of a postmaster's salary by the Postmaster-General, can not be established by parol or by secondary evidence where the records of the department exist. Neither can it be inferred from the facts and circumstances and printed records of the department that the Postmaster-General did at some unknown time readjust the salary. The readjustment, if it exist, must be produced; and if it does not exist, its terms must be shown by secondary evidence, so that the court will know precisely what the Postmaster-General did and the time of his doing it.

III. A report by the Postmaster-General to Congress stating in general terms that claims filed before a certain day "have been re-

viewed" and that the review "has been completed" is insufficient to establish the readjustment of any single postmaster's salary.

IV. The defense of the statute of limitations is ever present in actions against the United States, whether pleaded or not. The statute is so far jurisdictional that it must affirmatively appear in cases of general jurisdiction that the petition was filed within six years after the claim accrued, unless it affirmatively appear that the case is one of those expressly excepted by the statute.

V. When a number of claimants have separate and distinct causes of action, but their rights depend upon the same general question of law, they, for the convenience of both parties, may be included in a single petition; and where they are so united and the defendants do not plead a misjoinder of parties, the court will assume that the joinder is for the mutual convenience of both parties, but the litigation must end in several and distinct judgments, and no right of appeal will exist in favor of the claimants collectively.

Mr. PENROSE. Mr. President, the Secretary has read the report signed by the Acting Secretary of the Treasury declaring that these resolutions are without merit and should not pass, and he has just concluded the reading of the syllabus of cases indicating that, in the opinion of the judicial branch of the Government, they are without standing in law. For some fifteen or twenty years these claims have been promoted by Mr. Spalding from the Atlantic to the Pacific Ocean. I may say they have been agitated for thirty years. He (Spalding) generally writes letters to postmasters, or those whose names are available, inclosing a power of attorney giving him a commission or a fee of from 25 to 50 per cent. It is estimated that these claims may amount to \$4,000,000, making, therefore, the possible fee to those interested in the cases considerably over \$1,000,000, an amount calculated to alter the perspective with which they may view the merits of these claims.

In order to illustrate the methods of Mr. Spalding in past years, I ask the Secretary to read a letter from a gentleman at Bellefonte, Pa. I may say that many of these letters from Spalding have been sent to the Treasury Department, many to the Post-Office Department, and many have been sent to the Member of Congress from the district or the Senator from the State in which the postmaster resides, asking for advice. I send to the desk and ask to have read some correspondence which is a moderate sample of the correspondence which has been spread broadcast for many years and which would very nearly warrant the assignment of a postal inspector to ascertain whether the mails are being used for fraudulent purposes.

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

The Secretary read as follows:

Hon. BOIES PENROSE,  
Washington, D. C.

BELLEFONTE, PA., February 28, 1908.

MY DEAR SENATOR: I have recently received some correspondence from Harvey Spalding, esq., of 622 F street NW., Washington. I inclose the correspondence herewith for your perusal, and would ask that you return it to me promptly with your reply. My father, W. W. Montgomery, was postmaster at this place from January 1, 1865, to June 30, 1866, and July 1, 1866, to June 30, 1868.

It seems that under the Spalding Act of March 3, 1883, there is due him on back salary \$612. I know that Mr. Spalding has been fighting this matter for a great many years, and he now advises me that on March 7, 1907, the Senate ordered the accounts audited for payment.

Will you kindly write me what you know about this or what you can find out about it? My father died on July 21 last, and I am his executor. My mother could use this money to a very good advantage; so, if there is anything in it, I will appreciate anything you may do for me in the matter.

Yours, very truly,

J. L. MONTGOMERY.

W. W. MONTGOMERY, Esq.,  
Bellefonte, Pa.

WASHINGTON, D. C., February 22, 1908.

SIR: When you were postmaster at Bellefonte, Pa., in the terms from January 1, 1865, to January 30, 1866, and from July 1, 1866, to June 30, 1868, the Postmaster-General confiscated \$612 by certifying bogus salaries for payment in place of the legal salaries ordered by statute.

When by a struggle of twelve years with department law killers, I secured the order of Congress in the act of March 3, 1883, known as the "Spalding Act," the Postmaster-General again confiscated your \$612 by hiding the readjusted salary accounts from Congress and falsely reporting that he had paid you in full.

I have struggled against this official wholesale fraud ever since, and finally I got the accounts uncovered and into the hands of the Auditor for the Post-Office Department in 1906.

On March 1, 1907, I secured the order of the Senate to state, audit, and report your account and all the accounts for payment.

In the night of March 3, 1908, Hon. BOIES PENROSE, United States Senator from Pennsylvania, by a strange statement stopped this order of the Senate.

It seemed that Senator PENROSE does not intend you to have your confiscated \$612 without his consent. I trust, therefore, that you will immediately secure his consent and notify me thereof.

There has never been a Postmaster-General so ignorant as not to know that there can not be a readjusted salary paid any postmaster in any town between 1864 and 1874 except by stating that salary by the commissions and box rents of the term for which an adjusted salary made upon the returns prior to the first day of the term and upon the first day of that two years' term, nor so ignorant as not to know that an application for the payment ordered by Congress in the act of March 3, 1883, and authorized by statute to be made at any time prior to January 1, 1887, if made in June, 1883, and again in March, 1885,

as was yours, is not barred. And yet these affirmations and lies are officially made and relied upon to cover the confiscation of your \$612.

Those whose official positions enable them to exercise power by inspiring awe know that the confiscated money of the old postmasters build warships just as well as other money, and that this confiscated money will pass as money of the United States as long as the awe influence of their positions enable them to keep covered the statute of accounts which demonstrate the confiscation.

Please secure the permission at once of Senator PENROSE to handle your own money, and promptly notify me.

Respectfully,

HARVEY SPALDING.

WASHINGTON, D. C., February 27, 1908.

J. L. MONTGOMERY, Esq.

SIR: I am in receipt of your letter of the 25th asking about the unpaid readjusted salary of W. W. Montgomery, former postmaster at Bellefonte, Pa., in the two terms, from April 1, 1865, to June 30, 1866, and from July 1, 1866, to June 30, 1868.

The statute of July 1, 1864, ordered the Postmaster-General to pay each postmaster in each two-year salary term, between July, 1864, and July 1, 1874, a salary adjusted on the first day of each term by the yearly commissions and box rents of the prior two years' term, and at the end of each term on July 1 of the succeeding even-numbered year Congress, by the act of June 12, 1866, section 8, ordered the Postmaster-General to change that adjusted salary to a readjusted salary conformed to the actual commissions and box rents of the term itself if the adjusted paid salary was 10 per cent or more less than the actual commissions and box rents. In section 474 of the Postal Regulations of 1866 is the following: "Every postmaster receives in the form of salary as much compensation as he formerly received from commissions and box rents."

Between 1864 and 1874 the Postmaster-General desired to convert several million dollars of postmasters' pay for providing offices for the public service and paying the expenses thereof, for providing clerks to wait upon the public and to receive and dispatch the mails, and for their own service, into public revenue, and for this purpose he disregarded both pay statutes and the regulations and substituted bogus salaries less than the legal salaries.

On behalf of the victim postmasters I struggled with these law killers, who in place of the power given them by Congress to faithfully comply with the laws had armed themselves with all the appliances necessary to destroy the laws and hide their acts, from 1871 to 1883, and on March 3, 1883, I obtained from Congress in the act of that date, known as the "Spalding Act," an order of Congress to pay upon application back to the owners all the moneys they had so successfully confiscated, and Congress gave till January 1, 1887, to present the applications.

Within the time given by Congress I presented more than 20,000 applications upon which there was in the United States Treasury an aggregate of \$3,700,000 of confiscated money secured by using all the power and appliances of the great office of Postmaster-General for the purpose not of complying with law, but of robbing postmasters in defiance of plain mathematical law.

I presented the application of W. W. Montgomery in May, 1883, and again in March, 1885.

The Postmaster-General at the time of service deliberately violated the law of July 1, 1864, for the adjustment of salaries on the first day of each quarter for the term ensuing and the readjustment law also, and when I presented these applications that great skilled office found it alone could resurrect the dead repealed law which could not operate at all after the time when there were no salaries for future terms to be adjusted and restore that dead law, and by doing so could cheat 16,500 victims out of \$2,500,000 by fraudulently reporting for payment \$1,200,000 as stated and paid under the reenacted statute of June 12, 1866, section 8, in the statute of March 3, 1883.

This scheme enabled the great office of Postmaster-General to confiscate a second time the \$612 of which W. W. Montgomery was robbed at the time of his service. To do this the Postmaster-General, besides the false report that there was nothing due W. W. Montgomery, had to hide in his own pockets, so to speak, the accounts and the registered returns from which they were stated, this in order to prevent any possibility of a knowledge of the truth by Congress.

But in 1906 the accounts were uncovered and placed in the hands of the Auditor for the Post-Office Department.

Finally, thus struggling and paying money all these years, the United States Senate on March 1, 1907, ordered all these accounts stated, audited, reported to the Senate, and paid.

Senator BOIES PENROSE knew of no better method to prevent the payment of this money to the owner than by the statement that if paid the attorney would steal it all. This in face of the fact that it can only be paid by a Treasury warrant into the hands of the owner.

This case is in my hands, and I have done all of this work under a fee contract for 25 per cent of collection. Except for my work this case would now be as dead through law-killing power of the Postmaster-General as a corpse dead and buried ever since 1871—thirty-six years. Very respectfully,

HARVEY SPALDING.

Mr. PENROSE. Mr. President, if Senators will note the wholesale charges of fraud, corruption, and robbery in this correspondence made against the Postmaster-General of the United States and the officials of the Post-Office Department, I think they will agree that I speak advisedly when I say that this character of correspondence is worthy of investigation by the postal inspectors, and that there are no promoters of any get-rich-quick concern, who are daily exposed, indicted, and imprisoned, who are any nearer coming to a violation of the postal laws of the United States than Spalding and the people involved in this character of correspondence.

As another illustration of the epistolary efforts of Mr. Harvey Spalding, extending over a period of twenty years, I will call the attention of the Senate to a communication in the case of John W. Niman, late postmaster at Oxford, Iowa, headed:

Postmasters robbed by public fraud ought to advance some of the costs necessary to recover the money.

And also a printed communication entitled "A Word to Beneficiaries Under the 'Spalding Act,'" in which, after citing at

length the fact that these efforts can not be conducted entirely on gratitude and gratis, he suggests the signing of a power of attorney giving 25 per cent commission for the collection of the claim. I will ask the Secretary to read them.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

CASE OF JOHN W. NIMAN, LATE POSTMASTER OXFORD, IOWA.  
Claim No. 2946; amount \$100.

*Postmasters robbed by public fraud ought to advance some of the costs necessary to recover the money.*

One million two hundred and twenty-one thousand dollars as money taken from postmasters between 1864 and 1874 was restored between 1884 and 1889 to 18,940 postmasters under compulsion of the act of 1883. The attorney paid all the costs from 1872 to 1883 necessary to secure this act. This act ordered a restoration of more than \$3,000,000 of money belonging to postmasters. To defeat this as far as possible a second scheme was set up, which concealed the recorded ascertainment of salaries due and substituted the salary of one term for the larger salary of the term next succeeding. Thus a never-ending public fraud is necessary to defeat the full payment of the debt due. Without aid I ended the first fraud, which by the payment mentioned the department was compelled to admit had been practiced upon the postmasters, and further I have secured at my own costs an actual record in the department of the debt still unpaid. I am certainly now entitled to some aid in paying the residue of the costs. The last projected fraud can not be a success without those called upon refuse the nominal advances on the fee asked for. Kindly send me \$2. I have not adequate means to procure and send copies of recent proceedings carried on to enforce report and payment of the amount due to each claimant.

Respectfully,

HARVEY SPALDING.

WASHINGTON, D. C., May 26, 1893.

#### A WORD TO BENEFICIARIES UNDER THE "SPALDING ACT."

WASHINGTON, D. C., March 8, 1886.

There are some among the great number of postmasters for whose benefit I have worked and expended large sums of money in the last fourteen years who, I am constrained to believe, do not give the subject much thought.

There are few addressed who have not been repeatedly notified by me that through many years of litigation I had obtained in their favor a mandate from Congress known as the "Spalding Act." Not one of the addressed could ever have presented a claim under a "Spalding Act" unless I had first worked for them and spent money for them for many years; and even after the passage of this act no one could ever have received a dollar had I not continued the litigation. Having done all this, and having given you notice of your rights under the law, and furnished you with necessary forms for presentation of your claim, was it not reasonable for me to suppose that all who secured collections by such an extraordinary litigation would not only freely, but with gratitude, recognize their obligations to me?

Some have used my labor and my papers for their own benefit, and have given as a reason for ignoring my rights that the department advised them not to employ an attorney. You must necessarily know that the sole reason why you have been kept out of your money for fifteen or twenty years is because that same department cheated you out of the money due by a prostitution of trust powers, and that after I secured an absolute mandate from Congress in your favor that mandate was also resisted and without my further service could never have been enforced. Moreover, most of you do not know the vital fact that you are now cheated by that same department in the computation of your claim. The method of this last attempt to deprive you of your rights is to compute the pay for time of increase of business on the business of the office years before such increase. This is the reason that many of you are notified as to periods of your service for which additional pay is actually due you "that nothing is due," and that even for periods of service for which allowance is made but a part of that actually due is allowed. In every such case the collection of the full amount due depends solely upon me. I have the means and know how to enforce the payment in full of every such claim.

Suppose you had a vicious and depraved neighbor who owed you a debt, which you could not enforce, and that an attorney, at his own cost, by fourteen years' litigation had finally compelled him to pay upon a judgment the amount of the debt into court. What would have been your opinion of that man if he had then come to you and advised you to take the money and ignore the service and outlay of the attorney? And what would you have thought of yourself if you had accepted such advice?

There are but few who do not appreciate my labor and the attitude of the department in attempting to deprive postmasters of their lawful rights, and most of that few, I am constrained to believe, are misled by the department circulars.

Each claimant who signs and returns to me this paper will receive a statement of his just claim under the law, and the full amount due, in addition to the allowance made, will be collected.

In a few cases it happens that by a computation of pay of a postmaster upon the business years before a very full and liberal allowance is made by chance, so that no additional claim can be made, but there are very few cases in which claimants are not entitled to more than has been allowed.

HARVEY SPALDING.

In consideration of the services rendered by Harvey Spalding, Washington, D. C., as set forth above, I hereby agree, upon receipt of \$35.20, the amount of additional pay allowed me as postmaster at Santa Fe, Tenn., for service from July 1, 1872, to July 1, 1874, to remit to him — dollars; and I also agree to pay him a fee of 25 per cent upon such additional collection as may be made in my favor on account of services as postmaster at the post-office named for any period of my service between July 1, 1864, and July 1, 1874.

L. P. M. ———

Sign this and return to me.

Mr. PENROSE. The letters which have been read from Mr. Spalding are moderate samples of thousands of letters which have been sent broadcast over the United States in the last

ten years and more, conveying the idea to postmasters everywhere that by some process of fraud on the part of the Postmaster-General of the United States they are being kept out of what is justly due them.

I will not take up the time of the Senate by having any more samples read. I take it for granted that the letters on file in the Treasury Department and the Post-Office Department are open to every Senator.

I will say one other thing. One very curious phenomenon appearing in all these transactions is the mysterious effort to transfer papers and to concentrate effort upon the Treasury Department instead of the Post-Office Department, where these matters properly belong. That has been going on for ten or fifteen or twenty years.

In making that statement I do not mean, of course, to cast any reflection upon the Treasury Department, but I do assume that it is reasonable to conclude that the Post-Office Department, knowing these cases and being unalterably opposed to having the Government further mulcted by these claims, the persons interested in promoting them have endeavored, so far as possible, to direct their activities to the Treasury Department, which could not be so familiar with them.

These claims, as I have said, are not new. I will ask the Secretary to read a circular letter of W. M. Johnson, First Assistant Postmaster-General, dated January 8, 1901, which, I suppose, was sent out to postmasters making inquiry and to others, in which he states that these claims will aggregate \$4,000,000.

The PRESIDING OFFICER. If there is no objection, the Secretary will read as requested.

The Secretary read as follows:

POST-OFFICE DEPARTMENT,  
FIRST ASSISTANT POSTMASTER-GENERAL,  
SALARY AND ALLOWANCE DIVISION,  
Washington, January 8, 1901.

Subject: Additional compensation of late postmasters, act of March 3, 1883.

SIR: In reply to your recent communication relative to the claim of Robert Peyser, late postmaster at Bethlehem, Pa., I will state that all amounts due late postmasters who served at any time during the period between July 1, 1864, and June 30, 1874, have been paid in full in accordance with the law.

Under the act of June 22, 1854 (10 Stat. L. 298), postmasters were allowed as compensation certain commissions on the basis of postage collected at their respective post-offices in each quarter of the year. The act of July 1, 1865 (13 Stat. L. 335), changed the methods of compensating postmasters, and provided that the Postmaster-General should allow salaries to postmasters, to be readjusted biennially for the ensuing biennial period on the basis of the receipts at their offices for the preceding eight quarters.

Under section 2 of this act the Postmaster-General was authorized to readjust salaries in special cases as "much oftener (than two years) as he may deem expedient." This section was made more explicit by the act of June 12, 1866 (14 Stat. L. 60), which provided that when the returns of any postmaster of the third, fourth, or fifth classes showed "that the salary allowed is 10 per cent less than it would be on the basis of commissions under the act of 1854, fixing compensation, then the Postmaster-General shall review and readjust under the provisions of said section."

The acts of July 1, 1864, and June 12, 1866, were repealed by the act of June 23, 1874 (18 Stat. L. 234), which act provided for the compensation of postmasters of the fourth class by commissions.

The act of March 3, 1883 (22 Stat. L. 487), authorized the Postmaster-General to readjust the salaries of all postmasters of offices of the third, fourth, and fifth classes between July 1, 1864, and July 1, 1874, under the act of July 1, 1864, on the basis of commissions allowed under the act of 1854, where it was shown that the compensation paid was 10 per cent less than it would have been under said latter act, and no readjustment had been made under the act of 1866.

This act was interpreted by the department to provide for the same method of prospective readjustment as prescribed in the act of 1864, except that the compensation should be computed on the basis of commissions under the act of 1854, instead of under the act of 1864. Postmaster-General Gresham at one time expressed a contrary view, but the matter was referred to Attorney-General Brewster, who rendered an opinion sustaining the construction indicated (17 Op. A. G. 658), and Postmaster-General Gresham directed the settlement of all claims in accordance with the opinion of the Attorney-General.

No judicial opinions have been rendered at variance with this construction.

The claimants contended that readjustment should be made under the act of 1854, without any reference to the act of 1864.

All claims under the act of 1883 were readjusted in accordance with the law, as interpreted by Attorney-General Brewster, and were paid in full prior to June 30, 1890. No readjustments whatever, under the method provided by the act of 1854, known as the "retrospective method," have ever been made.

The act of August 4, 1886 (24 Stat. L. 307), provided that the prospective method of readjustment under the act of 1864, authorized by the act of 1883, as adopted by the Post-Office Department, is approved and ratified as a correct administration of the aforesaid act of March 3, 1883. \* \* \* that no claim for review or readjustment of any such salary shall hereafter be considered unless the same shall be presented to the Post-Office Department before the 1st day of January, 1887; and that in the consideration of all claims not yet readjusted the same method shall be pursued, which is hereby approved; and any and every different method of readjustment of salaries of such postmasters and late postmasters than is herein approved is hereby prohibited.

Unless Congress shall authorize the department to reopen the cases of late postmasters whose terms of service, or a portion thereof, were included within the period from July 1, 1864, to June 30, 1874, and

compute percentages on the basis of postal receipts of their respective post-offices during the period for which additional compensation is claimed, it would appear that under the act of 1886 such claims are settled. (See Report No. 2376, Part II, 1st sess. 49th Cong.) It is estimated that a reopening of these claims on the basis of claimants' contention would involve an expenditure of from two to four million dollars.

Any different representation of the status of claims for readjustment of salaries between July 1, 1864, and June 30, 1874, is false and misleading. Facts have been distorted to bear out unwarranted assumptions and statements evidently made to mislead claimants.

Very respectfully,

W. U. JOHNSON,  
First Assistant Postmaster-General.

Mr. PENROSE. Mr. President, I think the Senate ought to realize that the claims which were legitimate and proper have already been provided for by Congress, with a small exception to which I shall refer in a moment.

By the act of March 3, 1883, the Postmaster-General was directed to readjust the salaries of former postmasters who served between July 1, 1864, and June 30, 1874, under conditions imposed by the statute.

The readjustments were made by the Postmaster-General under the construction placed upon the law by the Attorney-General, which construction was subsequently approved and ratified by Congress.

Over 68,000 cases were reviewed, and \$1,221,009.69 was paid to the beneficiaries.

It appears that in these readjustments a small number of cases for some reason or other were overlooked, cases which, under the construction of the law, were legitimate and which the Government ought to pay, and therefore the Senate, as recently as May 26, 1908, passed a resolution, based upon the newspaper item furnished by the Postmaster-General in 1884, which has been referred to, when this resolution was offered and under discussion in the Senate. Many Senators may recall it. That resolution is similar to the one introduced yesterday by the Senator from Kentucky. The Senate modified the 1908 resolution by substituting for the alleged "public order" the provision of the act of August 4, 1886.

The resolution as adopted by the Senate will be found in Senate Document No. 627, Sixtieth Congress, second session, and I will ask to have it inserted in the Record as a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

Mr. PENROSE. The Treasury Department proceeded without delay to comply with the resolution.

Mr. BRADLEY. Will the Senator from Pennsylvania suffer an interruption?

Mr. PENROSE. Yes.

Mr. BRADLEY. I should like to know just what the resolution is.

Mr. PENROSE. Then, I will ask the Secretary to read the resolution.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to have stated and audited in the office of the Auditor for the Post-Office Department the salary accounts of former postmasters who served at post-offices in the various States and Territories of the United States between July 1, 1864, and July 1, 1874, and whose accounts have not been readjusted and certified for payment by the Postmaster-General under the act approved March 3, 1883, such salary accounts to be stated and audited upon the registered returns of such postmasters for each term of service specified by the method of reviewing and readjusting approved and ratified by the act approved August 4, 1886. And to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Auditor for the Post-Office Department all the data now in his hands pertaining to each and every such claim.

Mr. PENROSE. I will state for the further information of the Senator from Kentucky that he can get full information regarding this resolution in Senate Document No. 627, Sixtieth Congress, second session.

The Treasury Department proceeded under this resolution, passed only two years ago, without delay to comply with the terms of the resolution. Between 1864 and 1874 there were about 28,000 post-offices in the United States. Out of that number only 395 post-offices, less than 1 per cent, were found to be entitled to a readjustment under the acts of 1883 and 1886. The sum involved was \$31,055.08.

This moderate raid on the Treasury was very disappointing to the gentlemen who had been for fifteen or twenty or thirty years endeavoring to force this legislation through Congress, and whose efforts have been for years an incubus and a terror and an arrogance to the Post-Office Department, and therefore no request whatever has been made and no effort has been made to secure an appropriation for this sum of thirty-one thousand and odd dollars of claims which the department esti-

mates are due and for which I take it for granted the Congress is willing at any time to make an appropriation. But the doors of the Treasury not being opened wide enough, no effort has been made to secure the money, and the attempt has been renewed to push this large number of claims, artificially fomented, and the demand for their payment has largely been created by a malicious and fraudulent correspondence in order that the larger sum may fall into the lap of those who are the beneficiaries of the 25 and 50 per cent commission or fee.

Mr. President, I do not want to cumber up the Record with too much on this matter, but it has been running along for many years, and advantage is taken of the absence of myself or anyone else acquainted with this matter to pass resolutions, or they have been smuggled through in the closing days of the session, as the dates will show. I do not want to be invidious in my remarks. But I know that only constant vigilance heretofore has enabled the Post-Office Department and the Senators and Representatives familiar with these conditions to protect the Treasury of the United States.

I am desirous of making the record complete. Therefore I ask unanimous consent to have the Senate document referred to by me printed in the Record—it is very short—as part of this proceeding; and I have said all that I have to say on the matter.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The document referred to is as follows:

[Senate Document No. 627, Sixtieth Congress, second session.]

*Accounts of former postmasters.*

Letter from the Secretary of the Treasury, transmitting a letter from the Auditor for the Post-Office Department and a statement in response to Senate resolution of May 27, 1908, showing the accounts of former postmasters who served between July 1, 1864, and July 1, 1874, and whose accounts have not been readjusted and certified for payment by the Postmaster-General under act of March 3, 1883.

January 5, 1909.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, December 28, 1908.

SIR: I transmit herewith a letter bearing even date from the Auditor for the Post-Office Department and a statement, prepared in compliance with Senate resolution of May 27, 1908, showing the accounts of former postmasters who served between July 1, 1864, and July 1, 1874, and whose accounts have not been readjusted and certified for payment by the Postmaster-General under act of March 3, 1883.

Respectfully,

GEORGE B. CORTELYOU, Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,  
OFFICE OF AUDITOR FOR POST-OFFICE DEPARTMENT,  
Washington, December 28, 1908.

SIR: The accompanying statement has been prepared in compliance with Senate resolution of May 27, 1908, viz:

*"Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to have stated and audited in the office of the Auditor for the Post-Office Department the salary accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, and whose accounts have not been readjusted and certified for payment by the Postmaster-General under the act approved March 3, 1883, such salary accounts to be stated and audited upon the registered returns of such postmasters for each term of service specified by the method of reviewing and readjusting approved and ratified by the act approved August 4, 1886.

*"And to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Auditor for the Post-Office Department all the data now in his hands pertaining to each and every such claim."*

Respectfully,

M. O. CHANCE, Auditor.

The SECRETARY OF THE TREASURY.

*Statement showing the accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, and whose accounts have not been readjusted and certified for payment by the Postmaster-General under the act approved March 3, 1883, such salary accounts being stated and audited upon the registered returns of such postmasters by the method of reviewing and readjusting approved and ratified by the act of August 4, 1886, in compliance with Senate resolution of May 27, 1908.*

[The amount is \$31,055.08.]

Postmaster.	Post-office.	State.	Amount.
H. K. Quillen	Auburn	Alabama	\$206.12
J. N. Arens	Brewton	do	140.04
S. B. Kirby	Hillmans Store	do	13.94
Miss L. B. Williams	Mountain Home	do	43.00
J. H. Davis	Roanoke	do	24.68
Wm. Colwell	Weedowee	do	40.70
S. L. Dewey	Inskip	California	12.32
C. Dunham	San Diego	do	26.59
Edward Porter	Soquel	do	23.72
P. A. Clute	Volcano	do	92.44
C. H. Pyle	Yreka	do	402.64
A. E. Raynes	do	do	317.08

Statement showing the accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, etc.—Continued.

Postmaster.	Post-office.	State.	Amount.
J. W. Brooks	Goshen	Connecticut	\$75.40
B. N. Thomas	Killingly	do.	81.02
Chas. N. Wheeler	North Stonington	do.	75.10
Ezra C. May	North Woodstock	do.	39.28
A. G. Parker	Rocky Hill	do.	39.29
Jas. Burnett	Scotland	do.	39.48
Ansel Arnold	Somersville	do.	41.92
J. B. Reed	South Canaan	do.	35.30
Julius L. Hart	West Goshen	do.	35.92
Margaret Fleming	Hibernia	Florida	56.70
Jas. L. Dortch	Carnesville	Georgia	37.14
Jas. R. Knox	Cumming	do.	38.84
Saml. C. Peacock	Cuthbert	do.	293.95
W. G. Pierce	Morgan	do.	162.66
G. L. Reville	Saw Dust	do.	7.30
Mrs. M. A. Jones	Washington	do.	416.35
H. R. Lanterman	Bridgeport	Illinois	68.26
B. F. Davis	Burnt Prairie	do.	84.70
Jas. Robertson	Camp Point	do.	174.43
Washington Sanford	Casey	do.	58.38
Aaron Nageley	Clinton	do.	35.50
C. P. Ford	do.	do.	159.75
J. W. Gibson	Curran	do.	46.04
Henry J. Wright	Gages Lake	do.	8.56
E. Armitage	Gardner	do.	349.62
Elvira L. Clark	Junction Grove	do.	46.80
S. S. Bartlett	Little Rock	do.	68.04
Jacob Mayes	Mayestown	do.	37.82
H. C. Howell	Martinsville	do.	68.20
S. S. Allen	Minier	do.	171.39
E. S. Young	do.	do.	285.65
Gerhard Dahkeem	Minooka	do.	102.62
V. A. Watkins	Montgomery	do.	214.60
L. M. Henry	Nashville	do.	271.73
John Sharp	Oregon	do.	228.20
Isaac Ives	Pavillion	do.	20.34
R. A. Glenn	Ripley	do.	47.15
J. H. Graham	Rock Run	do.	98.72
Robert Meatyard	Shipman	do.	69.94
J. F. Brochsmidt	Venedy	do.	27.52
A. J. Adye	Adyeville	Indiana	53.82
B. J. Parr	Alton	do.	16.76
E. S. Jones	Annapolis	do.	61.26
Jas. Clark	Ashboro	do.	40.30
Enoch S. Arwine	Bean Blossom	do.	85.86
J. M. Mathes	Bedford	do.	47.90
Christ. Leavitt	Bloomfield	do.	34.00
G. W. Nash	Brownburg	do.	35.87
J. E. Turpin	Clermont	do.	8.83
Jos. C. Clark	Colfax	do.	107.65
John Kensler	Connerville	do.	293.93
Jas. Shaw	Craig	do.	42.14
W. G. McGlashon	Crown Point	do.	31.39
A. W. Wallace	Dale	do.	72.75
John Barnhart	Deerfield	do.	119.14
D. H. Fish	Dupont	do.	106.82
G. W. Robbins	Economy	do.	36.52
W. W. Ferguson	Erie	do.	5.24
Otto Hoffman	Halberts Bluff	do.	71.98
A. C. McPheeters	Jamestown	do.	79.94
Wm. B. Nichols	Medarysville	do.	54.24
C. E. Reynolds	Milford	do.	17.26
Jas. Turley	Ontario	do.	54.54
Lucinda M. McFarland	Otto	do.	1.27
O. T. Barker	Owensburg	do.	97.02
H. Z. Jenkins	Pennville	do.	249.88
Jas. T. Scott	Portland Mills	do.	118.46
M. O. Rafferty	Springville	do.	63.48
Wm. Ging	Star	do.	3.76
Wm. F. Stewart	Star City	do.	82.52
J. W. Villars	State Line	do.	71.95
Geo. H. Robinson	Sugar Creek	do.	65.54
Wm. Corrie	Swanville	do.	4.28
Hugh Wilkins	West Baden	do.	70.28
J. N. Morrison	Worthington	do.	14.83
Isaac Newkirk	Brighton	Iowa	66.62
L. H. Carey	Butlersville	do.	13.32
E. S. Cowles	Campton	do.	8.28
E. Howe	Denison	do.	145.64
G. A. Stocker	Elgin	do.	71.04
Samuel A. Stream	Ely	do.	58.67
John Melrose	Goldfield	do.	48.92
E. B. Fenn	Iowa Center	do.	32.52
H. H. Hemenway	Lansing	do.	110.24
J. G. Orr	do.	do.	252.20
Allen Moore	Marble Rock	do.	22.15
Geo. W. Miller	Mount Zion	do.	38.57
J. R. Standley	Plattsville	do.	43.35
J. S. Childs	Rockford	do.	27.28
A. H. Hendrickson	Sac City	do.	43.09
Rebecca Abbott	Salem	do.	99.56
Eber Palmer	Spirit Lake	do.	55.87
G. W. Corles	Sterling	do.	43.32
P. Allen	Warsaw	do.	2.48
R. B. Lockwood	Council Grove	Kansas	69.67
S. G. Mead	Eureka	do.	34.96
J. W. Vaughn	Greeley	do.	24.48
A. Skeim	Louisville	do.	51.36
W. Bateman	Peoria	do.	29.20
G. L. Ruthstrom	Randolph	do.	44.90
R. Rockefeller	Washington	do.	42.84
John Todd	Alexandria	Kentucky	64.11
J. Holladay	Athens	do.	35.14
H. R. Hays	Beards Station	do.	37.98
Thos. J. Jolly	Bewleyville	do.	24.30

Statement showing the accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, etc.—Continued.

Postmaster.	Post-office.	State.	Amount.
John H. Ewing	Bristow Station	Kentucky	\$56.24
Wm. Turner	Constance	do.	14.10
Abram Hunter	Flat Lick	do.	18.76
John H. Watts	Howes Valley	do.	8.42
J. D. Mitchell	Irvine	do.	107.67
M. S. Moore	Jericho	do.	24.42
Jas. P. Orr, jr.	New Liberty	do.	309.10
T. Ramey	Paint Lick	do.	33.46
D. W. Standrod	Rock Castle	do.	18.24
A. A. Grayot	Smithland	do.	315.84
Geo. Phelps	Willisburg	do.	18.42
David Frank	Abbeville	Louisiana	30.66
Sanford Johnson	Algiers	do.	154.90
W. H. Barbee	Fort Jesup	do.	22.12
Chas. Leroy	Natchitoches	do.	436.38
I. Shlenker	Trinity	do.	23.68
Miss L. P. Beath	Boothbay	Maine	46.60
David Bailey	Cambridge	do.	107.96
J. G. Lydick	Crawford	do.	11.68
W. H. H. Spofford	Deer Isle	do.	96.98
L. R. Carey	Fort Fairfield	do.	54.69
L. O. Dudley	Jackson Brook	do.	24.26
G. H. Haskell	Lee	do.	64.50
S. G. Ward	Linneus	do.	25.82
G. W. Haines	Maple Grove	do.	7.36
R. W. Lawson	North Boothbay	do.	55.00
G. Smart	North Parsonfield	do.	11.88
C. C. Covell	North Pownal	do.	19.82
Saml. Libby	Orono	do.	32.57
Chas. Meguire	Weston	do.	28.62
Charles Smith	Bay Hundred	Maryland	21.39
Jas. A. Marshall	Burnettsville	do.	42.22
J. W. Collins	Chestertown	do.	177.72
Jas. Hobbs	Cooksville	do.	17.70
Jno. Partridge	Elkton	do.	77.45
J. L. Mahan	do.	do.	108.68
N. S. F. Hardon	Louisville	do.	1.96
Fred White	Mechanicstown	do.	58.58
M. L. Day	New London	do.	18.47
Wm. H. Cole	Perryville	do.	34.83
John F. Beeks	Warwick	do.	42.00
Henry Wilson	Westernport	do.	51.82
B. L. Nash	Abington	Massachusetts	151.50
M. B. Webber	Bedford	do.	45.98
L. E. Perkins	East Otis	do.	3.75
Isaac Seeley	Great Barrington	do.	277.80
Francis Leland	Otto River	do.	50.29
A. B. Parker	South Groveland	do.	70.94
Chas. S. Richardson	Stoughton	do.	107.55
John Goodnow	Sudbury	do.	10.71
H. J. L. Haskell	West Gloucester	do.	24.62
W. C. Fredericks	West Medford	do.	77.04
Mrs. E. C. Goulding	West Millbury	do.	418.70
H. T. Bailey	West Newbury	do.	81.96
Michael Golden	Alabaster	Michigan	111.34
J. R. Godsmark	Bedford	do.	148.94
R. B. McCullough	Berlin	do.	34.54
O. P. Chamberlain	Brockway Center	do.	48.40
J. P. Donsman	Cedar Fork	do.	32.55
A. J. Brush	Coloma	do.	44.53
A. J. Spencer	Denver	do.	52.81
Mrs. Harriet J. Salter	Disco	do.	49.39
J. G. Bugbee	Edwardsburg	do.	78.44
Henry C. King	Forrester	do.	163.28
J. C. Pettys	Lakeport	do.	124.94
Simon H. Gay	Milan	do.	26.63
Wm. Gill	Northport	do.	56.43
O. L. Stanton	Oakwood	do.	145.64
B. W. Merrick	Port Austin	do.	33.17
L. C. Warner	Rawsonville	do.	23.60
John G. Hutchins	Royal Oak	do.	108.92
Adolph Munch	Chengwatana	Minnesota	94.52
A. B. Brant	Clayton	do.	22.35
Wm. Williams	Judson	do.	14.38
W. H. Hopkins	Minneska	do.	91.15
J. W. Green	New Auburn	do.	22.47
John Stanton	Stanton	do.	9.76
O. J. Levanter	Swede Grove	do.	143.58
Levi Busbee	Dumas	Mississippi	44.94
N. W. Smith	Quitman	do.	34.13
O. B. Queen	Carrollton	Missouri	69.12
Newton Jones	Cherryville	do.	13.90
A. R. Cahoon	La Grange	do.	11.97
M. Humphreys	Lindley	do.	93.02
Wm. Anderson	Maryville	do.	203.97
W. G. Covey	Middlebury	do.	38.64
Moses Morgan	New Cambria	do.	27.96
Wm. Mauthe	Pacific	do.	29.78
M. G. Ruby	Rochester	do.	79.18
E. Watson	Rushville	do.	23.74
F. J. Seymour	St. James	do.	192.26
H. Blackwell	Snow Hill	do.	51.70
P. J. Direk	Taos	do.	10.10
Wm. M. Buzan	Wadesburg	do.	37.15
T. C. West	Waynesville	do.	30.81
C. F. Estel	Wittenberg	do.	41.48
C. F. Eckhart	Dacota	Nebraska	25.10
Chas. A. Smith	Fremont	do.	48.03
C. H. Norris	Table Rock	do.	32.74
G. P. Thomas	Tekanah	do.	16.47
J. C. Farwell	Chesterfield factory	New Hampshire	69.46
Chas. J. Amidon	Hinsdale	do.	171.82
A. Beemer	Dover	New Jersey	230.85
John Diehl	Fort Lee	do.	66.64
Joel H. Sooz	Green Bank	do.	49.44

Statement showing the accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, etc.—Continued.

