

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 9, 1910.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. This being calendar Wednesday, under the rule, the call rests with the Committee on Foreign Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4626. An act for the widening of Sixteenth street NW. at Piney Branch, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6449. An act permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota; and

S. 5125. An act authorizing the creation of an additional land district in the State of Oregon to be known as the "Vale land district."

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 4830. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Sacramento, Cal.; and

H. R. 18162. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911.

EMBASSY, LEGATION, AND CONSULAR BUILDINGS.

Mr. LOWDEN. Mr. Speaker, I am directed by the Committee on Foreign Affairs to call up, under the rule, the bill H. R. 22312.

The SPEAKER. The gentleman from Illinois, by direction of the Committee on Foreign Affairs, calls up the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 22312) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad.

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment: *Provided, however,* That not more than the sum of \$500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further,* That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of \$150,000 at any one place) and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

Mr. PRINCE. Mr. Speaker, I make the point of order against this bill. On page 250 of the Rules and Practices of the House I find:

And a bill once rejected, another of the same substance can not be brought in again the same session.

This is from Jefferson's Manual, and as there is no rule of the House upon this question Jefferson's Manual is made a part of the rules of the House. Now, Mr. Speaker, on the 2d of March, at this session, by a yea-and-nay vote of 160 yeas to 84 nays, a bill the substance of which is exactly like this bill was rejected by this House.

Mr. LOWDEN. Mr. Speaker, I do not think my colleague wishes to make a misstatement. The vote on the only roll call, which was on the motion to adjourn, was 99 to 123.

Mr. PRINCE. Will you be kind enough to look to page 2649 and see what the report of the vote is? The House divided; and there were—ayes 160, noes 84. But that was not a roll call. The vote on the yeas and nays was 99 for the bill and 123 against the bill; and there is the list of the votes and the names of those who voted. After the vote had been taken, a motion was made by the gentleman from Arkansas [Mr. Macon] to reconsider the vote by which the action of the committee was agreed to, which was laid upon the table.

Now the question before the House is whether this bill comes under the rule as another "of the same substance." The bill that was introduced under date of December 17, 1909, the one that was rejected by the House, is exactly like the bill that is presented under date of March 7, 1910, with this one exception, which does not go to the substance of the bill. On page 2, line 9, "which limit of cost shall not exceed the sum of \$150,000 at any one place." That limits the amount. The substance is exactly the same. That amendment was in order at the time the bill was before the committee and before the committee acted. Now, I have been unable to find any precedent which will warrant the doing of what is sought to be done to-day. I find on page 295 of volume 4 of Hinds's Precedents the following:

A bill having been rejected by the House, a similar, but not identical, bill on the same subject was afterwards held to be in order.

On August 17, 1856, Mr. John Wheeler, of New York, presented a resolution instructing the Committee on Ways and Means to report a bill for the support of the army in accordance with the text accompanying the resolution. This new bill was drawn up the same as the army bill, which had already failed, because of differences between the House and Senate concerning a provision relating to the use of troops in Kansas, with the exception that the proviso relating to Kansas was stricken out and three appropriations were changed as to amounts.

There was a question whether troops should be used and the pay for the troops in what was known as the "border war" in Kansas. The House rejected that provision. Afterwards the bill left out that which was the substance, which was the material difference between the two Houses, and another bill came in, and of different substance, and was held in order. But this is the identical bill rejected by the House. The substance is the same. It is not one whit different, because the substance there was whether there shall be appropriations and provisions made for the purchase of embassy sites abroad. That is the substance, that is the essence of the bill—the substance and the essence of the bill—so that the idea whether it shall cost a dollar or a thousand dollars was not at issue, which was whether we shall do that or not.

Now, I regard this motion, or this procedure, as trifling with the House. Why? Because if we vote this bill down to-day, the committee can bring in a bill for \$145,000 limit; if we vote it down again, they can bring in another at \$140,000; and if we vote that down, it can bring in another at \$120,000, and you can go on ad libitum until the session is used up. Now, what is meant by such a proceeding? It means that on the call of committees, on calendar Wednesdays, the House can debate this bill a day and, if the House rejects it, we have stopped the business on the calendar. Next week, when the calendar is called again, the call rests with the same committee, and they can take up the time of the House as they did last time, and so on from week to week, and we can not stop it.

Mr. MANN. The gentleman will admit that he is mistaken about supposing that the call will rest with the Committee on Foreign Affairs next week?

Mr. PRINCE. Yes; for two full days.

Mr. MANN. For two days. It had last Wednesday, and the call rests with it to-day, but not next Wednesday.

Mr. PRINCE. It practically rests with it, because the call of the committees goes so rapidly that the time of this House can be taken up during the session until this matter is disposed of.

But, coming back to the point at issue, I assert that this bill is, in substance, the same as the bill rejected by this House.

Wherein does it differ in substance? The substance is a provision for an embassy. That is the cause of the introduction of the bill. The question whether the cost limit is more or less is one of amendment, that could be determined at that time.

Now let us go a little further. Suppose that it was in a court of justice, and the court had ruled against a cause of action and said it was not a proper cause of action. A demurrer had been filed, the plaintiff had been put out of court because there was no cause of action. Would the court, upon a like bill, presented for a less amount, hold that a reduction of the amount would cure the cause of action and make a different substance, and that the court would take jurisdiction of it? Why, most assuredly not. There is not a lawyer within the sound of my voice but would hold that if the court had ruled it out, if the substance had been tried, another case of the same kind could not receive consideration on the ground that you had reduced the amount.

Mr. SULZER. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. PRINCE. Yes.

Mr. SULZER. Assuming that all the gentleman says is so, I ask what rule does the gentleman refer to that will prevent the present consideration of this bill?

Mr. PRINCE. For the benefit of my friend from New York, I will read again from page 250 of Jefferson's Manual:

And a bill once rejected, another of the same substance can not be brought in again the same session.

Mr. SULZER. When was this bill rejected?

Mr. PRINCE. It was rejected on the 2d of March.

Mr. SULZER. Not this bill. The gentleman is in error, and refers to another bill.

Mr. PRINCE. The substance of this bill was rejected then. That bill on that day was the same as the bill to-day, with this exception only, which I declare is not a substantial difference:

Which limit of cost shall not exceed the sum of \$150,000 at any one place.

Mr. SULZER. That makes all the difference. This is essentially a different bill, and the rule to which the gentleman refers does not apply.

Mr. PRINCE. Reading further from page 295 of volume 4 of Hinds's Precedents:

Mr. Benjamin Stanton, of Ohio, made the point of order that two army appropriation bills had been disposed of this session, one coming over from last session and failing by difference between the Houses, and the other being defeated in the House. The manual provided that—

"In Parliament, a question once carried can not be questioned again at the same session, but must stand as the judgment of the House; and a bill once rejected, another of the same substance can not be brought in again the same session."

The Speaker said:

"But one bill for the support of the army has been introduced at this session of Congress. The second bill came over from the last session. It was not introduced at this session of Congress. One bill introduced at this session of Congress has been defeated, but the bill embraced by the resolution before the House differs from that bill in the very material manner of wanting the proviso which is the subject-matter of controversy between the two Houses. The language of the manual read by the gentleman—that a bill once rejected, another of the same substance can not be brought in—refers to the provisions of a bill, and not to bills on the same subject. The Chair is of opinion that the resolution is in order."