Postmaster.	Post-office.	State.	Amount.
A. W. Hobert.	Marlboro.	New Jersey.	\$48.37
Wm. Dellicker.	Schooleys Mountain.	do.	11.30
D. Riddle.	Squam Village.	do.	104.76
G. Huyler.	Tenafly.	do.	83.86
Jacob Heisler.	Vincetown.	do.	64.92
E. C. Mount.	Westville.	do.	14.37
Aaron Steele.	Apalachin.	New York.	33.22
J. L. Seaman.	Babylon.	do.	53.06
Andrew Metz.	Clarence Center.	do.	202.92
David Hazen.	Cleveland.	do.	104.80
Geo. Hyland.	Dansville.	do.	72.65
Wm. H. Post.	Durham.	do.	28.95
J. W. Robertson.	Findley Lake.	do.	55.58
J. S. Fowler.	Flowerville.	do.	102.37
R. C. Davis.	Hartford.	do.	21.35
E. Newkirk.	Homonack.	do.	89.96
F. C. Poole.	Little Neck.	do.	11.07
Garman Smith.	Merrick.	do.	41.88
A. Barker.	Middle Granville.	do.	457.50
I. C. Sherman.	New Baltimore.	do.	40.48
E. Van Waggener.	New Platz.	do.	88.44
E. R. Clark.	Nile.	do.	177.16
Geo. Chace.	North Hoosick.	do.	57.93
F. W. Squires.	North Volney.	do.	11.52
Wm. Beecher.	Orwell.	do.	28.48
C. H. Teale.	Palenville.	do.	83.34
A. P. Sherrill.	Pike.	do.	77.86
T. S. Jackson.	Portville.	do.	94.24
Quartus Curtis.	Queensbury.	do.	12.60
B. G. Norse.	Red Falls.	do.	55.90
J. S. Rowley.	Richburg.	do.	18.06
Bela Smith.	Savannah.	do.	69.86
Geo. R. Kent.	Scipioville.	do.	13.46
L. H. Scoville.	Spring Mills.	do.	35.02
Miles Hughes.	Staatsburg.	do.	346.74
E. B. Sanders.	Stafford.	do.	224.72
D. H. Jingenfelter.	Stone Mills.	do.	47.46
L. L. Teed.	Trout Creek.	do.	15.74
H. Chapin.	Tully.	do.	96.54
J. G. Crane.	Varick.	do.	6.62
Marvin Williams.	West Henrietta.	do.	69.16
J. S. Crandall.	Whitesville.	do.	84.02
Minerva Phillips.	Wellsville.	do.	172.15
N. Perry.	Woodhull.	do.	142.58
Jos. Barnford.	Clinton.	North Carolina.	106.84
J. B. McMurray.	Graham.	do.	36.55
Edney Walters.	Mint Hill.	do.	6.62
Wm. McK. Dongan.	Sawyersville.	do.	15.20
O. H. Legg.	Smithville.	do.	51.78
John Hobson.	Bartlett.	Ohio.	86.12
J. H. Thornbury.	Beallsville.	do.	13.06
Andrew Howenstein.	Bluffton.	do.	9.89
Edwin Edsall.	do.	do.	37.28
J. A. Stephens.	Coldwater.	do.	14.70
W. P. Chappell.	Cross Roads.	do.	48.58
J. W. Leonard.	De la Palma.	do.	8.25
I. C. Brainard.	Gates Mill.	do.	16.45
Julia G. Donafin.	Hicksville.	do.	75.30
S. L. Blue.	Homer.	do.	22.58
J. H. Burner.	do.	do.	37.64
H. B. Rusler.	Johnstown.	do.	64.41
Joan Emens.	Lewisburg.	do.	66.32
Theophilus Parssler.	Malvern.	do.	42.80
O. C. Kennedy.	Milford Center.	do.	85.08
D. S. Gifford.	Monroe Center.	do.	6.88
A. M. Miller.	Mulberry.	do.	27.68
N. P. Loomis.	Olmstead.	do.	60.67
Calvin Reeves.	Orwell.	do.	82.48
W. L. Hayes.	Penfield.	do.	54.80
Clemens Leaf.	Perryburg.	do.	285.38
G. A. Van Norsdall.	River Styx.	do.	33.80
J. Q. Baird.	St. Paris.	do.	64.04
Thos. Irving.	Summit Station.	do.	20.40
D. Cleveland.	Unionville.	do.	77.44
W. H. Stannage.	West Liberty.	do.	26.14
G. W. Beard.	West Lodi.	do.	15.38
Chas. G. Baird.	Akersville.	Pennsylvania.	6.23
Levi D. Davenport.	Albion.	do.	14.75
B. H. Gilpin.	do.	do.	69.03
N. H. Wright.	Alum Bank.	do.	15.41
B. F. Horn.	do.	do.	107.85
B. F. Bell.	Antestown.	do.	98.68
C. C. Carr.	Bear Lake.	do.	20.24
J. B. McKennan.	Belle Vernon.	do.	67.22
W. J. Lynn.	Braddock's Field.	do.	794.76
B. T. Hastings.	Brookville.	do.	637.94
W. W. Tyler.	Damascus.	do.	122.32
Elias Aurand.	Decatur.	do.	31.98
J. A. Heilman.	East Hanover.	do.	79.38
Geo. A. Miller.	Fannettsburgh.	do.	33.47
L. B. Green.	Fleetville.	do.	27.75
Jas. D. Council.	Flemington.	do.	97.82
J. Crawford.	Girardsville.	do.	98.53
J. C. Reppert.	Greensboro.	do.	78.08
Peter S. Haintz.	Hamburg.	do.	123.84
S. P. Moyer.	Harleysville.	do.	40.74
J. H. Kennedy.	Hemlock.	do.	15.41
Samuel Bartolett.	Kimberton.	do.	16.68
B. E. Wakeman.	Laceyville.	do.	15.80
V. Hoffman.	Lehigh Gap.	do.	19.20
T. T. Bosworth.	Le Raysville.	do.	214.16
Mrs. M. A. Miller.	McKnightstown.	do.	17.14
W. J. Paulhamus.	Monturesville.	do.	61.64
S. A. Cunningham.	New London.	do.	174.84
Jacob Kleinhaus.	Nyces.	do.	59.96
J. A. Truitt.	Oakland.	do.	56.02

Statement showing the accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, etc.—Continued.

Postmaster.	Post-office.	State.	Amount.
Rice Boyd.	Pennsville.	Pennsylvania.	\$14.13
A. Manville.	Pine Grove.	do.	103.86
L. J. Baker.	Pike Run.	do.	18.43
Fred J. Skeels.	Prompton.	do.	10.93
John Nycum.	Rays Hill.	do.	91.78
Lemuel L. Moody.	Rome.	do.	155.75
Gilbert Rogers.	Rundells.	do.	12.15
Z. Zimmerman.	Salem X Roads.	do.	61.30
Joel Gross.	Schnecksville.	do.	36.42
Wm. B. Leas.	Shirleysburg.	do.	94.14
Wm. Hoot.	Somerton.	do.	18.35
Sol. Straus.	Straustown.	do.	32.04
S. H. Wilson.	Tamarac.	do.	51.24
Jos. B. Hezlep.	Turtle Creek.	do.	20.99
A. D. Spalding.	Troy.	do.	368.95
Chas. H. Gee.	Ulysses.	do.	23.24
Anthony Knopper.	Water Cure.	do.	70.24
Levi Staples.	Barrington Center.	Rhode Island.	81.16
H. P. Babson.	Hope.	do.	164.39
A. C. Hawthorn.	Due West.	South Carolina.	116.22
B. W. Middleton.	Midway.	do.	117.28
A. M. Rise.	Newberry.	do.	305.14
Jas. Hamilton.	Society Hill.	do.	127.54
Samuel Kingman.	Summerville.	do.	82.00
Jas. Pybas.	Boliver.	Tennessee.	227.30
C. T. Brown.	Flat Rock.	do.	9.68
J. L. Bryant.	Lynchburg.	do.	82.22
J. D. Mason.	Bagdad.	Texas.	23.16
J. M. Robinson.	Moulton.	do.	28.42
L. F. Crawford.	Pittsburg.	do.	51.82
J. Dorchester.	Sherman.	do.	166.46
Wm. W. Knight.	Waxahachie.	do.	196.74
Jacob Gugenheim.	Yorktown.	do.	32.75
John Rowberry.	Toole.	Utah.	15.76
Martin B. Chafey.	Albany.	Vermont.	50.67
Mrs. H. H. Bishop.	Barton.	do.	2.42
L. N. Williams.	Essex.	do.	69.40
Norris L. Stetson.	Jacksonville.	do.	69.58
Amos Blanchard.	Norrisville.	do.	27.42
Franklin Deming.	Wells River.	do.	100.08
J. H. Macomber.	Westford.	do.	23.70
B. D. Utterback.	Centerville.	Virginia.	67.72
J. F. Comann.	Lebanon.	do.	46.20
Jas. Baylis.	Marysville.	do.	16.08
H. W. Poore.	North Side.	do.	16.95
H. Lodge.	Round Hill.	do.	6.80
G. A. Mason.	Albright.	West Virginia.	9.74
Geo. W. Fields.	Alpine Depot.	do.	20.51
H. S. White.	Belton.	do.	4.53
Eliz. Carpenter.	Bridgeport.	do.	93.71
Levi Snider.	Dekalb.	do.	6.55
J. M. Leachm.	Fountain Spring.	do.	42.40
J. E. Wilson.	Franklin.	do.	66.32
T. H. Brannon.	Glenville.	do.	15.84
S. D. Hayslip.	Guyandotte.	do.	80.50
D. D. Johnson.	Longreach.	do.	48.86
G. L. Louthier.	Middlebourne.	do.	72.16
A. B. Thorn.	Wilsonburg.	do.	21.69
F. M. Finerson.	Auburn.	Wisconsin.	55.63
Sam. S. Vaughn.	Bayfield.	do.	181.25
Horace Rust.	Cambria.	do.	196.70
Jas. Norris.	Dayton.	do.	47.58
Sam. Ambrose.	Forest.	do.	12.15
T. E. Green.	Fulton.	do.	124.86
L. D. Billington.	Hydes Mills.	do.	33.14
Henry Classen.	March.	do.	28.98
A. S. W. Cook.	Mindora.	do.	87.64
John Hollingshead.	Mineral Point.	do.	106.03
W. O. Thomas.	Montfort.	do.	18.85
Mrs. L. D. Taylor (née Layton).	Mount Sterling.	do.	46.05
Andrew Rader.	Prescott.	do.	129.11
Geo. A. Dill.	do.	do.	152.31
Philip Acker.	Station.	do.	21.42
Geo. Bateholder.	Trempealeau.	do.	95.68
Perry Peters.	Union Center.	do.	2.94
J. Potter.	West Bend.	do.	21.00
Wm. Wrightman.	do.	do.	58.94
David Todd.	West Lima.	do.	74.94

In Arizona, Arkansas, Dakota, Colorado, Delaware, Idaho, Montana, Nevada, New Mexico, Oregon, and Washington no unadjusted accounts have been found.

M. O. CHANCE, Auditor.

Mr. LODGE. Mr. President, I introduced the first resolution on this subject at the present session, and it was adopted without objection. I knew very little about the subject, and I am willing to admit that I was perhaps culpably careless in not having examined the resolution with more care. I certainly ought to have done so. I supposed it to be a mere resolution of inquiry, and when the Senator from New Jersey asked me if it related to the Spalding claims, I said it did, but that it committed the Senate to nothing. I found on further examination that the resolution was in the form of "to audit for payment," which, as the Senator from Maine well knows, is a very different form from a mere inquiry. But in my reply to the Senator from New Jersey I simply stated my own idea, that I was not, nor was any one of us, committed at all on the merits of the claims.

I now find, however, that the resolution which I introduced and which was passed—the only one which has been passed—involves alone a very serious work, and I ask that there may be read by the Secretary a short letter from the Auditor of the Post-Office Department addressed to the Secretary of the Treasury, as it covers the Massachusetts resolution.

The PRESIDING OFFICER. If there is no objection, the Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT,  
Washington, January 11, 1910.

The honorable the SECRETARY OF THE TREASURY.

SIR: Since Congress convened on December 6, 1909, there have been introduced in the Senate 12 resolutions, Nos. 96, 102, 103, 104, 105, 108, 116, 117, 118, 122, 123, and 128, directing the Secretary of the Treasury to have audited and reported for payment to the Senate the salaries of those who served as postmasters at post-offices in Tennessee, Minnesota, Mississippi, Maine, Massachusetts, North Dakota, New York, Utah, California, Washington, Illinois, and Wyoming, respectively, between July 1, 1864, and June 30, 1874, the salary of each former postmaster to be stated for each specified term of service, and to comply in all respects with the public order of the Postmaster-General of February 17, 1884.

The said "public order" was an item furnished the press by Postmaster-General Gresham through Chief Clerk Walker. It outlined a method of readjustment which at a later date was prohibited by law.

Senate Resolution No. 105, affecting former postmasters who served in the State of Massachusetts, was adopted by the Senate on the 20th ultimo, and has been transmitted to this office by the Secretary for early report.

A similar resolution, covering salary accounts of former postmasters who served in Colorado, was adopted by the Senate on March 6, 1906. The data submitted to the Secretary on April 21, 1906, will be found in Senate Document No. 401, Fifty-ninth Congress, first session.

On May 27, 1908, the Senate adopted a resolution directing the Secretary to have stated and audited the salary accounts of former postmasters who served in the various States and Territories of the United States between 1864 and 1874, "and whose accounts have not been readjusted and certified for payment." The computations were to be made according to existing law, viz. the act of August 4, 1886. In this respect it differs very materially from the 11 resolutions above referred to. It was ascertained that the salary accounts at 395 post-offices in the United States had not been readjusted, the amount involved being \$31,055.06. The accounts of postmasters who served in Massachusetts are included in the statement prepared by this office and printed in Senate Document No. 627, Sixtieth Congress, second session.

Taking the Colorado and the 1908 resolutions as a criterion, it is estimated that it will require 20 clerks for a period of six weeks to comply with the terms of Senate Resolution No. 105, herein inclosed.

All of the foregoing resolutions are predicated on the act of Congress approved March 3, 1883, directing the Postmaster-General to readjust the salaries of all postmasters and late postmasters of the third, fourth, and fifth classes who served between 1864 and 1874.

Under that authority the accounts of more than 28,000 post-offices were examined in the Post-Office Department and \$1,221,009.69 was paid to the beneficiaries.

In the execution of that law the Post-Office Department was charged by the attorney for the claimants with suppressing public accounts and preventing the payment of salaries to postmasters. It is not necessary to enter into this feature, because the Supreme Court of the United States, in *United States v. Ewing* (184 U. S., p. 151), dismissed the subject with these words:

"We feel called upon to say that the charges of misconduct, maladministration, and fraud against the officers of the Post-Office Department, so freely scattered through the pages of the briefs of counsel for appellee, are entirely unwarranted by anything contained in the record before us, and ought not to have been made."

The counsel for the claimants contended for the "retrospective method" of adjusting salaries of former postmasters. In the case of *Spaulding v. Mason* (161 U. S., 375-384), a case wherein Spaulding sold to one Mason a one-fourth interest in the fees collected from former postmasters, the Supreme Court thus summarizes the construction claimed on behalf of the postmasters:

"In making up the list of 7,500 cases referred to, Spaulding had construed the act of 1866—as he subsequently did the act of 1883—as entitling the claimants embraced in said list to a sum equal to the difference between the amount of any salary which, during a particular term, they had received and the sum which they would have received had they been paid commissions on the business done in the office at the rate prescribed by the act of 1854."

The act of 1883 was interpreted by the Post-Office Department to provide for the "prospective method" of readjustment prescribed in the act of July 1, 1854, that salaries should be readjusted biennially for the ensuing biennial period on the basis of the receipts at their offices for the preceding eight quarters, except that the compensation should be computed on the basis of commission under the act of June 22, 1854, instead of the act of 1864. Postmaster-General Gresham at one time expressed a contrary view, but the matter was referred to Attorney-General Brewster, who rendered an opinion sustaining the construction indicated (17 A. G., 658), and Postmaster-General Gresham directed the settlement of all claims in accordance with the opinion of the Attorney-General.

All doubt as to the construction to be placed upon the act of March 3, 1883, was removed by the act of August 4, 1886, which approved and ratified the method of prospective readjustment as adopted by the Post-Office Department; directed that in the consideration of all claims not yet readjusted the same method shall be pursued, and prohibited the use of any different method of readjustment of such salaries.

The detail of 20 clerks for six weeks, to compile the data pertaining to the State of Massachusetts, at a time when the postal accounts of 60,000 postmasters are being received for audit, will cause the current work of this office to fall into arrears.

In view of the fact that Senate resolution No. 105 directs that the salary accounts of former postmasters in Massachusetts shall be audited by a method prohibited by law, I submit the matter for such instructions as may be deemed proper.

Respectfully,

M. O. CHANCE, Auditor.

Mr. LODGE. Before I received that letter I had made up my mind to ask that the resolution be recalled or that any action upon it be deferred by the Treasury Department until the others were disposed of. Of course it was obviously impossible, as I saw, to have one State dealt with alone; all the States will have to be dealt with together.

After receiving that letter, Mr. President, I could have no possible doubt as to what my duty under the circumstances was. It appears from it that it will take a force of 20 clerks a considerable time to comply with the resolution relating to the State of Massachusetts alone. It also appears by the statement of Mr. Chance that that resolution asks for the auditing of those claims in a manner prohibited by law. I certainly had no intention of involving myself in anything of that sort.

I do not know that it is necessary to recall the resolution, but if it is necessary to pass a vote to recall the resolution, I hope it will be passed. I think it will be sufficient for me to say here that I trust no action will be taken upon it until the others are disposed of.

Mr. SMITH of Michigan. Mr. President, if the Senator from Massachusetts will permit me, I should like to inquire whether, in his judgment, the words "audited and reported for payment" change the status of these claims?

Mr. LODGE. I think that phrase advances them in a very important way. If I am not mistaken, that is the form used when a claim that has been passed upon and adjudicated is sent down here and nothing remains but to put it in the deficiency appropriation bill as a matter of course. If I am mistaken, the Senator from Maine will correct me.

Mr. HALE. It is the next step to the payment of the money. When, from the auditor, comes a report covered by the language of the resolution, the Committee on Appropriations considers that the items are in order and not subject to a point of order. As I said, it is the next step toward appropriating the money; and after such a step, and after the auditor has so reported for payment, nobody can raise the point of order when it is put upon an appropriation; the Committee on Appropriations accept it and put it on. It is the critical point of the whole case and changes the entire status.

Mr. LODGE. It is entirely different from an ordinary inquiry.

Mr. HALE. Oh, entirely different. It ceases to be a matter of inquiry; it is a direction.

Mr. SMITH of Michigan. I should like to ask the Senator from Maine whether the use of the language I have just quoted, "audited and reported for payment," raises these claims to the dignity of an adjudicated claim?

Mr. HALE. It does. It has the same force.

Mr. SMITH of Michigan. Then, it puts the legislative department of the Government in the attitude of failing to appropriate for a regularly found legal claim against the Government. Is that the case?

Mr. HALE. Undoubtedly.

Mr. LODGE. That is it, as I understood it, precisely.

Mr. HALE. It advances them to that. The framers of these resolutions understood the force of those pregnant words. They were not put in by accident. They were put in to accomplish the purpose of making the payments and the appropriations not only imminent, but absolutely and essentially necessary in order to carry out the rules. We wait for just such directions from the department before putting them on, and when we get such directions we put them on.

As I said, the framers of these ingenious resolutions knew what they were about. They knew what this language meant; they knew that it meant appropriation, and that when the door was opened we could not shut it.

The whole matter ought to be referred to the Committee on Post-Offices and Post-Roads, and the chairman has assured us that he will report one way or the other within a week. I want to say that so persistent have been the lobbyists engaged in this matter that I desire the Committee on Post-Offices and Post-Roads to prepare a report and bring it in here and let it be fought out, and let the Senate then decide one way or the other about these claims.

It is a thankless task, Mr. President, to oppose resolutions and claims of this kind where so many Senators have been invoked and who are not at fault in the matter, but I shall be content if the Senate will refer the matter to the Committee on Post-Offices and Post-Roads; and let my friend the chairman report it back within a week, so that we can have it out here in the Senate, with all the facts in the case which we have not got yet.

Mr. CULLOM. Including the claims from all the States.

Mr. LODGE. Mr. President, the Senator from Maine has anticipated what I was about to say; that after reading that letter from the auditor and after listening to the letters which the Senator from Pennsylvania had read here this morning, it seems to me the only thing to do is to refer all this matter to the Committee on Post-Offices and Post-Roads. But I want them to make a report upon it. If these claims are just, they ought to be paid; if they are unjust, they ought to be killed; but they ought not to be allowed to drag along, a subject for claim agents to work on innocent and respectable people by deluding them into the belief that they have a claim against the Government.

The people who are being worked on this subject, who are probably honest, excellent people, are told that the Government owes them money and that a succession of Postmasters-General have been defrauding them of the money; and money is gotten from them for the promotion of this scheme to take a huge amount out of the Treasury. That ought to be stopped. The thing ought not to be allowed to go any further. I want the Committee on Post-Offices and Post-Roads not to treat it by way of suppression, but to bring in a report here which shall end the matter once for all, so that no more of this sort of thing may go on.

To show my own opinion of what has been disclosed here and what this subject is, I shall vote to refer, and I have no doubt many other Senators, who introduced these resolutions—and I appeal to the Senator from Kentucky to allow the matter to be referred—will join with me in having the matter referred to the Committee on Post-Offices and Post-Roads. If that is done, I shall then move to reconsider the vote by which the resolution was passed asking for these claims in the case of Massachusetts.

Mr. CARTER. Mr. President, I very cordially concur in the view expressed by the Senator from Massachusetts, and do not deem it necessary to arise in support of that view. I think the report of the committee, however, should be concise and well considered. It should not be so voluminous as to prohibit repeated printings of the report for the use of Senators who may hereafter be importuned for information.

The ancient history of these claims, the persistence with which they have been urged, not only upon Senators but upon Members of the House as well, warrants us in the belief that the propaganda will continue; and in order that Senators and Members of the other body may be relieved from the necessity of writing an extensive explanation the report of the Committee on Post-Offices and Post-Roads should be available for the purpose of giving that information in a concise form. If that report shall be adopted by the Senate, as I believe it will be, it will put a quietus in some measure upon this agitation.

In common with other Senators, I have been blamed by good citizens of the State I have the honor in part to represent not only for a lack of enthusiasm but for occasional opposition to this class of claim. I have heretofore taken some interest in opposition to the resolutions which have been presented upon this subject, and I would be glad to have a report of the Committee on Post-Offices and Post-Roads, or some committee, which would be within reasonable compass and readily accessible, to mail to a constituent who may inquire for information.

I therefore suggest that the time of one week, while entirely sufficient to enable the clerks of the committee to marshal all the vast volume of literature together, would be insufficient to enable the chairman of the committee, or such subcommittee as he might appoint, to whip this vast volume into the form of a brief. More time will be required. I suggest to the chairman that inasmuch as a report is what is desired, and the best report that can be made on the merits, that the resolution be referred, with the understanding that the committee will report upon the subject before the 1st day of next month. That will not allow too much time, and I think the time will be well spent.

Mr. MONEY. Mr. President, I am one of those Senators who introduced a resolution for 142 postmasters in the State of Mississippi who think honestly that the Government owes them \$35,642. I drew that resolution in the form of those previously submitted, so that they might all be classed together and acted upon together.

Now, I have no objection whatever, so far as I am concerned individually, to having this matter referred to the Committee on Post-Offices and Post-Roads, with instructions to report at the date fixed by either of the Senators who suggested a date.

But I have something to say in addition to that. It does not make any difference to me how many claim agents or attorneys have written violently and improperly in their references to a department of the Government to different people whom they supposed had claims of this kind against the Government. They ought not to have done it; but it does not at all affect the justice of the claims of the postmasters. These postmas-

ters can not help it that claim agents write to them in violent language. They misrepresent the thing, as was done in one of the circulars—I never heard before of either one of them—submitted by the honorable Senator from Pennsylvania, in which it was called the "Spalding Act." Nobody ever heard of the Spalding Act. It identified him, however, in the mind of his correspondents as a man who had been very potential in doing something for their benefit, and he seemed to think that it would give him more claim upon them for fees, either prospective or in advance.

That has nothing on earth to do with this question. We have lumbered up this case and tried to obscure the clear vision. The only question is whether or not a certain sum of money is due, under the law, to these postmasters. If all the claims have been adjusted, then there is nothing to do, and they will not need the 24 clerks mentioned by the Senator from Massachusetts. How can there be any more clerks necessary than now, if there is nothing more to do? All that is asked is that an adjustment be made where none has been made.

I will say further, Mr. President, without reflection upon the executive department of the Government, that in all administrations, Democratic as well as Republican, every department has resisted the claims made upon them, whether just or unjust. I want to say that the Post-Office Department were just as obdurate in resistance to these claims before they were ordered to readjust them as they are to-day. Yet that readjustment, according to the statement made by the Senator from Pennsylvania, resulted in the payment by the Government of over a million and a half dollars of these claims which were just, due, and unpaid.

Why did they not do it before? Why did not the department obey the law and adjust these claims, instead of waiting to be compelled by another act of Congress to do it? Why did they suspend again?

According to the reports read here—I forget by whom; I think by Acting Secretary Norton and by Mr. Johnson, of the Post-Office Department—it would seem that everything has been done that can be done. So that is the end of it. These resolutions demand that claims, that salaries, rather, shall be adjusted that have not been adjusted. They are not claims; they are salaries to be adjusted under the law. They become legal matters when adjusted, and, of course, they are to be paid. The objection of my friend from Maine does not obtain in those cases. When they are found to be just, due, and unpaid, they ought to be paid, and there is no discretion left with the Appropriations Committee in that particular, as he states very justly.

But, Mr. President, the only single question is whether there are any just claims due and unpaid, whether there has been any salary unadjusted for the period from 1864 to 1874. If there are such cases, then no man in this Chamber will object to that being done. If they have been adjusted, no man in this Chamber will ask for them to be readjusted. That is all there is in it.

It is a question of equity. It is a question whether the United States will do justice to these postmasters under the law, when they are entitled to a readjustment, not of their claims, but of their salaries upon the basis mentioned in the law.

I have no objection to the resolution going to the committee. I never did have. And I want that committee to make a report. The reason why I placed my resolution on the table was, as I said, in conformity with other resolutions of the same character, for fear that they never would be reported. It was represented frequently in this Chamber that if they were sent to that honorable committee they would never be reported at all.

I am perfectly willing that that great committee shall have the consideration of this matter and make a report. I like the suggestion made by the Senator from Montana [Mr. CARTER] that the report shall be so concise that people may read it, and it can be sent to our corresponding constituents to inform them of what has been done, and the reasons for its being done. It is a great help to a Senator to have a printed communication at hand, instead of writing or dictating one to a stenographer.

The only reason why these things have been upon the table is through a fear that there would be no report. When the report has been made, it may be that some on this side will be convinced that nothing more is necessary to be done. Then the matter will drop. However, if we are not satisfied on this side, and on that side, too, and think that the report does not do justice to these claimants, then we will fight it out here.

Mr. BRADLEY. Mr. President, I desire to say by way of explanation that I never heard of Mr. Spalding until this morning. I never saw Mr. Spalding. In what I have done I

have acted upon numerous letters received by me from constituents in the State of Kentucky, telling me that these claims were just and had not been paid. I would have willingly put in my resolution originally every State and Territory in the Union, but I have not been here a great while, and I supposed all the other States were ahead of me. I heard here a resolution from this State and that State and the other State, and I concluded that what was good enough for them was good enough for Kentucky. I did not want to have Kentucky left out in the cold. Consequently I put in the State of Kentucky, and in drawing my resolution I was largely controlled by a resolution of the Senator from Ohio [Mr. DICK] on the same subject. I wanted to make the resolution as complete as possible.

Now, I do not want any constituent of mine to have a single dollar that he is not entitled to, but I do want him to have every dollar he is entitled to.

I am somewhat confused by the turn that things have taken here this morning. They tell us in one breath that all these claims have been audited and paid except claims to the amount of thirty-odd thousand dollars. Then in the next breath we are told that it will take 24 clerks, and I do not know how many weeks or months to audit these claims. If they are all audited, then there are no claims to be audited, the whole thing is settled, and that is the end of it.

It is the object of this resolution merely to inquire into this matter, and if these claims have not been audited to provide that they shall be audited. When my distinguished friend, the Senator from Massachusetts [Mr. LODGE], succeeded in getting his resolution passed with so much ease, I must confess that I felt like imitating the Senator in some respects, if not in all, and I wanted to see if I could not get mine passed. It was but natural.

Now, the Senator from Massachusetts is willing to take back his resolution, and I want to say this: After the discussion this morning, after being enlightened upon this subject in part and disenchanted in part, until I do not know whether I am enlightened or not, but probably for the purpose of being enlightened, it would be better to refer the resolution to the committee, together with all the other resolutions, and let us see whether the committee can give us any light on that subject. I am going to agree to it, so far as I am concerned. I wish to state that the reason why I did not agree to it at the start was because I was satisfied at that time that no report would be made on it at all. But now, in view of what has occurred this morning, I enter my agreement that the resolution shall go to the committee and a report shall be made by the first day of next month. I hope when the report comes in that I, at least, will know more about it, and I will go further and hope that all Senators who have been talking about it will know more about it than they know now.

Mr. PENROSE. I will assure the Senator from Kentucky and the Senate that I will endeavor to get a report on the resolution by the 1st of next month. I therefore renew my motion and ask to amend it so that it shall include Senate resolution 102, relative to Minnesota; Senate resolution 103, relative to Mississippi; Senate resolution 104, relative to Maine; Senate resolution 117, relative to Utah; and Senate resolution 128, relative to Wyoming, all of which are on the table.

Mr. GALLINGER. I think the New Hampshire resolution should be included in that list.

Mr. HALE. Let all be included.

Mr. BEVERIDGE. Include all the States.

Mr. PENROSE. My motion is that these and any other resolutions relating to this subject on the table which have not been passed by the Senate be also referred to the committee.

Mr. CARTER. The present resolution as amended, I will state to the Senator, embraces all States and Territories, the amendment having been accepted by the Senator from Kentucky.

Mr. HALE. I think it does.

The VICE-PRESIDENT. Is the Chair correct in understanding that the Senator from Kentucky accepted the amendment to his resolution to which the Senator from Montana refers?

Mr. BRADLEY. I did.

Mr. GALLINGER. Just a word, Mr. President.

Several years ago (I have forgotten how many years ago) I commenced introducing resolutions on this subject in behalf of 200 former postmasters in the State of New Hampshire. The sum in the aggregate that was claimed as due those people was \$32,863.39, the largest amount being \$1,702, the smallest amount \$13.19. I soon found that there was very intense opposition to even the consideration of this question, and I perfectly understood when my resolution went to the Committee on Post-Offices and Post-Roads that that was the end of the matter.

There need not be any concealment about it at all. That was perfectly well understood. I have believed that these were just claims. With the light I have I believe so now. I have not been permitted to be in the Chamber this morning to listen to what has been read from the desk, but from what investigation I have made I have believed that they were just claims. Yet I think it very desirable that the resolutions shall go to the Committee on Post-Offices and Post-Roads, inasmuch as that committee, or members representing the committee, have stated here and stated to us individually that a report will be made.

If, as the Senator from Mississippi [Mr. MONEY] says, there is nothing due these people, we ought to know it, so we can tell them that that is the fact. I have been constrained to believe that the Government had deprived them of money that was their due under the law, but if that is not so, of course it will relieve us from importunities, from answering letters, and from struggling to secure something that we ought not to be burdened with.

Personally I am quite willing that that course shall be taken; that the resolution I offered, if it has not gone to the committee, shall go with the others; and the committee, which I know will act fairly in the matter, certainly very intelligently, will make a report by the 1st day of next month, thus relieving us all and giving us to understand precisely what the legal status of these claims is. That is all I desire.

Mr. DICK. Mr. President, I have no objection to a reference of this matter to the Committee on Post-Offices and Post-Roads, with their promise and the assurance that a report shall be made thereon by the 1st of next month. But there will be a few matters that entered into the discussion this morning that will not be reported upon by that committee and which ought not to go, it seems to me, without notice.

I think it hardly an argument to resist the payment of an honest claim that some attorney is to have a fee out of it. Neither do I think it any part of the present controversy that a former post-office official should, by inference or insinuation, be charged with having an improper part in this business because he may have been unfortunate in some other. I speak of that more particularly because the man referred to is a constituent of mine, and, in my candid belief, was an honest, capable, and misjudged official. I refer to Gen. E. G. Rathbone, formerly of the Post-Office Department.

There is another matter. It was charged that these accounts are unfairly and unreasonably in the possession of the Treasury Department. For the purpose of correcting that misapprehension, I ask that a letter be read from a former Postmaster-General to the Senate of the United States.

The VICE-PRESIDENT. Without objection, the letter will be read. The Chair hears no objection.

The Secretary read as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., March 2, 1906.

*The President of the Senate.*

SIR: Responding to Senate Resolution No. 301, agreed to March 3, 1905, calling for information in reference to amounts alleged to be due certain former postmasters at post-offices in the State of Colorado for salary, under the act of Congress approved March 3, 1883, I beg to state that if the information requested in the resolution is available it is to be found in certain records of the office of the Auditor for the Post-Office Department. At the time the resolution was agreed to these records were improperly in the custody of the Post-Office Department, but some months ago they were returned to the office of the auditor, in compliance with his request. As the auditor's office is a branch of the Treasury Department, any call for information of the nature mentioned in the resolution should be addressed to the Secretary of the Treasury.

Respectfully,

GEO. B. CORTELYOU,  
Postmaster-General.

Mr. DICK. This letter goes to show, Mr. President, that the accounts are properly with the Treasury Department, and disposes of the allegation, it seems to me, that they are improperly there.

I presume my position with reference to this question is precisely the same as that of other Senators. A large number of men who served as postmasters during this period have been writing me letters. Several of my predecessors here have introduced similar resolutions in every Congress in recent years. In order that we may have a final adjustment of the whole matter, I am perfectly willing that this reference shall be made, but I invite the Senate's further attention to the fact that the decisions and opinions cited this morning, both of the courts and of the Attorney-General, simply say that courts can not legislate, that they can only construe the law, and the decisions referred to do not go into the merits of the claims as they ought to be dealt with by the proper department. However, I join with other Senators who stand as I do upon this matter in agreeing to the proposed reference. I wish only to say that the arguments and opinions offered for the record do

not go to the question of the fairness and the justness of these claims.

This matter has come before the Senate several times in the past few years and every Senator is familiar with the subject, and I dislike to tire Senators by useless repetition of what has been thrashed over many times, but it may be advisable to restate briefly the reasons for the passage of this resolution.

Its object is to secure a review and readjustment under the law passed March 3, 1883, of the salaries of postmasters who served between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary due under the act above referred to.

What is asked by this resolution is simply that the United States pay what it justly owes to a considerable number of very worthy servants who were postmasters within the ten years above named.

Before entering into the merits of the case, I have to refer briefly to some objections raised on this floor, which seem to me entirely irrelevant and not worthy of consideration. It is stated that in many cases the original claimant is dead. If true, that situation does not in the least detract from the merit of the claim. I did not suppose any just claim based on law or contract died with the decease of either debtor or creditor. The creditors in the French spoliation claims have all been dead these many years, and their claims are now being prosecuted by their great-grandchildren in the third and fourth generations. Such of these claims as are just should be paid, and if these claims of postmasters are just they should be and will be paid to the last farthing, whether the original claimant is alive or not.