Undoubtedly that was in order, because the contention was in reference to the portion of the bill making appropriations for the payment of troops to carry on the border war in Kansas. That was a substantial difference, but this is purely a question of difference in the amount of money. The substance has been passed upon, and I insist upon the point of order as against this bill.

Mr. LOWDEN. Mr. Speaker, I have given some consideration to this question, and I wish to submit to the House the results of that consideration.

In the first place, under the practice of this House, Jefferson's Manual is practically obsolete. In the revision of 1880 the Committee on Rules decided to retain the Manual, although, as they said in their report:

Compiled as it was for the use of the Senate exclusively, and made up almost wholly of collations of English parliamentary practice and decisions, it was never especially valuable as an authority in the House of Representatives even in its early history, and for many years past it has been rarely quoted in the House. (5 Hinds's Precedents, sec. 6757.)

My colleague [Mr. PRINCE] relies upon this statement in the Manual:

In Parliament a question once carried can not be questioned again at the same session, but must stand as the judgment of the House.

And a bill once rejected, another of the same substance can not be brought in again the same session. (Manual, p. 250.)

On the following page of the Manual, continuing the discussion of this subject, a case is cited in which practically the same bill was brought up a second time at the same session, in the English Parliament, and it was held that this was not any reason for not considering the bill, although it had been rejected before.

It thus appears that even by the Manual and in accordance with its precedents it never was a strict rule of practice of the Parliament that when a bill was rejected it should not, the slightest possible change being made, be considered again at that session.

Therefore, without reference to the rules of the House, which I shall take up later, the Manual is an exceedingly slender authority for the point of order made by the gentleman from Illinois [Mr. PRINCE].

Rule XXIV, paragraph 4, provides that on the call of committees each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar.

Paragraph 4 of Rule XXVI extends this privilege to bills upon the Union Calendar.

I therefore submit that those rules by their terms are inconsistent with the provision quoted by my colleague [Mr. PRINCE], because if these rules had contemplated that a similar bill should not be brought up in the same session of Congress, they would have provided something like the following:

Any bill upon the calendar, the substance of which has not been presented before to the House at the same session—

And so forth.

Therefore, I believe that any sort of a change makes a new bill.

Mr. DOUGLAS. Will the gentleman yield for a question at that point?

Mr. LOWDEN. After I have finished this line of argument. The SPEAKER. The gentleman declines to yield for the present.

Mr. LOWDEN. But, Mr. Speaker, even if this contention were overruled, the bill called up to-day is not in substance the bill which it is claimed was rejected a week ago, within the meaning of the Manual. In this connection, I wish to cite the language of an earlier Speaker, contained in section 3383, volume 4, of Hinds's Precedents, in which the Speaker held—

But the Chair agrees with the gentleman from Kentucky that the fact that this bill has passed does not cut off the House from passing another bill on the same subject.

I also wish to cite to the Chair section 3384, volume 4, of Hinds's Precedents.

In this case it appears that on August 17, 1856, Mr. John Wheeler, of New York, presented a resolution instructing the Committee on Ways and Means to report a bill for the support of the army, in accordance with the text accompanying the resolution. This new bill was drawn up the same as the army bill, which had already failed, because of differences between the House and Senate concerning a provision relating to the use of troops in Kansas, with the exception that the proviso relating to Kansas was stricken out, and three appropriations were changed as to amounts.

The Speaker said:

The second bill came over from the last session. It was not introduced at this session of Congress. One bill introduced at this session of Congress has been defeated, but the bill embraced by the resolution before the House differs from that bill in the very material manner of wanting the proviso, which is the subject-matter of controversy between the two Houses. The language of the Manual read by the gentleman—that a bill once rejected, another of the same substance can not be brought in—refers to the provisions of a bill, and not to bills on the same subject. The Chair is of opinion that the resolution is in order.

The question, therefore, under these precedents, is whether or not this bill is the same as the bill which was considered by the House last week. If gentlemen will recall what transpired during that consideration they will remember that the principal argument addressed against that bill, one that occupied almost exclusively the time of my colleague and friend, was that there was no limitation as to the cost in any one place. The bill that is called up to-day contains a provision that in no case shall the cost exceed \$150,000 in any one place. That was the real point of the opposition to that bill last week.

This new bill presents changes, and the Chair must take into account what the real difference of opinion was last week in deciding whether this is the identical bill which was considered last week, or whether it is a new bill on the same subject, which was held by Speaker Banks to be in order.

Mr. MANN. Will my colleague yield for a suggestion?

Mr. LOWDEN. With pleasure.

Mr. MANN. The bill that was considered last week provided a limitation of \$1,000,000 a year, while the bill now before the House provides for a limitation of \$500,000 a year; a substantial change, it seems to me.

Mr. HULL of Iowa. Was there not an amendment to the bill of last week providing a limitation of \$500,000?

Mr. MANN. The committee reported an amendment, which was never adopted and never considered. The bill that was reported to the House had a provision for \$1,000,000 a year, but the amendment was neither agreed to nor considered by the House.

Mr. SABATH. Will the gentleman yield?

Mr. LOWDEN. For a question.

Mr. SABATH. The bill that was defeated had no limitation as to the cost of these buildings, but this bill has a limitation.

Mr. LOWDEN. That is true.

Mr. SABATH. No more than \$150,000 can be appropriated for any one place by this bill.

Mr. LOWDEN. That is true.

Mr. SABATH. And in that the bills differ.

Mr. LOWDEN. This bill differs from the other one, and that difference was the subject of the real debate on the floor of the House last week, as the gentleman reminds me.

Mr. SABATH. That is a question I raised last week, that there was no limitation as to the cost of the building.

Mr. LONGWORTH. Will the gentleman from Illinois yield?

Mr. LOWDEN. With pleasure.

Mr. LONGWORTH. The real objection made to the bill last week as it stood was that there was no limitation made as to the amount that could be spent in any one place, and that was based on an argument at the very foundation of this bill, that under the present conditions the poor man could not accept one of these positions; and the argument was made that if you took a poor man and placed him in a building that cost as much as \$500,000 he would not be any better off. Therefore, if you cut the amount to \$150,000 it must be admitted that it is a building in which a comparatively poor man could live, and it seems to me it goes to the very essence of the whole question before the House.

Mr. LOWDEN. I think so. I now wish to call the attention of the Chair to section 3385, volume 4, of Hinds's Precedents.

On December 19, 1864, Mr. Speaker Colfax held that a resolution, which the House had laid on the table, might not be presented again unless one or two words were changed to make it in fact a different resolution. This was on the occasion of Mr. Henry Winter Davis, of Maryland, presenting a resolution relating to the power of Congress over foreign affairs.

Mr. Speaker, the citation from the Manual, made by my colleague [Mr. PRINCE], applies equally to a resolution as to a bill, and I have taken pains to look up the difference between the two resolutions upon which Mr. Colfax held that the second one was in order, being different in fact. The only difference is that the word "president" is omitted from one, and in its place the words "executive departments" are inserted. I claim that this precedent is directly in point. I further contend that we must take into account what consideration influenced the minds of the Members last week, and it appears, as it clearly does, that it was the absence of this limit of cost, then this bill is a new bill, and it is in order.

The effect of the bill, as the Chair will readily understand, will be to cut out the principal capitals of the Old World and to enable this country, while it is yet time, to acquire, at a reasonable cost, sites for buildings in Mexico, South America, and the Orient, and it appeared in the debate upon this bill last week that many Members who voted against it were in favor of extending this policy to those countries.

The real question is whether Members who opposed the bill which was considered last week might, with the changes made, consistently support this bill now. If so, for all parliamentary purposes this is a different bill. The questions addressed to me at this time show clearly that Members who opposed the bill which was considered last week are of the opinion that the objections which they found to the bill then pending have been removed from this. The bill is therefore different, and the point of order, I submit, Mr. Speaker, should be overruled and the bill submitted to the Committee of the Whole House on the state of the Union.

Mr. HARRISON. Mr. Speaker, I desire to be heard for a moment on the point of order. I think it would be difficult to add anything to the value of the argument just made by the gentleman from Illinois [Mr. LOWDEN], and it seems to me the precedents are so clear that I venture to suggest that the Chair is called upon to overrule the point of order. The same point of order made in 1856 was as to a bill which differed in no respect from the bill previously rejected by the House in that session, except that it omitted a proviso as to the use of certain troops in Kansas, and the Chair in overruling the point of order on that occasion said that the language of the Manual referred to the provisions of a bill and not to bills on the same subject. Now, if the Chair shall sustain this point of order, it will be hereafter impossible, a bill upon a certain subject having once been rejected, for a bill upon that same subject ever to be in order at the same session of Congress in this House. The proper construction of the rule, as was stated by a previous Speaker, is that the point of order lies to the provisions of a bill. This bill is totally distinct in its provisions from the bill rejected by the House last Wednesday. The chief objection to that bill, as stated by the gentleman from Illinois [Mr. PRINCE] himself, in the course of a very impassioned address upon the subject, was the fact that it did not limit the cost of any one building. That same objection was stated by gentlemen upon both sides of this House, and in my opinion was the chief burden of complaint. This bill does limit in substance the cost of any one building to \$150,000 at any one place, and is as vital and essential a difference in substance from the other bill as any change in a bill well could be.

The gentleman from Illinois [Mr. PRINCE] said in the course of his argument this morning that if this be held to be a differ-

ent bill substantially from the one the House has already rejected, hereafter the Committee on Foreign Affairs might, if this second bill is voted down, bring in another bill limiting the cost to \$145,000 on next Wednesday, and to \$140,000 on the following Wednesday. A gentleman of as much sense and character as the gentleman from Illinois [Mr. PRINCE] can not have been in earnest in advancing that argument, because the point of order stated in Jefferson's Manual, which he has attempted to misapply here, would directly apply to any such trivial and inconsequential change as a reduction in the limit from \$150,000 to any smaller sum like \$140,000 or \$130,000. This bill, Mr. Speaker, is substantially different from the other, and therefore I submit that the Chair is called upon to overrule the point of order.

Mr. SHERLEY. Mr. Speaker, there is just one point I desire to bring to the attention of the Chair. We have a similar rule that is frequently called into play in the Committee of the Whole House. For instance, if an amendment is offered to a bill and that amendment is rejected, manifestly an amendment in exactly the same language can not again be offered, but the Chair has always held that even though the second amendment were traveling the same line and for the same purpose, yet if it was in point of fact a different amendment, it was in order. Now, the very fact that this relates to the same subject-matter is not the question for consideration, but it is whether it deals with that subject-matter in a substantially different way, so as to present a different bill, and under the practice that we have had in the Committee of the Whole on amendments—and that rule is for the same purpose, to prevent the committee from being unduly burdened with reconsideration of matters—I submit that this bill, being a different bill, substantially, is in order.

Mr. MANN. I call the attention of the Speaker to the language of Jefferson's Manual, which has already been quoted:

And a bill once rejected, another of the same substance can not be brought in again the same session.

And the question is whether that means substantially the same or whether it means what it says, "the same substance." The same substance is not something like; it is the same, and when this says the same substance it means a bill identically alike. It does not mean a bill on the same subject-matter. Now, these two bills are very different. One of them provided for an appropriation of \$1,000,000. The other provides for an appropriation of \$500,000. I should call that a substantial change in the bill and not the same substance. One provided no limitation in figures upon the amount to be expended in any one place and the other makes a limitation of \$150,000. Certainly, if these bills had been offered in order as amendments in the Committee of the Whole House on the diplomatic and consular appropriation bill, and it had been in order to offer them and one of them had been voted down, the other would not be construed by the Chair to be the same substance, so that it would not be in order.

Mr. FITZGERALD. Mr. Speaker, it seems to me that the House should keep in mind the difference in practice that existed in the Commons at the time of the adoption of the rule stated by Jefferson and the existing procedure in this House. My understanding is that bills at that time were brought into Parliament upon a resolution directing a committee to prepare and to report a particular bill to the House for its consideration, and a committee would then be appointed to prepare and report such a bill. The question as to whether a bill in the language of the rule of "the same substance" was to be reported into the House would arise upon the presentation of the resolution directing a committee to prepare such a bill. There was then a distinction, however, that has since been emphasized and has been recognized in this House, not only from the precedents of the House which have been cited, but from the exceptions to this rule to which attention is called by Jefferson's Manual itself. The only two precedents cited are to the effect that bills of "the same substance" have been construed to mean not bills substantially the same, but bills identically the same; and the rule has been narrowed by construction so that a bill to be rejected upon such a point of order as this must not only be substantially the same in form but must be identical in language to the bill which has been rejected. Now, in section 510 of the Manual, which is section 43 of Jefferson's Manual, I read the following:

In cases of the least magnitude this rule—

That is, a bill of the same substance shall not be presented at the same session—

has not been so strictly and verbally observed as to stop indispensable proceedings altogether. Thus, when the address on the preliminaries of peace in 1782 had been lost by a majority of 1, on account of the importance of the question and smallness of the majority, the same

question in substance, though with some words not in the first, and which might change the opinion of some Members, was brought on again and carried, as the motives for it were thought to outweigh the objection of form.

So that as early as 1782, in the House of Commons itself, an address which was of considerable importance to the country, and which had been rejected by a single vote simply by having slight change in the phraseology so as to overcome the objections raised to the address by some of those in opposition, was permitted, despite this well-known rule, to be brought into that session. It seems to me that following that exception these two decisions, which have been cited and referred to several times, have followed what was recognized as the proper exception; that a bill to be subject to the point of order which has been raised must be identical, as well as the same in substance. And, Mr. Speaker, when it is considered how great has been the change in procedure, how many times multiplied have been the number of bills which are introduced and the various questions arising, it seems that unless the narrower construction be given to this rule and the exception to it be adopted as a true rule that it might be impossible for the House, on some future occasion, to consider legislation of the utmost importance.

For instance, suppose that the District appropriation bill should fail at this session because of the difference now existing between the two Houses as to whether the appropriation for playgrounds should be paid from the federal and District revenues or merely from the revenues of the District of Columbia, and the two Houses, unable to reconcile their differences, the bill should fail; then another District appropriation bill should originate here, identically the same as heretofore, with the exception that the item for playgrounds should be omitted from the bill as proposed; would it then be suggested that because of this one change the bill was substantially the same, and that it would be impossible for the House to appropriate for the expenses of the District government? It seems to me that so long as the bill is not identical in words, in language, and in every respect, this point of order can not lie successfully against it.