Nor is it a valid objection to the merit of any claim that the claimant or his personal representative have been compelled to engage the assistance of claim agents or attorneys to enable them to obtain what is justly due them. We all know well that very few claims against the United States of more than two or three years' standing are allowed and paid unless pushed by the claimant in person or by some one representing him.

The Senator from New Hampshire [Mr. GALLINGER] has informed us that he had secured from the Post-Office Department a list of 200 names of people in his own State who held such claims against the Government. Some of them are as small as \$20, some \$30, some \$40. The largest claim in the list, he said, was \$800. Certainly a man with a claim against the United States of only \$20 or \$40 can not afford to come here himself to present it, nor could any claim agent or attorney afford to do it for one claim. He could not afford it unless he had a considerable number of such claims. The Senator from New Hampshire also told us during his public career, while a Member of the other House, he worked on a claim against the United States of a citizen of his State. It was as honest a claim as ever existed, and after seven long years of effort it was allowed, and when he went to find his constituent to tell him the good news he was told by the boarding-house keeper where his friend stayed when passing the winter in Washington that he had died three days before and had been buried by charity. As a matter of fact, we well know that the ordinary claim against the United States, however just it may be, requires considerable pushing to get it through, and sometimes is not paid then or not for many years, and it comes with poor grace to raise that point as an objection to paying a just claim.

It has also been charged on this floor that these claims are based upon the order of a former Postmaster-General, which was in existence for a brief space of twenty-four hours and no longer, and that they have no life or existence except because of that order, and therefore should not be paid.

I think the Senator is mistaken in saying that this order had an official existence of only twenty-four hours. On the contrary, I am advised that it never was rescinded, but simply disregarded by the Post-Office Department for over three years and until the disregard was confirmed by an act of Congress. It is not necessary to call the attention of this body to the fact that no Postmaster-General can issue an order which is not based on law. The only question for us to consider is whether that order of the Postmaster-General was warranted by the statutes and was right. If it was right, then these claims are just and should be paid.

A word now as to the statutes and orders which have caused this class of claims to arise.

Under the act of June 22, 1854, the compensation of postmasters was upon the basis of payment to them of a commission on postage collected and box rents. That act of June 22, 1854, is as follows:

*Be it enacted, etc.,* That in place of the compensation now allowed deputy postmasters, the Postmaster-General be, and he is hereby, authorized to allow them commissions at the following rates on the

postage collected at their respective offices in each quarter of the year, and in due proportion for any period less than a quarter, viz:

On any sum not exceeding \$100, 60 per cent; but any postmaster at whose office the mail is to arrive regularly between the hours of 9 o'clock at night and 5 o'clock in the morning may be allowed 70 per cent on the first \$100;

On any sum over and above \$100, but not exceeding \$400, 50 per cent;

On any sum over and above \$400, but not exceeding \$2,400, 40 per cent; and

On all sums over \$2,400, 15 per cent.

On the amount of postage on letters and packages received at a distributing office for distribution, 12½ per cent commission may be allowed.

Every postmaster, when compensation shall not exceed \$500 in one quarter, shall be allowed 1 cent on every free letter delivered out of his office, except such as are for the postmaster himself. But the special allowance now made by law to the postmasters at New Orleans and Washington City shall not otherwise be increased or diminished.

Each postmaster who shall be required to keep a register of the arrival and the departure of the mails shall be allowed 10 cents on each monthly return which he makes to the Postmaster-General.

Each postmaster may be allowed 2 mills for the delivery from his office to a subscriber of each newspaper not chargeable with postage: *Provided, etc.,* (P. 298, vol. 10, Stat. L.).

By the act of July 1, 1864, the law was changed so as to pay postmasters a stated salary, to be fixed by the Postmaster-General, which stated salary should be equal to that which he would have received on a commission basis under the law of June 22, 1854. See Thirteenth Statutes at Large, page 335.

Sec. 2. *And be it further enacted,* That the Postmaster-General shall review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any officer; but any change made in such salary shall not take effect until the first day of the quarter next following such order, and all orders made assigning or changing salaries shall be made in writing and recorded in his journal and notified to the Auditor for the Post-Office Department.

The Postmaster-General, in sections 474 and 476 of the Postal Regulations of 1866, gave his official interpretation of the statute of 1864 as follows:

Sec. 474. The salaries of postmasters are established upon the basis of all the revenue of their post-offices during the two years preceding the passage of the law—i. e., 1863 and 1864. Box rents are included in these revenues. Every postmaster receives in the form of salary as much compensation as he formerly received from commissions and box rents.

Sec. 476. Where the justice of the case demands, the Postmaster-General has the authority to readjust salaries oftener than once in two years, and under this provision of law all inaccuracies and inadequate or excessive allowances of salary can be readily readjusted.

The next statute on this subject was the act of June 12, 1866, as follows:

Sec. 8. *And be it further enacted,* That section 2 of the act entitled "An act to establish salaries for postmasters, and for other purposes," approved July 1, 1864, be amended by adding the following:

*Provided,* That when the quarterly returns of any postmaster of the third, fourth, or fifth class show that the salary allowed is 10 per cent less than it would be on the basis of commissions under the act of 1854, fixing compensation, then the Postmaster-General shall review and readjust under the provisions of said section.

The public order of the Postmaster-General of June 9, 1883, declaring the intent of the salary acts of June 12, 1866 (sec. 8), and of March 3, 1883, reads as follows:

It was not the intention of Congress by the amendment of 1866 to repeal any part of the statute of 1864. The latter statute was to stand, the amendment simply securing to officers of the designated classes the right to have their biennial adjustments of salaries made upon the basis of the act of 1854, instead of the act of 1864, whenever they could save 10 per cent by this course.

If, in fact, there are cases in which it appeared from the quarterly returns or from sworn reports of receipts and business that postmasters of the third, fourth, and fifth class at the biennial readjustment had their salaries fixed under the act of 1864, when, by an adjustment under the act of 1854, 10 per cent or more would have been added to their salaries, then under the act of 1883 such postmasters are entitled to whatever additional sum they would and should have received under the act of 1854.

The act of 1864 in its operations proved very inequitable, and the attempt was made by the act of 1866 to correct the injustice that had been done in changing the status of postmasters from a commission to a salary basis. Where a post-office was established in a rapidly growing community the commissions and box rents would increase proportionately, but there was no provision by which the salary given as a substitute should increase automatically and in the same proportion.

The act of 1866, therefore, provided that when the quarterly returns upon which the salary was based showed that the salary allowed was 10 per cent less than it would have been on a commission basis, then it was the duty of the Postmaster-General to so readjust the salary that the postmaster's compensation should be equal to what it would have been had it been paid by commissions. It was only when the salary was 10 per cent less than what would be realized on commissions and box rents that the difference was to be disregarded.

This readjustment, however, was held to apply only to the salary for the succeeding term of two years, so that, unless a postmaster was his own successor, he would not earn the in-

creased salary built up by his own efforts and would only get the salary fixed at the beginning of the term, so that his successor would obtain the benefit of the work done by his predecessor.

To test this law and get a judicial interpretation thereon, J. K. McLean, postmaster at Florence, Kans., from April 14, 1871, to June 30, 1872, brought suit against the United States in the Court of Claims in 1877. During his term as postmaster he returned to the Post-Office Department \$1,148, of which \$70.20 was from box rents, the boxes having been constructed at his own expense of several hundred dollars. His commissions and box rents under the law of 1854 would have been \$659.20, which he fairly earned. Under the interpretation put upon the law in force at that time he was paid a salary of only \$8.48, based on the income of the office for the two years prior to 1871. The Court of Claims rendered judgment in favor of the claimant, which judgment was reversed by the Supreme Court, and that court said:

The case of the claimant appears to be a hard one, but we think he has no remedy by suit in the Court of Claims.

This declaration of the Supreme Court, together with a large number of similar cases of injustice which arose under the interpretation put upon the salary law in 1864, was what doubtless led to the passage of the act of March 3, 1883, as follows:

*Be it enacted, etc.,* That the Postmaster-General be, and he is hereby, authorized and directed to readjust the salaries of all postmasters and late postmasters of the third, fourth, and fifth classes under the classification provided for in the act of July 1, 1864, whose salaries have not heretofore been readjusted under the terms of section 8 of the act of June 12, 1866, who made sworn returns of receipts and business for readjustment of salary to the Postmaster-General, the First Assistant Postmaster-General, or the Third Assistant Postmaster-General, or who made quarterly returns in conformity to the then existing laws and regulations, showing that the salary allowed was 10 per cent less than it would have been upon the basis of commissions under the act of 1854, such readjustment to be made in accordance with the mode presented in section 8 of the act of June 12, 1866, and to date from the beginning of the quarter succeeding that in which such sworn returns of receipts and business or quarterly returns were made: *Provided,* That every readjustment of salary under this act shall be upon a written application signed by the postmaster or late postmaster or legal representative entitled to said readjustment, and that each payment made shall be by warrant or check on the Treasurer or some assistant treasurer of the United States, made payable to the order of said applicant, and forwarded by mail to him at the post-office within whose delivery he resides, and which address shall be set forth in the application above provided for. (22 Stat. L., 487.)

The Postmaster-General, in a public order dated February 17, 1884, declared his interpretation of the salary acts of June 12, 1866, section 8, and of March 3, 1883, as follows:

In all cases in which it appears from the biennial adjustment of salaries of postmasters of the third, fourth, and fifth classes that they receive 10 per cent or more less than they would have received in commissions under the act of 1854 they are now entitled under the act of March 3, 1883, to the difference between what was paid and what they would receive as commissions under the act of 1854.

It was clearly the intent of Congress to lay down a new rule of determining the salaries of postmasters, and that was the object of the law of 1883. If a readjustment of salary could not be made oftener than once in two years, then a postmaster who served only two years could not profit at all by the increase of business in his own term of office, and he was much worse off under a salary law than he was when paid on a commission basis, as was the case under the law of 1854.

It was never the intent of Congress by the acts of 1854 and 1866 to decrease the compensation of postmasters or to pay them less than they were paid under the law of 1854. That was the interpretation put upon the act of 1883 by Hon. Walter Q. Gresham when he was Postmaster-General, and he was one of the most distinguished lawyers of his day.

He was a very able United States district judge more than a dozen years and resigned to enter more active political life. He was Postmaster-General and then Secretary of the Treasury under one administration and was then appointed a federal circuit judge. He resigned that place under a later administration to accept the post of Secretary of State. All these positions he filled with honor and distinction. No abler lawyer probably ever occupied the post of Postmaster-General. He was a man of rugged integrity as well as a great lawyer, and his opinion as to the intent and meaning of these statutes is entitled to a very great respect. No man's opinion can rank higher.

This interpretation put upon the law by Postmaster-General Gresham, which was clearly the just and proper interpretation, has been utterly disregarded by his successors, and ever since his retirement from the Post-Office Department the law of 1883 has been interpreted to mean that salaries were not to be readjusted quarter by quarter, but only biennially, and on that account postmasters situated as McLean was, who served one biennial period and no more, have never had their salaries

readjusted according to the plain intent of the law, and have never been paid what was justly due them.

Under this mistaken interpretation of the law of 1883 more than a million of dollars was paid out to postmasters who served a second biennial period, while not a dollar was paid to postmasters who served only one term of two years.

In 1886, at the instigation of the Post-Office Department, a rider was put on the deficiency appropriation bill, approved August 4, 1886, confirming this unjust interpretation of the law of 1883, as follows:

SEC. 8. For compensation of postmasters readjusted because of the act of March 3, 1883, and to pay the several amounts reported by the Auditor of the Treasury for the Post-Office Department as due and unpaid, payable from deficiency in the postal revenue for 1883 and prior years, \$380,209.46: *Provided,* That the method of reviewing and readjusting the salaries of postmasters and late postmasters of the third, fourth, and fifth classes, under the classification of the act of July 1, 1864, and July 1, 1874, which has been practiced in the Post-Office Department under and since the act of March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866," by which all such reviews and readjustments have been made prospectively for the biennial periods provided for in the said act of July 1, 1864, upon the basis of the quarterly returns of postmasters during the preceding biennial periods, respectively, whenever the salary actually paid was 10 per cent less in amount than such salary would have been if adjusted correctly upon such returns by computing what the commissions upon the same would have been under the act of June 22, 1854, and averaging the amount thereof annually, as directed by the act of July 1, 1864, for fixing salaries, is approved and ratified as a correct administration of the aforesaid act of March 3, 1883, and all other acts applicable thereto; and that the several readjustments which have been made are ratified as a correct disposition of the several claims which have been considered and disposed of, and for which appropriation is made; and the several persons to whom amounts have been respectively found due are declared the rightful persons entitled to the same, and such amounts to be the full sums due upon any and all such claims; and that all claims in excess thereof and all other claims for readjustment which have been examined and found by the proper officers of the Post-Office Department not entitled to readjustment within such rule of administration are disallowed and barred. That no claim for review of readjustment of any such salary shall be hereafter considered unless the same shall be presented to the Post-Office Department before the 1st day of January, 1887; and that in considering all claims not yet readjusted the same method shall be pursued which is hereby approved, and any and every different method of readjustment of salaries of such postmasters and late postmasters during the period between July 1, 1864, and July 1, 1874, than is herein approved is hereby prohibited; and no action or suit shall be maintainable in any court against any officer of the United States by reason of his action in reviewing or refusing to review, or allowing or disallowing any application for readjustment of such salaries: *And provided further,* That payment of all sums hereby appropriated shall be made by warrants or checks, as provided by the said act of March 3, 1883, payable to the order of and transmitted to the persons entitled respectively thereto. (24 Stat. L., 307-308.)

It is probable that this unjust interpretation of the act of 1883, after having existed for three years, was confirmed by Congress more on account of the condition at that time of the Public Treasury and to close the mouths of importunate claimants, attempting to collect their just dues, than to settle the question with any regard to its merits.

It is certain there is no equity and justice in granting a readjustment and increase of salary to postmasters who served more than two years and to deny an equally merited and equally earned readjustment and increase to postmasters who served two years and less. The interpretation put upon this law—that of 1883—restricting its application to postmasters who served more than two years was purely arbitrary and autocratic and absolutely unjust and unwarranted, and deprived a large number of worthy public servants of what they justly earned and merited.

The construction of this law of 1883, as approved by Congress in the act of August 4, 1886, was passed upon by the Supreme Court of the United States in *United States v. Ewing* (184 U. S., 140), where the court said:

It is said that, as thus construed, the statute leads in many cases to great injustice, and hence such construction should not be adopted. The difficulty is that any other construction violates the clear directions of the law; and although the result may be to withhold its benefits from some who might be regarded as otherwise entitled to it, yet we can not for that reason alter its terms so as to include them, and thus ourselves enact instead of construing the law.

The court in this case and in the McLean case clearly recognized the injustice done to these claimants by congressional interpretation, but is clearly right in declaring that the only place where these claimants can obtain justice is before Congress. That is why these claimants are knocking at the door of Congress to-day to secure the allowance of claims which are justly due. The claims are not based upon any short-lived order of any Postmaster-General, but are based upon the statutes of the United States and upon their every clear intent and meaning. The claims were all presented to the Postmaster-General while the law of 1883 was upon the statute book, and the papers in the office of the Auditor for the Post-Office Department show just exactly how much is due each and every

man claiming the benefit of that act. These claims were all filed before January 1, 1887, and the resolution offered here specifically bars claims which were not presented before that date.

It is claimed that the passage of this resolution will require a very large addition to the clerical force of the Government to prepare the data called for. Even if this were true, it would be a very poor excuse to raise against the allowance of a just claim against the Government. I am advised, however, that these claims can all be stated by the clerical force now employed and without the addition of a single clerk, though, of course, the work can not be as speedily done that way as if additional clerical help were employed.

Former Postmasters-General have readjusted, certified, and stated some 19,000 of these accounts, and in the years of 1884, 1885, and 1886 Congress appropriated a considerable sum of money to pay them. Then came the act of August 4, 1896, which arbitrarily and unjustly put a stop to the slow process of paying these claims. I say "slow process" because the claims then were from 10 to 20 years old. After a struggle of more than twenty years more the Senate last year adopted the resolution offered by the Senator from Montana [Mr. CARTER], and the Treasury Department has just certified an additional sum of \$31,000 due postmasters under these former acts.

It was clearly the plain intent of the law that those unpaid salaries, so long denied these former postmasters, should be adjusted by the commissions and box rents of their own terms of office, quarter by quarter, and not by the commissions and box rents of their predecessors in office. The Treasury Department has just acknowledged \$31,000 is so due and unpaid. We desire to have the balance of those accounts stated and certified, and that is all this resolution calls for. It is justice that is demanded, and no more.

The VICE-PRESIDENT. Without objection, the motion made by the Senator from Pennsylvania [Mr. PENROSE] is agreed to, and the resolution of the Senator from Kentucky [Mr. BRADLEY] and all similar resolutions now on the table will be referred to the Committee on Post-Offices and Post-Roads. The Chair hears no objection.

#### LANDS IN THE COEUR D'ALENE INDIAN RESERVATION.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 3316) providing for the completion of the classification and appraisal of lands within the Coeur d'Alene Indian Reservation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, at the beginning of line 5, to insert "to become immediately available," so as to make the bill read:

*Be it enacted, etc.,* That the sum of \$7,500, or so much thereof as may be necessary, is hereby appropriated, to become immediately available, from any money in the Treasury not otherwise already appropriated, to enable the Secretary of the Interior to complete the classification and appraisal of lands within the Coeur d'Alene Indian Reservation, Idaho, the same to be reimbursed from the proceeds of the sales of the aforesaid lands.

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.

#### HOUSE BILLS REFERRED.

H. R. 14579. An act to amend section 12 of an act entitled "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes," approved May 29, 1908, was read twice by its title and referred to the Committee on Indian Affairs.

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

H. R. 15816. An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907; and

H. R. 16871. An act to amend section 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for the relief of clerks of courts exercising jurisdiction under section 3 of said act.

#### WINNEBAGO TRIBE OF INDIANS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 58) authorizing the Secretary of the Interior to pay to the Winnebago tribe of Indians interest accrued since

June 30, 1909; which was, on page 2, line 10, to strike out the words "Resolved further."

Mr. CLAPP. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### ANNUAL REPORT OF PANAMA RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 529) which was read and, with the accompanying papers, referred to the Committee on Inter-oceanic Canals and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith, for the information of the Congress, the Sixtieth Annual Report of the Board of Directors of the Panama Railroad Company, for the year ended June 30, 1909.

WM. H. TAFT.

THE WHITE HOUSE, January 13, 1910.

#### EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, January 17, 1910, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 13, 1910.*

##### COLLECTOR OF CUSTOMS.

George W. Gardiner, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island. Reappointment.

##### COLLECTOR OF INTERNAL REVENUE.

Ludlow F. Petty, of Kentucky, to be collector of internal revenue for the fifth district of Kentucky, in place of Joseph A. Craft.

##### UNITED STATES MARSHALS.

Asbury B. Patrick, of Kentucky, to be United States marshal for the eastern district of Kentucky, vice Stephen G. Sharp, whose term expires January 15, 1910.

William P. Warner, of Nebraska, to be United States marshal, district of Nebraska. (A reappointment, his term having expired December 19, 1909.)

##### POSTMASTERS.

###### IDAHO.

Phillip Rand to be postmaster at Salmon, Idaho, in place of Fred G. Havemann, resigned.

###### INDIANA.

William W. Clave to be postmaster at French Lick, Ind., in place of Rolla V. Claxton, resigned.

Thomas E. Kincaid to be postmaster at Vevay, Ind., in place of William O. Protsman, resigned.

###### MISSOURI.

Henry Frankford to be postmaster at Novinger, Mo., in place of Frank A. Stroup, resigned.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 13, 1910.*

##### SUPERVISORS OF THE CENSUS.

###### ALABAMA.

Laurence W. Locklin, first district.  
Joseph H. Adams, third district.  
George W. Parsons, fourth district.  
William P. Cobb, fifth district.  
Simeon T. Wright, sixth district.  
James J. Curtis, seventh district.  
Thomas P. Wood, eighth district.  
John T. McEniry, ninth district.

###### ARIZONA.

Franklin F. Towle, entire Territory.

###### ARKANSAS.

George T. Breckenridge, first district.  
Charles G. Henry, second district.  
Elisha E. Ammons, third district.

Robert J. White, fourth district.  
Tom D. Brooks, fifth district.  
John W. Howell, sixth district.  
Samuel R. Young, seventh district.

## CALIFORNIA.

H. Julian Wright, first district.  
Emmett Phillips, second district.  
James M. Burke, third district.  
John J. Deane, fourth district.  
John W. Rogers, fifth district.  
Lewis L. Dennett, sixth district.  
Bert L. Farmer, seventh district.  
Lyman M. King, eighth district.

## COLORADO.

Albert B. McGaffey, first district.  
Henry J. Baird, second district.  
Charles F. Hamlin, third district.

## CONNECTICUT.

William B. Bailey, entire State.

## DELAWARE.

L. Heisler Ball, entire State.

## DISTRICT OF COLUMBIA.

William S. Broughton, entire District.

## FLORIDA.

Henry W. Bishop, first district.  
Le Sueur Gaulden, second district.  
Thomas D. White, third district.

## GEORGIA.

Francis X. Douglas, first district.  
Eugene L. Rainey, second district.  
George E. Ricker, third district.  
Edward T. Moon, fourth district.  
Livingston F. McClelland, fifth district.  
Louis H. Crawford, seventh district.  
Willis B. Adams, eighth district.  
James R. Allen, ninth district.  
Joseph M. Lee, tenth district.  
Alexander P. Perham, sr., eleventh district.

## IDAHO.

Joseph Perrault, jr., entire State.

## ILLINOIS.

Willard E. Hotchkiss, first district.  
Leon D. Nish, second district.  
Frederick A. Schlick, third district.  
Donald A. Callahan, fourth district.  
Robert R. Wallace, fifth district.  
Frank W. Latimer, sixth district.  
Charles S. Burdick, seventh district.  
Edwin C. Perkins, eighth district.  
George W. Royster, ninth district.  
Louis W. Fribourg, tenth district.  
Frank J. Heintz, eleventh district.  
William J. Butler, twelfth district.  
Henry J. Schmidt, thirteenth district.  
John J. Bundy, fourteenth district.  
S. Bartlett Kerr, fifteenth district.  
John T. Galbraith, sixteenth district.

## INDIANA.

William D. Crow, first district.  
James A. Zaring, second district.  
William W. Lingle, third district.  
William O. Protsman, fourth district.  
Samuel J. Wilton, fifth district.  
William H. Tieman, sixth district.  
William Low Rice, seventh district.  
Joseph R. Bröyles, eighth district.  
Abel T. Claypool, ninth district.  
Francis H. Doran, tenth district.  
Henry L. Bendel, eleventh district.  
John W. Sale, twelfth district.  
Samuel R. Thomas, thirteenth district.

## IOWA.

John W. Rowley, first district.  
Asa A. Hall, second district.  
Conrad B. Scherr, third district.  
Louis F. Barth, fourth district.  
Jeremiah Morrissey, fifth district.  
W. H. H. Asbury, sixth district.

Cambridge Culbertson, seventh district.  
William C. Chubb, eighth district.  
Emil A. Larson, ninth district.  
Guy F. Rankin, tenth district.  
Thomas McCulla, eleventh district.

## KANSAS.

Reese Van Sant, first district.  
William R. Smith, second district.  
Charles Yoe, third district.  
Willard H. Melrose, fourth district.  
George T. Smith, fifth district.  
John C. Newell, sixth district.  
James U. Brown, seventh district.  
John C. Mack, eighth district.

## KENTUCKY.

John R. Jones, first district.  
Alexander H. Anderson, second district.  
William D. Gilliam, third district.  
Pilson Smith, fourth district.  
Jonathan D. Reed, fifth district.  
Henry Clay Clark, sixth district.  
Louis L. Bristow, seventh district.  
Nathan D. Miles, eighth district.  
James T. Wilson, ninth district.  
J. Ferrell Pauley, tenth district.  
Henry C. Kennedy, eleventh district.

## LOUISIANA.

John A. Wogan, first district.  
Walter Y. Kemper, second district.  
Raymond T. Clark, third district.  
George J. Reiley, fourth district.  
Charles H. Trousdale, fifth district.  
Orin M. Grisham, sixth district.

## MAINE.

Morrill N. Drew, first district.  
Elmer P. Spofford, second district.

## MARYLAND.

Isaac H. White, first district.  
Laban Sparks, second district.  
Frederick T. Dorton, third district.  
Charles F. Macklin, fourth district.  
John J. Stump, fifth district.

## MASSACHUSETTS.

Charles F. Gettemy, entire State.

## MICHIGAN.

Orvice R. Leonard, first district.  
George W. Sample, second district.  
Frederic W. Stewart, third district.  
Charles F. Davison, fourth district.  
John L. Boer, fifth district.  
Roy E. Brownell, sixth district.  
Hugh H. Hart, seventh district.  
John Baird, eighth district.  
John A. Sherman, ninth district.  
Charles R. Jackson, tenth district.  
James T. Bennett, twelfth district.

## MINNESOTA.

Frank E. Gartside, first district.  
Clark W. Gilmore, second district.  
Aris B. Kelly, third district.  
William B. Webster, fourth district.  
Charles S. Cairns, fifth district.  
Ezra E. McCrea, sixth district.  
Charles W. Odell, seventh district.  
Byron L. Hollister, eighth district.  
Daniel W. Meeker, ninth district.

## MISSISSIPPI.

Samuel D. Chamberlin, first district.  
Rufus F. Gillespie, second district.  
William A. Shelby, third district.  
James E. Landrum, fourth district.  
Samuel F. Thigpen, fifth district.  
Nathan Van Boddie, sixth district.  
Lemuel P. Conner, seventh district.  
James B. Yellowley, eighth district.

## MISSOURI.

John S. Newlon, first district.  
Charles W. Reeves, second district.  
John E. Frost, third district.  
Archibald G. Lackey, fifth district.

Howard A. Higgins, sixth district.  
John Whitaker, seventh district.  
William C. Irwin, eighth district.  
Clarence A. Barnes, ninth district.  
Henry A. Baker, tenth district.  
Simon G. Nipper, eleventh district.  
Henry S. Wilson, twelfth district.  
George A. McCause, thirteenth district.  
Harry Clymer, fourteenth district.

## MONTANA.

Leon Shaw, second district.

## NEBRASKA.

Frank E. Helvey, first district.  
Charles L. Saunders, second district.  
Joseph A. Hays, third district.  
Philip F. Bross, fourth district.  
Samuel A. Dravo, fifth district.  
Joseph Pigman, sixth district.

## NEVADA.

George B. Russell, entire State.

## NEW HAMPSHIRE.

Frank A. Musgrove, entire State.

## NEW JERSEY.

William D. Brown, first district.  
Evan F. Benner, second district.  
William K. Fenn, third district.  
Harry B. Salter, fourth district.  
Louis V. Hoagland, fifth district.  
George A. Fischer, sixth district.  
Samuel A. Smith, seventh district.  
John H. Weastell, eighth district.

## NEW MEXICO.

Paul A. F. Walter, entire Territory.

## NEW YORK.

Albert Falck, first district.  
William Lieberman, second district.  
Alexander R. Smith, third district.  
James Kilby, fourth district.  
Cornellius Shufelt, fifth district.  
Anthony P. Finder, sixth district.  
William F. Kavanaugh, seventh district.  
Douglas W. Miller, eighth district.  
Francis J. Dunn, ninth district.  
William G. Moore, tenth district.  
Henry J. Cookingham, jr., eleventh district.  
Frank C. Wisner, twelfth district.  
James A. McCormick, thirteenth district.  
John G. Pemberton, fourteenth district.  
George F. De Venny, fifteenth district.  
Henry W. Martens, sixteenth district.  
Robert C. Turnbull, seventeenth district.  
Addison W. Fisher, eighteenth district.  
John H. Madden, nineteenth district.  
John L. Campbell, twentieth district.

## NORTH CAROLINA.

Jeremiah C. Meekins, sr., first district.  
James M. Mewboorne, second district.  
Henry Frank Brown, third district.  
William C. Pearson, fourth district.  
David H. Blair, fifth district.  
Irvin B. Tucker, sixth district.  
A. Turner Grant, jr., seventh district.  
James I. Campbell, eighth district.  
J. Yates Killian, ninth district.  
John W. Norwood, tenth district.

## NORTH DAKOTA.

Carl N. Frich, first district.  
Fred O. Brewster, second district.

## OHIO.

Frederick C. Hicks, first district.  
Frank P. Richter, second district.  
Joshua E. Russell, third district.  
John H. Schrider, fourth district.  
Stacy A. Mitchell, fifth district.  
Harry B. Weaver, sixth district.  
Core S. Ireland, seventh district.  
Robert J. West, eighth district.  
John W. Kern, jr., ninth district.

Tiffin Gilmore, tenth district.  
John E. Todd, eleventh district.  
Thomas J. Maxwell, twelfth district.  
Perry S. Williams, thirteenth district.  
Sherman M. Granger, fourteenth district.  
Charles D. Simeral, fifteenth district.  
Peter C. Given, sixteenth district.  
John P. Jones, seventeenth district.  
Charles W. Wickline, eighteenth district.  
Mattoon M. Curtis, nineteenth district.

## OKLAHOMA.

Benjamin F. Berkey, first district.  
J. H. Langston, second district.  
William B. Moss, third district.  
Samuel A. Hawk, fourth district.  
Charles C. Chapell, fifth district.

## OREGON.

Robert J. Hendricks, first district.  
Seneca C. Beach, second district.

## PENNSYLVANIA.

N. B. Kelly, first district.  
Ellis C. Abrams, second district.  
A. Brock Shoemaker, third district.  
Milton S. Falck, fourth district.  
John R. Edwards, fifth district.  
John B. Graham, sixth district.  
Harry G. Selp, seventh district.  
Samuel L. Price, eighth district.  
George G. Blumer, ninth district.  
J. Andrew Wilt, tenth district.  
Augustus L. Merrill, eleventh district.  
Benjamin Apple, twelfth district.  
George Joseph, thirteenth district.  
Warren G. Light, fourteenth district.  
Lewis C. Elliott, fifteenth district.  
Samuel L. Reed, sixteenth district.  
Samuel R. Hamilton, seventeenth district.  
Jacob E. Wenk, eighteenth district.  
William S. Nason, nineteenth district.  
David E. Thompson, twentieth district.  
Charles O. Frye, twenty-first district.  
Aaron F. Dickey, twenty-second district.

## PORTO RICO.

David A. Skinner, entire island.

## RHODE ISLAND.

George H. Webb, entire State.

## SOUTH CAROLINA.

William J. Storen, first district.  
George Waterhouse, second district.  
William W. Russell, third district.  
George M. Pritchard, fourth district.  
Robert L. Douglas, fifth district.  
James L. Michie, sixth district.  
Ernest M. DuPre, seventh district.

## SOUTH DAKOTA.

David D. Wipf, first district.  
George B. Mansfield, second district.

## TENNESSEE.

Samuel H. Thompson, first district.  
Alfred J. Agee, second district.  
John H. Early, third district.  
Reese Q. Lillard, fourth district.  
John B. Stong, fifth district.  
Harry A. Luck, sixth district.  
Marion Richardson, seventh district.  
Sidney E. Murray, eighth district.  
Vincent A. Biggs, ninth district.  
John W. Farley, tenth district.

## TEXAS.

John B. Stephens, first district.  
Sam Bronson Cooper, jr., second district.  
James B. Hanes, third district.  
Orren F. Johnson, fourth district.  
John F. Worley, fifth district.  
Andrew F. Wood, sixth district.  
James W. Madden, seventh district.  
Boone Gross, eighth district.  
Eugene T. Long, ninth district.  
Thomas L. Wren, tenth district.

George H. Boynton, eleventh district.  
 Samuel Davidson, twelfth district.  
 Lewis Lindsay, thirteenth district.  
 Nathan M. Washer, fourteenth district.  
 Lawrence E. Bennett, fifteenth district.  
 John B. Littler, sixteenth district.

## UTAH.

Hugh A. McMillin, entire State.

## VERMONT.

Lynn M. Hays, entire State.

## VIRGINIA.

William W. Woodward, first district.  
 Richard P. Bunting, second district.  
 C. Ridgway Moore, third district.  
 William A. Land, fourth district.  
 Sidney F. Landreth, fifth district.  
 Edward C. Burke, sixth district.  
 Everett D. Ott, seventh district.  
 Albert Fletcher, jr., eighth district.  
 John C. Smith, ninth district.  
 James McDowell Adair, tenth district.

## WASHINGTON.

Robert W. Hill, first district.  
 Guy E. Kelly, second district.  
 Arthur M. Storch, third district.

## WEST VIRGINIA.

Harvey W. Harmer, first district.  
 George H. Child, second district.  
 Colonel E. Rudesill, third district.  
 Robert Morris, fourth district.  
 William W. Whyte, fifth district.

## WISCONSIN.

D. Elmer Roberts, first district.  
 Charles A. Lyman, second district.  
 Herbert H. Hulbert, third district.  
 Otto J. Habbegger, fourth district.  
 Frank Winter, sixth district.  
 Charles Oellerich, seventh district.  
 Charles W. Sunstrom, eighth district.  
 John W. Brown, ninth district.

## WYOMING.

Homer Merrell, entire State.

## RECEIVER OF PUBLIC MONEYS.

Arthur H. Swain to be receiver of public moneys at Visalia, Cal.

## POSTMASTERS.

## INDIANA.

William W. Clare, at French Lick, Ind.  
 Thomas E. Kincaid, at Vevay, Ind.

## MISSOURI.

Oliver W. Neff, at Nevada, Mo.

## WISCONSIN.

Albert Liebl, at Luxembourg, Wis.  
 George Luecker, at Brillion, Wis.

## HOUSE OF REPRESENTATIVES.

THURSDAY, January 13, 1910.

The House met at 12 o'clock noon.  
 Prayer by the Chaplain, Rev. Henry N. Couden, D. D.  
 The Journal of the proceedings of yesterday was read and approved.

## STATUE OF JOHN C. CALHOUN.

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

The SPEAKER. The gentleman from South Carolina asks unanimous consent for the present consideration of the following House resolution (H. Res. 224), which the Clerk will report.

The Clerk read as follows:

## House resolution 224.

*Resolved*, That exercises appropriate to the reception and acceptance from the State of South Carolina of the statue of John C. Calhoun, erected in Statuary Hall, in the Capitol, be made the special order for Saturday, March 12, 1910.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I understand from the former ruling of the Speaker that House joint resolutions were

not included in the rule in reference to the unanimous-consent calendar.

Mr. MANN. This is not a House joint resolution.

The SPEAKER. This is a House resolution. The Chair does not care to make a decision in construction of a rule until the question is presented. It is possible that there might be House resolutions that ought to go to the calendar.

Mr. UNDERWOOD. Mr. Speaker, I ask this for information. I have no objection, of course, to this resolution, but I think all requests for unanimous consent that come under the rule should go to the unanimous-consent calendar; and if this is a resolution which comes within that rule, I think it should go to the unanimous-consent calendar and be called up in that way.

The SPEAKER. Mere matters of procedure and orders of business, whether in the form of resolutions or orders, the Chair has submitted to the House for its unanimous consent. A resolution could be framed, the Chair can imagine, as has happened in the past, covering matters of national policy, and so on, that probably ought to go to the consent calendar; but the Chair thinks a resolution of this kind, which might be framed as an order and not as a resolution, would not come within the practice, so far under the rule and the construction thereof, which does not violate the spirit of the rule. Is there objection?

Mr. UNDERWOOD. This being a mere formal matter, I have no objection.

There was no objection.

The resolution was agreed to.

## DISPOSITION OF CERTAIN DOCUMENTS.

Mr. PERKINS. Mr. Speaker, in behalf of the special committee I call up, as a privileged report, House resolution 220.

The SPEAKER. The gentleman from New York calls up from the special committee the following House resolution (H. Res. 220), which the Clerk will report.

The Clerk read as follows:

## House resolution 220.

*Resolved*, That the documents now in the folding room of the House of Representatives, described by name in the list hereafter set forth under the heading of "List of Documents," shall be disposed of in the following manner:

First. Members, Delegates, Commissioners from Porto Rico and the Philippine Islands, and officers of the House, having such documents to their credit, may dispose of the same in the usual manner at any time within thirty days from the date of the adoption of this resolution by the House.

Second. Upon the expiration of the said thirty days, the Doorkeeper shall furnish to the Members of the House, as promptly as practicable, a list of the documents herein referred to then remaining in the folding room, and thereupon such documents shall be subject to the order of any Member or Delegate in the order in which they are applied for for the period of thirty days after the day when such list shall be furnished by the Doorkeeper.