Mr. SAUNDERS. Mr. Speaker, I wish to speak to this point of order briefly. Suppose we look to the reason of the rule under discussion. It is a rule which obtains in most of the state legislatures, and is intended to prevent the time of parliamentary bodies from being wasted, and to save the members from the necessity of thrashing over matters that have been adequately considered, and rejected. Hence the necessity for using the words "in substance" in the rule. As I understand the particular proposition that is before this House, the present bill is substantially the same as the one heretofore rejected, save that the money items are different. What was, and is, the main principle involved in this bill? It is that the United States Government shall enter upon the purchase of embassy sites abroad. That was the great controlling principle over which the contest was waged a few days since. The question of expenditure in that connection is a matter of detail. The discussion of a few days ago was waged over the principle and not over the mere details of expenditure. That principle has been decided, by the adverse vote of this House, and now the same principle is before us, with a change in the items of expenditure that will be involved. Therefore, I submit that this bill is, in substance, the same bill which we have heretofore rejected. The substantial matter which the House has had in mind at all times in connection with this bill, is whether we shall purchase embassy sites at all, not what the cost of those embassy sites shall be. It seems to me, in conformity with precedent, and in conformity with principle, that that interpretation should be given to the rule, which would sustain the point of order, and cause this bill to be dismissed from further consideration. [Applause.]

Mr. PRINCE. Mr. Speaker, as the history of the discussion has been gone into, if the Speaker will permit me and the House will not be too impatient, I will refer briefly to that discussion. Here was a measure to enter upon a new policy. I think I stated in the discussion that for more than one hundred and twenty years the policy of this Government has been along certain lines. I stated that the President of the United States had not asked to change this policy. I stated that the Secretary of State had not asked by any communication to change that policy.

Mr. DENBY. Will the gentleman pardon an interruption at that point?

Mr. PRINCE. Yes.

Mr. DENBY. Every Secretary of State from the time of Secretary Olney, in 1897, has advocated this measure. Secretary Olney—and I am replying directly to the statement made by the gentleman—in a communication to the Senate transmit-

ted to the Congress estimates which had been called for by the department of the cost to erect buildings in 14 foreign capitals, and he thereupon recommended the beginning of this policy as long ago as 1897; and from that day to this there has been absolutely no change in the advocacy of this policy by the succeeding Secretaries of State down to Secretary Root and the present Secretary, Mr. Knox.

Mr. PRINCE. Very well. I stated then, and I restate now, that there was not a syllable, or a word, or a line of public hearings that showed that these officers, who represented a part of this Government, would come up, as I used the expression, "to the captain's office" and ask for this appropriation. I make the charge again. This is all an afterthought. This is all a second wind, as you might express it. There is not a word of it in any report to this House, not a syllable on the part of any executive officer asking for this policy. I stated it then and I state it now. I have before me your second report on this bill—that is, substantially the same bill—and there is not on this bill, that is substantially the same bill, and there is not a word in that report, not a letter from any Secretary of State, asking for the doing of it.

Mr. DENBY. Mr. Speaker—

Mr. PRINCE. Now, I have answered all I will.

Mr. DENBY. I was merely going to suggest to the gentleman from Illinois [Mr. PRINCE] that I have not the slightest objection to his talking to the merits of this bill, but I wish to remind him that he is not talking to the point of order which he has raised. If the rest of us are allowed as great freedom of debate, I should be very happy, as far as I am concerned, to see that the gentleman continues in his present line. I make the point of order that he is not discussing the point of order.

Mr. PRINCE. I stated frankly to the Chair and to the House and asked, in effect, unanimous consent. I said my colleagues from Illinois had gone out and given reasons for the action of the House. I submit to my colleagues in this House, when I made the point of order, I stood by the point of order in my argument. You have dragged it out upon the other side. I said not a word. I believe in standing by a legal proposition. To bring in new matter, you have sought to meet my argument upon the basis of the cost of the building. So did a distinguished gentleman on the other side, and I sat here in silence listening to you. I knew I should have an opportunity to answer it. I say to you now that I stood on that action; that you were entering upon another policy; it was because of the policy which is the substance of this bill that that bill was voted down on the 2d day of March.

Mr. RUCKER of Colorado. Will the gentleman permit me to ask him a question?

Mr. PRINCE. Certainly.

Mr. RUCKER of Colorado. Does not the gentleman know, when he states that this is a new policy being entered upon, that as early as 1820, as early as 1832, both of them under a Democratic administration, and then again in 1886, under the Cleveland administration, appropriations were made by this House without any objection?

Mr. PRINCE. Did you buy any buildings?

Mr. RUCKER of Colorado. Does not the gentleman further know, when he states there have been no reports made to Congress, that figures were given in 1907 by the then Secretary of State giving a detailed statement to this House of the cost that might be expended by the Government to provide embassies in these foreign countries?

Mr. PRINCE. That may all be; but I am talking about this bill. I again assert that there is not a syllable from any representative of one of the coordinate branches of this Government whose duty it is, under the law, to make estimates to this House. There is not an estimate given of what you ask for. It is like other measures pending, seeking to do what this administration has not asked to be done, as far as the estimates are concerned.

Mr. HITCHCOCK. Will the gentleman yield for a question?

Mr. PRINCE. Yes.

Mr. HITCHCOCK. Is it not a fact that when this bill was under discussion a week ago the gentleman from Illinois based his chief argument against it upon the allegation that under the bill it would be possible and probable that the cost of the embassy would be at least \$500,000?

Mr. PRINCE. That was one ground, but another was the furnishing.

Mr. HITCHCOCK. Is it not a fact that in at least six places during his remarks the gentleman gave as the chief argument, and moved the House by consideration of the fact, that there was no limit on the cost; and in six places he repeated the charge that the embassies would cost \$500,000 apiece?

Mr. PRINCE. I feel flattered that my colleague has felt sufficient interest to number the times. If I said it, I do not take one word of that argument back.

Mr. HITCHCOCK. If that was the gentleman's argument in this House at that time, and this bill is offered free from that objection, I will ask him whether it is not a totally different bill?

Mr. PRINCE. It is not.

Mr. HITCHCOCK. I can cite the gentleman to the places in which he repeatedly made the statements I have referred to.

Mr. PRINCE. I have no doubt of that. I presume the gentleman has counted correctly, and I do not question that; but I spoke to the policy as well. I spoke of the furnishing as well. When you start this Government of ours to building and furnishing and equipping embassies, we will entertain as royally in embassies as any other government. You are starting out exactly the same way as they did with the navy, that we must have the greatest *Dreadnoughts* afloat. Why, if you are going to enter upon that policy, if you are going to erect these buildings, furnish and equip them, you should maintain a building and entertain equal to the King of England, the Czar of Russia, or the Emperor of Germany, so that you should come to Congress and ask that the Government should be put in the front rank. I am against the policy which you are seeking to enter upon; for that is what it means; it means that and nothing else.

Mr. JAMES. Can the gentleman tell the House how many departments of the Government here in this city are occupying rented houses now?

Mr. PRINCE. Well, I do not know.

Mr. JAMES. How many departments of the Government now occupy rented houses?