Third. The Doorkeeper shall furnish a list of all such documents remaining in the folding room at the expiration of the last-named period to the various departments and commissions of the Government at Washington, including the Superintendent of Documents, Smithsonian Institution, Library of Congress, Bureau of American Republics, and the Commissioners of the District of Columbia, and any such documents shall be turned over to any such department, commission, etc., above referred to, in the order in which their application shall be made, and all such documents which shall remain in the folding room for a period of ten days after such list shall have been furnished to the departments or commissions aforesaid shall be sold by the Doorkeeper as waste paper.

Fourth. No documents which are described by name in the list aforesaid shall hereafter be returned to the folding room from any source.

Mr. PERKINS. Mr. Speaker, this report comes from a special committee—

Mr. FITZGERALD. Has the resolution been reported?

Mr. PERKINS. It has just been reported.

Mr. FITZGERALD. It refers to a certain list of documents.

The SPEAKER. The list of documents has not been read.

Mr. PERKINS. I would state to the gentleman from New York [Mr. FITZGERALD] that the list of documents was printed in the RECORD last Saturday, and for that reason I ask unanimous consent that it be not read now. We had a special resolution that it be printed in the RECORD then, in order that every Member of the House might have a three days' opportunity to examine the list of documents.

The SPEAKER. If there be no objection, the part of the resolution referred to will not be read.

There was no objection.

Mr. GARRETT. Mr. Speaker, is this a request for unanimous consent to consider the resolution?

The SPEAKER. The recollection of the Chair is that this committee had the right to report at any time.

Mr. PERKINS. The Speaker is correct in his recollection of the resolution.

The SPEAKER. Then it is a privileged resolution, and does not require unanimous consent.

Mr. PERKINS. Mr. Speaker, this resolution was introduced at the suggestion of the folding room. The conditions in reference to the publications subject to the order of Members of Congress are such that some action must be taken. There are in the folding room, apart from documents for which there is a present demand and of which any considerable amount are sent out, a vast number of old documents, many of them pamphlets like the one I hold in my hand, many of them large volumes, like old numbers of the CONGRESSIONAL RECORD, of which there are now in separate volumes nearly 200,000, for which there is no demand and which encumber the vaults of the Capitol. As a result, we have reached a condition where it is impossible for the business of distributing books to be further carried on without some relief from Congress.

There are of these old books and documents perhaps a million copies of all sorts and kinds. They weigh, in round figures, 1,000 tons, composed of old, useless matter that, without demand from Members, are moldering in the vaults of Congress.

What is the result? Not only is there this enormous encumbrance of these old books, but it is now impossible to receive into the vaults new books that are required for distribution. There are on hand at this time in the Printing Office 200,000 copies of the Yearbook that should be sent over for distribution, that can not be sent because there is no room to receive them. I was informed by an official of the Senate that of the Yearbooks and other books and pamphlets required for distribution there were nearly six or seven hundred thousand copies in the Printing Office that could not now be sent to the two Houses of Congress because they could not be received.

It is evident, Mr. Speaker, that some relief must be had, and the report of the committee has been prepared under very careful advice from the officers of the folding room that have charge of the distribution of documents and have records of the requisitions that are made, and we have endeavored to include in this list nothing for which there is at present any large practical living demand.

We have endeavored to provide for them in a way which will meet the needs of every Member of Congress and which we think will furnish to many Members facilities which they greatly need and which they do not now possess. We have provided, first, that all these books, of which the list is annexed to the resolution and of which a copy has been furnished to every Member of Congress, shall stand to the credit of the Member to whose credit it may now stand for a period of twenty days. During one month from the passage of this resolution any Member can order out from books standing to his credit any book that he desires.

The list of books which are recommended for disposition is printed as a part of the resolution, and therefore every Member of the House can examine, and have examined by his secretary, the books which now stand available to his credit affected by this resolution. He has a period of thirty days in which he can order out anything that he desires.

Mr. Speaker, the Members of the House all know that there are many publications which under the general law are distributed equally to all Members of the House, but for which nine-tenths of the Members of the House have no use. It is a matter of special interest, perhaps, a matter of local interest, a matter of interest to the Member from Missouri, and of no interest to the Member from New York or Massachusetts. It may be that the Member from Missouri desires more than he can get, and the Member from Massachusetts or New York has more than he can dispose of. So we have provided that after every Member has exercised his rights for thirty days, then the entire mass of documents not sent out under orders from the special Members, shall be put into a general fund, subject to the order of any Member of Congress in the order in which the requests are sent in.

This will furnish many Members, Mr. Speaker, with such documents as are of interest to their own particular districts or States. For instance, there are many documents of no great importance, such as eulogies, and there are other documents of more importance, such as reports, special reports, from the Geological Survey. There are large numbers of these documents placed to the credit of a great number of Members who do not need them. After the first thirty days have expired, every Member of the House will have a new list sent to him from the folding room stating the number which remain for distribution, which would be the number stated in this report, less the number ordered out by the Members who have documents to their credit at this time, and stating the amounts of these documents that he can order, if his order is received in time. Your committee thinks that this provision will be of much

value, and will furnish the means of disposing of a large number of documents that are desired, but that do not now go out.

Mr. DAWSON. Will the gentleman permit a question?

Mr. PERKINS. Certainly.

Mr. DAWSON. At the expiration of these thirty days, does the control of the disposition of the documents that remain rest within the power of the superintendent of the folding room or of this committee?

Mr. PERKINS. After the first thirty days have expired, they are in the hands of the superintendent of the folding room, subject to the provision of the resolution, which is that he must honor the request of any Member of Congress for the amount of documents he has not distributed until they are all distributed.

Mr. DAWSON. For any of them?

Mr. MANN. Those included in the list.

Mr. PERKINS. Yes; and in case there is any question of precedence, the Member who sends in his order first is first attended to.

Mr. DAWSON. Has the committee followed any set rule with regard to the selection of these documents which must be sent out within the thirty days? For instance, with regard to eulogies, has the committee fixed a date, prior to which all of them should be sent out, and subsequent to which they should remain in the folding room?

Mr. PERKINS. The date fixed by the resolution is that for thirty days they stand just as they do now.

Mr. DAWSON. The gentleman does not quite catch my question. Were all of the eulogies included in the documents which should go out of the folding room?

Mr. PERKINS. No; there are certain ones for which there is still a considerable demand, such as the eulogies on Lincoln, Garfield, and McKinley and on John Paul Jones, and the ones for which there is still a considerable demand are not included in this list.

Mr. DAWSON. My question was prompted by an examination of the list, which discloses the fact that the eulogies on Senator Allison are included in those to go out, while the eulogies on the Senators from Alabama, Messrs. Morgan and Pettus, are not among those to go out.

Mr. PERKINS. They are all out already.

Mr. DAWSON. No; the gentleman is not correct in that.

Mr. MANN. That was our information.

Mr. DAWSON. There are some of them in the folding room that I know about personally, and I wanted to inquire whether the committee had taken some arbitrary date of death of a Member of the House or Senate and decided that all before that date were to go out and all after that time were to remain?

Mr. PERKINS. No. We have not directed the distribution of any documents of quite recent date.

Mr. DAWSON. It seems to me that eulogies on Senator Allison, so great a Senator as he, who died as recently as he did, should hardly be included in this resolution, especially as the volume has been in print only a few weeks.

Mr. MANN. We thought the gentleman might want the eulogies for distribution.

Mr. PERKINS. Exactly. The delegation from Iowa, at the expiration of thirty days, would have the entire number subject to its control.

Mr. LLOYD. In the case of Senator Allison, I think this was an oversight. I feel very sure that in making up this list it was not intended to include the eulogies on Senator Allison.

Mr. PERKINS. I would say, if the gentleman from Iowa [Mr. Dawson] desires to have eulogies on Senator Allison taken from the list, the committee will not object to such an amendment, but I think the gentleman wants them for use in his own State.

The resolution then further provides, Mr. Speaker, that after the expiration of sixty days, after two notices have been sent to Members—first, the notice of all the documents on hand and, second, the notice of the documents that remain on hand, subject to general order at the expiration of the first thirty days, with the number available—there shall be furnished to the various bureaus an opportunity for fifteen days to take such documents as they desire.

That provision I know will be of large value. There are a large number of geological reports, geological bulletins, very special in their nature; they are technical, for which I imagine most of the Members—I am sure myself as to a large number of them—have never had any demand; but the persons desiring them go to the Geological Bureau, and the demand there ex-

ceeds the supply. That is a natural demand by those who want some particular thing. So in the publications of the National Museum there are certain publications in reference to certain Indian languages. As the gentlemen of the House can see, it is very rare that any Member would have a constituent who desires any report upon an ancient language of some ancient Indian clan or tribe. But there are certain persons, scholars, scattered over the country, who desire these and they naturally go to the National Museum or the Smithsonian Institution. Since this resolution was introduced I have been assured by the authorities of the Geological Survey that they would be most happy to avail themselves of it, as they had a demand for publications of no use to the Members of the House, but for which the department had a demand.

Finally, Mr. Speaker, the resolution provides that after every Member of the House has had thirty days to order under his quota, after every Member of the House has had thirty more days to order in addition to his quota the things that may be of special interest to his State or district, after the departments of the Government have had fifteen days to ask for any publication still undistributed that they think would be of use to them in answer to the demands made on them for distribution, then what remains, which we may be sure, Mr. Speaker, are of no use to any person, and which constitute this enormous bulk of worthless, antique, ancient print that fills the vaults of the Capitol and prevents the distribution of documents of the House, they shall be sold for exactly what they are—useless papers. I trust, Mr. Speaker, that the resolution may meet the approval of the House, for some remedy of some sort must be provided by the House, or else the orderly distribution of the documents will ere long be so checked, so encumbered, so blocked, that it will become difficult, if not impossible.

Mr. SMITH of Iowa. Will the gentleman yield for a question?

Mr. PERKINS. Assuredly.

Mr. SMITH of Iowa. In a merely casual reading of this, it seems to me—and I want to be corrected if I am wrong—that one Member could order out the entire surplus after the end of thirty days by simply filing enough orders. In other words, it becomes in the nature of a grab enterprise, in which the active Member who sends in orders will, for instance, get all of the Allison eulogies, and there is no provision for distributing them among those who desire them. Am I right in that?

Mr. PERKINS. Yes; under the resolution a Member, of course, can first take his quota. After that they will be furnished by the folding room to Members. If all the demands of Members do not meet the supply, then there would be practically no trouble. If the demand exceeds the supply, then the first come would be the first served.

Mr. SMITH of Iowa. So that if the Allison eulogies, as they have been referred to, are wanted by all the Iowa Members, the one putting in the first order would get them, and possibly might get all?

Mr. PERKINS. I think so, under the resolution.

Mr. DAWSON. To carry that proposition one step further, then the Member of the House who got up the earliest in the morning on the morning the thirty days expired and filed a blanket order for all that is left would get the whole of that?

Mr. PERKINS. That would be regarded as an abuse.

Mr. MANN. I suppose there are a thousand tons of it. If anybody else wants to take them, for goodness sake let him do it.

Mr. DAWSON. I would like to ask the chairman of the committee if he will accept an amendment striking the Allison eulogies from the list?

Mr. PERKINS. Yes.

Mr. DAWSON. The thing that shocked my sensibilities, Mr. Speaker, and I believe it would shock the sensibilities of the average Member of this House who stopped to contemplate the subject for a moment, is the proposition, apparent on its face, that these volumes of memorial addresses on the late Senator Allison, who has only so recently passed from among us, and which volume has only so recently been printed, should come into this House in a resolution, classed as old and worthless documents.

Mr. PERKINS. We will accept the amendment.

Mr. GARRETT. Mr. Speaker—

Mr. PERKINS. I yield to the gentleman from Tennessee for a question.

Mr. GARRETT. Will the gentleman accept an amendment, then, to except the Bate eulogies?

Mr. PERKINS. I think so; yes. We want to get rid of the great bulk of useless documents. If there are any special

things that Members deem proper should be held, it will be all right.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. PERKINS. I will.

Mr. BURKE of Pennsylvania. Under the second paragraph it is provided that—

and thereupon such documents shall be subject to the order of any Member or Delegate in the order in which they are applied for.

Now, assuming that this resolution passes to-day, would it be in order under the resolution for a Member of the House to make his application to-day or to-morrow to the Doorkeeper, and that take precedence over those that will be filed subsequent to the expiration of the thirty days mentioned?

Mr. PERKINS. The resolution contemplates, first, a distribution of thirty days. During that period any document may be entirely ordered out. Then at the end of the thirty days the Doorkeeper prepares a new list of such documents as have not been ordered and at that time, after that list is published, the Member could then file his order, and not before.

Mr. BURKE of Pennsylvania. But the resolution, as I understand it, does not so state specifically, but would so state if the word "thereafter" were inserted before the word "applied," on page 1.

Mr. PERKINS. The word "thereupon" is there.

Mr. BURKE of Pennsylvania. The word "thereupon" does not apply to the manner or order in which they shall be acted upon.

Mr. PERKINS. If the gentleman desires an amendment changing "thereupon" to "thereafter," the committee has no choice.

Mr. MURDOCK. Will the gentleman yield?

Mr. PERKINS. For a question.

Mr. MURDOCK. Will the effect of this resolution be to force the mailing within the next thirty days after its passage of most of these documents?

Mr. PERKINS. Why, yes; most of the documents that Members desire. The great bulk of them will not go out at all. If the gentleman will examine this list and check off his own list of these documents standing to his credit, I venture the prediction that he will not send out ten of them on his own order in the next sixty days. We have included no yearbooks, no horse books, and no books of that character, even though very old, which Members from time to time use; and I think the gentleman from Kansas will find that he will give very few orders, unless it be for some special report which under the second part of the resolution will become available to his credit, and on which his quota is now exhausted.

Mr. MURDOCK. The committee took into consideration, I suppose, that within the next thirty days the weighing of the mails in about one-third of the country will begin. That would turn loose in that weighing section a great volume of public documents.

Mr. PERKINS. The committee, I will say to the gentleman, did not know anything about the weighing of the mails. But of all the thousands of tons of documents that lie rotting in the vault I will make the prediction that not 25 tons altogether during the sixty days will be ordered out.

Mr. COOPER of Pennsylvania. I want to call the attention of the gentleman to a matter that was called to my attention a while ago. Under section 3 of this report the House document room can not avail itself of the privilege of calling for these documents in the folding room.

Mr. PERKINS. I would say that that is no practical trouble. The clerks in the document room say that the folding room has all it needs and does not want them.

Mr. COOPER of Pennsylvania. One of the document-room force called my attention to the fact that they would like to have the resolution so amended as to include them.

Mr. MANN. I asked Mr. Grayson, in the document room of the House, whether they wished to be bothered with these at all, and he told me that they did not; that there was nothing over there of this kind that they wanted in the document room.

Mr. COOPER of Pennsylvania. He is the very gentleman who told me within ten minutes that they would like to have this privilege.

Mr. PERKINS. I think there is no objection to that.

Mr. COOPER of Pennsylvania. I think we had better amend it, so as to give them that privilege.

Mr. PERKINS. There is no objection to that.

Mr. BARNHART. It has been suggested to me that these bound volumes that are apportioned out to Members might be apportioned to state delegations for another thirty days. After the expiration of the thirty days the eulogies of deceased In-

diana Members might be apportioned to the Indiana delegation for another thirty days.

Mr. PERKINS. That is a result of the resolution. First, the gentleman has thirty days to order out any eulogies that stand to his credit. Then there is a further period of thirty days in which, for instance, the Indiana delegation can order out the entire amount of eulogies that stand to their credit.

Mr. BARNHART. That ought to be satisfactory.

Mr. DAWSON. Would not I, as a member of the Iowa delegation, have the same right to go in there and ask for an Indiana eulogy?

Mr. PERKINS. Oh, yes; but then, Mr. Speaker, there is no trouble about that. As we all know from experience, these eulogies, excepting such as the Lincoln and McKinley eulogies, and special ones, are almost exclusively ordered by the members of the state delegation.

I now yield to the gentleman from Illinois [Mr. MANN] such time as he desires.

Mr. MANN. Mr. Speaker, there are no valuable documents included in the resolution excepting eulogies and documents of local interest. I may say to my friend from Iowa [Mr. DAWSON] that the eulogies are not classed as useless or worthless documents. They are not under the heading of "useless or worthless documents." Nor do we class geological bulletins as useless and worthless documents; but what we have done is first to recommend a method of disposing of worthless and useless pamphlets and documents; then a method of disposing of eulogies; then a method of disposing of geological bulletins and reports and various other miscellaneous documents. The committee thought that in the disposition of eulogies, where they were not taken out by Members under their ordinary quotas, it would be an act of grace to the Members of the States particularly interested to give them an opportunity to draw the eulogies for other Members who did not desire them. For instance, I do not know whether I have to my credit any of the Allison eulogies which have been referred to, but if I have, I have no use for them, and unless a resolution of this sort passes they will remain to my credit until I leave Congress, and then remain to the credit of my successor until they mold and rot into useless documents; but under the form of resolution that we have drawn, if they are not drawn out by the Members having them to their credit within thirty days, then the Members of the state delegation can draw them out; and while it is true that under the form of the resolution any individual could make claim for the entire quota, we have assumed, and I think justly, that the Members of the House are gentlemen, not hogs, and that the Iowa delegation, for instance, would deal with each other fairly, and that no Member of that delegation would attempt to derive the entire benefit from this resolution. But if the gentlemen from Iowa are unwilling to trust each other, I would be willing to consent, in their case, to a provision insisting that they shall act as gentlemen and not as hogs. [Laughter.] Now, I think that is entirely unnecessary, and I know it would be unnecessary in the case of the gentleman from Iowa himself, and the other Members from that State.

Mr. DAWSON. Mr. Speaker, I appreciate that the sum total of all wisdom, almost, is reposed in the committee which has brought in this resolution; but I would like to ask the gentleman from Illinois, in common fairness, whether he thinks that adequate provision has been made in this resolution to prevent either grabbing or favoritism in the distribution of the documents remaining after each Member of the House has sent out his own documents during the next thirty days?

Mr. MANN. I do think that ample provision has been made. These documents have been to the credit of Members for a long time, most of them for years, some of them not a great length of time. They have not been drawn out by the Members. If they have been solicited by other Members, that solicitation has not been met by favorable response.

Mr. DAWSON. Mr. Speaker, I have in my hand two copies of memorial addresses—one on Senator Allison—delivered in the House February 21, 1909. That is classed by this committee as among those which should go out. I have here, also, a copy of the Morgan and Pettus eulogies, delivered in the House of Representatives April, 1908, a year prior to that, and yet these are classed as valuable documents which should remain in the vaults of the folding room. Will the gentleman from Illinois explain the wisdom of the committee in that selection?

Mr. MANN. I will. The committee had wisdom enough, and I believe the gentleman himself would have had wisdom enough, to have taken the list of documents furnished by the superintendent of the folding room, and I supposed, and I was so informed, that the list of eulogies furnished us was a complete list of eulogies in the folding room. The only eulogies that

we struck out of the list were those of Mr. McKinley, John Paul Jones, Lincoln, and Garfield.

Mr. DAWSON. Then, this is the wisdom not of the committee, but of the superintendent of the folding room?

Mr. MANN. The superintendent of the folding room furnished us with a list of documents. He did not furnish us the resolution.

I do not mean to be unkind to the gentleman, for I have a great respect for him. There is another class of documents besides eulogies, the most valuable documents referred to in the report, and those are the geological reports. Most of the geological bulletins are local in character. I have a great number to my credit, but I have no use for them. When some Member sends to me, asking me to furnish him with a bulletin on such and such a subject, I throw it into the wastebasket, because I have not the time to give consideration to it. The committee thought that where there was a bulletin relating to a particular matter, if other Members did not desire to take it out in thirty days, it should be left to be called for by other Members who wished to obtain those bulletins relating to that subject. There certainly is nothing unfair about that. If they do not draw them out, we understand that the Geological Bureau will take all the geological reports and bulletins which are left away from the folding room, and they will remain where Members of Congress may get them when they desire them.

Now, I may say that we have not included any documents in this list of general value to Members of the House.

Mr. PERKINS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has used thirty-seven minutes.

Mr. PERKINS. I will now yield five minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker—

Mr. MOORE of Pennsylvania. Will the gentleman from New York permit me to ask a question? There was so much confusion in the House that we did not hear but a very little of the discussion.

Mr. PERKINS. I have already yielded to the gentleman from Iowa.

Mr. MOORE of Pennsylvania. I will ask the gentleman from Iowa a question.

Mr. SMITH of Iowa. I do not know what the question is, and I do not know much about the resolution.

Mr. MOORE of Pennsylvania. It pertains to the purpose of the bill.

Mr. SMITH of Iowa. I have nothing to do with the bill, especially.

Mr. MOORE of Pennsylvania. I desire to ask the gentleman from Iowa, if the gentleman from New York will permit, whether our understanding on this side of the House is correct as to the purpose of the bill?

Mr. SMITH of Iowa. I think I will ask the gentleman from Pennsylvania to defer his question until the chairman is on his feet. I know nothing more about it than does the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Then, if the gentleman from New York [Mr. PERKINS] will permit me to ask when he is upon his feet—

Mr. SMITH of Iowa. Oh, Mr. Speaker, I must decline to yield further. I desire to proceed.

The SPEAKER. The gentleman declines to yield further.

Mr. SMITH of Iowa. Mr. Speaker, what I desire to do at this time is to call the attention of the House to the fact that this whole proceeding illustrates the need for a total change in the method of distribution of public documents. It is true that under the existing system every Member of this House has allotted to him a large number of documents of no utility in his district or to his constituents. It has long been my conviction that the true solution of this whole question is to be found in this: First, ascertain what the total cost per annum of public documents for distribution through Members of Congress is, then give to each district a credit at the Public Printing Office in documents equal to the amount now allotted and no more. In fact, I think a reduction could be made below the amount now expended for each district in these documents. Under the system I propose, each Member would be entitled to order, to have charged to this account, whatever public documents he wanted for his district, and whatever classes of documents are in demand by his district, and have them charged to this credit given his district. In this system, as I propose it, and which I think ought to be adopted, the folding room could be abolished, every district would get exactly what that district needed, there would be no storage of waste public documents, nothing would be printed that was not in demand, and in every conceivable way the public service would be benefited.

Mr. TAWNEY. Will the gentleman permit me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. TAWNEY. If I understand the gentleman's plan, under it a Member who wanted or needed three or four times as many Agricultural Yearbooks as he is now allotted, could have that number printed and published, provided he did not exceed his credit in the Government Printing Office?

Mr. SMITH of Iowa. That is exactly it; and no Yearbooks would be published for the great city districts that have no use for them at all. In every case the book would go to somebody that had a use for it.

Mr. COOPER of Pennsylvania. Mr. Speaker, if the gentleman will permit, I would call his attention to the fact that the printing committees of the House and of the Senate have organized an investigating commission and they are going into this subject. They will be very glad, indeed, to have the gentleman submit to that commission any views he may have on the subject.

Mr. SMITH of Iowa. I will be pleased to do that, but I do want at this time to impress on the House that this discussion here to-day shows the folly of this system of printing public documents and storing them in the vaults of this Capitol and in adjoining buildings, when the people to whom they are credited do not want them, and when under the other system not a dollar of waste printing would be done at all.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. MOORE] for a question.

Mr. MOORE of Pennsylvania. Mr. Speaker, I thank the gentleman for his courtesy, and I desire to say my inquiry was merely to obtain information, and particularly upon this question. We could not hear the discussion, and hence several of the Members in this vicinity desired me to ask whether our understanding of this resolution is correct, that the Members will have thirty days in which to ask for and distribute their allotted portion of the documents?

Mr. PERKINS. That is correct.

Mr. MOORE of Pennsylvania. That is the first proposition. The second is that after thirty days these documents that still remain will be subject to the call of the first Member making application?

Mr. PERKINS. That is the form in which the resolution is reported. I will state to the gentleman that an amendment will be offered, which I shall accept, in order to prevent any possibility of sharp practice, though I do not think any such need be apprehended, that in case the orders are in excess of the amount on hand, they shall be distributed pro rata among the orders coming in within the first ten days.

Mr. MOORE of Pennsylvania. That would seem to be a fair way of doing it.

Mr. PERKINS. That would seem to be equitable. That amendment will be offered by the gentleman from Ohio [Mr. KEIFER], and I shall accept it.

Mr. MOORE of Pennsylvania. When would the orders come in and when might the application be credited?

Mr. PERKINS. The orders would come in after the expiration of the first thirty days of distribution by Members. The resolution then provides that the folding room or the Doorkeeper shall prepare a new list, showing the documents then on hand which have not been distributed under the orders of Members. That list shall be furnished to Members, and the time for their orders under the second provision will begin on the furnishing of that list, and under this amendment, if more orders are received and can be filled, the distribution will be pro rata among those sending in their orders during the first ten days. Those who neglect to send in their orders during the first ten days, I think the gentleman will agree with me, could hardly have any cause for complaint.

Mr. MOORE of Pennsylvania. Would the order be credited as of to-day or as of after the thirty days?

Mr. PERKINS. Under the amendment, the order can only be credited after the expiration of the thirty days.

Mr. MOORE of Pennsylvania. Then, the first come the first served within the ten days.

Mr. PERKINS. Not the first come the first served, but they will be distributed pro rata among those who come within ten days. Those who come within ten days will be the first served. Those who neglect longer than that may be deemed to have waived their right.

Mr. KEIFER rose.

Mr. PERKINS. I yield to the gentleman from Ohio for the purpose of offering an amendment.

Mr. KEIFER. Mr. Speaker, I offer the following amendment, not to meet a difficulty that may arise from sharp practice, but

one that may arise in good faith among Members having orders for the same document.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of line 2, page 2, of the resolution the words:

"But in case a number of Members file within the first ten days after the said thirty days orders for a particular document in excess of the number on hand, then they shall be apportioned pro rata among the Members filing such orders as nearly as possible."

Mr. WANGER. Mr. Speaker, I desire to ask the gentleman whether the words "pro rata" are not unfortunate?

Mr. PERKINS. No; exactly right.

Mr. WANGER. Ought not each Member who desired it to have a chance at least to get one copy of the particular document? One Member might ask for ten copies of the particular document and another Member only ask for two.

Mr. KEIFER. Several Members might each file orders for ten, but if only one file, then a Member could certainly get one document.

Mr. PERKINS. He surely could get one. There is no objection to the amendment.

Mr. OLMSTED rose.

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

Mr. OLMSTED. I want to ask the gentleman from New York whether this was a unanimous report?

Mr. PERKINS. It was.

Mr. OLMSTED. And this is a list of uncalled-for and presumably worthless documents?

Mr. PERKINS. Yes; the gentleman is correct.

Mr. OLMSTED. I notice among them the minority report filed by the gentleman from Missouri [Mr. CLARK] on the tariff bill and the entire issue of 10,000 appears in this list of worthless and uncalled-for documents. [Laughter and applause on the Republican side.]

Mr. PERKINS. The gentleman from Missouri filed no minority report in reference to this resolution. Mr. Speaker, I now ask for a vote upon the resolution.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield me some time?

Mr. PERKINS. Mr. Speaker, how much time have I left?

The SPEAKER. Well, the gentleman has an hour, because he has been recognized after he lost the floor by yielding to an amendment, but having been recognized again he has an hour.

Mr. PERKINS. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the gentleman from Pennsylvania [Mr. OLMSTED] has referred to the fact that it appears from this list there are 10,000 copies of the minority report on the Payne bill uncalled for—

Mr. OLMSTED. And worthless.

Mr. FITZGERALD. Uncalled for in the document room. I wish to call myself as a witness, Mr. Speaker, to the fact that I distributed some of the minority reports on the Payne bill, and evidently there is an incorrect statement in this report as to the number.

Mr. OLMSTED. I think those which the gentleman from New York sent out were returned.

Mr. FITZGERALD. I suggest to the gentleman from Pennsylvania to contain himself in patience and permit me to continue in my brief remarks. Prior to the last session of Congress it had been the practice to print the majority and minority reports on tariff bills in one document; but evidently in the last session of Congress there was a special reason why the majority preferred that the light and intelligence contained in the minority report should not be circulated with the misleading information contained in the majority report upon that bill. But, Mr. Speaker, since the gentleman from Pennsylvania has taken the care to look over this list of worthless and useless documents, that not only are uncalled for, but that Members refuse to distribute and for which provision is now being made to have destroyed or disposed of as useless papers, I have gone faithfully over the list and I am surprised at what I find.

How times change, and how speedily Members take courage, Mr. Speaker, in legislative bodies! I find in this list of documents to be disposed of as worthless, as documents that are undesired by the public, documents that can not be distributed, three particular ones to which I wish to refer at this time, because they will illustrate the lines along which Members of the other side of the House are thinking. For instance, I find, undistributed and uncalled for, 86 copies of a report on The Fabrics of Ancient Peru. I find 3,524 copies of a report on Directions for Destroying Mosquitoes, and I find 6,142 of the messages of President Roosevelt in the second session of the

Sixtieth Congress; 3,496 copies of President Roosevelt's message to the first session of the Sixtieth Congress; 4,409 copies of President Roosevelt's message to the Fifty-ninth Congress; 2,938 copies of President Roosevelt's message to the Fifty-eighth Congress; 1,358 copies of President Roosevelt's message to the Fifty-seventh Congress; in all, I imagine, about 19,000 copies of these illuminating and precious documents, so highly prized but such a short time ago, and now to be consigned to the wastebasket by a Republican House. This is the manner of expressing its appreciation of one who, though absent, can not ever be forgotten in this august presence. And I wish, Mr. Speaker, to congratulate a Republican House upon the regaining of its courage under these peculiar circumstances. I recall when I desired to utter illuminating remarks upon sundry of these messages, which I thought at the time would be to the benefit of that side of the House, that men over there, both regulars and insurgents, united in enforcing the previous question to prevent my efforts.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PERKINS. Mr. Speaker, I yield three minutes to the gentleman.

Mr. FITZGERALD. I regret that the gentleman is so anxious to dispose so hastily of this important matter.

Mr. PERKINS. I will give the gentleman five minutes more time.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. I merely wish to submit that a large proportion of President Roosevelt's messages were distributed. It seems a few of them were not. I infer that they were those copies that were allotted to the gentleman from New York [Mr. FITZGERALD] and to some of his colleagues upon that side.

Mr. DAWSON. If the gentleman will yield, I will say that the purpose of this resolution is simply to get them into the hands of the people.

Mr. FITZGERALD. It seems to require a special resolution on the part of this Congress to force President Roosevelt's messages into the hands of the people. [Applause on the Democratic side.] I can really appreciate the joy that Members on that side of the House must experience in their efforts to bring to the attention of the people now the wisdom and recommendations of President Roosevelt to a Republican Congress, which were so shamefully ignored by them in the performance of their legislative duty.

Mr. BURKE of Pennsylvania. Mr. Speaker, in view of the fact that Democratic presidential messages are such rare documents in the history of this country, how does the gentleman account for the fact that there are 3,393 messages of Grover Cleveland consigned to the wastebasket under this resolution?

Mr. FITZGERALD. Mr. Speaker, I suppose at the time these messages were printed some Democrats in this House might have entertained the same sincere affection for the late lamented and now universally respected Grover Cleveland that I know Members on that side of the House have recently entertained for the absent one in Africa. [Applause and laughter.] I do not pretend to account for the actions of the Democrats twenty or thirty years ago. Some persons contend that it is all that I can do, Mr. Speaker, to satisfactorily account for my own actions in these days. [Laughter.] But I wish to emphasize the peculiar joy that must be experienced by Republicans at this time in proclaiming so publicly to the country that among the useless junk and waste paper now clogging up the vaults of the Capitol, so as to interfere with the transaction of the public business, are more than 18,000 or 19,000 copies of the recommendations to a Republican Congress from the lamented President whose presence in Africa is so pleasing and whose return is so much feared. [Laughter.]

And, Mr. Speaker, if only to help to contribute to the gayety of nations, and, if possible, to infuse some backbone and courage into those wavering gentlemen who seem to have promised so much trouble within the last few hours, but in some miraculous manner seem to have been subdued, I should welcome back to the shores of our great and happy land this distinguished gentleman, in the hope that by the time your differences were adjusted the people would have had substituted a patriotic, intelligent, able, and discriminating Democratic administration, serving the people well, rather than attempting to serve the great protected interests, under the pretense of working out the destiny of this country under Republican auspices.

Mr. Speaker, I have no doubt that on this list there are other public documents equally interesting and equally valuable. I am inclined to think, however, that rather than have those Roosevelt messages sold as waste paper, when the list is printed

and I find that Republican Members have failed to avail themselves of the opportunity to distribute them, I shall call for the entire number, not particularly for circulation in my own district, but for circulation as Democratic campaign documents in certain districts that I know would welcome them, districts that are now represented in this House by those either proclaiming or pretending to be Republicans. [Applause on the Democratic side.]

Mr. PERKINS. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, there has never been a President of the United States whose messages were waited for with more eagerness or read with greater interest than the messages of Theodore Roosevelt. It is not surprising, however, that a few of the copies which were allotted to the gentleman from New York [Mr. FITZGERALD] and other Members upon the Democratic side of the House were not distributed, but remain in the folding room to this day. But, Mr. Speaker, it is a matter of great amazement that the minority report on the Payne tariff bill, prepared with such elaborateness and such great pains by the ranking minority member of the Ways and Means Committee, the gentleman from Missouri [Mr. CLARK], my distinguished friend, who is not here to-day, of which there were 10,000 copies printed, it is amazing to me that of that famous campaign document, which we were told so fully exposed the iniquities of the Payne tariff bill and was to revolutionize matters and give the control of this House in the next Congress to our Democratic friends, not a single copy was, upon reflection, found worthy to be sent out as a campaign document. [Laughter on the Republican side.] And to-day we have the singular spectacle of the present chairman of the Democratic congressional committee, himself a minority member of this select committee, joining in this report to consign these 10,000 Democratic campaign documents to the wastebasket. [Laughter and applause on the Republican side.]

Mr. PERKINS. I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] seems to have a trepidation of heart because the Roosevelt messages were not all distributed. Let me remind the gentleman that one of the purposes of this resolution is to permit the distribution of both the Roosevelt messages and the Cleveland messages. They now lie in the folding room, I venture to say, to the credit of the gentleman from New York [Mr. FITZGERALD] and his colleagues on that side of the House, who are equally afraid to send out the Roosevelt messages and the Cleveland messages. [Laughter on the Republican side.] They have had no President's messages in half a century that they dared send to their constituents. This side of the House availed ourselves of the privilege of sending out the Cleveland messages when Cleveland was President. We availed ourselves of the privilege of sending out the Roosevelt messages when Roosevelt was President, but that side of the House, afraid that they might convert their own constituencies in either case against Democracy, have left their documents in the folding room, useless and wasteful so long as they remain there, but useful so soon as they are placed to the credit of men who will send them to intelligent constituencies. [Applause on the Republican side.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. The gentleman himself stated the valuable documents in this list, and he omitted to enumerate the Roosevelt messages.

Mr. MANN. That would have been supererogation.

Mr. PERKINS. Mr. Speaker, I think sufficient time has been occupied to promote the gayety of nations and the information of the House.

I offer an amendment, after the word "are," in line 15, on page 1, to insert the word "thereafter." That is to avoid a possible ambiguity in the resolution.

Mr. KEIFER. Mr. Speaker, do I understand that my amendment has been disposed of?

The SPEAKER. The first vote will be taken on the amendment of the gentleman from Ohio.

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

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 1, line 15, after the word "are," insert the word "thereafter."

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

Mr. PERKINS. Now, Mr. Speaker, I offer a further amendment, at the request of the gentleman from Iowa [Mr. DAWSON], in order that I may not yield the floor; that on page 6

of the resolution the words "Allison, 3,500," be stricken from the resolution.

Mr. MANN. I will suggest that the gentleman from Tennessee asked to have the Bate eulogies stricken out also.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

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

Mr. PERKINS. Now, Mr. Speaker, I offer a further amendment, on the same page, that the words "Bate, 1,408," be stricken from the resolution.

The Clerk read as follows:

On page 6, strike out the line "Bate, 1,408."

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

Mr. PERKINS. I now ask for a vote on the resolution.

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

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

#### MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. Latta, one of his clerks, who also announced that on the dates given below the President had approved joint resolutions and a bill, as follows:

On December 20, 1909:

H. J. Res. 84. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1909, on the 20th day of said month.

On January 7, 1910:

H. J. Res. 83. Joint resolution authorizing a portion of the appropriation made for the improvement of Tennessee River to be applied to work at the Colbert and Bee Tree Shoals Canal; and

H. R. 14565. An act to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 9, 1909.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed Senate joint resolutions of the following titles and also Senate concurrent resolutions Nos. 19 and 21, in which the concurrence of the House was requested:

S. J. Res. 55. Authorizing the postponement of the Fifteenth International Congress on Hygiene and Demography.

S. J. Res. 56. Authorizing the President of the United States to invite the States to participate in the Fifteenth International Congress on Hygiene and Demography.