Mr. PRINCE. Oh, yes. I understand that we are paying a million and a half or two millions of dollars for rent of buildings here in Washington.

Mr. JAMES. The Department of Justice and the Department of Commerce and Labor both occupy rented buildings. What I desired to direct the gentleman's attention to is that before going abroad to spend our money we at least should own our own buildings at home and not be paying great rents.

Mr. PRINCE. I quite agree with the gentleman.

The SPEAKER. The Chair will call the attention of the gentleman from Illinois, as honors seem to be about even in wandering away from the point of order—

Mr. PRINCE. I think so, Mr. Speaker.

The SPEAKER. The Chair would be glad if the gentleman would proceed in order.

Mr. PRINCE. I shall be glad to do so.

Mr. McCALL. I should like to ask the gentleman a question.

Mr. PRINCE. Yes, if it is in order.

Mr. McCALL. With reference to the point of order.

Mr. PRINCE. Yes.

Mr. McCALL. Does the gentleman have any precedents where the consideration of a bill has ever been refused in the House, according to that precedent in the British Parliament? Has there ever been a case where it has been done?

Mr. PRINCE. I have sought to ascertain with reference to this question, and so far as I can learn this particular point directly has not been presented to Congress in its history.

Mr. McCALL. Then I should like to ask another question, Whether this would not be, in effect, a limitation upon the power of the committee; whether the rules of this House do not expressly and without limitation confer upon any committee which has the right of call, the power to call up for consideration any bill reported by it at a previous time?

Mr. PRINCE. I will answer that.

Mr. McCALL. And would that provision of Jefferson's Manual be relevant upon bills called up by committees?

Mr. PRINCE. I intended to answer that and will do so. My answer is that any bill in order under the rules of the House of Representatives may be called up. Now, what are the rules of the House? On page 472, Rule XLIV is as follows:

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives.

Mr. OLMSTED. Will the gentleman permit an inquiry?

Mr. PRINCE. Yes.

Mr. OLMSTED. Suppose that the House should vote down a sundry civil appropriation bill. Does the gentleman think it would be impossible to bring in another sundry civil appropriation bill, even though some of its provisions might be changed, or would we have to go without an appropriation for that year?

Mr. PRINCE. I am frank to say to the gentleman that if you should change the bill, if it was changed in substance, I think it would not be obnoxious to this rule.

Mr. OLMSTED. But it would still be substantially a sundry civil appropriation bill just the same.

Mr. PRINCE. There is no such question presented here. The question presented by the gentleman is one of the last magnitude, namely, either to starve the Government, or give it something to live upon. The rule has never been so strictly observed as to stop indispensable proceedings altogether. Will the gentleman insist that this is an indispensable bill, that the Government can not live unless it has an embassy abroad?

Mr. HULL of Iowa. Will the gentleman allow me to ask him a question?

Mr. PRINCE. Yes.

Mr. HULL of Iowa. In reference to appropriation bills, the illustration was made of the provision for playgrounds on the District of Columbia appropriation bill. Suppose the two Houses did not get together on that item. The bill would die. The point is made that therefore another bill could not be introduced. What I want to ask the gentleman is this: Is it not true that on that appropriation bill, as on the other bills, there is an agreement of both Houses on nearly the entire bill, so that the elimination of one item would not destroy the bill?

Mr. PRINCE. It would not affect the bill at all.

Mr. HULL of Iowa. That was the action by the House in rejecting only one item.

Mr. PRINCE. That was the answer I was going to make to that.

Mr. BURKE of Pennsylvania. Does the gentleman desire to have remain on the record the statement that this is an effort by the side-door route to accomplish something that this administration does not desire?

Mr. PRINCE. I say, that so far as I know this administration, speaking through its Secretary of State, has presented no communication, so far as the papers before this committee disclose, which warrants me in taking the position that the administration is in favor of the measure.

Mr. BURKE of Pennsylvania. That is a mere inference on the gentleman's part.

Mr. PRINCE. Will the gentleman state that he is favorable to it?

Mr. BURKE of Pennsylvania. My question was whether the gentleman wished to have remain in the Record the positive declaration that this was an attempt by a side-door route to accomplish what this administration did not desire?

Mr. PRINCE. No; I will acquit the administration, because I do not think it has made any expression in regard to it.

Mr. LONGWORTH. Oh, the gentleman has failed evidently to read a recent speech made by the President of the United States in which he most heartily advocated the proposition that this Government should buy and own its legations and embassies.

Mr. SULZER. Yes; and the President said that any opposition to the proposition is demagoguery. [Laughter.]

Mr. PRINCE. That is all right; if it is demagoguery to stand for what a man believes is right, I am willing to go to my constituents and stand by what I say. They have sent me here for a number of years, and I still propose to stand by what I believe is right.

But let us go further. "A bill once rejected, another of the same substance"—and I insist that this is the same substance—"can not be considered at the same session."

What has been done? Page 2647 of the Record of March 2 shows that Mr. MACOM moved to amend by striking out the enacting clause of the bill. There was a straight issue upon the bill and its merits, a motion made to strike out the enacting clause. It was stricken out by a yea-and-nay vote. Then a motion was made to reconsider and lay that motion on the table, and that was carried. Now, if there ever is a time when Congress, acting in the House, not in the committee—these gentlemen are talking about committee amendments as if there was a committee motion—but here was a deliberate act of the House itself striking out the enacting clause by an aye-and-nay vote, putting the motion on the table and moving to reconsider and laying that on the table. Is that a finality? If it is, let it be so. If it is not, then why trifle with the House by bringing in the next day another measure? Oh, but you say, they could not bring it in very often. They have done it; it is here. The public time is being consumed when the House has finally spoken.

Now, is the House itself going to put upon the book a precedent that when a committee, or a segment of the House, feels aggrieved at the action of the House they can bring in another bill and modify it only to the extent of a few dollars? Can they take up the public time in that way? We ought to pass public legislation. There is demand for it all over the United States, and now we are to take the time in voting one day for this, and one day for that, upon the same measure, and not by

a motion to reconsider. I say that if the House adopts such an action it is a bad precedent. This question has now arisen above the question of an embassy; it has arisen to the high dignity of the privileges of the House. The question is whether the House shall stand by what it has done. Mr. Speaker, I insist on my point of order.

The SPEAKER. The Chair has listened with attention and with much interest to the presentation of this point of order and to its discussion. Touching Jefferson's Manual, the Chair does not agree with the criticism made by a committee of the House, if the Chair recollects, in 1880, that it is substantially antiquated and of but little authority. The observation of the Chair is that Jefferson's Manual is in constant use by the House and is adopted by one of the rules of the House. The Chair is satisfied that the clause of Jefferson's Manual which is cited here, as a general proposition, lays down a very salutary and useful principle:

A bill once rejected, another of the same substance can not be brought in again at the same session.

Now, the object of the rule in the Manual, touching this as a matter of practice, was that there should be a finality when the House had once considered a proposition, that a similar proposition, in substance the same, should not be in order during the same session; and yet there comes the question of fact as to whether it is in substance the same.

Jefferson's Manual, in dealing with the subject of inconsistent amendments, lays down the general principle that were the Chair permitted to draw questions of consistence within the vortex of order he might usurp a negative on important modifications and suppress, instead of subserving, the legislative will.

Jefferson's Manual, as it is modified by the rules of the House—and they have all to be construed together and in the light of precedents that are made and the practice of the House under other rules—may apparently from time to time lead to conflicting decisions. In two instances it seems to be required that the Chair shall enter into the question of substance or consistency. Take the rule of the House that prohibits legislation on a general appropriation bill—a salutary rule in the opinion of the Chair and in the opinion of the House, because it has rested in the rules of the House for more than a generation.

Now, who shall determine in that case under that rule as to whether an amendment or a proposition contains legislation? In the practice, which seems necessary under the rule, the Chairman of the Committee of the Whole decides, overruling or sustaining the point of order as the case may be, always, of course, subject to appeal and approval or reversal. In practice, therefore, the Chair constantly in Committee of the Whole determines whether the proposition is legislation such as is prohibited by the rules. Again, one of the rules of the House provides that in a certain case a Senate bill "substantially the same" as a House bill may be substituted for the House bill. The Chair in such case practically determines whether the Senate bill is substantially the same, for under the conditions of such bills it would practically be impossible for the House to determine the question. Therefore there are these two exceptions to the principle that the Chair should not decide questions as to substance or consistency.

It has been held that if an amendment proposed to a bill under consideration be changed one word, it will be a different proposition, although it may be substantially the same. The Chair recollects that this is the practice which is uniform, so far as amendments are concerned, both in Committee of the Whole and in the House.

The Chair cites the rule touching amendments proposing legislation on appropriation bills, the practice of the House touching similar but not identical amendments, and the substitution from the Speaker's table of a Senate bill "substantially the same" as the House bill, in order to show that under this code of rules and the practice of the House no hard-and-fast rule can be observed by the Speaker, although the general principle that he should not decide questions as to substance and consistency is undoubtedly sound.

Now, while the Chair is in full harmony with the provision cited from Jefferson's Manual, forbidding the bringing in again of a bill the same in substance as one already decided adversely during the session, yet the Chair is not unmindful of the decision made by Mr. Speaker Banks in 1856, touching the army appropriation bill. In that case there was a "rider" put upon the bill touching the use of money appropriated in that bill in enforcing the so-called (as the Chair recollects) Le Compton constitution of Kansas. The bill failed through disagreement of the House and Senate. A new bill was proposed with the "rider" omitted, and Mr. Speaker Banks ruled that the provi-

sion in Jefferson's Manual did not apply to the new bill. It is not for the Chair to criticize that ruling, because there was no appeal from the same. But the Chair is quite aware that touching appropriation bills and bills of general importance, if a bill should fail because of a certain single provision which might cause disagreement between the Houses, and if it should be necessary to introduce a new bill without the provision to which there had been disagreement, and if it should be a close question as to whether the new bill was substantially the same as the old bill, the Chair, if he were to assume decision of the question as to substance, might, in effect, put himself in the position of negating the consideration of the bill or deciding affirmatively in favor of its consideration. So that under this condition, the Chair, after having examined the various precedents and the practice of the House differing upon various methods of procedure under the rules, recognizing the importance of there being finality where the House has once acted, but recognizing also the importance of not making a decision that if acquiesced in may bind the hands of the House in matters of very great importance, the Chair believes it is better to submit this question of order to the House, as to whether this bill is substantially the same as the bill which was rejected a week ago to-day.

The question might perhaps be raised on a question of consideration, as to whether the House will consider this bill, in view of the point of order or in any other way which to the House seems proper.

Mr. PRINCE. Mr. Speaker, I raise the question of consideration of this bill.

The SPEAKER. The gentleman from Illinois raises the question of consideration.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry. Is it in order to raise the question of consideration, the bill being on the calendar, and it being calendar Wednesday?

The SPEAKER. Oh, undoubtedly, it being in connection with the point of order. The Chair might raise it.

Mr. SHERLEY. As I understand, the Chair is not submitting the point of order, but the gentleman from Illinois is raising the question of consideration of the bill.

The SPEAKER. The Chair perhaps may have been in error. It can be raised in any other way; but the point of order being made, the Chair rather invited a test as to whether the point of order was well taken by suggesting a question of consideration.

Mr. HULL of Iowa. Mr. Speaker, a parliamentary inquiry. If on a question of consideration the House declines to consider the bill, does not that leave it upon the calendar, and then we would not be deciding the point of order at all?

Mr. SHERLEY. I suggest to the Chair that the point of order having been raised, one of three things has to happen—the point of order must be withdrawn, the Chair must decide the point, or the Chair must submit the point to the House.

The SPEAKER. The Chair will just as easily test it that way as the other.

Mr. UNDERWOOD. Mr. Speaker, if the Chair proposes to submit this proposition to the House, I desire to say just one word in reference to it. The House undoubtedly—

The SPEAKER. Without admitting that the proposition is open to debate, without objection.

Mr. UNDERWOOD. If the Chair has no objection, I would like to say a word. As far as I am personally concerned, I am opposed to this bill; but with the issue involved in this bill I would dislike very much to see the House make a ruling that I believe might rise up to haunt us in the future. The tendency of the times is to liberality in the House, itself deciding the questions coming before the House. Now, on any question coming before the House, the question of consideration can be raised either by refusing to vote to go into the Committee of the Whole House on the state of the Union to consider the bill or by directly raising the question of consideration of a bill on the House Calendar, so it is always in the power of the House at any time to refuse to consider a bill, just as the House can now refuse to consider this bill before it is discussed by refusing to go into the Committee of the Whole House, and the bill goes back on the calendar and out of the way, and I think it would be a very unwise precedent to put it in the power of the Chair to rule, because a bill is somewhat similar to a bill that has been considered that the House can no longer consider the bill. I think it would be unwise for this House to say that this bill can not be considered now if a majority of the House are in favor of its consideration. I think the wise course to pursue if we want to consider this bill—and I do not want to consider it—is to vote down the proposition when the gentleman moves to consider it in the Committee of the Whole House on the state of the Union.

The SPEAKER. It seems to the Chair the point of order being made to this bill by the gentleman from Illinois [Mr.

PRINCE] that the proper question to submit to the House is: Shall the point of order made by the gentleman from Illinois be sustained?

The question was taken, and the Chair announced that the Chair was in doubt.

The House divided; and there were—ayes 143, noes 100.

Mr. LOWDEN. Mr. Speaker, I demand tellers.

Mr. PRINCE. Oh, Mr. Speaker, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 134, answered "present" 10, not voting 94, as follows:

YEAS—150.