Senate concurrent resolution 19.

*Resolved by the Senate (the House of Representatives concurring).* That the thanks of Congress be presented to the State of Indiana for providing the statue of Gen. Lewis Wallace, a citizen of Indiana, distinguished as a soldier, diplomat, and author; and be it further

*Resolved.* That the statue be accepted and placed in the National Statuary Hall in the Capitol, and that a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Indiana.

Senate concurrent resolution 21.

*Resolved by the Senate (the House of Representatives concurring).* That the Secretary of War is hereby authorized and directed to cause a further and supplemental examination to be made of Cape Lookout, North Carolina, provided for in the river and harbor act of March 3, 1909, with a view to determine its relative advantage and value as a site for a harbor of refuge for coastwise and deep-draft vessels as compared with other localities on the coast of North Carolina, especially the harbors of Beaufort, Southport, or Cape Fear, and Cape Hatteras, and to submit the results of such examination, together with estimates of cost, to Congress at the earliest date practicable.

#### FORTIFICATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the fortification appropriation bill, and, pending that, I ask unanimous consent that general debate be limited to two hours, one hour to be controlled by the gentleman from Kentucky [Mr. SHERLEY] and one hour by myself.

The SPEAKER. The gentleman from Iowa, pending his motion, asks unanimous consent that general debate upon this bill in Committee of the Whole be limited to two hours, one hour to be controlled by the gentleman from Iowa and one hour by the gentleman from Kentucky. Is there objection?

There was no objection.

The motion of Mr. SMITH of Iowa was then agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the

bill H. R. 17500, the fortification appropriation bill. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 17500) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Mr. Chairman, while the time for general debate has been agreed on as two hours, I want to say that it is not my expectation that more than five or ten minutes will be consumed on this side of the House, and Members therefore should be advised that the bill will be read under the five-minute rule probably within the next hour.

This bill, Mr. Chairman, provides for an appropriation of \$5,617,200. That is in round numbers \$1,100,000 below the estimates. The estimates for this year are the lowest in twenty years, and the bill now pending before the committee is the lowest, with two exceptions, in fifteen years. With this statement, Mr. Chairman, I reserve the balance of my time.

Mr. SHERLEY. Mr. Chairman, I do not know that it is necessary to make any statement supplementing that contained in the report as to the character of this bill. The items carried in it make a total of \$5,617,200. Of this sum there is to be expended in the Philippines and Hawaiian Islands the sum of \$2,689,300. We have heretofore expended for fortifications in the Philippines and Hawaii \$8,146,262, and in the Hawaiian Islands \$3,165,560.

This bill carries authorization for work that practically completes the scheme of fortification for the Philippine Islands. It will be necessary to appropriate for some of the accessories in the way of searchlights and fire control and other incidentals to the plan, but the authorization in this bill completes, as I have just stated, the general scheme of fortification for the Philippines.

As to the Hawaiian Islands, that plan is practically complete, with the exception of a few guns to protect the mine-fields when Pearl Harbor is actually opened as a harbor.

We have expended, all told, for fortifications since 1884 about the sum of \$133,000,000, covering the entire seacoast defense of the United States and its dependencies, and this bill represents the smallest sum total that has been appropriated for several years past. In the judgment of the committee it carries only such items as are necessarily demanded if we are to make that progress that we should in the fortification of our country.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. STAFFORD. Has any estimate ever been made of the amount expended by the Government for fortifications prior to 1884, and could the gentleman give that amount?

Mr. SHERLEY. I have not that amount at hand. It has been very small. I am unable to answer the gentleman offhand, but prior to 1884 there was no general scheme of any magnitude looking to fortifications. Therefore I took that as a starting point for the statement of the total expenditures, which amounts, roughly, to \$133,000,000 in the past.

Mr. Chairman, I now yield thirty minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, the House is now engaged in the consideration of these great appropriation bills apportioning the revenues of the Government to the various needs of the Nation. Those needs have already become so numerous and the demands on the revenues so large, that it is a problem of constantly increasing difficulty how to provide the necessary means without undue taxation of the people. Even if there were no charges of extravagance to be laid at the door of the Republican administration, the problem would be serious enough, but with the career of extravagance in the last few years, and in the last Republican administration, the problem has become one of increasing difficulty and the responsibility that the Members of this House ought to feel and the responsibility to which they will be held by the people of the country has vastly increased.

I believe that this is an appropriate time, Mr. Chairman, to bring before the House some views on the question of the equality of taxation and the honesty and fairness of some of the Government's expenditures. The annual message of the President to this session of Congress is full of recommendations of economy. It confesses without any palliation or excuse the charge of extravagance. It acknowledges frankly the danger of the deficit. It, by inference, even confesses the failure up to the present time of the Payne-Aldrich tariff law as a pro-

ducer of revenue to reduce the deficit. We are relieved therefore from the necessity of emphasizing that condition of affairs.

But in face of all of this, in the face of the known condition of the Treasury, in the face of very urgent need for reform and retrenchment, in the face of the cutting down of each one of these great appropriation bills to their minimum of authorized work, there is one feature of the President's message which fell with distinct shock upon not only the Democrats, but many Republicans of this House, and certainly upon the people generally in the country. He advocates that we now enter upon a further career of extravagance by beginning the payment of ship subsidies to encourage or build up the American marine. He does not attempt to hide the word "subsidy" under any other form of language. The President calls these things subsidies, and I call them subsidies. There is no question in the mind of any man in this House that the payment of any unearned profits to private persons or to a private corporation is a subsidy, no matter what the pretense may be that in some indirect way it may be beneficial to the community at large. If the purpose of that payment is to make the business of a private corporation profitable, it is a subsidy, no matter under what guise of language it may be concealed. I know that it has become very fashionable of late, since the repeated defeat of these subsidy bills in this House and since the marked disapproval with which they have been received by the country, daintily to avoid the use of the word "subsidy" and to use in its place the word subvention, or mail contract, or something else. But in the last analysis they are subsidies, and the President is entitled to the full measure of credit for honestly expressing the view.

The subsidy that we are going to be called upon to consider is concealed in an ocean-mail bill, similar in every important respect to the ocean-mail bill defeated by the last Congress. It attempts to impose the expense of these subsidies upon the postal department. Concretely stated, it is to add 100 per cent to the price now paid slow vessels for carrying the American mail to foreign ports.

It takes the form of an amendment to the ocean-mail act of 1891, which authorized the Postmaster-General to make contracts for carrying the mails in American ships and to pay as compensation for such carriage, for the outward voyage, at the rate of \$4 per mile for vessels of the first class, \$2 per mile for vessels of the second class, \$1 per mile for vessels of the third class, and 66½ cents per mile for vessels of the fourth class. Vessels of the first class must have a capacity of not less than 8,000 tons and be capable of making a speed in ordinary weather of 20 knots an hour; those of the second class, a capacity of 5,000 tons and a speed of 16 knots an hour; those of the third class 14 knots, and those of the fourth class 12 knots an hour.

The amendment would abolish the distinction between vessels of the first and second classes and between the vessels of the second and third classes, and authorize the payment of \$4 per mile for 16-knot ships and \$2 per mile for 14-knot ships. The compensation for fast ships is not raised.

This follows out a recommendation of the Postmaster-General. In the report of that officer some incidental arguments are brought forward about the increase of the number of American lines to South American and oriental ports. It is not there said that there is a demand for an increase on those lines, but that the mails in this particular ought to be carried under the American flag. But such argument, even in the annual report of the Postmaster-General, is incidental, and is entirely overshadowed by the argument in favor of the indirect benefit supposed to result from the subsidy. The two arguments most strongly urged for this measure are utterly foreign to the postal service.

One is that it would encourage commerce with foreign countries, and the other that it would provide auxiliary ships for the navy. As to the encouragement of commerce I shall hereafter speak more in detail. As to providing auxiliary ships for the navy I prefer to quote the opinion of a gentleman who has made a special investigation of this subject and whose views I believe to be sound. Representative STEENSON, of Minnesota, a Republican member of the Committee on the Post-Office and Post-Roads, in discussing the ocean mail bill in the Sixtieth Congress, said on March 20, 1909:

So far as furnishing auxiliary ships to the navy is concerned, the ships here contemplated are utterly useless, notwithstanding the eloquent plea of the gentleman from Alabama. These ships are slow ships. They would be overtaken by the enemy. They could not follow our naval ships. Our battle ships have a speed of 17 to 21 knots an hour. Why, the ships of which the gentleman speaks that Japan has in the Pacific Ocean, her new ones, have a speed of 25 knots an hour and a cargo capacity of 16,000 tons. If we loaded these ships with coal, they would be overtaken, and we would be supplying coal to the enemy.

I have consulted naval authorities, and they tell me that these ships would be worse than nothing as auxiliaries to the navy. If we want ships auxiliary to the navy, we must have fast ships like the *Lusitania* and the ships that the British Government is encouraging upon the seas. So that all of these reasons utterly fail.

So that when we tear the mask of jingoism from this ocean mail bill it becomes pure and simple a question of making the business of a private company profitable. There are those of us who believe—and they are not confined to this side of the House—that if we enter upon this practice of appropriating public money to make profitable the business of a private company, it means a lot of the Public Treasury such as has never been before experienced in the history of this country. This particular bill now before Congress is sugar coated, not only by the proposition to make free ships above a certain tonnage, but sugar coated further by the proposition to limit the amount of subsidy to the probable revenue of the ocean mail business.

But does any man here believe that if the camel once gets his head under the tent he would stop there and that we would not soon have the whole camel under the tent? Did any private corporation or individual ever get a claim against the Federal Government under any kind of a pretense that he has rendered the service therefor that there was not a constant struggle thereafter to increase the amount, backed by the powerful pressure of private interest? We would only begin the career of subsidizing ships, the end of which no man of this House can foresee. The President says:

The profits on foreign mails are perhaps a sufficient measure of the expenditures which might first be tentatively applied to this method of inducing American capital to undertake the establishment of American lines of steamships.

What does he mean by "tentatively applied," if he does not mean if this scheme succeeds the Treasury door is wide open to these steamship companies?

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. BORLAND. I will yield to the gentleman.

Mr. BURKE of Pennsylvania. If, as the gentlemen on that side of the House have been predicting constantly, the Democratic party is to be in power hereafter, what possible danger can there be to the United States Treasury from this or any other source?

Mr. BORLAND. Does the gentleman guarantee the certainty of that prediction?

Mr. BURKE of Pennsylvania. I would dislike very much to guarantee the certainty of that prediction.

Mr. BORLAND. The prohibition of the Federal Constitution against an appropriation of public money to a private corporation would remain, and the time to call the attention of Members in the House to it, whether it be done by Republicans or Democrats, is at the time the act is proposed to be done.

Now, there is another danger besides the opening to the corrupt looting of the Treasury by means of this subsidy plan. It is proposed to expend this money through the Postal Department. The Postal Department has no jurisdiction or control over the objects that are supposed ultimately to be benefited by the expenditure of the money.

The very fact that the department which has charge of spending the money has no jurisdiction over the objects supposed to be benefited is always an opportunity for corruption and extravagance and bears the brand of false statesmanship. It is high time for the American people to put the seal of their disapproval on all subterfuges, tricks, and devices which make it difficult and sometimes impossible to trace the connection between the spending of public money and the result which is supposed to be attained thereby.

The people are getting very tired of being constantly befogged and bewildered in this twilight zone of sophistry and debate as to how much of the public money actually is expended for the public good and how much of it goes into private pockets. It is high time that the people knew how much tax they paid and what they paid it for. They should demand a direct system of taxation and a direct responsibility for the expenditure of public money. The worst thing about all of these subterfuges and dark-lantern methods is that they encourage, and are designed to encourage, a belief that the Federal Treasury is a vast prize package and that every man stands a chance of winning a prize without it costing him anything.

The truth is that the prizes are distributed only to favorite corporations, while millions of American citizens bear an ever-increasing burden of taxation.

But imposing this expense upon the postal department at the present time will have another effect. It will increase the postal deficit in an undue and improper manner. The annual report of the Postmaster-General and the message of the President both speak of this postal deficit as a thing which should

not exist. The Postmaster-General says that at one time the Post-Office Department was self-supporting, and that it should be so again. He traces the loss in the postal department chiefly to the carriage of newspapers and magazines as second-class matter and to the extension of the rural free delivery. He advocates a curtailment of both of these privileges. The President indorses his recommendations. Is it not strange that in the same message he can advocate the payment of ocean mail subsidies to slow vessels?

I do not speak now of a mere question of consistency, which is said to be the bane of small minds, but of a broad question of policy, if not of common honesty. The President avers that the average cost of transportation of second-class matter is more than 9 cents a pound, and that this causes a deficit in the postal department of \$63,000,000 a year. In commenting thereon he says:

The figures given are startling and show the payment by the Government of an enormous subsidy to the newspapers, magazines, and periodicals.

If it really costs 9 cents a pound to transport second-class mail matter when the cost of transporting first-class express matter is only 2½ cents a pound, this looks very much like a grave indictment of the entire postal service. If there is any subsidy here, it is a matter of serious doubt in the minds of many of us whether it is the magazines or the railroads that are being subsidized. And if the President insists that this is a subsidy to the magazines, what will he say about the expense of maintaining the rural free deliveries? Is this a subsidy to the farmer? The truth is, the whole point of view is wrong; not only wrong, but disastrous to all good government. There is no subsidy about it, and there ought to be none.

If there were any subsidy about it, every American citizen would have the same right to a subsidy and nobody would be left to pay taxes.

If the postal service must be curtailed to make room for this ship subsidy, it is easy to see where the blow will fall. The President says that it ought not to fall upon the great metropolitan dailies of the country. I am satisfied that it will not fall upon them, as politically they always are able and ought to be able to take care of themselves. It will fall on the multitude of weekly papers of small circulation and on magazines, literary, religious, technical, and trade journals of a nonpolitical and educational character. The blow also will fall upon the farmers by discouraging the further extension of free delivery.

The Post-Office Department, in the pursuit of its proper duty of spreading intelligence widely and promptly among the people, is not expected to pay a profit nor to be self-supporting any more than the Department of Agriculture or the Department of Commerce and Labor. The American people demand the constant extension and improvement of the postal service, as they demand the constant extension of the activities of the Department of Agriculture, and the honest cost of such service is not a deficit any more than the support of the army is a deficit, or the pay of the courts. That these attacks upon the rural free delivery and the circulation of the magazines are direct outgrowths of the ship subsidy is shown by an article in a pamphlet called "Stars and Stripes," issued by the Merchants' Marine League of Seattle, in December, 1909. This article is headed "Sixty-three million dollar subsidy for newspapers and periodicals." I quote from it as follows:

While American shipping interests are knocking at the door of Congress, asking for legislation and subsidies to save the merchant marine of this country from total destruction on the high seas, the Government is paying an enormous subsidy of \$63,000,000 a year to newspapers, magazines, and periodicals. When shipping asks aid, there always is a loud cry against the policy of subsidizing the merchant marine. And yet scarcely a word of protest is made against the special privileges granted to the publishers of this country.

Mr. FASSETT. Will the gentleman yield for a question?

Mr. BORLAND. I will.

Mr. FASSETT. It would be interesting if the gentleman would take time to define just what he means by the word "subsidy."

Mr. BORLAND. I thought I did that for the gentleman. I believe that subsidy is the payment of any unearned profits to any private individual out of the Public Treasury.

Mr. FASSETT. Must it necessarily be a private individual?

Mr. BORLAND. It could not be anybody else than a private individual or corporation. Any payment to an individual or corporation which is not an honest return for services rendered for that payment to the Government is a subsidy.

Mr. FASSETT. Would the gentleman apply that to the reclamation of arid lands?

Mr. BORLAND. No; nor to the building of fortifications, nor to the deficit in the postal department, I will say further. There is no deficit in the postal department and no subsidy in

the postal department, unless the fact that 9 cents a pound is paid for second-class mail matter when 2½ cents a pound is the price paid for first-class express matter is a subsidy to the railroads. Unless that is a subsidy there, there is no subsidy in the postal department.

Mr. FASSETT. Will the gentleman permit me? I should like to call his attention to the fact that the total amount paid to the railroads is about \$46,000,000, so that if the railroads carried all the mails free there would still be a deficit of about \$20,000,000.

Mr. BORLAND. But that does not explain the difference in the price of mail matter and express matter. I say if that statement is true, and I assume it is true, that 9 cents a pound is paid for second-class mail matter, that is an indictment of the whole postal service.

Mr. SMITH of Iowa. There never has been any pretense that there was 9 cents paid to the railroads for mail matter. Comparison has constantly been made recently between the total cost of hauling the mails and the pay of the railway mail clerks—in connection with this second-class matter—with express rates.

Everybody knows that this 9 cents includes the pay of all the railway mail clerks in the United States service, in connection with second-class matter, and many other charges.

Mr. BORLAND. I will say to the gentleman from Iowa that he well understands me. The President says that there is a \$63,000,000 subsidy paid to the publishers. I say there is no subsidy in the postal department; and if there is, it is an indictment of the postal department.

Mr. SMITH of Iowa. Yes; but the gentleman says that certain figures are true as to what the railroads charge the express companies, and then, instead of comparing what the railroads charge the Government with what they charge the express companies, the gentleman compares the whole cost of the postal service, including the railway mail clerks, with the charge made to the express companies by the railroads. Now, I do not claim to know that we are not paying too much to the railroads, understand me, but I do say that the system of comparison of the total cost of the railway mail clerks and all other features of the postal service with the mere charge for cartage to the express companies is not a fair comparison, and everybody ought to see it.

Mr. BORLAND. Does the gentleman believe, then, that if it be true that there are subsidies paid by the postal department to publishers or the railroads, that that is an argument in favor of the payment of subsidies to everybody else?

Mr. SMITH of Iowa. Oh, no; but I simply submit that when gentlemen discuss the question of a relative charge made by the railroads to the express companies and to the Government, they ought to compare those items, and not compare what we pay the railroads, added to what we pay the railway mail clerks, and every other expense of the Government, besides the cartage.

Mr. BORLAND. Does the gentleman know the price per pound paid to the railroads?

Mr. SMITH of Iowa. It is not a fixed price per pound. It is not so arranged in the law as that you can give it with certainty. It is so much per car, and so forth.

Mr. BORLAND. The gentleman does not dispute, as I readily see, the figures given us as to the cost of express matter, or the cost of mail matter, neither of which figures I am giving on my own authority. Nor is the gentleman informed as to what are the correct figures. But whether these figures be correct or incorrect, if we eliminate the comparison with the express matter, it still remains true that the payment of a subsidy to anybody in the postal service would be an indictment of the postal service, and would not justify an extension of the subsidy principle, and yet it is so used in both the argument of the President and of the Postmaster-General.

Mr. GRONNA. Will the gentleman yield for a question?

Mr. BORLAND. Yes.

Mr. GRONNA. In considering the question of cost per pound, did you figure that the railroads are paying so much a mile per car?

Mr. BORLAND. I am not figuring the cost per pound; I am taking the message of the President of the United States, which says that the average cost of transportation of this matter is more than 9 cents a pound.

Mr. SMITH of Iowa. It does not say that that is paid to the railroads, though.

Mr. BORLAND. I am reading what he does say, if the gentleman will excuse me.

Mr. SMITH of Iowa. This fallacy has been talked about so much in the newspapers that it is time somebody called attention to the fact that he does not say so.

Mr. BORLAND. Further, he says that there is a subsidy paid.

Mr. SMITH of Iowa. I do not question that he says that.

Mr. BORLAND. He says:

The figures given are startling, and show the payment by the Government of an enormous subsidy to the newspapers, magazines, and periodicals, and Congress may well consider whether radical steps should not be taken to reduce the deficit in the Post-Office Department caused by this discrepancy between the actual cost of transportation and the compensation exacted therefor.

Mr. GRONNA. I am asking my question in good faith. I wanted to know if the gentleman, in figuring the cost of carrying this mail, took into consideration the cost per mile per car, and then the salaries paid to the mail clerks, and all other incidental expenses which the Government has to pay to carry on this work? That would be taking it from the President's standpoint.

Mr. BORLAND. I believe I have answered that question, but I will say again, once for all, that I have not figured out the relative cost of the postal service, and do not profess to have done so, but am discussing the argument of the President that there is therein a subsidy to somebody; he says, the publishers of the newspapers, magazines, and periodicals.

Mr. COX of Indiana. If the gentleman from Missouri will pardon me, I want to say to the gentleman from North Dakota that I do not think that the data is yet in existence which would answer the question of the gentleman. Being a member of the Committee on Post-Offices and Post-Roads, I think that that information will probably be before the House a little later, showing the total cost of the carrying of mails in the United States per mile. While I have not been in the committee for the last few days, I know that the Second Assistant Postmaster-General agreed to furnish that information to the committee, and it will soon be published in the hearings of the committee.

Mr. BORLAND. I thank the gentleman.

Mr. FASSETT. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. FASSETT. That there can be no misunderstanding of the gentleman, I understand his position to be, not whether this thing or the other thing is a subsidy, but that wherever a subsidy exists it is wrong?

Mr. BORLAND. Undoubtedly. Now, I deny that there is a subsidy in the loss on rural free delivery. I deny that there is a subsidy necessarily in the fact that the carriage of second-class mail matter exceeds the postage collected for it. There is no more subsidy and no more deficit in the postal department in carrying out the views of this House and the Nation at large in installing proper conveniences for transporting intelligence widely and quickly over this country than there is a subsidy in establishing a Department of Agriculture or a Department of Commerce and Labor. There is no more reason why the Post-Office Department should be held to pay a profit to the Government, or that it should be run without loss, than that the Department of Agriculture should be run without loss. If the American people demand an extension of that kind of service, if they believe that rural free delivery has produced splendid results, if they believe that the spread of intelligence is of value to a free government, if they believe from the results that the liberality of second-class mail matter has been justified, then there is no more subsidy in that than there is constructing fortifications or in maintaining the army.

Mr. FASSETT. Will the gentleman state what he considers a justification for the expenditures for fortifications and for second-class mail matter? What constitutes the justification for expending beyond the income?

Mr. BORLAND. That would, as the gentleman readily sees, unduly widen the discussion.

Mr. FASSETT. Well, bring it down to meet the question.

Mr. BORLAND. It is undoubtedly within the discretion of this House, as representing the people, to say what would constitute a justification for the expense of fortifications and for the army, but the problem is not solved by the gentleman's question.

Mr. FASSETT. Mr. Chairman, I will ask the gentleman, further, why it is not just as legitimate to pay more than it costs to take mails to South America as it is to pay more than it costs to take them to Arizona or any part of the country?

Mr. COX of Indiana. Mr. Chairman, will the gentleman from Missouri yield to me, in order that I may answer the gentleman's question?

Mr. BORLAND. I yield to the gentleman.

Mr. FASSETT. I want a bill of particulars.

Mr. COX of Indiana. Mr. Chairman, I saw a statement recently in a newspaper that under the subsidy that was passed

at the closing hours of the Fifty-ninth session of Congress—there is a line running from New York to Mexico or the west coast of South America, the Ward Line, which took advantage of that, and last year it carried about 1,900 pounds of mail, for which it received \$250,000 in the nature of a subsidy by the Government.

Mr. FASSETT. That is a quantitative answer and not a qualitative one. The gentleman is going to measure right and wrong by dollars and cents.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. FASSETT. Mr. Chairman, I wish there was some way to give the gentleman the time that I have consumed out of his time. I ask unanimous consent that he may proceed—

The CHAIRMAN. The time has been fixed by the House. The time is in the control of the gentleman from Iowa [Mr. SMITH] and the gentleman from Kentucky [Mr. SHERLEY].

Mr. SMITH of Iowa. How much additional time does the gentleman want?

Mr. BORLAND. Fifteen minutes.

Mr. SMITH of Iowa. I yield the gentleman fifteen minutes, with the understanding that no more time is to be asked at the end of that time.

Mr. FASSETT. I wish the gentleman would take about five of that and give us a bill of particulars.

Mr. BORLAND. Mr. Chairman, if the gentleman from New York will allow me briefly to answer his question, without confusing this argument with other issues, I will do so. The reason I say there is a distinction between the price paid for the carriage of second-class mail in the United States and the establishment of a line to a South American port is that, if the mail in this country is carried for all American citizens at the lowest price by railroad that it can be carried and still results in a loss to the Government because we demand a low rate of postage, the subsidy then is to the reading and thinking and writing people of the United States; but if the question of the postage paid on foreign mail has no relation to the price paid the steamship company that you have it carried by, there is a subsidy; and if the mail is now carried more cheaply than you propose to carry it, and you propose to have it carried by another company, not for the purpose of increasing the mail facilities, but for the purpose of providing auxiliary ships to the navy, you are saddling an improper expense upon the postal department. That is a complete answer, I take it, to the question of the gentleman from New York, and I would like now to proceed in the balance of my time with other matters.

Mr. Chairman, we are startled, as I say, that this should be imposed upon the Postal Department, but the merits of the scheme are not solved by the question of where it should be imposed. If it is imposed on the Postal Department because it is believed if it is done directly it would be unconstitutional, then the whole scheme should fail. If the imposition on the Postal Department is a subterfuge, as I believe it is, to obtain a subsidy which could not be obtained directly under the Federal Constitution, then it ought to fail.

There is not a man on this floor who is not ardently in favor of restoring the American merchant marine to the position which it held before the era of high tariff. But there is room for a very decided difference of opinion as to how these results can be accomplished and how it ought to be accomplished in justice to the people who have to pay the taxes. So far, this House and the country have been decidedly of the opinion that the payment of subsidies to certain steamship companies is neither wise nor honest. The fact that there is a powerful organization, with an apparently unlimited command of brains and money actively engaged in artificially creating the appearance of a public demand for a ship subsidy, is strong evidence that private interests will be the direct beneficiaries of such a scheme. There never has before been so much money spent to preach jingoism or to educate the American people in patriotism. Many of the methods used are highly objectionable.

There is published in Cleveland, Ohio, a pamphlet bearing the honored name of the American Flag, whose methods have been to bulldoze and threaten Members of Congress whose views on such a ship subsidy did not suit the organization. The amount of misinformation and false statistics spread by this pamphlet and the thoroughness with which the organization has gone about its task is appalling to friends of free government.

Mr. SMITH of Iowa. Mr. Chairman, I would like the gentleman to tell whether he is in favor of carrying that magazine at a loss.

Mr. BORLAND. Mr. Chairman, I will say to the gentleman that I had a discussion with the editor or pretended editor of that magazine on that very question, and he, perhaps not

liking my position, said that he would expose me in his magazine, and I take it that he will do so, as he has done with others. I might refer in passing to the letters that passed between us:

THE MERCHANT MARINE LEAGUE OF THE UNITED STATES,  
Cleveland, Ohio, November 19, 1909.

HON. WILLIAM P. BORLAND,  
Kansas City, Mo.

DEAR SIR: The mail to-day brings us the envelope of the American Flag, the official bulletin of the Merchant Marine League of the United States, marked, "Mr. Borland refuses to accept. Return to sender."

We wish to understand definitely if this is your attitude in regard to our publication.

Kindly let us hear from you, as the next issue of the American Flag is about due, and if it has been your desire to insult us, we wish to pay you the respects of this organization in the columns of our publication.

Very truly, yours,

JOHN M. MAXWELL,  
Editor American Flag.

KANSAS CITY, MO., November 24, 1909.

JOHN M. MAXWELL,  
Editor American Flag, Cleveland, Ohio.

DEAR SIR: In reply to your letter of November 19, I would say that I did refuse to receive the last copy of your publication, the American Flag, and returned it to the post-office. The paper had been coming to me gratuitously for some time and finally I decided to stop it. The only way to do so was to return it to the post-office.

My reason was that second-class mail matter is carried by the Post-Office Department at a loss, and is intended to embrace publications sent to bona fide paid subscribers. I regard it as an abuse of the law to increase still further the postal deficit by flooding the mails with publications, sent gratuitously to advance the views or interests of any set of men or corporations, and I have refused other publications on the same grounds.

I never have paid for a subscription to your publication. If any one else has done so for me, I would like to know who did so and why. Before I can be made the beneficiary of a gratuity I have a right to know who is spending the money, where they got it, and with what motive or design it was contributed.

While assuming to be a general magazine, your publication seems to be mainly, if not wholly, devoted to advocating the payment of subsidies to steamship companies. It is true that I am opposed to ship subsidies on principle and all forms of special privileges by which the profits of private corporations are paid by the Federal Government. I regard them as unconstitutional, unsound, and inherently dishonest, and a fruitful source of corruption in our political life.

I ardently am in favor of building up the merchant marine on sound, economic principles and without additional burden on the taxpayers of this country. I would like to see the marine restored to the position it held before the era of high tariff, when we were carrying 90 per cent of American goods in American ships. I will present and advocate a plan for that purpose at the next session of Congress.

I concede to you the right to hold such views as you choose (a right which you apparently do not concede to me) and to circulate them by any means which the law permits. A grave suspicion, however, is cast upon your scheme and its motives by this expenditure of money from a mysterious source for the gratuitous circulation of your sheet.

Who is spending all this money to teach the American people patriotism? The suspicion is increased by the lurid red lines at the top of your letter head condemning all who oppose your pet project of paying money to private corporations out of the Federal Treasury as "un-American" and working for "foreign interests"—a piece of political claptrap that was worn out years ago from overwork, and only causes nausea to thinking people. But the worst suspicion of all is caused by your clumsy threat against an elected Representative of the people. You say:

"Kindly let us hear from you, as the next issue of the American Flag is about due, and if it has been your desire to insult us, we wish to pay you the respects of this organization in the columns of our publication."

This implies that if I dare exercise an independent judgment on this question I must expect the circulation through the mail of your sheet containing a hostile criticism or worse. Well, I dare do it, and in the vernacular of the West, you can "crack your whip." I do not expect to escape criticism, whether honest or malicious. I will not be bulldozed into supporting a measure which on my conscience I believe means the entering wedge of a corrupt looting of the Federal Treasury.

There is more than a reasonable doubt on which side the insult lies. The arrogance of your threat is equalled only by the assumption of the name "American Flag" for your organ. If I were asked to select a name for a publication advocating the payment of public money to private corporations, I should move to amend the title by striking out the word "American" and inserting the word "Black."

Who am I insulting by refusing to accept a gratuitous publication? The American Flag? I refuse to be put in the attitude of insulting the American flag. It is my flag, and the flag of 80,000,000 people, the great majority of whom, I believe, will not submit to the payment of profits to private corporations out of the National Treasury. The flag has other enemies than those of us who try, however imperfectly, to exercise an honest and unbiassed judgment on public affairs.

Now, if you desire to comment on my action, an honest, though perhaps an improbable, course will be for you to publish your letter and my reply.

Very truly,

WM. P. BORLAND.

In reply I received a letter from another man, not the editor, who denied that there was any abuse of the mailing privilege, and claimed that full postage was paid on all matter sent out. This being so, the postage bill must be enormous, and our surprise is increased at the resources at their command. Why do not they keep some of that money and subsidize their own ships?

What I want to point out as more curious is this. In the letter from that gentleman he says:

The American Flag does not, has not, will not, and you can not point to a single instance where it advocated the payment of a subsidy.

On page 40 of the issue of the American Flag of October 1, 1909, they say:

Since free ships are of doubtful value; since a return to the policy of discriminatory duties does not appear practicable; since free trade is out of the question and, moreover, would not solve the problem; since a government built and operated auxiliary naval marine would be preposterous, there seems to be but one other solution, to adopt the system of other nations—that of maintaining an efficient merchant marine by means of mail subventions or subsidies sufficiently liberal to overcome the difference between the operating cost of an American vessel and of a foreign vessel. Subsidies may be artificial and regrettable, but the United States can not order the maritime policies of other nations.

Now, if that man's statements in the rest of his magazine are no more true than his claim that he is not advocating a subsidy, then his magazine is a misleading publication and circulating to the detriment of the postal service of the United States.

I want to say that when that publication says that the American flag has disappeared from the ocean it produces another one of its characteristic false statements. As a matter of fact, the United States is the second maritime power in the world.

Her merchant marine is exceeded only by that of England. This is shown by a quotation from the Chicago Journal of Commerce of November 26, 1909. The quotation is:

#### AMERICAN SHIPPING.

The total shipping of the United States on July 1, 1909, comprised 25,688 vessels of 7,388,755 gross tons—a larger tonnage than under any foreign flag except the British, 18,800,000 tons.

American shipping is almost wholly engaged in domestic commerce, and 6,501,250 tons are enrolled or licensed for this purpose, while Germany's 4,266,000 gross tons are almost wholly, of course, in foreign trade.

American tonnage registered for foreign trade amounts to only 887,505 tons, a loss of 53,000 tons since last year, and much of the tonnage yet registered is permanently laid up. The Great Lakes employ 2,782,481 gross tons.

It will be observed that the greatest tonnage is found in the coastwise trade. It is the foreign-carrying trade that has disappeared and that decline of the foreign trade has been exactly coincident with the rise of the tariff wall. [Applause on the Democratic side.] No man who has studied the question can find any other reason for it. We are asked to enter upon a subsidy scheme to restore it; we are told it is the universal practice of civilized nations; we are pointed to the example of Great Britain, the first maritime power, to Germany and France; the trouble is that the Postmaster-General's figures and the American Flag's figures prove too much.

They prove that England subsidizes only about 5 per cent of her vast shipping, and that portion is the fast passenger steamers, which do not carry any important part of her commerce. The faster a vessel is, the more space must be devoted to fuel, crew, and machinery, and the less is available for cargo. The figures also show that France pays more than \$5,000,000 a year for subsidies and Germany only a little more than \$2,000,000, whereas the foreign shipping of Germany is vastly more than that of France.

A very grave objection to the subsidy plan is that it directly tends to the creation of an ocean-carrying monopoly by limiting governmental favors to a few qualified ships. More serious charges also have been made. A recent cartoon showed the President of the United States in the guise of Santa Claus, with an ample bag on his back, labeled "ship subsidy," descending the chimney of the steel trust.

Now, gentlemen, we have our own views as to the cause of the decline of the merchant marine. A return to the sound economic principle of reciprocity would induce a revival of our foreign trade. We can not expect to sell to our South American neighbors unless we buy from them, and we can not buy from them unless we reduce the tariff wall. We have tried in my district to extend our trade with Mexico and South America. We want them to take some of our products, and we want to deal with some of the South American Republics by taking some of their products. We believe that if we could get their products in here and their bank balances here they would buy our goods. We are working on a proposition of carriage back and forth by the railroads overland between Kansas City and Mexico. But the same principle applies to ocean carriage. If American ships could go to South America and get a cargo to be sold in the United States they would take back with the products of that sale a cargo of American goods. You then enter upon a restoration of the American merchant marine by sound economic means. Almost the death-bed wish of the late lamented William McKinley was that we enter upon the principle of reciprocity for restoring our foreign trade.

The ship-subsidy scheme has been cordially indorsed by all the standpatters and advocates of a high protective tariff. It is directly in line with the special-privilege idea, and is regarded as an extension of the special-privilege system of government. By making an ally of another powerful interest it

will perpetuate government by special interests. The friends of the merchant marine who are opposed to ship subsidies always have contended that there should be a return to the doctrine of free ships, and that the marine must be restored to a sound and profitable basis, not by the creation of an ocean-carrying monopoly, but by giving every vessel which could be induced to enter the foreign trade an equal advantage in the ports of this country.

The periods of the greatest prosperity of the American merchant marine were periods when we gave every American ship, large or small, which engaged in the foreign trade, the advantage of discriminatory duties. There is nothing which prevents a return to this successful system, except the fact that it would be an inroad on the sacred principle of the high protective tariff. I have had the honor to introduce into this House a bill designed to restore the merchant marine, under what I believe to be sound economic principles. It is H. R. 14562. It provides that on all goods brought into the United States in ships flying the American flag only 75 per cent of the tariff duties provided by the Payne-Aldrich law shall be collected. There is over \$300,000,000 collected in duties each year. As about 9 per cent of our carrying trade is in American ships there is, roughly speaking, about \$30,000,000 of duties collected from such cargo. Twenty-five per cent of that would be about \$7,500,000, which might be carried by American ships, a very substantial encouragement to the merchant marine.

I believe that this plan has many advantages over that of a direct subsidy. It clearly is within the constitutional powers of the Government and can not be made a ground of objection by foreign nations, as every nation has the right to discriminate in favor of her own ships or her own citizens.

It can not be made a precedent for unlimited raids on the Public Treasury. It does not increase the burden of the taxpayer, but, on the contrary, gives to the American consumer some of the benefits from the increase of foreign commerce. It does not subsidize empty ships, but makes the amount of profit depend upon the exact extent which the vessel contributes to the extension of foreign trade. It encourages that reciprocity of trade which is the very life of all international exchange.

It can not close a single factory, as the change from prohibitive duties to sound reciprocity must come so gradually as to avoid violent business disturbances. It is a matter of doubt how much, if at all, it would decrease the actual revenues of the Government, but certainly not to the full amount, as a reduction of duties and a stimulus of trade sometimes increases rather than reduces the revenue. At any rate it is fully as well worth trying as the plan of direct subsidy, and certainly the results of a failure would not be so disastrous.

The vital difference between this plan of restoring foreign trade and a ship subsidy is that instead of being an entering wedge to a raid on the Treasury, it is an entering wedge for relief to the overburdened consumer. Instead of being in the interest of privilege, it is in the interest of the people. We have now arrived, in our political and industrial history, at the parting of the ways. The American people will no longer submit to a government of privilege, by privilege, and for privilege.

We might just as well understand that the time has come, in the view of the American people, when there are but two parties—the party of privilege and the party of the people. [Applause on the Democratic side.] And any system that favors the payment of privileges or the extension of the doctrine of Government by privileges is a direct encroachment upon the rights of the people. This whole subsidy scheme is indorsed, recommended, and urged by the standpatters and the priests of high protective tariff.

I have here a letter from the National Association of Manufacturers, giving the resolution which they adopted, and it is signed by such splendid lights as James W. Van Cleave. With such a recommendation this thing goes before the American people. This is a legitimate extension, as the President said in his Seattle speech, of the doctrine of protective tariff. If we are going to protect manufacturers, the miners, and lumber barons, why not protect the steamship companies and make another ally? Every argument that can be used in regard to the payment of subsidies to steamship corporations and as to the amount of business they will produce would apply equally well to hotels, stores, or any other branch of commerce. Why not give encouragement of subsidies to hotels and to shoemakers and to lawyers? If we are going to start on the payment of subsidies, the latter is as good a place to start as any. [Applause on the Democratic side.]

Mr. SMITH of Iowa. The gentleman from Kentucky [Mr. SHERLEY] informs me that he does not desire to use any more of his time. Neither do I, and I call for the reading of the bill.

The Clerk read as follows:

For the protection, preservation, and repair of fortifications for which there may be no special appropriation available, \$300,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. I would like if the chairman of the committee would give some information upon that paragraph. Under what kind of classification would an appropriation of this kind come?

Mr. SMITH of Iowa. That is the general-repair item of the entire seacoast defense of continental United States, but when we make an appropriation for a special matter, for instance, as when the disaster came to Fort St. Philip, we make an appropriation of the amount necessary and fix it, in order to not increase the general appropriation.

Mr. COX of Indiana. In other words, this is a blanket appropriation to cover cases not covered by other appropriations?

Mr. SMITH of Iowa. This is the general-repair item.

The Clerk read as follows:

For purchase and installation of searchlights for the defenses of our most important harbors, \$50,000.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from Iowa [Mr. SMITH] in charge of this bill a question about the paragraph which has just been read:

For purchase and installation of searchlights for the defenses of our most important harbors, \$50,000.

I should like to have the gentleman tell me, if he can, what the committee means by the phrase, "most important harbors." Does that mean those harbors near the cities which are greatest in population, or those harbors having a great commerce?

Mr. SMITH of Iowa. I would not regard either one as coming under this definition.

Mr. SLAYDEN. What do you mean, then, by the "most important harbors?"

Mr. SMITH of Iowa. I would regard the most important harbors as those which are most important from the strategic point of view, without reference to the population of the city or the commerce.

Mr. SLAYDEN. I am very much obliged to the gentleman for his definition. I have been making some inquiry as to the state of the defenses at one of the harbors in this country that I regard as of very great importance, a harbor that is strategically important, and therein meets the standard set up by the gentleman from Iowa; a harbor that is important because of the vastness of its commerce, and that is particularly important now because of its undefended situation.

I have been told by officers connected with the seacoast artillery that in the harbor of Galveston batteries have been erected at a cost of somewhere between \$500,000 and \$1,000,000. I know that barracks are now being erected to accommodate the troops that will ultimately be sent there; but I am told also that the committee, in its wisdom, while granting these large appropriations for these big guns and their emplacement, have denied the smaller appropriations for what might be called, I suppose, the electric features—

Mr. SMITH of Iowa. Accessories?

Mr. SLAYDEN. Accessories—searchlights and machinery of that kind—so that it is impossible to use those guns at night, which is the very time they would be most useful, of course. I hope that the War Department and the administration, when they come to determine what are the most important harbors in this country, will have in mind that this city in Texas, relatively unimportant in population, is one of the very great contributors to the commerce of the country, next to the great city of New York in the value of its exports, helping to preserve the balance of trade to the people of this country; and I hope that hereafter, when there is less pressure against appropriations, the gentleman will see his way clear and appreciate it as his duty to provide adequate protection to the coast of Texas. Galveston, by the way, is the only place on the coast that there is any pretense whatever of protecting by fortifications. That policy may be a tribute to the people of my State. The gentleman from Iowa may feel that they are able to take care of themselves.

Mr. COX of Indiana. They ordinarily are.

Mr. SLAYDEN. They ordinarily are, as my friend from Indiana suggests, but we would like to have a few of the appliances of war against the possibility of being invaded.

Mr. SMITH of Iowa. I want to say, in reply to the gentleman from Texas, that I am somewhat familiar with the money expended at Galveston. It has been my opinion that more money has been spent at Galveston in recent years than in the fortification of any other American port, certainly in proportion to its strategic importance.

Mr. SLAYDEN. But it is not operative.

Mr. SMITH of Iowa. Oh, yes; operative, as a matter of fact.

Mr. SLAYDEN. My information, to the contrary, came from an officer of the coast artillery to-day.

Mr. SMITH of Iowa. And, as a matter of fact, the amount carried for searchlights is the maximum of the estimate this year.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

In the Philippine Islands, \$800,000: *Provided*, That contracts may be entered into, under the direction of the Secretary of War, for materials and work for construction of seacoast batteries in the Philippine Islands, to be paid for as appropriations may from time to time be made by law, for an additional sum not to exceed \$419,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. How much is the Government spending on fortifications in the Philippine Islands?

Mr. SMITH of Iowa. Eight million dollars so far.

Mr. COX of Indiana. How much more is it going to take?

Mr. SMITH of Iowa. It is practically completed.

Mr. COX of Indiana. Does the gentleman believe that this appropriation will complete the fortifications in the Philippines?

Mr. SMITH of Iowa. There will be some accessories, to which the gentleman from Texas has referred, some additional ammunition and a few trifles of that character.

Mr. COX of Indiana. And future repairs?

Mr. SMITH of Iowa. Future repairs, certainly; but the great body of the work is now completed or authorized.

Mr. COX of Indiana. Does not the gentleman believe that it will eventually cost us more in order to prevent the Japs from coming over and taking possession?

Mr. SMITH of Iowa. All this work is being done under the Taft Board, and that board has practically completed all of its work, or it is authorized.

Mr. FOSS. I would like to ask the gentleman a question. How much has been expended for fortifications at Olongapo?

Mr. SMITH of Iowa. I can not give the exact figures. The fortifications at El Grande are the only ones built out of appropriations in this bill. That is an island in the mouth of the channel. The other expenditures have been made out of naval appropriations.

Mr. SHERLEY. And without any direct authorization by Congress.

Mr. FOSS. What has been the amount of fortifications that have been placed at Manila?

Mr. SMITH of Iowa. Very extensive, including nearly all the appropriations expended for the Philippine Islands.

Mr. FOSS. Does the gentleman recollect how much?

Mr. SMITH of Iowa. I can not give the figures separated from the item at El Grande. The whole appropriation has been something over \$8,000,000, and practically all of it has been spent at Manila. I should say, roughly speaking, that perhaps a million dollars has been spent at El Grande.

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

The Clerk read as follows:

For purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$300,000.

Mr. FOSS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee in charge of the bill a question. Is it under this appropriation that powder is purchased by the War Department?

Mr. SMITH of Iowa. For the insular possessions, seacoast cannon.

Mr. FOSS. How much powder do they use?

Mr. SMITH of Iowa. This is not for practice powder; they are appropriated for separately, and this is for the reserve.

Mr. FOSS. What provision of the bill is for the purchase of practice powder?

Mr. SMITH of Iowa. It is covered generally by the appropriation for powder for practice in the body of the bill. It is not for the insular possessions, but for seacoast artillery.

Mr. FOSS. What I want to refer to is this: In the naval bill last year a limit of cost of 64 cents was placed on the price of powder.

Mr. SMITH of Iowa. We are getting it cheaper now.

Mr. FOSS. I want to know whether the committee has taken into consideration a limit of cost.

Mr. SMITH of Iowa. We did not fix it last year in this bill.

Mr. FOSS. No; but some Members of the House on the subcommittee on fortifications had a good deal to do with fixing it in the naval bill, and I see that they have left it out of the fortifications bill, and they left it out last year also. I wanted to ask whether the committee had taken the matter into consideration this year, and whether they considered it was advisable to fix a limit of cost.

Mr. SMITH of Iowa. We did not. The cost last year was slightly below the maximum.

Mr. FOSS. Sixty-three cents.

Mr. SHERLEY. Some of the gentleman's inquiry ought properly to be addressed to the gentleman from Kentucky, as he was somewhat responsible for the limit of cost put on last year.

Mr. FOSS. I thought it would call out something from the gentleman from Kentucky when I addressed myself to the chairman of the committee.

Mr. SHERLEY. If the gentleman desires to know why I did not undertake to put a limitation in this bill, I will say that I believe now, largely as the result of the limitation put on the naval bill, we are getting powder at about what we ought to pay; and whenever I think we are not I will be glad, with the aid of the gentleman from Illinois, to put a further limitation on the price of powder. In point of fact, in order not to do an injustice, I put the price at 64 cents. Subsequent events show that it was ample, because contracts have been entered into at 63 cents.

Mr. FOSS. Does the gentleman think the limitation put on at that time had anything to do with reducing the cost of powder?

Mr. SHERLEY. I think it unquestionably gave to the officers charged with the duty of buying powder a weapon whereby they were enabled to get the contract they did get. It certainly did no harm, and we got a reduction of about 4 cents in the cost of powder.

Mr. FOSS. Is it not a fact that the contract for powder this year was for a very much larger quantity than has heretofore been purchased?

Mr. SHERLEY. That is true.

Mr. FOSS. Was not that the consideration for the reduction in the price of powder?

Mr. SHERLEY. I understand that is one of the reasons given by the powder people; but, as I stated a few moments ago, the fact is that we put the limitation in and we got the reduction. Now, I am perfectly satisfied, whether it was the result of the limitation or not, inasmuch as we saved that much money to the Government.

Mr. FOSS. I wanted to find out the reason why the gentleman does not propose a limit in the cost this year.

Mr. SHERLEY. That is the reason; and there is still another reason, I will be frank to say. The amount of powder authorized to be purchased in the naval bill is very much larger than that in the fortifications bill. It is apparent that if a limitation is put on the price in the naval bill that that price will necessarily control the price paid under these other appropriations, and if a fight is necessary to be made on that, it seems to me the proper time to make it would be when the naval bill is up.

Mr. FOSS. It seems to me if a limit of cost is to be placed on one bill, it should be placed on all.

Mr. SHERLEY. There is no reason why it should not, and, in point of fact, the gentleman from Kentucky was very willing to put it on the fortifications bill last year, and thought that it was going to be acquiesced in by the gentleman from Iowa [Mr. SMITH], but the gentleman from Iowa, desiring to state his case, became so enthused in the statement of the case that he was able to lead the majority of the House into the acceptance of his position.

Mr. FOSS. Under the provisions of this bill how much powder does the Government purchase?

Mr. SHERLEY. I can not answer that offhand.

Mr. FOSS. How many pounds in round numbers?

Mr. SHERLEY. I would have to refer to the hearings.

Mr. SMITH of Iowa. It is not possible to tell, because this money is appropriated for powder and projectiles jointly. There is nothing in the hearings to show how much is for projectiles and how much for powder.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Foss] has expired.

Mr. SHERLEY. I ask unanimous consent that he may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. I will say to the gentleman that he will find some testimony in the hearings here as to the cost of mak-

ing powder for the Government, the powder made by the War Department, and it throws quite a flood of light on the price that we should pay for the powder.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Kentucky a question or two. He seems to be very familiar with this question of the cost of powder, at least with the limitations that have been placed upon it. I would like to know if it is a fact that in their proposals to supply the Government the powder manufacturers have not made their price conditioned on the amount to be taken?

Mr. SHERLEY. I understand they have made a sliding scale in which they ask a certain price for a given quantity and a less price for a larger quantity.

Mr. SLAYDEN. Rapidly decreasing in price as the amount to be purchased goes up.

Mr. SHERLEY. That is true; and in that connection I desire to say that my own view as to the manufacture of powder by the Government and the purchase of powder by the Government is this: That the Government of the United States should not undertake to manufacture all of the powder that it needs; that it ought to keep in existence commercial companies prepared to furnish a very large amount of that powder; but that the Government should have plants where some powder is made, not only because of the instruction that it gives to army officers and others in the service in the making of powder—of its character and of its quality—but also to act as a brake upon the price that may be charged by the commercial companies, and then to have a large reserve capacity in those powder plants of the Government, so that in case of war and the need of a great quantity of powder the Government could, with the commercial companies, supply the necessary amount. That, to my mind, is the proper attitude that the Government should take. I have never undertaken to prevent the Government's buying powder from the powder companies, and even if I believed that the manufacture of commercial powder was absolutely monopolized I would not be willing that the Government should make all of its powder and buy none of theirs.

I would use every power of the Government to destroy that monopoly and bring about a proper competition in the commercial manufacture of powder, but I would not cripple the Government and risk the safety of it by driving out of existence the making of the powder used by the Government and which is, as to certain powders, distinct from that used in commercial life; and I was the instrument somewhat in putting a limitation upon the price of powder last year in the navy bill, because I then and now believe the price we were then paying was greater than we should pay, and inasmuch as we are now getting powder for about 4 cents less than then, it would seem that my judgment had been justified by the facts.

Mr. SLAYDEN. Mr. Chairman, I am glad to hear the gentleman from Kentucky state his position on this question, which he does with unusual clearness and conciseness—

Mr. MANN. With his usual clearness and conciseness.

Mr. SLAYDEN. With his usual and with unusual conciseness. It coincides exactly with my views, and what he states as facts coincides exactly with the information I have received. My limited field of observation and investigation has convinced me that we are now getting powder at a fairly reasonable price. It would be most unfortunate, in my judgment, for us to put the manufacturers out of business. I am opposed to it, and I venture to say this much, because during that period in the life of an earlier Congress when we were all more or less exercised by the charges of monopoly against powder manufacturers, I myself introduced a bill to establish a powder plant for the army. I think it has served a useful purpose, but I hope that the time will not come when the Government will undertake to manufacture all of its powder, because if it should ever happen that we have to engage in a great war we would find ourselves, as my friend Charlie Edwards says, "in the middle of a bad fix."

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

That all material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Mr. SLAYDEN. Mr. Chairman, I move to strike out lines 9 to 14, inclusive.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 8, strike out lines 9 to 14, inclusive.

Mr. SLAYDEN. Mr. Chairman, in this matter, as in others, I believe we ought to broaden the field of operation whenever we can in the interest of all the people.

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

The question was taken, and the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. SMITH of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. DIEKEMA, 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. 17500) making appropriations for fortifications, etc., and had directed him to report the same back to the House without amendment with the recommendation that the bill do pass.

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

A motion of Mr. SMITH of Iowa to reconsider the vote by which the bill was passed was, on his motion, laid on the table.

MESSAGE FROM THE PRESIDENT—BOARD OF DIRECTORS OF THE PANAMA RAILROAD COMPANY.

The SPEAKER laid before the House the following message from the President of the United States, which was read (H. Doc. 529), referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

The message is as follows:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the sixtieth annual report of the board of directors of the Panama Railroad Company for the year ended June 30, 1909.

WM. H. TAFT.

THE WHITE HOUSE, January 13, 1910.

INTRODUCTION OF CERTAIN BILLS AND PETITIONS.

Mr. SHEFFIELD. Mr. Speaker, I ask unanimous consent to introduce certain bills and petitions for the purpose of reference to the proper committees in the name and on behalf of my colleague [Mr. CAPRON], who is unable to be present.

The SPEAKER. The Representative from Rhode Island is sick and unable to be present?

Mr. SHEFFIELD. Yes.

The SPEAKER. The gentleman from Rhode Island, on behalf of his colleague, asks unanimous consent that at this time he may introduce certain bills and petitions, as his colleague is ill and unable to be here. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, what are the bills and petitions?

The SPEAKER. The Chair is not informed, but the Clerk will read—

Mr. UNDERWOOD. I do not ask to have them all read, but I would like to know the subject-matter to which they relate.

The SPEAKER. The Chair understands they are all pension bills except one.

Mr. UNDERWOOD. I have no objection.

The SPEAKER. The Chair hears no objection.

STENOGRAPHER TO COMMITTEE ON WAR CLAIMS.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to present a privileged resolution (H. Rept. 133).

The SPEAKER. The gentleman from Georgia presents a privileged resolution (H. Res. 227), which the Clerk will report.

The Clerk read as follows:

House resolution 227.

Resolved, That there shall be paid out of the contingent fund of the House, for the services of a stenographer to the Committee on War Claims during the sessions of the Sixty-first Congress, compensation at the rate of \$75 per month, payment to commence from the time said stenographer entered upon the discharge of his duties, which shall be ascertained and evidenced by the chairman of said committee.

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

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

Mr. PARKER. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman from New Jersey demands the regular order, which is the call of committees.

Mr. BURKE of South Dakota. Mr. Speaker, I would suggest the absence of a quorum.

Mr. PAYNE. It seems to be very evident that there is not a quorum here.

Mr. BURKE of South Dakota. For a moment I withdraw the point. I desire to ask unanimous consent that the Committee on Indian Affairs may be passed without prejudice.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that on the call of committees the Committee on Indian Affairs be passed without prejudice.

Mr. UNDERWOOD. I do not like to object to the gentleman's request, but I think it is a bad practice to pass any committee without prejudice, because the one object of this call is to allow the Members of the House to know where the call rests, so that we could be informed as to what business we are going to do. And if we get into the habit of passing committees now, if we are going to have a call of committees by request, we will never know where the call rests.

Mr. BURKE of South Dakota. I hope the gentleman will not object in this instance. I would not have asked this if we could have anticipated the ruling yesterday.

Mr. HENRY of Texas. What was the request?

Mr. BURKE of South Dakota. That the Committee on Indian Affairs may be passed without prejudice.

Mr. GAINES. What is the request?

The SPEAKER. The call rests on the Committee on Indian Affairs. The request of the gentleman from South Dakota [Mr. BURKE] is that the Committee on Indian Affairs be passed without prejudice.

Mr. UNDERWOOD. Mr. Speaker, I must insist that the gentleman conform to the rule. It is nothing but fair to the House that every committee should have its show. If the gentleman has anything he wants to bring up, the House is here to consider it.

Mr. BURKE of South Dakota. Then, Mr. Speaker, I must make the point of no quorum.

The SPEAKER. The Chair would suggest to the gentleman that he withhold the point for a moment.

Mr. BURKE of South Dakota. I will.

The SPEAKER. Having entered on the call of committees, it seems to the Chair it could not be dispensed with without unanimous consent. The Chair would have recognized the gentleman from West Virginia, the chairman of the Committee on Accounts, who informed the Chair this morning that he had some reports of that committee which are privileged, and he gave way at the request of the gentleman from Iowa [Mr. SMITH] to call up a privileged bill, namely, the fortification bill.

Mr. BURKE of South Dakota. Then I withdraw the point.

The SPEAKER. If there be no objection, the Chair will recognize the gentleman from West Virginia for a privileged report.

There was no objection.

#### STENOGRAPHER TO COMMITTEE ON INVALID PENSIONS.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to offer the following privileged resolution, which I send to the Clerk's desk (H. Rept. 132).

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 157.

*Resolved*, That there shall be paid out of the contingent fund of the House of Representatives for the services of an additional stenographer to the Committee on Invalid Pensions for the sessions of the Sixty-first Congress compensation at the rate of \$100 per month.

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

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

#### MESSENGERS TO COMMITTEES.

Mr. HUGHES of West Virginia. Mr. Speaker, I also desire to offer the following resolution (H. Rept. 140).

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 228, in lieu of resolutions 143, 144, 145, and 147.

*Resolved*, That there shall be paid from the contingent fund of the House compensation at the rate of \$60 per month during the sessions of the Sixty-first Congress for the services of seven messengers, who shall also perform janitor duty in the rooms of committees in the House wing of the Capitol, their pay to commence from the time they entered upon the discharge of their duties, but in no case prior to December 6, 1909, which shall be ascertained and evidenced by the certificate of the chairmen of the first-named committees, who shall also appoint said messengers, to wit:

One to the Committee on Reform in the Civil Service and the Committee on Levees and Improvements in the Mississippi River;

One to the Committee on Coinage, Weights, and Measures and the Committee on Expenditures in the State Department;

One to the Committee on Expenditures in the Department of Commerce and Labor and the Committee on Expenditures in the Department of Agriculture;

One to the Committee on Manufactures and the Committee on Expenditures in the Treasury Department;

One to the Committee on Railways and Canals and the Committee on Mines and Mining;

One to the Committee on Pacific Railroads and the Committee on Expenditures in the War Department; and

One to the Committee on Education and the Committee on Private Land Claims.

Mr. COX of Indiana. I should like to ask the gentleman a question. Are these new employees, or are they employees who have heretofore been engaged in this messenger service?

Mr. HUGHES of West Virginia. These are not new employees, but men who have been employed heretofore.

Mr. COX of Indiana. Are they already on the pay roll?

Mr. HUGHES of West Virginia. They are not now on the pay roll.

Mr. COX of Indiana. How long have they been employed?

Mr. HUGHES of West Virginia. They have been on the pay roll at previous sessions of Congress for some years back.

Mr. COX of Indiana. What is the purpose of this resolution?

Mr. ROBERTS. They are session janitors.

Mr. BARTLETT of Georgia. They are not on the pay roll now, and can only get there by this resolution.

Mr. ROBERTS. Mr. Speaker, I desire to offer the following amendment.

Mr. HUGHES of West Virginia. I yield to the gentleman from Massachusetts.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Strike out the word "seven" and insert in place thereof the word "eight." Strike out the words "and the Committee on Private Land Claims," and insert in place thereof the words "one to the Committee on Private Land Claims."

Mr. ROBERTS. Will the gentleman from West Virginia yield to me a few moments for an explanation?

Mr. HUGHES of West Virginia. How much time does the gentleman desire?

Mr. ROBERTS. I should say not over five minutes.

Mr. BARTLETT of Georgia. Does the gentleman from West Virginia yield to the gentleman from Massachusetts to make an amendment to the committee resolution?

Mr. HUGHES of West Virginia. Yes.

The SPEAKER. The gentleman from Massachusetts [Mr. ROBERTS], having offered an amendment, is entitled to the floor.

Mr. HUGHES of West Virginia. I yield to the gentleman from Massachusetts five minutes.

The SPEAKER. The gentleman has time in his own right.

Mr. ROBERTS. Mr. Speaker, the purpose of this amendment is to provide the Committee on Private Land Claims with a messenger-janitor. In the Sixtieth Congress, and I believe prior Congresses, this committee had a messenger-janitor, but during the life of the Sixtieth Congress, when the Office Building was thrown open for occupation, the Committee on Private Land Claims, with a number of other committees, was transferred from the Capitol building to the House Office Building, those committees taking with them their janitors. During the special session of this Congress a resolution was passed by the House providing a messenger-janitor service for the 13 House committees that were left in the Capitol building. There were seven messenger-janitors provided for those 13 committees. No provision whatever was made for the Committee on Private Land Claims, for two reasons: One, presumably, that the committee was then located in the House Office Building, and, second, that the committee had not been appointed.

During this session of Congress the Committee on Private Land Claims has been moved back into the Capitol building. Now, when the Committee on Accounts is providing messenger-janitor service for the committees in the Capitol building at this session, it finds one additional committee, the Committee on Private Land Claims, but it makes no additional provision for messenger-janitor service, coupling that committee up with a committee that heretofore has had a messenger-janitor of its own, located here in the Capitol building, but at a considerable distance from the rooms of the Committee on Private Land Claims.

The Committee on Private Land Claims have two rooms assigned to them in this building. It is necessary for all the committees located here in the Capitol to have messenger service in addition to the janitor service, for the reason that we have no mail deliveries to committee rooms in the Capitol building, and each committee must send over to the House Office Building at least five times each day to get mail; in addition, there is need for the services of a messenger to send over the outgoing mail. It seems to me the House should take into consideration the distinction which exists between the minor committees of the House included in this resolution. There are 14 of them. Some of these committees are moribund—have no meetings, have no bills referred to them. The Committee on Private Land Claims is not the most active committee in this House, but it is a live committee, in that it has bills referred to it. It now has quite a number of bills pending upon which Members are pressing for committee action. It is not a dead committee.

Mr. LLOYD. I would like to ask the gentleman a question.

Mr. ROBERTS. I will yield to the gentleman.

Mr. LLOYD. Has there been any bill reported from this Committee on Private Land Claims within the last two years?

Mr. ROBERTS. I can not say; I only came onto the committee in this Congress.

Mr. LLOYD. Does the gentleman ever remember hearing of a bill being presented to Congress from this Committee on Private Land Claims since he has been here?

Mr. ROBERTS. Oh, yes; I can refer the gentleman to a number. I think in the Sixtieth Congress there was not much activity on the part of the committee. I have in mind a particular bill referred to a subcommittee in that Congress of which the late lamented Mr. Cushman was chairman. He had investigated it thoroughly and drawn a favorable report on the bill which would have been submitted except for his death. I want to say now that that bill is being pushed by the Member who introduced it, but unfortunately all of the original papers were turned over to Mr. Cushman and can not now be found, and the bill is being delayed until the original evidence can be produced.

Mr. LLOYD. And because of the fact that a bill is pending which is likely to be reported to Congress it becomes necessary that the committee should have a janitor?

Mr. ROBERTS. No; the gentleman misunderstands me. He wanted to know if I could cite an instance of that committee doing any business in the past Congress, and I cited this as an instance.

Mr. LLOYD. I asked the gentleman to cite an instance where a bill has been reported to the House and acted upon as coming from that committee.

Mr. ROBERTS. If the gentleman will give me access to the records and time I can cite many instances where bills have been reported favorably to the House and acted upon.

Mr. LLOYD. In the last Congress?

Mr. ROBERTS. I can not say; I was not on the committee in the last Congress.

Mr. LLOYD. I take it that if a messenger or a janitor is provided for this committee there will be no trouble in finding one bill to be reported to the present Congress?

Mr. ROBERTS. The gentleman is not stating the case fairly, or else he did not hear what I said. I stated that there were eight or ten bills now before the committee upon which Members of this House are pressing for hearings. They will be given a hearing, and there will be some kind of a report on these bills, favorable or otherwise. A meeting is called for next Monday, and every Member who has a bill before that committee will be notified to appear, and his bill will be taken up, and there will be a report made on it.

Mr. LLOYD. I do not understand, however, that that proves the necessity for a messenger for the committee, simply because the committee is going to have hearings next month.

Mr. ROBERTS. It does prove this: That the committee is not like some of those included in the resolution, which never have a meeting and never have hearings.

Mr. HARRISON. Will the gentleman state what committees he refers to?

Mr. ROBERTS. The gentleman knows those committees as well as I do.

Mr. HARRISON. The gentleman ought to be fair. He has twice made that statement, and has stated that there were in this resolution moribund committees. And now the gentleman ought to state what those moribund committees are.

Mr. ROBERTS. Some gentleman says the Committee on Ventilation and Acoustics—

Mr. MANN. The Committee on Ventilation and Acoustics under its new chairman is doing good work. While they do not have bills referred to them, the chairman is doing active and important work in this House which is much needed.

Mr. ROBERTS. I think so; but perhaps the necessity for a messenger and janitor would not be as great as it would for committees that have hearings, that have to send to the document room for papers, as every active committee does.

Mr. BARTLETT of Georgia. I would like to ask the gentleman a question.

Mr. ROBERTS. I will yield.

Mr. BARTLETT of Georgia. Will not the effect of this be to give the gentleman's Committee on Private Land Claims a janitor alone for that room?

Mr. ROBERTS. That is the very purpose of the amendment.

Mr. BARTLETT of Georgia. While there are other committees, like that of Expenditures in the Treasury Department, now actively at work, of which the gentleman from Connecticut [Mr. HILL] is chairman, having hearings, and he has to have

a janitor in connection with someone else. The gentleman's amendment gives him one janitor for his room, while other committees, like those presided over by Mr. HILL, Mr. BOUTELL, Mr. FOSTER, and others, have to have a janitor in connection with someone else.

Mr. ROBERTS. I want to say that it has been reported to me that some chairmen of those committees have no desire for a janitor. They simply want a janitor to sweep out the rooms.

Mr. HARRISON. Which ones does the gentleman refer to?

Mr. ROBERTS. It is not fair for the gentleman to ask me to make these invidious comparisons.

Now, I want to say this to the Members of the House, Mr. Speaker. The committee of which I am the chairman has in years past had a messenger-janitor. I have been paying out of my own pocket for the services of a messenger-janitor since I have been the chairman of the committee. If the House in its wisdom thinks the expense is too great, a matter of two or three hundred dollars in the long session and half of that amount in the short session, for the proper transaction of the business of one of its committees, let them vote my amendment down, and I can continue to pay for the services of a messenger-janitor, as I have heretofore. It will not break me, and if the House will not give what I believe is proper service for the committee of which I am the chairman, then I will cheerfully pay the bill myself, but the committee is going to have that service.

Mr. SABATH. Will the gentleman yield?

Mr. ROBERTS. I yield for a question.

Mr. SABATH. Will the gentleman inform me what the duties of the janitors are—the great army of janitors which we have now on the pay roll—if the gentleman is obliged to pay out of his own pocket for services of a janitor?

Mr. ROBERTS. I can only say that if a committee room is located in the House Office Building and does not have an annual janitor, it is supposed to have its janitor service—that is, its charwoman service—performed by the charwoman force in the House Office Building. If a committee is located in the Capitol building and has no janitor of its own, it gets no janitor service unless the chairman of the committee pays for it himself. In other words, there is no force of janitors in the Capitol building whose duty it is to take care of the committee rooms.

Mr. SABATH. What are their duties? We have a long list of janitors on the pay roll.

Mr. ROBERTS. If the gentleman will pardon me—and not intending to be discourteous in the least degree—I would refer him to those who have charge of those janitors. I do not know what their duties are. I know, as he does, that we have janitors, and I presume they are supposed to take care of the open spaces and the various rooms of the House employees, but not the committee rooms.

I now yield the balance of my time to the gentleman from West Virginia [Mr. HUGHES].

Mr. BARTLETT of Georgia. Mr. Speaker, the gentleman can not do that. The gentleman had obtained the floor in his own right, as I understood the Speaker to rule.

The SPEAKER. If the gentleman, having an hour, yielded back the remainder of his time, or yielded the remainder of his time to any Member, that Member would be entitled to it; but if he did not, then some other Member would be recognized.

Mr. BARTLETT of Georgia. A parliamentary inquiry, Mr. Speaker. I understand the chairman of the committee, the gentleman from West Virginia [Mr. HUGHES], yielded to the gentleman from Massachusetts to make an amendment, and thereby the Speaker ruled that he yielded the floor.

The SPEAKER. That is true.

Mr. BARTLETT of Georgia. The gentleman from Massachusetts is through and he can reserve his time or he can yield it to any other gentleman.

The SPEAKER. Precisely.

Mr. ROBERTS. I will state, Mr. Speaker, that I yielded my time, the balance of it, to the chairman of the Committee on Accounts.

Mr. HUGHES of West Virginia. Mr. Speaker, if the gentleman from Georgia wants some time, I would be very glad to yield it to him.

Mr. BARTLETT of Georgia. But I want to be recognized in my own right.

The SPEAKER. The Chair can not do that as long as some other Member has a prior right to the floor. When the hour has expired, the Chair will be glad to recognize the gentleman.

Mr. HUGHES of West Virginia. Mr. Speaker, I assumed the floor in my own right. The gentleman from Massachusetts having yielded back to me the time that he had, I state that I

will be very glad to yield such time as the gentleman from Georgia desires.

The SPEAKER. Let us get this thing as it is. The gentleman yielded the floor when he yielded to the gentleman from Massachusetts to offer an amendment. Then the gentleman from Massachusetts had one hour. The gentleman from Massachusetts states that he yielded the remainder of that hour to the gentleman from West Virginia, so that the gentleman would have fifty minutes on the amendment; but if there is to be a fresh recognition, and the gentleman from Georgia is opposed to the amendment, and the gentleman from West Virginia is not, the Chair would recognize the gentleman from Georgia. The gentleman from West Virginia, however, is entitled to fifty minutes if he desires to use that time.

Mr. HUGHES of West Virginia. Mr. Speaker, I do not desire to take up the time of the House for the fifty minutes, because I do not think it is necessary. What I am perfectly willing to do is for the gentleman from Georgia to take the floor in his own right or in any other way that he desires; and if he does not care to do that, then I want to move the previous question.

Mr. BARTLETT of Georgia. I am perfectly willing to take time from my friend. I just want to clear up the situation.

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Georgia?

Mr. HUGHES of West Virginia. How much time? I am willing to fix it any way the gentleman wants it.

Mr. BARTLETT of Georgia. A parliamentary inquiry, Mr. Speaker. Is there any limit to the subletting of time in the House?

The SPEAKER. Yes; limited to an hour.

Mr. BARTLETT of Georgia. I understood if time was yielded to a gentleman, he could not sublet it. Now, we have it here yielded back and forward, and I would like to inquire of the Chair to what extent and down to what limit that can be done.

The SPEAKER. The gentleman has not asked the previous question, so that question does not arise. As the Chair understood, the gentleman from Georgia asked the gentleman from West Virginia to yield him time, and the Chair understood the gentleman from West Virginia to yield—

Mr. BARTLETT of Georgia. I understood—

Mr. SHERLEY. Mr. Speaker, I make the point the gentleman from West Virginia has no time to yield. He has been yielded time to use, and he has to use it or surrender the floor.

The SPEAKER. The Chair was under the impression, growing out of the usual practice, that the gentleman from West Virginia could yield time that had been yielded to him, but that practice may be one that prevails by sufferance of the House. The Chair will have the precedents examined to see. The Chair finds the following decision:

A Member who receives time in debate from another may yield to a third only with the consent of the original possessor.

Mr. ROBERTS. Mr. Speaker, I will consent to that yielding.

Mr. HUGHES of West Virginia. Now, with the consent of the gentleman from Massachusetts, I yield to the gentleman from Georgia fifty minutes.

Mr. ROBERTS. Mr. Speaker, I freely consent.

Mr. BARTLETT of Georgia. Mr. Speaker, this amendment offered by the gentleman from Massachusetts ought not to pass. The committee has reported providing for 7 janitors for the purpose of taking care of 14 rooms in this Capitol building. There is no charwoman service nor any janitor service for those rooms in that building, and unless this resolution is passed there will be none. But the gentleman from Massachusetts now insists there shall be another, and that his committee alone, out of the 14 committees, shall have a separate janitor. Now, I am very fond of the gentleman from Massachusetts and would like to do anything to accommodate him personally, but I do not see why a distinction should be made between he and the other chairmen of committees, or that he should have a janitor and a messenger to serve his committee alone, in preference to all the others, when that committee has not done any more work than other committees that are to be served by these 7 janitors, at least that is my impression. I do not see any reason, nor has there been any stated by the gentleman from Massachusetts, why the Committee on Private Land Claims should have a janitor alone in preference to any other committee. We know that the Committee on Expenditures in the Treasury Department, the Committee on Expenditures in the Department of Commerce and Labor, and others have at the last session done, and are now doing, very important work.

I do not gainsay that my friend from Massachusetts will himself be engaged on important work before the session is

over or that he is not now doing important work. I am not familiar, but I have not seen evidences of it, but we have evidences of the work done by some committees that are called "moribund committees" by the gentleman from Massachusetts.

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

Mr. BARTLETT of Georgia. Certainly.

Mr. COX of Indiana. I believe the gentleman is on the Committee on Accounts?

Mr. BARTLETT of Georgia. Yes.

Mr. COX of Indiana. Can the gentleman inform the House how many janitors there are around the Capitol building and around the various committees here and over in the Office Building?