Adair	Edwards, Ky.	Hull, Tenn.	Poindexter
Adamson	Ellerbe	Humphrey, Wash.	Pou
Aiken	Ellis	James	Pray
Alexander, Mo.	Estopinal	Johnson, Ky.	Prince
Anderson	Ferris	Johnson, S. C.	Rainey
Andrus	Floyd, Ark.	Jones	Rauch
Anthony	Foster, Ill.	Joyce	Reeder
Ashbrook	Foulkrod	Kennedy, Iowa	Reynolds
Barnhart	Gardner, N. J.	Kennedy, Ohio	Richardson
Bartlett, Ga.	Garrett	Kinkaid, Nebr.	Robinson
Beall, Tex.	Gill, Mo.	Korbly	Roddenbery
Bell, Ga.	Gillespie	Kronmiller	Rothermel
Booher	Gilmore	Lafean	Rucker, Mo.
Borland	Godwin	Langley	Russell
Bowers	Goebel	Latta	Sabath
Brantley	Graham, Ill.	Lever	Saunders
Byrd	Grant	Lindbergh	Shackleford
Byrns	Greene	Livingston	Sheppard
Campbell	Gregg	Lloyd	Sherwood
Cantrill	Griest	McCreary	Simmons
Chapman	Hamilton	McHenry	Sisson
Clark, Mo.	Hamlin	McKinney	Small
Clayton	Hammond	Macon	Smith, Tex.
Collier	Hanna	Madden	Sparkman
Cook	Hardwick	Maguire, Nebr.	Sperry
Cowles	Hawley	Martin, Colo.	Stafford
Cox, Ind.	Hay	Maynard	Stephens, Tex.
Creager	Hayes	Morgan, Mo.	Sulloway
Crow	Heflin	Morgan, Okla.	Thomas, N. C.
Cullop	Hinsbaw	Morrison	Tou Velle
Davis	Hollingsworth	Morse	Townsend
Dawson	Howard	Moss	Volstead
Denver	Howell, N. J.	Murphy	Watkins
Dickinson	Howland	Nye	Weisse
Dickson, Miss.	Hubbard, Iowa	O'Connell	Wickliffe
Dies	Hubbard, W. Va.	Oldfield	Woods, Iowa
Dixon, Ind.	Hughes, Ga.	Page	
Edwards, Ga.	Hull, Iowa	Pearre	

NAYS—134.

Alexander, N. Y.	Fornes	Lowden	Roberts
Allen	Foss	McCall	Rodenberg
Ames	Foster, Vt.	McCredie	Rucker, Colo.
Austin	Gaines	McDermott	Sheffield
Barchfield	Gallagher	McKinlay, Cal.	Shelley
Barnard	Garner, Tex.	McKinley, Ill.	Shayden
Bartholdt	Gill, Md.	McLachlan, Cal.	Smith, Cal.
Bates	Gillett	McMorran	Smith, Iowa
Boutell	Good	Madison	Smith, Mich.
Brownlow	Graff	Malby	Steenerson
Burke, Pa.	Hamer	Mann	Sterling
Burke, S. Dak.	Harrison	Martin, S. Dak.	Stevens, Minn.
Butler	Heald	Miller, Minn.	Sulzer
Calder	Henry, Conn.	Millington	Swasey
Cary	Henry, Tex.	Mondell	Talbot
Cocks, N. Y.	Higgins	Moore, Pa.	Tener
Cole	Hitchcock	Morehead	Thistlewood
Conry	Hobson	Murdock	Thomas, Ohio
Coudrey	Houston	Needham	Tilson
Crumpacker	Huff	Nelson	Tirrell
Dalzell	Hughes, N. J.	Nicholls	Underwood
Davidson	Humphreys, Miss.	Norris	Wanger
Denby	Keifer	Olcott	Washburn
Douglas	Kelher	Olmsted	Webb
Draper	Kendall	Padgett	Weeks
Driscoll, D. A.	Kinkead, N. J.	Palmer, H. W.	Wheeler
Elvins	Knowland	Parker	Wiley
Englebright	Kopp	Parsons	Wilson, Ill.
Fairchild	Kustermann	Payne	Wood, N. J.
Fish	Lawrence	Peters	Woodyard
Fitzgerald	Lenroot	Pickett	Young, Mich.
Flood, Va.	Longworth	Plumley	Young, N. Y.
Foelker	Loud	Pujo	
Fordney	Loudenslager	Randsdell, La.	

ANSWERED "PRESENT"—10.

Ansberry	Cline	Goldfogle	Stanley
Carter	Cooper, Wis.	Moore, Tex.	
Cassidy	Glass	Sims	

NOT VOTING—94.

Barclay	Clark, Fla.	Focht	Howell, Utah
Bartlett, Nev.	Cooper, Pa.	Fowler	Hughes, W. Va.
Bennet, N. Y.	Covington	Fuller	Johnson, Ohio
Bennett, Ky.	Cox, Ohio	Gardner, Mass.	Kahn
Bingham	Craig	Gardner, Mich.	Kitchin
Boehne	Cravens	Garner, Pa.	Knapp
Bradley	Currier	Gordon	Lamb
Broussard	Dent	Goulden	Langham
Burgess	Diekema	Graham, Pa.	Law
Burleigh	Dodds	Gronna	Lee
Burleson	Driscoll, M. E.	Guernsey	Legare
Burnett	Durey	Hamill	Lindsay
Calderhead	Dwight	Hardy	Lundin
Candler	Esch	Haugen	McGuire, Okla.
Capron	Fassett	Helm	McLaughlin, Mich.
Carlin	Finley	Hill	

Mays	Perkins	Slemp	Taylor, Ohio
Miller, Kans.	Pratt	Snapp	Thomas, Ky.
Moon, Pa.	Randall, Tex.	Southwick	Vreeland
Moore, Tenn.	Reld	Spight	Wallace
Moxley	Rhinock	Sturgiss	Willett
Mudd	Riordan	Tawney	Wilson, Pa.
Palmer, A. M.	Scott	Taylor, Ala.	
Patterson	Sharp	Taylor, Colo.	

So the point of order was sustained.

The Clerk announced the following pairs:

For the remainder of the session:

Mr. CURRIER with Mr. FINLEY.

Mr. HILL with Mr. GLASS.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. GUERNSEY with Mr. LEGARE.

Mr. HAUGEN with Mr. LINDSAY.

Mr. LANGHAM with Mr. MAYS.

Mr. MCGUIRE of Oklahoma with Mr. PATTERSON.

Mr. McLAUGHLIN of Michigan with Mr. RANDELL of Texas.

Mr. MILLER of Kansas with Mr. REID.

Mr. MOON of Pennsylvania with Mr. RHINOCK.

Mr. MUDD with Mr. SHARP.

Mr. PERKINS with Mr. SPIGHT.

Mr. PRATT with Mr. STANLEY.

Mr. SCOTT with Mr. TAYLOR of Alabama.

Mr. SNAPP with Mr. TAYLOR of Colorado.

Mr. STURGISS with Mr. WALLACE.

Mr. TAWNEY with Mr. WILLETT, Jr.

Mr. VREELAND with Mr. WILSON of Pennsylvania.

Mr. HOWELL of Utah with Mr. LEE.

Mr. GARNER of Pennsylvania with Mr. LAMB.

Mr. GARDNER of Michigan with Mr. KITCHIN.

Mr. FULLER with Mr. JAMIESON.

Mr. FOCHT with Mr. HELM.

Mr. GRONNA with Mr. HARDY.

Mr. SLEMP with Mr. HAMILL.

Mr. ESCH with Mr. CRAIG.

Mr. FOWLER with Mr. GORDON.

Mr. DUREY with Mr. COX of Ohio.

Mr. M. E. DRISCOLL with Mr. COVINGTON.

Mr. DODDS with Mr. CLARK of Florida.

Mr. DIEKEMA with Mr. CARLIN.

Mr. COOPER of Pennsylvania with Mr. CANDLER.

Mr. CALDERHEAD with Mr. BURNETT.

Mr. BINGHAM with Mr. BURLESON.

Mr. BENNETT of Kentucky with Mr. BROUSSARD.