Mr. BARTLETT of Georgia. There are no janitors in the Office Building except janitors to such committees as the Committee on Ways and Means and that class of committees, which service is carried in the legislative, executive, and judicial appropriation bill. I can send to the committee room and get a list. Of course I can not remember them offhand.

Mr. COX of Indiana. Could you approximate the number on the pay roll?

Mr. BARTLETT of Georgia. I can not. There are no janitors on the pay roll for any committee in this building, nor is there any janitor service in the Office Building except those provided for in the appropriation bill, as I have stated. The committee rooms in the Office Building not provided with janitor service in the current law are taken care of by charwomen.

Mr. SABATH. Will the gentleman yield?

Mr. BARTLETT of Georgia. Yes.

Mr. SABATH. What are the titles of these gentlemen who are in the Office Building, sitting in the chairs in the hallways? There is quite a large number of them. What offices do they hold?

Mr. BARTLETT of Georgia. Those who are uniformed are policemen.

Mr. SABATH. And then those who have no uniforms on?

Mr. BARTLETT of Georgia. I do not know that I have seen any gentlemen sitting around there without uniforms.

Mr. SABATH. I see a lot of men sitting around there in different halls in the new Office Building.

Mr. STEPHENS of Texas. I desire to ask the gentleman from Georgia the necessity for a clerk in the Committee on Expenditures in the Department of Justice.

Mr. BARTLETT of Georgia. This is not a question of clerks.

Mr. STEPHENS of Texas. The committee has never had a bill, and I would be glad to know why they need a clerk. Does not the gentleman's committee have the control of such expenditures?

Mr. MANN. The chairman of that committee is ill—

Mr. STEPHENS of Texas. He was not ill last year. I have been raising this question for five years.

Mr. BARTLETT of Georgia. The Committee on Accounts has not been providing any clerk for that committee. They have not got one now, and this resolution does not provide for one.

Mr. BUTLER. If this amendment is not adopted, how will the Committee on Private Land Claims obtain the services of a janitor?

Mr. HUGHES of West Virginia. The resolution provides for a janitor for the Committee on Education and the Committee on Private Land Claims. They are coupled together.

Mr. HARDWICK. Will the gentleman yield for one question?

Mr. HUGHES of West Virginia. Certainly.

Mr. HARDWICK. Before we vote on this amendment I want to know from the chairman whether the gentleman from Massachusetts [Mr. ROBERTS] and this other committee are entitled to twice as much janitor service as these other committees?

Mr. HUGHES of West Virginia. The only answer I can make in regard to that is that the Committee on Accounts could not see its way clear to increase the number of messenger-janitors over the number authorized at the last session, so as to provide one for the Committee on Private Land Claims other than in the manner provided for in the pending resolution.

Mr. HARDWICK. You are against the amendment, then?

Mr. HUGHES of West Virginia. The gentleman has heard my statement.

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

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. ROBERTS. Division, Mr. Speaker.

The House divided; and there were—ayes 32, noes 70.

So the amendment was rejected.

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

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HUGHES of West Virginia. Division, Mr. Speaker.

The House divided; and there were—ayes 82, noes 62.

Mr. JAMES. I make the point of no quorum, Mr. Speaker.

The SPEAKER. There is evidently no quorum present. The Doorkeeper will close the doors, the Sergeant-at-Arms will bring in absentees—

Mr. PAYNE. Mr. Speaker, I think this will go over to another day, and I move that the House do now adjourn.

Mr. JAMES. Mr. Speaker, I withdraw the point of no quorum.

Mr. PAYNE. Then, Mr. Speaker, I withdraw the motion to adjourn.

The SPEAKER. The ayes have it, and the resolution is agreed to. The Doorkeeper will open the doors.

Mr. FITZGERALD. The Chair has announced that there is no quorum. Can the House then do business?

The SPEAKER. The Chair stands corrected. The Chair has found that there is no quorum present. The Doorkeeper will close the doors.

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

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PAYNE and Mr. SHERLEY demanded a division.

The House divided; and there were—ayes 67, noes 78.

Accordingly the House refused to adjourn.

The SPEAKER. The Doorkeeper will close the doors and the Sergeant-at-Arms will bring in absentees. As many as are in favor of agreeing to the resolution will, as their names are called, answer "aye," those opposed will answer "no," those not voting will answer "present," and the Clerk will call the roll.

The question was taken; and there were—ayes 165, noes 102, answered "present" 9, not voting 111, as follows:

#### YEAS—165.

Allen	Elvins	Kinkaid, Nebr.	Palmer, H. W.
Ames	Englebright	Knapp	Parker
Austin	Esch	Knowland	Payne
Barchfield	Fassett	Kopp	Perkins
Bartlett, Ga.	Flood, Va.	Kronmiller	Plumley
Bartlett, Nev.	Focht	Lafean	Pratt
Bates	Fordney	Langham	Pray
Bennet, N. Y.	Foss	Langley	Prince
Bennett, Ky.	Foster, Vt.	Law	Reeder
Bingham	Foulkrod	Lawrence	Roberts
Boohar	Fuller	Lenroot	Sheffield
Boutell	Gaines	Livingston	Simmons
Bradley	Gillet	Loud	Smith, Cal.
Brownlow	Glass	Lundin	Smith, Iowa
Burke, Pa.	Goulden	McCall	Smith, Mich.
Burke, S. Dak.	Graft	McCreary	Southwick
Butler	Graham, Pa.	McCredie	Sperry
Calder	Grant	McGuire, Okla.	Stafford
Cassidy	Greene	McKinley, Ill.	Steenerson
Chapman	Hamer	McKinney	Sterling
Clark, Fla.	Hamilton	McLachlan, Cal.	Sulloway
Cocks, N. Y.	Hanna	McMorrann	Sulzer
Cook	Hardwick	Madden	Swasey
Cooper, Wis.	Hay	Malby	Taylor, Ala.
Coudrey	Hayes	Mann	Tener
Cowles	Henry, Conn.	Martin, S. Dak.	Thistlewood
Creager	Higgins	Miller, Kans.	Thomas, Ohio
Crow	Hill	Miller, Minn.	Tirrell
Crumpacker	Hinschaw	Millington	Townsend
Davidson	Hollingsworth	Mondell	Volstead
Davis	Howell, Utah	Moon, Pa.	Wagland
Dawson	Howland	Moore, Pa.	Wanger
Denby	Hubbard, W. Va.	Morehead	Washburn
Dickema	Huff	Morgan, Mo.	Weeks
Dodds	Hughes, W. Va.	Morgan, Okla.	Wheeler
Douglas	Hull, Iowa	Morse	Wiley
Draper	Johnson, Ohio	Moxley	Wood, N. J.
Driscoll, D. A.	Joyce	Murphy	Woodyard
Durey	Keifer	Needham	Young, Mich.
Dwight	Kendall	Nelson	
Edwards, Ky.	Kennedy, Iowa	Olcott	
Ellis	Kennedy, Ohio	Olmsted	

#### NAYS—102.

Adair	Candler	Ellerbe	Hardy
Adamson	Cline	Ferris	Harrison
Aiken	Collier	Fitzgerald	Haugen
Alexander, Mo.	Conry	Floyd, Ark.	Hefflin
Anderson	Cox, Ind.	Gallagher	Helm
Ansberry	Craig	Garner, Tex.	Henry, Tex.
Barnhart	Cravens	Garrett	Hitchcock
Beall, Tex.	Cullop	Gillespie	Houston
Bell, Ga.	Dent	Gilmore	Howard
Boehne	Denver	Godwin	Hubbard, Iowa
Borland	Dickson, Miss.	Gordon	Hull, Tenn.
Bowers	Dies	Graham, Ill.	Humphreys, Miss.
Burgess	Dixon, Ind.	Gronna	James
Byrns	Edwards, Ga.	Hammond	Jones

Kitchin  
Korby  
Lamb  
Latta  
Lee  
Lindbergh  
Lloyd  
Macon  
Maguire, Nebr.  
Martin, Colo.  
Mays  
Moon, Tenn.

Morrison  
Moss  
Murdock  
Nicholls  
Oldfield  
Padgett  
Page  
Palmer, A. M.  
Peters  
Raney  
Randell, Tex.  
Rauch

Reid  
Richardson  
Robinson  
Rucker, Colo.  
Russell  
Sabath  
Shackelford  
Sheppard  
Sherley  
Sherwood  
Slayden  
Smith, Tex.

Stephens, Tex.  
Talbot  
Thomas, Ky.  
Thomas, N. C.  
Tou Velle  
Underwood  
Watkins  
Webb  
Wickliffe  
Wilson, Pa.

#### ANSWERED "PRESENT"—9.

Andrus  
Burnett  
Carter

Cary  
Currier

Fornes  
Foster, Ill.

Goebel  
McDermott

#### NOT VOTING—111.

Alexander, N. Y.  
Anthony  
Ashbrook  
Barclay  
Barnard  
Bartholdt  
Brantley  
Broussard  
Burleigh  
Burleson  
Byrd  
Calderhead  
Campbell  
Cantrill  
Capron  
Carlin  
Clark, Mo.  
Clayton  
Cole  
Cooper, Pa.  
Covington  
Cox, Ohio  
Dalzell  
Driscoll, M. E.  
Estopinal  
Fairchild  
Finley  
Fish

Foelker  
Fowler  
Gardner, Mass.  
Gardner, Mich.  
Gardner, N. J.  
Garner, Pa.  
Gill, Md.  
Gill, Mo.  
Goldfogle  
Good  
Gregg  
Griest  
Guernsey  
Hamill  
Hamlin  
Hawley  
Heald  
Hobson  
Howell, N. J.  
Hughes, Ga.  
Hughes, N. J.  
Humphrey, Wash.  
Jamieson  
Johnson, Ky.  
Johnson, S. C.  
Kahn  
Kellher  
Kinkead, N. J.

Küstermann  
Legare  
Lever  
Lindsay  
Longworth  
Loudenslager  
Lovering  
Lowden  
McHenry  
McKinlay, Cal.  
McLaughlin, Mich.  
Madison  
Maynard  
Moore, Tex.  
Mudd  
Norris  
Nye  
O'Connell  
Parsons  
Patterson  
Pearre  
Pickett  
Poindexter  
Pou  
Pujo  
Ransdell, La.  
Reynolds  
Rhinoek

Riordan  
Rodenberg  
Rothermel  
Rucker, Mo.  
Saunders  
Scott  
Sharp  
Sims  
Slisson  
Slemp  
Small  
Snapp  
Sparkman  
Spight  
Stanley  
Stevens, Minn.  
Sturgiss  
Tawney  
Taylor, Colo.  
Taylor, Ohio  
Tilson  
Wallace  
Weisse  
Willett  
Wilson, Ill.  
Woods, Iowa  
Young, N. Y.

So the resolution was agreed to.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. ANDRUS with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Mr. YOUNG of New York with Mr. FORNES.

Until further notice:

Mr. MCKINLAY of California with Mr. BARTLETT of Nevada.

Mr. SLEMP with Mr. JONES of Virginia.

Mr. LOWDEN with Mr. FOSTER of Illinois.

Mr. BARTHOLDT with Mr. CLAYTON.

Mr. BURLEIGH with Mr. COVINGTON.

Mr. FAIRCHILD with Mr. GREGG.

Mr. GARDNER of New Jersey with Mr. HUGHES of Georgia.

Mr. GRIEST with Mr. SIMS.

Mr. STURGISS with Mr. SPARKMAN.

Until January 15, 1910:

Mr. DALZELL with Mr. CLARK of Missouri.

Until January 16, 1910:

Mr. TILSON with Mr. CANTRILL.

Until January 18, 1910:

Mr. FOELKER with Mr. GOLDFOGLE.

Until February 4, 1910:

Mr. KAHN with Mr. CARTER.

For this day:

Mr. REYNOLDS with Mr. KINKEAD of New Jersey.

Mr. HOWELL of New Jersey with Mr. BURNETT.

Mr. CURRIER. Mr. Speaker, I heard a pair announced between myself and the gentleman from South Carolina [Mr. FINLEY]. I desire to change my vote to "present."

The Clerk called the name of Mr. CURRIER, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MALBY). A quorum is present. The Doorkeeper will open the doors.

#### S. P. HOWELL.

Mr. HUGHES of West Virginia. Mr. Speaker, I offer the following privileged resolution (H. Rept. 137).

The Clerk read as follows:

#### House resolution 186.

Resolved, That there shall be paid out of the contingent fund of the House to S. P. Howell the sum of \$95.81, being the amount due him as clerk-hire allowance for services rendered the late Hon. David A. De Armond, a Representative from Missouri, from November 1 to November 23, 1909, inclusive.

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

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

## CLERKS FOR COMMITTEES.

Mr. HUGHES of West Virginia. Mr. Speaker, I present the following privileged report (H. Rept. 139).

The Clerk read as follows:

## House resolution 229.

*Resolved*, That there shall be paid out of the contingent fund of the House for the services of a clerk to each of the following-named committees compensation at the rate of \$125 per month during the sessions of the Sixty-first Congress, the pay of such clerks to commence from the time they entered upon the discharge of their duties, but in no case prior to December 6, 1909, which shall be ascertained and evidenced by the certificate of the chairmen of said committees, to wit:

Expenditures in the State Department;  
Expenditures in the Treasury Department;  
Expenditures in the War Department;  
Expenditures in the Navy Department;  
Expenditures in the Post-Office Department;  
Expenditures on Public Buildings;  
Expenditures in the Interior Department;  
Expenditures in the Department of Agriculture; and  
Expenditures in the Department of Commerce and Labor.

Mr. HUGHES of West Virginia. Mr. Speaker, I will say, for the information of the House, that this resolution provides session clerks to nine of the committees on expenditures in the various executive departments. There are ten such committees, the one not provided for being the Committee on Expenditures in the Department of Justice. That committee was excepted for the reason that its chairman has been unable to be present and the committee as yet is unorganized.

Mr. BARTLETT of Georgia. The gentleman should also state that the pay in the last Congress was \$6 a day, whereas this provides for the pay of \$125 per month.

Mr. HUGHES of West Virginia. If the gentleman from Georgia had waited one second I would have stated that.

Mr. BARTLETT of Georgia. I beg the gentleman's pardon.

Mr. HUGHES of West Virginia. The pay provided in this resolution is \$125 per month, whereas in the last Congress it was \$6 a day. There is that much reduction in the pay of the clerks. The Committee on Accounts deemed \$125 per month ample compensation. I am frank to say I did not altogether share in that view, believing that no distinction should be made between these committee clerks and other session committee clerks. But a majority of the Committee on Accounts being in favor of the reduction I acquiesced. I ask the adoption of the resolution.

Mr. FITZGERALD. Mr. Speaker—

Mr. HUGHES of West Virginia. How much time does the gentleman want?

Mr. FITZGERALD. Five minutes.

Mr. HUGHES of West Virginia. I will yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, one significant feature of this resolution is that it fails to provide a clerk for the only one of the expenditure committees, perhaps, that might have been expected to have done some important work. I refer to the Committee on Expenditures in the Department of Justice. It is not so long since in this House very serious criticism was made of certain payments to a certain person who had been retained by the administration in the prosecution of some cases in the West. More than sixty-nine or seventy thousand dollars had been paid to him; and after a very keen discussion in this House it was supposed that somebody at least would inquire into the propriety of the expenditures made at that time. And yet the only committee of this House that is charged with that duty, the Committee on Expenditures in the Department of Justice, at this time is not to be given a clerk.

I understand that one of the reasons given is that the chairman of that particular committee is not in good health.

Mr. BARTLETT of Georgia. The gentleman is mistaken about that. The committee did not act upon that proposition because that committee has not been organized, and the proposition to appoint a clerk to that committee is held in abeyance until that committee is organized. It is a fact that the reason why this was not embraced in this resolution was because the committee at present was not organized, and that question has not been disposed of by this resolution, as the report shows, but is simply held to wait the organization of the committee. I do not think the gentleman's remarks apply after he has received the information which I have given him as to this resolution.

Mr. FITZGERALD. I do not wish improperly to criticize the Committee on Accounts. I was pointing out that one of these committees is not given a clerk at this time. I stated that I was informed that ill health had prevented the chairman of that committee taking action that might otherwise have been taken. But, Mr. Speaker, there have been serious charges of fraud in the customs service. The Secretary of the Treasury stated in a speech in the city of New York that the conditions in the cus-

toms service there were a disgrace to the political party now in control of the Government. Under the rules of this House the Committee on the Expenditures in the Treasury Department has ample power to make whatever investigation should be made there. If it be necessary to obtain additional authority to procure the attendance of recalcitrant witnesses, it has been the practice for the House, upon the request of the committee in the discharge of its duty, to give that power. I have not heard that the Committee on Expenditures in the Treasury Department has attempted to make any investigation of these matters.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Connecticut.

Mr. HILL. Mr. Speaker, I would like to ask the gentleman if he has heard anything affirmatively or negatively on the question?

Mr. FITZGERALD. No, Mr. Speaker; but if the gentleman had been at work I suppose somebody would have been sufficiently industrious to have had that published for the information of the public. A careful scrutiny of the daily publications for the past month or six weeks has not disclosed any indication that the committee has been at work.

Mr. Speaker, there has been a good deal of discussion about a certain investigation of the Interior Department. The Committee on Expenditures in the Interior Department has ample power to make that investigation, if it be necessary; but it seems to have abdicated its power and to have permitted somebody else to assume the duties that devolve upon it.

Mr. McGUIRE of Oklahoma. Will the gentleman permit a question?

Mr. FITZGERALD. Yes.

Mr. McGUIRE of Oklahoma. I will ask the gentleman whether he knows if the Committee on Expenditures in the Interior Department has taken any action in this matter?

Mr. FITZGERALD. No; but I will assume and, if necessary, I shall state that the committee has not taken any action.

Mr. McGUIRE of Oklahoma. We are not responsible for the gentleman's assumption, when he confesses that he knows nothing about it.

Mr. FITZGERALD. Mr. Speaker, it is not necessary for me to assume anything, because it is a matter of common knowledge that the investigation of the Interior Department will be conducted under a joint resolution introduced here, because the President insisted on that form of investigation. Whatever may have been the gentleman's disposition, evidently it was controlled by somebody other than himself, and his activities have not been as great as they might have been.

In the last Congress it was charged here that in the Navy Department certain repairs were reported as necessary upon one of the naval vessels. A survey was ordered, and some \$60,000 worth of work on the machinery and boilers of that vessel was authorized. Bids were invited, and a contest arose between what is known as the "boiler trust" and one other concern, the Mosher Boiler Company, if I be not mistaken.

The result of that controversy was that the department decided that the \$60,000 of repairs that were so necessary one day could very easily be abandoned because of the controversy that had arisen as to whether the trust should get the work. Instead of giving these committees clerks who will be useless, so far as the work of this House is concerned, if those committees wish to perform their duties, if they wish to make the investigation required by the rules, let them commence their investigations; let them ask this House, as the gentleman from Texas [Mr. SHEPPARD] suggested, for stenographers to take the testimony; let them come here and ask for power to summon witnesses who refuse to attend and answer questions, and there will not be a moment's hesitation on the part of anybody in the House in giving them all of the help and all of the power that they require. To give them useless assistants, useless attendants, who will be of no assistance whatever to the committees in the discharge of the duties that devolve upon them, would be absurd, and it should not be done.

Mr. SHACKLEFORD. Will the gentleman permit an inquiry?

Mr. FITZGERALD. Yes.

Mr. SHACKLEFORD. I would like to ask the gentleman whether there have been any resolutions introduced by the chairmen of any of these committees on expenditures in the respective departments asking for power to send for witnesses and papers.

Mr. FITZGERALD. The gentleman from Texas [Mr. SHEPPARD] has introduced a number of resolutions to confer this power upon all of these committees; but so far as I am aware not one of these chairmen has ever asked me to vote or asked that these resolutions be reported to the House.

I am perfectly willing to vote to report them; I should gladly do so. But there seems to be no disposition to obtain assistants who might be useful or to obtain the powers that might be helpful, but these committees, so far as I have seen, have done no very useful work to the House—

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. The gentleman is a member of the Committee on Appropriations. Will he vote in the legislative appropriation bill to provide the useless defunct committees at the other end of the Capitol with high-priced clerks?

Mr. FITZGERALD. Mr. Speaker, of course I know the gentleman can confuse the situation better than any other Member of this House, but he knows and I know and every other Member of this House knows that the Senate in the control of its own business will no more tolerate interference from this House than this House would tolerate interference from the Senate, and the gentleman, belligerent as he is, has never criticised a single item for the Senate in an appropriation bill.

Mr. MANN. On the contrary, the gentleman has frequently moved to strike out some of these surpluses from the Senate.

Mr. HUGHES of West Virginia. Mr. Speaker, in reply to the remarks of the gentleman from New York [Mr. FITZGERALD] I desire to say that when the Committee on Accounts considered this proposition, which it did very carefully, a subcommittee was appointed to investigate it. Every one of these expenditure committees, with the exception before stated—the Committee on Expenditures in the Department of Justice—was found to be already at work or preparing for work. The Committee on Expenditures in the Department of Justice was not fully organized, because of the unfortunate illness of its chairman, the gentleman from Maryland [Mr. Mudd]. So we left off that committee temporarily, at least, and postponed in our committee the further consideration of the question of giving that committee a clerk. We felt that if we included that committee in this resolution some gentleman—and the House can easily guess the name of that gentleman—would ask why. We also divined that the same gentleman would criticise, for political reasons, the omission of that committee, and in this we were correct.

These expenditure committees have convinced us of their purpose to get down to business, and we deem it only proper and fair to provide them with this utility. This is a live subject. The President made it prominent in his annual message, and the House referred his recommendations to these several committees. The country expects something from them, and our action here to-day, if we adopt this resolution, will be an earnest of our purpose to keep faith with the President and the people.

The Committee on Accounts felt that it could do no less than provide this necessary implement, and that good results will follow. If, on the part of these committees, there is not evidenced a disposition to meet the expectations of the House and of the country, within the wide scope of their jurisdiction, that fact will be taken into consideration hereafter when we again are asked to make provision for their clerk. I now move the adoption of the resolution; but first I will yield five minutes to the gentleman from Connecticut [Mr. Hill].

Mr. HILL. Mr. Speaker and gentlemen, there need not be the slightest mystery or misunderstanding in regard to this matter. I found myself, at the end of fifteen years of service here, for the first time chairman of a committee. I took possession of the committee room. There was no janitor; there was no messenger. We had to go and hunt for our mail—not as you have it brought to you in your office in the Office Building, for no mail is delivered from the post-office to these committee rooms in the Capitol. I said to myself I never had been attached to a political corps and I did not propose to be now, and unless this committee could be equipped and organized to do business I proposed to resign. I called the membership of that committee together. The Democratic Members upon that committee are Messrs. CULLOP of Indiana, LAMB of Virginia, and GARNER of Texas. We organized the committee. We have disposed definitely and finally of two matters already. We have acted unanimously thus far, and I hope that we shall continue to act unanimously, both Republicans and Democrats together. But we have disposed of two measures already. We had yesterday a hearing at which the Secretary of the Treasury, Mr. Norton, and the Auditor of the Treasury were present.

On Saturday we have another hearing, at which the bill introduced by Mr. LANGLEY of Kentucky will be taken up, and the Commissioner of Internal Revenue will be present. There is also another important matter pending—a resolution introduced by Mr. GORDON on that side of the House—and the committee have decided that all measures which are submitted to

that committee, from whatever person on either side, will not be put in a pigeonhole, but a full and careful consideration of every measure received will be given by that committee. [Applause.] We are doing business and we propose to do business, and let me say here, furthermore, that Mr. Andrews, Auditor of the Treasury, was before the committee yesterday and gave a full and complete explanation of the methods of auditing in the Treasury Department, and that he will submit at a further hearing of the committee propositions of his own, embodying methods of improving and economizing in that direction.

And I want to say that it is with the full and hearty concurrence and cooperation of the Secretary of the Treasury that this work is being done. We propose to take up, so far as it is sent to us, the business which it is proper for that committee to consider. It is only fair and reasonable that this House of Representatives should dignify itself by equipping its instruments for transacting business. [Applause.] The gentleman from New York [Mr. FITZGERALD] opposed this resolution because, he said, he did not know. The House would take a great responsibility upon itself if it acted upon the things the gentleman does not know. [Applause.] He could have known what one committee is doing, or is trying to do, and intends to try to do, both Democrats and Republicans, in the work of that committee, and I ask that we may have a clerk. If you do not give it to us, I am going to pay for it myself and have it, or I am going to resign. [Applause.]

Mr. HUGHES of West Virginia. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, the House knows that I have stood in the way of these resolutions somewhat in the past, because these committees were not doing work. When the resolution for the distribution of the President's message was before the Committee on Ways and Means, the chairman of one of these committees in the Committee on Ways and Means moved to refer proper matter to his committee, and there was considerable talk as to whether the committees were going to do any work. I was satisfied then that at least two of the committees proposed to do business, and we put that into the resolution which the House adopted. Now, I do not think they should be hampered because of the expense of a few thousand dollars in this work which they have undertaken. I have personal assurances from the chairmen of three or four of these committees that they are going to try to do the work that is committed to them, and if they do they will do the work of an average committee of this House. They want clerks in order to enable them to do it, and therefore I propose to vote for the resolution.

Mr. HUGHES of West Virginia. Mr. Speaker, I demand the previous question.

Mr. HARRISON. Will the gentleman from West Virginia yield to me two minutes?

Mr. HUGHES of West Virginia. Yes.

Mr. HARRISON. Of the nine committees for which this resolution proposes to provide clerks, the chairman of one has apparently justified the request for the clerk. The other eight do not appear before the bar to make any defense against the charge which might be described in the language of the gentleman from Massachusetts that these committees are moribund.

Mr. GRAHAM. Will the gentleman yield?

Mr. HARRISON. I have only two minutes.

Mr. GRAHAM. But I wanted to deny his assertion.

Mr. HARRISON. Mr. Speaker, many of us who have been Members of this House two or three terms have never heard a report from any of these committees in question, and I venture to say that the amount of work done by these committees would not trouble the repose of a Happy Hooligan. As a matter of fact, when the Committee on Accounts asks us for clerks for these eight committees, instead of promoting the investigation of the expenditures of these departments, it is like the highwayman asking for an assistant to help him to put on the gag. I hope the House will vote down the resolution.

Mr. HUGHES of West Virginia. I now demand the previous question.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

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

On motion of Mr. HUGHES of West Virginia, a motion to reconsider the vote by which the several resolutions were passed was laid upon the table.

Mr. PARKER. Mr. Speaker, I call for the regular order.

CALL OF COMMITTEES.

The Clerk proceeded to call the committees.

The Committee on Expenditures in the Interior Department was called.

Mr. HARDY. Mr. Speaker, I believe it is fair to say that the Committee on Expenditures in the Interior Department held a number of meetings in the last session. The chairman was energetic. He made a report to this House. We had a number of hearings—

The SPEAKER pro tempore. The gentleman is not in order at this time to make an explanation with reference to any committee. The Clerk will proceed.

The Committee on the Judiciary was called.

DATE OF PRESIDENTIAL AND CONGRESSIONAL TERM.

Mr. PARKER. Mr. Speaker, by direction of the Committee on the Judiciary, I call up House joint resolution 115, proposing an amendment to the Constitution of the United States. This resolution was reported by the gentleman from Texas [Mr. HENRY].

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 115) proposing an amendment to the Constitution of the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution and as an additional article thereof:*

"SECTION 1. The term of office of the President and Vice-President and of the Senators and Representatives in Congress shall commence and terminate on the last Thursday of April, at noon.

"SEC. 2. The existing term of office of the President and Vice-President and the terms of the Members of the House of Representatives, which would under existing law begin on the 4th day of March, 1911, shall continue until the last Thursday of April, in the year 1913, at noon.

"SEC. 3. All Senators elected prior to the adoption of this amendment shall continue in office until the last Thursday of April, at noon, next succeeding the 4th day of March of the year in which the terms otherwise would have expired, any provision of article 1, section 3, of the Constitution to the contrary notwithstanding."

Mr. PARKER. Mr. Speaker, this resolution is in the simplest form possible. There have been many propositions in the past for changing the time of the meeting of Congress and the time of the inauguration of the President. Complications have been found in all of them, and there is but one thing, seemingly, upon which all agree; that is, first, that the so-called "short session" of Congress which we have every two years is entirely too short to do the necessary business. We begin to do real work in January, and we end on the 4th of March, having barely two months. This resolution will add nearly two months to that time; so that the practical working time in what is called the "short session" of Congress will be nearly four months, and will enable Congress to legislate and relieve the immense amount of business which has been always put over to the long session.

The second matter, in my judgment not so important as the first, but one which has excited much more general interest, and in which perhaps a good deal of human life is involved, is the date of the inauguration of the President. March 4 is not the right day. The last Thursday in April will be.

Mr. Speaker, the sentiment in favor of this change has grown so much during the time I have been in Congress that I regard it as practically unanimous. I shall not detain the House. I hope long debate will not be necessary, but I desire to yield to the gentleman from Texas [Mr. HENRY], who prepared and reported this resolution, such time as he may desire. What time does the gentleman require?

Mr. HENRY of Texas. I will ask the gentleman to yield to me ten minutes.

Mr. PARKER. Ten minutes, or more, if the gentleman desires.

Mr. HENRY of Texas. Mr. Speaker, the purpose of the resolution is to change the date for the commencement and termination of Congress and the terms of the President, Vice-President, Senators, and Representatives in Congress.

It is true the Constitution of the United States does not fix the 4th of March as the day on which Congress shall commence and terminate and the Executives be inaugurated, but on account of certain emergencies in history that date was the one upon which this Government began its operations under the Constitution. It was thought by our fathers that the States would ratify the Constitution when submitted to them in time for Congress to convene on the first Monday in December, 1788, but that event did not follow, and it was the 4th day of March, 1789, when Congress nominally began. Actually it began on the 6th day of April, 1789, and Washington was inaugurated on the 30th day of that month. On April 18 Vice-President Adams appeared and took the chair. George Washington served a little over three years and ten months in his first term. By the adop-

tion of this constitutional amendment, which fixes the commencement and termination of Congress, we will give to the present Chief Executive the two months taken away from Washington. It is true this amendment necessarily extends the life of the Sixty-second Congress until the last Thursday of April, 1913. It lengthens the terms of the President and Vice-President and Senators who have already been elected and Representatives in that Congress until the last Thursday of April, 1913. We are confronted with the proposition that necessarily we must extend these terms. In order to do it there must be a constitutional amendment. This is to be a separate and distinct article of the Constitution, and amends no particular article or section thereof.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. HENRY of Texas. Certainly.

Mr. STAFFORD. This is predicated on the fact that three-fourths of the legislatures will have acted prior to April 30, 1913?

Mr. HENRY of Texas. It is.

Mr. STAFFORD. What is the proposition in case three-fourths do not act until after April 30, 1913?

Mr. HENRY of Texas. If they do not act until after that, I suppose the amendment would not become effective, and yet that would be an open question; but I assume that certainly by the last Thursday of April, 1913, at least nine-tenths of the States will have acted.

Mr. STAFFORD. That only gives the States two years in which to act?

Mr. HENRY of Texas. It gives them three full years and two months.

Mr. STAFFORD. Yes; three instead of two years.

Mr. HENRY of Texas. It gives them over three years, and there will be no difficulty about this point. If they intend to ratify the Constitution they will do it within three years, and if they reject it, they will do it within that time.

Mr. Speaker, I do not know that there is any argument necessary to be added to the statement already made. We have all concluded that the 4th day of March for more than a hundred years has proved a disastrous failure for the purpose of inaugurating our Presidents. There is only one way out of the difficulty to meet the emergency, and that is to submit a constitutional amendment to the States for their action. For my part I have no doubt they will speedily ratify this amendment. There are no valid objections to it. There are many benefits that will flow from it. One of the benefits is that we will no longer be cursed with a short session which must be terminated on the 4th day of March every second year when business is frequently rushed through in a disgraceful way, when there are many men whose political career is to end at that time, who are taking part in the legislation and have but a few months to remain in office. It extends that short session until the last Thursday in April and makes it about five months in length. The long session may be shorter and, of course, the short ones will be longer. In many ways we can legislate with more comfort and efficiency than under the present system. Therefore I believe this amendment ought to be submitted to the States, and hope there will be no objection to it when we come to vote.

Mr. WILSON of Pennsylvania. Will the gentleman yield to me for a question?

Mr. HENRY of Texas. Certainly.

Mr. WILSON of Pennsylvania. Has the committee taken into consideration the fact that under the arrangement proposed the earliest date at which Congress can meet is the 30th of April, although the election may take place in November prior to that time?

Mr. HENRY of Texas. Yes; and, furthermore, Congress can pass a statute providing that this body can meet on whatever day it pleases; it can meet in November, in October, in January, or in any other month; and there is no constitutional provision to prevent such action.

Mr. WILSON of Pennsylvania. If this amendment is adopted a simple resolution could not convene the Congress that was elected in November prior to the 30th of April following that date.

Mr. HENRY of Texas. You are correct; and neither could a President elected under the present Constitution convene a Congress before their terms begin.

Mr. WILSON of Pennsylvania. A simple resolution could not convene Congress before that Congress came into office.

Mr. HENRY of Texas. Oh, no. And no one contends for that under the new provision or the old Constitution. [Cries of "Vote!" "Vote!" "Vote!"]

Mr. PARKER. Mr. Speaker, I will state that the gentleman from West Virginia [Mr. GAINES] desires to speak against the

proposition, and I feel bound to yield to him. How much time does the gentleman desire?

Mr. GAINES. I should like to have fifteen minutes, but I have already been told by the gentleman from New Jersey that he can grant me only ten.

Mr. PARKER. Oh, I did not go as far as that. I said I would yield ten minutes and try, if I could, to allow the gentleman fifteen minutes.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry. Are amendments in order to this resolution?

The SPEAKER pro tempore. The gentleman from New Jersey has control of the floor. Amendments are not in order at the present time until after the expiration of the hour.

Mr. GAINES. Mr. Speaker, I earnestly request the close attention of the House for only a few moments. This is an important resolution, because it proposes to amend the Constitution of the United States. There has been a question of conflict of jurisdiction with reference to this resolution, which, for personal reasons, because of requests made to me recently by one of the members of the Committee on the Judiciary, I was entirely ready to waive; but the resolution, in the form in which it has been reported, is so defective that I can not consent to its passage. I am not certain that there is any part of the resolution which is well worked out, but I can convince this House in a very few moments that there are certain questions which must be touched upon whenever this sort of resolution is put through, and which have not received the slightest attention in the resolution reported from the Committee on the Judiciary. The twelfth amendment to the Constitution provides, among other things, whenever the election of the President is thrown into the House of Representatives, that if the House shall not have elected a President by the 4th day of March, then the Vice-President, to be elected under such circumstances by the Senate, shall be the President, as in the case of the death, resignation, or inability of the President.

Certainly we ought not to propose an amendment to the Constitution putting forward by nearly two months the time when a President of the United States is to take his seat, which does not at the same time provide that if the election of the President should devolve upon the House of Representatives, the time that the House of Representatives would have to consider that question be also extended. It would be a piece of folly and oversight that would render this House absurd if it proposed to amend the Constitution by changing the time of the inauguration, the beginning of a term of the President of the United States, and did not at the same time provide that the Congress of the United States in case it were considering the question of election of the President, should have until that same time for the purpose of concluding its deliberations. It would be absurd to say that if the election of the President should be thrown into the House of Representatives, and the House had not by the 4th of March reached a conclusion, that the House should not have the power between that time and the last Thursday in April, the new date when the term of the President is to begin, to continue its deliberations and endeavor to reach a conclusion.

Mr. Speaker, that is but one of the things not thought out. Bringing in a proposition to amend the Constitution of the United States, Mr. Speaker, in unconsidered shape like this, is but the natural result of this wild rage for jurisdiction that seems to have permeated some of the committees of this House. So far as I am concerned, the resolution which I introduced was the one which was furnished me by a national committee. I have no pride of opinion in it. It is not my resolution. It seems to me that even that resolution is in such shape that it would not be satisfactory to submit it to the House of Representatives. The Committee on the Election of President, Vice-President, and Representatives was considering those questions, considering the general scope of all the resolutions before it, considering the question of adapting the proposed amendment to the other provisions of the Constitution, and considering also the question whether there was not a considerable amount of change of statute law necessary to adapt our four-year American period to a new beginning of it. If the resolution before the House can be amended in such a way as to cover the one question I mention—I can not think of any other now that I have sufficiently reached a conclusion about to make a suggestion—perhaps, to send over to the Senate, the language in House joint resolution No. 5 might be tacked on to this bill, as follows:

And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the last Thursday in April next following, then the Vice-President shall act as President in the case of the death or other constitutional disability of the President.

Mr. PARKER. Will the gentleman permit a question? Is not that the difficulty that arises under our present arrangement just as much as under the new?

Mr. GAINES. The chairman of the Judiciary Committee wholly fails to grasp my point. I am not now criticising your resolution because it does not settle all the questions of the presidential succession—all the difficulties in case of the death, resignation, and inability of the President—but you have not even touched so plain a proposition as this, that having moved the time when the term of office of the President of the United States begins, you have not provided that the Congress of the United States, in cases when the election of the President is thrown into the House of Representatives, might have until that later day to consider who should be President.

Mr. PARKER. You get that under the law, which law, considered with the Constitution, says it shall go to the House.

Mr. GAINES. Let me read the gentleman the provisions of the Constitution as they now are. Article XII—

Mr. HENRY of Texas. Will the gentleman yield?

Mr. GAINES. I can not answer one gentleman and yield to another at the same time.

Mr. HENRY of Texas. Very well, go ahead.

Mr. GAINES (reading)—

And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

Now, would you not certainly attach to your proposition this:

That if the House of Representatives shall not choose a President whenever the choice shall devolve upon them, before the last Thursday in April, then the Vice-President shall act as President, as in the case of the death or of other constitutional disability of the President.

Mr. PARKER. I say I do not think I would, because they are certain to do it.

Mr. HENRY of Texas. It was put in for this reason. We did not intend to amend the twelfth article of the Constitution or any other article of the Constitution, but intended to leave it just as it is for this reason. It reads:

And if no person have such majority, then from the persons having the highest numbers not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.

It says they shall choose him "immediately," and if they fail to do it, then the Vice-President shall act, and we do not undertake to amend that. All we intended to do was simply to extend the date, to change the date, for the commencement of the term.

Mr. GAINES. Exactly, and there the proposition is fatally defective.

I repeat this statement, and it seems to me there can be no reasonable doubt of it, that if the choice of a President shall devolve upon the House of Representatives, and if the House of Representatives shall not determine the question by the 4th of March, then there is no reason why the House of Representatives should not have until the last Thursday in April, if we are to change the time when the President's term of office shall begin.

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

Mr. GAINES. Certainly.

Mr. COX of Indiana. Suppose this resolution is adopted, would there not be two antagonistic provisions in the Constitution then?

Mr. GAINES. I think there would be; and certainly there would be a wonderful oversight in not adapting the proposed amendment to the Constitution as it now is. Now, how we can adapt that amendment, Mr. Speaker, I hardly know. I am not so ready and easy as a lawyer that I feel very much like suggesting a constitutional amendment here in Committee of the Whole, for that is virtually how we are proceeding. But the resolution must be amended, or it must fail, or else the House must do a vain and foolish thing. If gentlemen care to try to adopt an amendment, I suggest this language to them for their consideration. I shall ask the House to vote down the previous question and to vote down this resolution, if they do not amend it to cover the point.

Mr. DALZELL. Your proposed amendment is exactly in the language of the Constitution as it is now, changing the 4th day of March to the last Thursday in April?

Mr. GAINES. The answer to the question of the gentleman from Pennsylvania is, yes. My proposed amendment is in the language of the Constitution as it now is, except changing the date from the 4th of March until the last Thursday in April.

Mr. DIEKEMA. Would not the difficulty with your amendment be this: That in one section and article of the Constitution the date would remain as the 4th day of March and in another amendment, another part of the Constitution, another article and another section, you would have the last Thursday in April, two conflicting dates, couched in the same language, one saying March 4 and the other the last Thursday in April? If your suggestion is to prevail, there should be an amendment of this article which has been read by you and not an addition to the resolution.

Mr. GAINES. Let me suggest to the gentleman that his point amounts to this, as I understand it: That even if amended as I suggest, even then the present proposition of the Judiciary Committee will not have been properly worked out. Quite likely he is right. It comes from the rage for jurisdiction and from trying to propose amendments to the Constitution in this hasty way.

I will say to the gentleman from Michigan that I know of no way to amend the Constitution without having either something added or something in conflict with what the Constitution was before; and since you propose to amend the Constitution as it was before, it seems to me you had better draft your language so as to express the fact that the new stuff is intended to take the place of the old. It seems rather elementary to me. I will say to these gentlemen that I have made the only suggestion I could make to them on the floor. I am afraid of the crude condition, the unthought-out condition, of this resolution. Unless they accept the plain suggestion I have made, I shall ask the House of Representatives in all seriousness, expecting them to do it, to vote down the resolution. If adopted in its present shape it will not reflect credit on the House.

Mr. HENRY of Texas. In the first place, I want to say to the gentleman that this was not hurried action on the part of the author of this resolution. Senator Hoar, of Massachusetts, was chairman of the Committee on the Judiciary in the Senate for years and years. This is almost identically the plan that he worked out, and his idea was to pass an amendment like this and not undertake to amend certain articles and amendments of the Constitution. Now, if there is any difficulty where the gentleman says it is, that amendment could be amended as any other amendment to the Constitution could be amended. But we were not trying to amend an amendment or to change provisions of the Constitution, but were setting a time for the commencement and termination of the terms.

Mr. PARKER. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has thirty-two minutes remaining.

Mr. PARKER. I yield ten minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, if there can be unanimous consent to take a vote now, I will submit no remarks whatever, but if there are others who desire to debate this question, I should like to occupy ten minutes.

Mr. ROBINSON. I should like to be recognized for five minutes in opposition to the resolution.

Mr. KEIFER. Mr. Speaker, there is always a little hesitancy in attempting to amend the constitution, even of a State, and there ought to be more in attempting to amend the Constitution of the United States. But this is a subject that has been up and considered in the two branches of Congress for a great many years. It does not seriously affect any principle upon which the Government rests. The criticism upon the amendment made by the distinguished gentleman from West Virginia [Mr. GAINES] has some force in it, but an amendment to the resolution as it now stands would easily cure that; or, as has been said by another here, we will be just as well off if we adopt this resolution as presented as we are now, except the gentleman thinks that we ought to have about two months' more time to determine the question in the House, if necessary, as to who shall be President of the United States. We will have the same time if the resolution is adopted as we have now.

It is a singular fact that the beginning of the official terms of the President, Vice-President, and of the Members of the Senate and House of Representatives on the 4th of March was an accident. No constitutional provision or law fixes that date. When the framers of the Constitution of the United States submitted it to the States for adoption on the 17th day of September, 1787, they made no special provision as to how or when it was to go into effect after ratification by 9 or more of the 13 States. When it was certain that the Constitution as thus submitted was to be ratified, the old Continental Congress passed a resolution, without any authority being vested by the Constitution in that Congress to do so, which was, in

effect, a declaration that the time for the Constitution to go into effect and become operative should be the first Wednesday in March, 1789.

The resolution was adopted by the old Continental Congress, which met under the Articles of Confederation. It was preceded by a preamble and bears date September 13, 1788. The preamble and resolution read as follows:

Whereas the convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st of February, 1787, did, on the 17th day of September of the same year, report to the United States in Congress assembled a Constitution for the people of the United States; whereupon Congress, on the 28th of the same September, did resolve unanimously "that the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates, chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case;" and whereas the Constitution so reported by the convention and by Congress transmitted to the several legislatures has been ratified in the manner therein described to be sufficient for the establishment of the same and such ratifications, duly authenticated, have been received by Congress and are filed in the office of the secretary: Therefore

Resolved, That the first Wednesday in January next be the day for appointing electors in the several States which, before the said day, shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States and vote for a President, and that the first Wednesday in March next be the time and the present seat of Congress the place for commencing the proceedings under the said Constitution. (Journal of Continental Congress, Vol. IV, p. 867.)

It seems that the time when the Constitution of the United States should go into effect was fixed by an authority not provided for in it.

It turned out that the first Wednesday in March, 1789, was the 4th of March. And then the Members of the House and Senate took their office, as the constitutional government commenced on that day in March, 1789. Their term commenced the first Wednesday in March, 1789. The Constitution fixed the full term of Senators at six years, and the term of the Members of the House of Representatives at two years, and that is the only way they got a start for their terms. From that on have been computed the term of two years for Members of this House, each term beginning on the 4th of March and extending two years, and, accordingly, each Congress has begun and ended on the 4th of March in every odd year. That is the way we got started.

It seems that for several reasons they were not prepared to inaugurate the first President of the United States on the 4th of March, 1789.

The Vice-President of the United States did not assume his duties and office until April 18, 1789.

Under the Constitution of the United States the President of the Senate was required to count the vote for President and Vice-President in the presence of the Senate and House of Representatives. This, for want of a quorum in the Senate, was not done until April 6, 1789, and thereafter the President and Vice-President, John Adams, were notified of their election, but arrangements for the inauguration of George Washington in New York City were not made until April 30, 1789.

There was much preparation to be made. I do not recall what all the reasons were for the long delay, but it turned out that George Washington was not inaugurated President of the United States until the 30th day of April, 1789. From March 4 to April 30, 1789, our constitutional Republic existed without a President—nearly two months. Later on George Washington waived a part of his first four-year term, as given him by the Constitution, and the second inauguration of President Washington was on the fourth day of March, 1793, so that his first term fell short of a full term nearly two months. That brought the time for the Executive to enter upon his office the same as the time for Members of the Senate and House of Representatives to enter on their respective offices. If I had my way, feeling a little sentiment about the matter, I would have had this resolution fix the 30th day of April for the commencement and ending of the term of President of the United States, this to correspond with the day and month in the year of Washington's first inauguration. This proposed amendment fixes the last Thursday in April—very near that day. That is true, but it turns out that the term of the President may be the full four years, and sometimes a few days over, or it may fall a little short of four years, under this proposed amendment. The provision for a four-year term is thus modified to that extent. This is, however, quite immaterial.

Let me say that the gentleman from West Virginia [Mr. GAINES] thinks, or perhaps it was some other gentleman here who says, we ought to amend the several provisions of the Constitution so as to harmonize them. That has not been the policy heretofore in amending the Constitution of the United States. The twelfth amendment to the Constitution radically changed the mode of electing the President and Vice-President,

and to that extent it superseded or repealed, by necessary implication, another provision of the Constitution, the fourth section, Article I, of the Constitution of the United States. There is no difficulty here. If this amendment is adopted, everything else in the Constitution inconsistent with it will have to yield to it.

Now, as to the matter of having the second session of Congress end at a time so that we may have a longer session of Congress, I think well of that, and I think it will turn out that in wisdom we will by law fix the opening of the second session of Congress, and perhaps both sessions of each Congress, on the first Monday of January in each year. We seldom do much real work here before the holidays, and we always adjourn over them. The session from the first Monday in December to the adjournment for the Christmas and New Year holidays is not of much consequence, as we all know. By meeting the first Monday in January, or other day near the first of the year, we could have in the second regular session of Congress nearly a four-months' session, whereas now it is only about three months, including the holidays.

The change of the time of opening each year the regular session of Congress could be made by law without any change of the Constitution of the United States. The Constitution, it is true, in the fourth section and first article, provides that Congress shall meet on the first Monday of December in each year unless Congress fixes another date, so we could change that by law and have a meeting after the holidays are over. We ought to meet then, as most of the legislative bodies of the States meet shortly after the beginning of the new year.

The provision of the Constitution of the United States on the subject of the meeting of Congress reads:

The Congress shall assemble at least once in each year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different date.

The last Thursday in April will be late enough in the spring to insure balmy weather and not late enough for excessive warm weather.

If the resolution can be amended to improve the proposed amendment and render its operation more harmonious to other provisions of the Constitution, let us do that and then adopt the resolution.

Mr. BENNET of New York. Will the gentleman from New Jersey yield me three minutes?

Mr. PARKER. On which side is the gentleman?

Mr. BENNET of New York. I am opposed to the resolution.

Mr. PARKER. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has twenty-six minutes.

Mr. PARKER. I would like to make some arrangement that would be agreeable to the House in relation to this resolution. I would like to know whether this can be taken up as unfinished business for not over an hour on to-morrow morning, with the consent of the Committee on Pensions, and I to control the time?

Mr. MANN. The call of committees will rest with the gentleman's committee.

Mr. SULLOWAY. If the gentleman from New Jersey refers to me, I will say that the debate on this resolution might run all day.

Mr. MANN. Does not the gentleman from New Jersey think, in fairness to the House, in view of the situation and the questions arising here, that it would be perfectly proper to let the House have an opportunity to consider the subject for a week?

Mr. PARKER. If the House desires. The committee is not forcing the matter. There is such a strong feeling in the House of unanimous consent that I was following that sentiment. I understand this goes over as unfinished business until Wednesday next?

Mr. MANN. Yes; or on any call of committees.

Mr. PAYNE. On any call of committees. I want to say further, that there does not seem to be anything before the House to-morrow, except pensions, and they will take but very little time, not over an hour or two, and it might be disposed of to-morrow.

Mr. PARKER. Then does the gentleman intend to move that the House adjourn?

Mr. PAYNE. If the gentleman will yield to me, I will move that the House adjourn.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that an amendment that I hold in my hand may be read for the information of the House.

Mr. OLMSTED. I object.

Mr. BENNET of New York. Then let it be printed in the Record.

Mr. OLMSTED. I shall object unless my amendment can go in also.

Mr. BENNET of New York. I ask unanimous consent that my amendment and that of the gentleman from Pennsylvania be printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. PARKER. The amendments are simply to be printed in the Record for information?

Mr. BENNET of New York. That is all.

The following are the amendments referred to:

By Mr. BENNET of New York:

"The term of office of the President, Vice-President, and of the Members of the House of Representatives who are in office or who have been elected after the ratification of this amendment shall continue until noon of the last Thursday of April next succeeding the 4th day of March of the year in which the term otherwise would have expired."

By Mr. OLMSTED:

Amend by adding a new section:

"Sec. 4. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, under Article XII, before the last Thursday of April next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President, anything in the said Article XII to the contrary notwithstanding."

#### SENATE CONCURRENT RESOLUTIONS REFERRED.

Senate concurrent resolutions of the following titles were taken from the Speaker's table and referred, under the rule, as indicated below:

S. C. Res. 21. Directing the Secretary of War to cause a further and supplemental examination of Cape Lookout, North Carolina; to the Committee on Rivers and Harbors.

S. C. Res. 19. Presenting thanks of Congress to State of Indiana for providing statue of Gen. Lewis Wallace and accepting the statue; to the Committee on the Library.

#### CHANGE OF REFERENCE.

By unanimous consent, the Committee on Claims was discharged from consideration of the bill (H. R. 4620) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims, and the same was referred to the Committee on Indian Affairs.

#### ADJOURNMENT.

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

The motion was agreed to; and accordingly (at 5 o'clock 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:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for filing appliances in the Land and Indian offices (H. Doc. No. 527)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Director of the Mint submitting a recommendation of legislation relating to the coinage (H. Doc. No. 528)—to the Committee on Appropriations and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Miles L. Floyd, administrator of estate of David Floyd, against The United States (H. Doc. No. 530)—to the Committee on War Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. G. Robertson, administrator of estate of Margaret Robertson, against The United States (H. Doc. No. 531)—to the Committee on War Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of California M. Hearn, in her own right and as administrator of estates of Susan L. Bailey and of Julia B. Hancock, against The United States (H. Doc. No. 532)—to the Committee on War Claims and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for surveys of public lands in Alaska (H. Doc. No. 525)—to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for National Home for Disabled Volunteer Soldiers (H. Doc. No. 526)—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. STERLING, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 821) to provide for the appointment of an additional district judge in and for the district of Maryland, reported the same without amendment, accompanied by a report (No. 130), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Pennsylvania, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. Res. 106) concerning the Fifteenth Annual Congress of Hygiene and Demography, reported the same with amendment, accompanied by a report (No. 131), which said resolution and report were referred to the House Calendar.

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 17433) amending section 1709 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 136), which said bill and report were referred to the House Calendar.

Mr. BATES, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred the reports of the heads of the departments, submitted a report (No. 138), which said report was 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. DRAPER, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 18006) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 129), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 14676) for the relief of the Pittsburg Brewing Company, reported the same without amendment, accompanied by a report (No. 134), which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 15595) for the relief of S. H. Loftin, reported the same without amendment, accompanied by a report (No. 135), which said bill and report were referred to the Private Calendar.

# CHANGE OF REFERENCE.

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

A bill (H. R. 9990) granting an increase of pension to Max Sekel—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14281) granting a pension to Harvey O. Zerbe—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14283) granting a pension to Thomas G. Freeman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11762) granting an increase of pension to Elbridge H. Benham—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14727) granting an increase of pension to John O. Perry—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16995) granting an increase of pension to Louisa D. Smith—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. DRAPER, from the Committee on Pensions: A bill (H. R. 18006) granting pensions and increase of pension to cer-

tain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. GILL of Maryland: A bill (H. R. 18007) requiring the branding of hermetically sealed oyster cans with the net weight of the oyster meat contained therein, and other provisions relating thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY: A bill (H. R. 18008) providing for the granting of service pensions in addition to pensions heretofore granted or to be hereafter granted to soldiers and sailors of the war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18009) to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 18010) providing for the repair and preservation of the sea wall at St. Augustine, Fla., and making appropriation therefor—to the Committee on Military Affairs.

Also, a bill (H. R. 18011) providing for the preservation of the old fort at Matanzas Inlet, Florida, and making appropriation therefor—to the Committee on Military Affairs.

By Mr. PUJO: A bill (H. R. 18012) for the construction of a dam and lock in the Mermentau River, Louisiana, and appropriating \$75,000 therefor—to the Committee on Rivers and Harbors.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 18013) to authorize the cancellation of trust patents in certain cases—to the Committee on Indian Affairs.

By Mr. PARKER (by request): A bill (H. R. 18014) to amend section 996 of the Revised Statutes of the United States as amended by the act of February 19, 1897—to the Committee on the Judiciary.

By Mr. CRAIG: A bill (H. R. 18015) to convey to the States having less than 150,000 acres of unreserved public land within their borders all public land not reserved as mineral land or for forestry purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 18016) to provide for the continuation of work for the improvement of navigation of the Alabama River in Alabama—to the Committee on Rivers and Harbors.

By Mr. OLDFIELD: A bill (H. R. 18017) granting the public lands belonging to the United States and situated in the State of Arkansas to the State of Arkansas for the use and benefit of the common schools of that State—to the Committee on the Public Lands.

By Mr. LAMB: A bill (H. R. 18018) to reimburse the estate of Gen. George Washington for certain lands of his in the State of Ohio lost by conflicting grants made under the authority of the United States—to the Committee on Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 18019) to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas"—to the Committee on the Judiciary.

By Mr. CALDER: A bill (H. R. 18020) to reorganize and increase the efficiency of the commissioned grades of chief boatswain and chief gunner in the navy of the United States—to the Committee on Naval Affairs.

By Mr. CARY: A bill (H. R. 18021) granting an increase of compensation to bookbinders, printers, pressmen, clerks, and laborers in the Government Printing Office—to the Committee on Printing.

By Mr. CAPRON: A bill (H. R. 18022) authorizing the Secretary of War to cause to be erected a monument on Little Round Top, on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds and efficient services of the United States Signal Corps—to the Committee on Military Affairs.

By Mr. CRAIG: A bill (H. R. 18023) to increase the salary of the United States attorney for the southern district of Alabama—to the Committee on the Judiciary.

By Mr. OLDFIELD: A bill (H. R. 18151) to amend river and harbor act of March 3, 1899, making appropriation for the improvement of upper White River—to the Committee on Rivers and Harbors.

By Mr. PEARRE: A bill (H. R. 18152) to provide for the grading and improving of Pennsylvania avenue SE. from Bowen road to the District line—to the Committee on the District of Columbia.

By Mr. SMALL: Resolution (H. Res. 225) referring the bill H. R. 11555 to the Court of Claims—to the Committee on War Claims.

By Mr. PICKETT: Resolution (H. Res. 226) providing for the funeral expenses of Watkins J. Cantillon, late of the Capitol police, and for other purposes—to the Committee on Accounts.

#### 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. ANSBERRY: A bill (H. R. 18024) granting a pension to Lena Lawrence—to the Committee on Invalid Pensions. Also, a bill (H. R. 18025) granting an increase of pension to Charles L. Hollis—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 18026) for the relief of Mrs. B. L. Hendricks, formerly Mrs. T. Guernsey—to the Committee on War Claims.

By Mr. BOEHNE: A bill (H. R. 18027) for the relief of Henry A. Polen—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 18028) for the relief of R. E. and Lawson H. Goodwin, of Johnson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 18029) for the relief of Solomon Lyons, of Hawkins County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 18030) for the relief of heirs or estate of Bryant Wheeler, deceased, late of Claiborne County, Tenn.—to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 18031) granting an increase of pension to De Lauzern Franklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18032) to correct the military record of George W. Samson—to the Committee on Military Affairs.

By Mr. BYRNS: A bill (H. R. 18033) granting an increase of pension to Thomas I. Good—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 18034) granting an increase of pension to C. Oscar Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18035) granting an increase of pension to Thomas L. Jennison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18036) granting an increase of pension to Mary H. Coddington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18037) granting an increase of pension to James F. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18038) granting an increase of pension to James Valentine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18039) granting an increase of pension to George P. Kenyon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18040) granting an increase of pension to Samuel H. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18041) granting an increase of pension to William Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18042) granting an increase of pension to James M. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18043) granting a pension to Peter Walsh—to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 18044) for the relief of heirs of Thornton Martin, deceased—to the Committee on War Claims.

By Mr. COWLES: A bill (H. R. 18045) granting an increase of pension to Thomas Greer—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 18046) granting an increase of pension to John Clark—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18047) for the relief of Jacob Barger—to the Committee on Military Affairs.

Also, a bill (H. R. 18048) granting an increase of pension to Abraham Myers—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 18049) granting an increase of pension to Edgar A. Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18050) for the relief of William W. Dewhurst, as administrator of the estate of George Dewhurst, deceased—to the Committee on War Claims.

By Mr. CRAIG: A bill (H. R. 18051) for the relief of George P. Plowman—to the Committee on War Claims.

Also, a bill (H. R. 18052) for the relief of M. J. Meyer—to the Committee on Claims.

Also, a bill (H. R. 18053) for the relief of the personal representatives of Thomas F. Wilson, late of Shelby County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 18054) for the relief of the estate of Robert Pruitt, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18055) for the relief of the heirs of Jesse Clawson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18056) for the relief of heirs of J. E. Prestridge, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18057) for the relief of the heirs of Lewis E. Parsons, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18058) granting a pension to William D. Newman—to the Committee on Pensions.

Also, a bill (H. R. 18059) granting a pension to Carrie B. Stewart, Elva Stewart, and Walton Stewart—to the Committee on Pensions.

By Mr. CREAGER: A bill (H. R. 18060) granting a pension to Van Stewart—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 18061) granting an increase of pension to Doane Harbison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18062) granting an increase of pension to John H. Nagle—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 18063) granting an increase of pension to Edwin S. Knight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18064) granting an increase of pension to Thomas F. Leahy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18065) granting an increase of pension to Freeman York—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 18066) granting an increase of pension to James M. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18067) granting an increase of pension to John Wiles—to the Committee on Pensions.

Also, a bill (H. R. 18068) granting an increase of pension to John M. B. Smith—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 18069) for the relief of Frederick Wyneken—to the Committee on Claims.

By Mr. FOULKROD: A bill (H. R. 18070) granting an increase of pension to John Whitlock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18071) granting an increase of pension to Franklin R. Rhoads—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18072) granting an increase of pension to Francis Leffler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18073) granting a pension to Isabella Levans—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 18074) granting an increase of pension to Lawrence Zimmer—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 18075) for the relief of H. H. Belew, of Gibson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 18076) for the relief of heirs or estate of J. M. Sanders, deceased, late of Gibson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 18077) for the relief of heirs or estate of Nathan Dungan, deceased, late of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. GRAHAM of Illinois: A bill (H. R. 18078) granting a pension to Charles A. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18079) granting a pension to Martha Grammar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18080) granting a pension to Effie Charney—to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 18081) to complete the military record of Robert M. Boyd—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 18082) for the relief of heirs of Abraham Hisey, deceased—to the Committee on War Claims.

By Mr. HILL: A bill (H. R. 18083) granting a pension to Christina Rivers—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 18084) granting an increase of pension to Thomas C. Dunnaway—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 18085) granting a pension to Sophia C. Neil—to the Committee on Pensions.

Also, a bill (H. R. 18086) for the relief of heirs or estate of Abner Ogles, deceased, late of Coffee County, Tenn.—to the Committee on War Claims.

By Mr. HUBBARD of Iowa: A bill (H. R. 18087) granting an increase of pension to Lucian G. Winey—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 18088) granting an increase of pension to Samuel W. Ake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18089) granting an increase of pension to Richard Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18090) granting an increase of pension to Anderson Crum—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 18091) granting a pension to Nellie D. Wey—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 18092) for the relief of the Catholic Church at Dalton, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18093) for the relief of the congregation of the Baptist Church of Calhoun, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18094) for the relief of the trustees of Damascus Baptist Church, of Gordon County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18095) for the relief of the trustees of the Oothcaloga Baptist Church, of Adairsville, Bartow County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18096) for the relief of the congregation of the Presbyterian Church of Calhoun, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18097) for the relief of the Methodist Episcopal Church South, of Ringgold, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18098) for the relief of the congregation of the Union Methodist Church, near Tilton, Whitfield County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18099) for the relief of the congregation of the Kingston Methodist Church, of Bartow County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 18100) for the relief of the congregation of the Kingston Baptist Church, of Kingston, Ga.—to the Committee on War Claims.

By Mr. LINDSAY: A bill (H. R. 18101) granting an increase of pension to George H. Wilson—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 18102) granting an increase of pension to Jane E. Cleborne—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 18103) granting a pension to Josephine C. Browning—to the Committee on Invalid Pensions.

By Mr. MCKINLEY of Illinois: A bill (H. R. 18104) granting an increase of pension to Christopher Clarkson—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 18105) for the relief of heirs or estate of Q. K. Underwood, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18106) for the relief of heirs of Mrs. D. E. Barrett and B. G. Beadle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18107) for the relief of heirs of J. R. Williams—to the Committee on War Claims.

By Mr. MALBY: A bill (H. R. 18108) to correct the military record of Daniel O'Brien—to the Committee on Military Affairs.

Also, a bill (H. R. 18109) to correct the military record of Russell Tripp—to the Committee on Military Affairs.

Also, a bill (H. R. 18110) granting a pension to Mary G. Hoffnagle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18111) granting a pension to Emma Bero—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18112) granting an increase of pension to William Leonard—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 18113) granting a pension to Harriet E. Dennison—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 18114) for the relief of Nathaniel R. and William C. Carson, of Bradley County, Tenn.—to the Committee on War Claims.

Also a bill (H. R. 18115) to appropriate for and pay claim of T. F. Van, administrator of Leroy P. Campbell, deceased—to the Committee on War Claims.

By Mr. MORSE: A bill (H. R. 18116) granting a pension to Frank B. Gray—to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 18117) granting an increase of pension to William W. Sturch—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 18118) granting an increase of pension to Charles C. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18119) granting an increase of pension to William B. Schock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18120) granting an increase of pension to Jacob Andrews—to the Committee on Invalid Pensions.

By Mr. RANDELL of Texas: A bill (H. R. 18121) for the relief of Daniel W. Dorris—to the Committee on War Claims.

Also, a bill (H. R. 18122) for the relief of Mrs. Nancy M. Cockerham, heir of Cirley Fairchilds, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18123) for the relief of the estate of Elizabeth Riley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18124) for the relief of the estate of James B. Ogletree, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18125) for the relief of Ed. D. Steger and J. E. Labatt—to the Committee on War Claims.

By Mr. REYNOLDS: A bill (H. R. 18126) granting a pension to George L. Middleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18127) granting a pension to Eliza S. Blumer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18128) granting an increase of pension to Albert Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18129) granting an increase of pension to John W. Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18130) granting an increase of pension to Blair H. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18131) granting an increase of pension to John Fleegle—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 18132) for the relief of the heirs of James M. Anderson—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 18133) for the relief of heirs of Benjamin Lawler—to the Committee on War Claims.

Also, a bill (H. R. 18134) for the relief of heirs or estates of Elbert H. and Melinda Ellett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18135) for the relief of James Williams—to the Committee on War Claims.

Also, a bill (H. R. 18136) for the relief of Samuel H. Yarbrough and heirs of John Jones, deceased—to the Committee on War Claims.

By Mr. ROBINSON: A bill (H. R. 18137) for the relief of the heirs of John Kirk—to the Committee on War Claims.

By Mr. SPERRY: A bill (H. R. 18138) granting an increase of pension to George E. Grannis—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 18139) for the relief of Lucius P. Ordway, trustee for the creditors of the Dwyer Plumbing and Heating Company—to the Committee on Claims.

By Mr. TALBOTT: A bill (H. R. 18140) granting a pension to Anna Ogg Lindsay—to the Committee on Invalid Pensions.

By Mr. TENER: A bill (H. R. 18141) granting an increase of pension to Mary McNally—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18142) granting an increase of pension to Thomas J. Walker—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 18143) for the relief of heirs of William R. Tatum, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18144) for the relief of Salem Methodist Episcopal Church South, Wayne County, N. C.—to the Committee on War Claims.

By Mr. THOMAS of Kentucky: A bill (H. R. 18145) granting an increase of pension to Eliza F. Greenwood—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 18146) for the relief of the heirs of Elisha Lowry—to the Committee on Claims.

By Mr. WANGER: A bill (H. R. 18147) granting a pension to Blanche Irene Buckwalter—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 18148) for the relief of George D. Root—to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 18149) conferring jurisdiction on Court of Claims to adjudicate the claim of the estate of Montford T. Johnson—to the Committee on Indian Affairs.

By Mr. GILMORE: A bill (H. R. 18150) for the relief of Anaise F. Zeringue and the estate of Mathilde Champagne Zeringue—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of mayor and city council of Cordele, Ga., for appropriation to improve St. Andrews Bay, Florida—to the Committee on Rivers and Harbors.

By Mr. ADAIR: Petition of Mathew Atkinson, and others, for the passage of the Adair pension bill—to the Committee on Invalid Pensions.

By Mr. ANDERSON: Petition of William H. Gibson Post, No. 31, Grand Army of the Republic, favoring the National Tribune pension bill—to the Committee on Invalid Pensions.

Also, petition of St. Francis Council, No. 1234, Knights of Columbus, of Gallon, Ohio, favoring the Mann bill for the

suppression of the white-slave traffic—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of John B. Eaton—to the Committee on Invalid Pensions.

Also, petition of Forty-third National Encampment of the Grand Army of the Republic, for S. 2550, pensioning volunteer nurses in the civil war—to the Committee on Invalid Pensions.

Also, petition of Grand Lodge of the Benevolent and Protective Order of Elks, urging legislation to preserve the American elk—to the Committee on the Public Lands.

By Mr. ANSBERRY: Petition of National Encampment of 1909, Grand Army of the Republic, for pensions for volunteer nurses in the civil war—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Paper to accompany bill for relief of R. E. and Lawson W. Goodwin—to the Committee on War Claims.

By Mr. BYRNS: Paper to accompany bill for relief of Thomas I. Good—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of Ruth H. Hammond, of Wickford, R. I., for bill giving 10 acres of land to each Yuma Indian—to the Committee on Indian Affairs.

Also, petition of Pattern Makers' Association of Providence, R. I., for eight-hour law—to the Committee on Labor.

Also, petition of United States Veteran Signal Corps Association, for bill authorizing a monument on Little Round Top, Gettysburg battlefield, to commemorate the deeds and services of the United States Signal Corps—to the Committee on Military Affairs.

Also, petition of Rhode Island State Federation of Women's Clubs, against use of the Hetch Hetchy Valley to supply water for San Francisco—to the Committee on the Public Lands.

Also, papers to accompany bills for relief of Thomas L. Jennison, Mary H. Coddington, James F. Watson, James Valentine, George P. Kenyon, Peter Walsh, William Wiley, Samuel H. Green, and James M. Cook—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of La Crosse Council, No. 94, United Commercial Travelers of America, favoring H. R. 1491, relative to excess baggage—to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of Fairchild Brothers & Foster and Kohler & Campbell, of New York City, against publicity feature of the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Chicago Flexible Shaft Company, of Chicago, Ill., favoring certain amendments to the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

Also, papers to accompany bill for the relief of Lawrence Zimmer—to the Committee on Invalid Pensions.

By Mr. GARRETT: Papers to accompany bills for relief of estate of J. M. Sanders and estate of Nathan Dungan—to the Committee on War Claims.

By Mr. GRAHAM of Illinois: Papers to accompany bills for relief of Martha Cramer and Charles Albert Wheeler—to the Committee on Invalid Pensions.

By Mr. GRANT: Papers to accompany bills for relief of F. E. A. Roberts and W. C. Eller—to the Committee on War Claims.

By Mr. HANNA: Petition of citizens of Adams and Brinsmade, N. Dak., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of Thomas C. Dunnaway—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of J. D. Hayes—to the Committee on War Claims.

By Mr. LAMB: Papers to accompany bill relative to the George Washington estate—to the Committee on Claims.

By Mr. LEE: Paper to accompany bill for relief of John J. Clayton—to the Committee on Invalid Pensions.

By Mr. LENROOT: Petition of county board of Polk County, Wis., against reduction of tax on oleomargarine—to the Committee on Agriculture.

Also, a petition of county board of Polk County, Wis., against ship-subsidy legislation—to the Committee on the Merchant Marine and Fisheries.

By Mr. LIVINGSTON: Papers to accompany bills for relief of Lemuel M. Murphy, William A. Calahan, R. Luther Hays, Peter Lynch, Prince Pouder, John Ward, Arthur Hutchinson, and M. B. De Vaughan—to the Committee on War Claims.

By Mr. MALBY: Papers to accompany H. R. 15819, a bill to parole United States prisoners, and for other purposes—to the Committee on the Judiciary.

Also, papers to accompany bills for relief of Marcus Crossman, Frederick H. Norton, John Larock, Antoine Young, and Nathan Donaldson—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of T. F. Vann, administrator of estate of Leroy P. Campbell—to the Committee on War Claims.

By Mr. MORGAN of Missouri: Petition of Grand Army of the Republic post of Marionville, favoring increase of pensions as provided in the National Tribune bill—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of citizens of Eland, Wis., against repeal of the oleomargarine tax—to the Committee on Agriculture.

By Mr. OLDFIELD: Petition of Board of Trade of city of Batesville, Ark., against legislative interference with transportation corporations as per S. 1986 and H. R. 10889—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Sarah J. Denney—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: Petition of George Taylor Chapter, Daughters of the American Revolution, of Easton, Pa., for appropriation to build a military road from Yorktown to Jamestown, Va.—to the Committee on Military Affairs.

By Mr. PAYNE: Paper to accompany bill for relief of Sylvester Sawyer—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Paper to accompany bill for relief of John Davis—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Paper to accompany bill for relief of estate of Malinda Ellett—to the Committee on War Claims.

By Mr. ROBINSON: Paper to accompany bill for relief of Ernest B. De Vall—to the Committee on ———

Also, paper to accompany bill for relief of Samuel P. Beck (H. R. 17981)—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolutions of the Connecticut Horticultural Society, favoring parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Papers to accompany bills for relief of Louise S. Martine (H. R. 13770), George O. Lloyd (H. R. 13774), Charles R. Stacey (H. R. 13780), George P. McClellan (H. R. 13772), Emma Templeton (H. R. 927), James H. Gaff (H. R. 13773), James Downey (H. R. 924), Malinda A. Hemstreet (H. R. 13777), Samuel Shropshire (H. R. 13779), William Gough (H. R. 14430), and Sarah A. Fugett (H. R. 15265)—to the Committee on Invalid Pensions.

By Mr. STURGISS: Petition of Kelly Post, No. 111, Grand Army of the Republic, Kingwood, W. Va., favoring National Tribune pension bill—to the Committee on Invalid Pensions.

Also, petition of Wheeling Board of Trade, for repeal of the federal corporation tax—to the Committee on Ways and Means.

Also, petition of the Parkersburg Mill Company, for repeal of the federal corporation tax—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Butler & Kelley Company, against the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of United Commercial Travelers, favoring H. R. 1491, concerning sample baggage and excess baggage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Markt & Hammacher Company, of New York, against publicity paragraph of the corporation clause of the Payne tariff law—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of Salem Methodist Episcopal Church—to the Committee on War Claims.

## HOUSE OF REPRESENTATIVES.

FRIDAY, January 14, 1910.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

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

### CONSERVATION OF NATIONAL RESOURCES.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 533), which was read, as follows:

*To the Senate and House of Representatives:*

In my annual message I reserved the subject of the conservation of our national resources for discussion in a special message, as follows:

In several departments there is presented the necessity for legislation looking to the further conservation of our national resources, and the subject is one of such importance as to require a more detailed and extended discussion than can be entered upon in this communication.