Mr. BARCLAY with Mr. BARTLETT of Nevada.

Mr. CAPRON with Mr. O'CONNELL.

Mr. FASSETT with Mr. GARNER of Texas.

Mr. LUNDIN with Mr. THOMAS of Kentucky.

Mr. HUBBARD of Iowa with Mr. RIORDAN.

From March 3 to March 20, 1910:

Mr. CASSIDY with Mr. BURGESS.

From March 9 to March 14, 1910:

Mr. GRAHAM of Pennsylvania with Mr. CLINE.

Mr. LAW with Mr. BOEHNE.

For one week:

Mr. HUGHES of West Virginia with Mr. MOON of Tennessee.

Mr. TAYLOR of Ohio with Mr. ANSBERRY.

For the remainder of this week:

Mr. KNAPP with Mr. DENT.

For this day:

Mr. DWIGHT with Mr. SIMS.

Mr. KAHN with Mr. CARTER.

Mr. MOXLEY with Mr. CRAVENS.

Upon this vote:

Mr. BENNET of New York with Mr. MOORE of Texas.

Mr. SOUTHWICK with Mr. GOLDFOGLE.

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. Will it be proper to make a motion to reconsider and lay that motion on the table? I am half inclined to think the action of the House is the highest action; but when they are giggling back, I do not know.

The SPEAKER. The Chair is inclined to think that the motion to reconsider is not necessary or would not be proper in this case.

Mr. PRINCE. Mr. Speaker, for safety, because some might change their votes and then move to reconsider, I make the motion.

Mr. SHERLEY. Mr. Speaker, I make the point that that motion is not in order.

The SPEAKER. The Chair would be inclined to sustain the point of order. In other words, a point of order is made against the motion to reconsider, and the point of order is sustained.

Mr. FITZGERALD. A parliamentary inquiry. What has happened to the bill?

The SPEAKER. The Chair is of the opinion that, the point of order being sustained, it is stricken from the calendar.

LOAN OF TENTS.

The Clerk will call the next committee.

When the Committee on Military Affairs was called, Mr. HULL of Iowa. Mr. Speaker, I call up Senate joint resolution No. 63.

The SPEAKER. The gentleman from Iowa calls up a Senate joint resolution, of which the Clerk will read the title.

The Clerk read as follows:

Senate joint resolution No. 63, authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion to be held at Mobile, Ala., in April, 1910.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that the resolution may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that this bill may be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendments.

The Clerk read as follows:

Joint resolution 63.

Resolved, etc., That the Secretary of War be, and is hereby, authorized to loan, at his discretion, to the executive committee confederate veterans' reunion, to be held at Mobile, Ala., April 26, 27, and 28, 1910, such tents, with necessary poles, ridges, and pins, as may be required at said reunion: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said committee designated at such time prior to the date of said reunion as may be agreed upon by the Secretary of War and Jacob D. Bloch, general chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from Jacob D. Bloch a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

Mr. MANN. Mr. Speaker, I move to strike out the last word. Will the gentleman from Iowa [Mr. HULL] yield for a question?

Mr. HULL of Iowa. I will.

Mr. MANN. This provides for the loan of certain tents for the use of the confederate veterans' reunion to be held April 26, 27, and 28, which, of course, is not very far distant, but it all would depend upon the question of whether Jacob D. Bloch should be living. If, in the inscrutable ways of Providence, Jacob D. Bloch should not be able to furnish a bond, this resolution would be valueless. Why would it not be proper, if it will not delay the matter, to strike out, from line 5, page 2, the words "Jacob D. Bloch," so it would read, "before delivering such property take a good and sufficient bond for the safe return of said property?" I care nothing about it, however.

Mr. HULL of Iowa. I do not care anything about it, but it passed the Senate that way, and the House resolution had the same. The confederate veterans put that name in and the Senate has passed it. Of course I should imagine if he were dead, the Secretary of War would have discretion to take bond from some other party.

Mr. MANN. If Jacob D. Bloch were not living this would not be worth the paper it was written on.

Mr. HULL of Iowa. I shall not move to amend, but I shall not object to an amendment if anyone offers it.

Mr. MANN. I am not going to interfere with it.

Mr. HULL of Iowa. This is just as they sent it over, and they are very anxious to get it passed. It is a courtesy that is extended to almost all the societies of the United States under the same terms that are provided in this resolution.

The SPEAKER. The question is on the third reading and passage of the resolution.

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

Mr. HULL of Iowa. Mr. Speaker, I move that House joint resolution 114 on the same subject be laid on the table.

The SPEAKER. Without objection House joint resolution 114 will be laid on the table. [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 14464) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 13899. An act granting unto the Hot Springs Street Railway Company, its successor and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the Whittington Lake Reserve Park.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4626. An act for the widening of Sixteenth street NW. at Piney Branch, and for other purposes—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6449. An act permitting the Wisconsin Central Railway Company to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota; and

S. 5125. An act authorizing the creation of an additional land district in the State of Oregon, to be known as the "Vale land district."

ROAD FROM HARRISONVILLE TO FORT MOTT, N. J.

Mr. HULL of Iowa. Mr. Speaker, I now call up, on the Union Calendar, the bill H. R. 1014.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1014) providing for the repair and rebuilding of the road from Harrisonville, N. J., to the post of Fort Mott, N. J., and the national cemetery at Finns Point, N. J.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill may be considered in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill for amendments.

The Clerk read as follows:

Be it enacted, etc., That the sum of \$10,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of repairing and rebuilding the road leading from Harrisonville, N. J., to the post of Fort Mott, N. J., and the national cemetery at Finns Point, N. J.; said sum to be expended under the direction of the Secretary of War.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from New Jersey a question for information.

The SPEAKER. The gentleman makes the pro forma amendment to strike out the last word.

Mr. SULZER. Yes; just for information I wish to ask the gentleman from New Jersey whether the sum of \$10,000 appropriated in this bill will build and finish this road; or whether next year or the year after the Congress will have to make another appropriation?

Mr. LOUDENSLAGER. Mr. Speaker, in the opinion of the department it will build it, and there will be no more money needed for the repairs of the road for a number of years. I presume, of course, as the years roll on there may be some slight repairs needed.

Mr. SULZER. Will the Government have to attend to the repairs?

Mr. LOUDENSLAGER. I presume it would be the Government, as it is solely for the benefit of the Government that the road is to be built there. My recollection is that the road is about 4½ miles long.

Mr. HULL of Iowa. Mr. Speaker, I will say to the House that this is one bill providing for building a road that the department has been urging for some years, for the reason that the only one using it is the United States Government. All the supplies for Fort Mott are hauled from the station to this post. Fort Mott is a coast-defense fortification post. It is on the water, and, as I understand from the authorities, there is no line of steamers carrying supplies to the point, and the War Department, therefore, say that it costs the Government more in animals and in time and in annoyance to get over that road than it would cost if the Government had it in repair; and it is used only by the Government, and by nobody else. The people do not need it.

Mr. STEVENS of Minnesota. Is there a road in existence at that place now?

Mr. HULL of Iowa. Yes.

Mr. STEVENS of Minnesota. Who built that road?

Mr. HULL of Iowa. I yield to the gentleman from New Jersey, who can answer the question.

Mr. LOUDENSLAGER. In reply, I will just state that it is what is termed a "public road," laid out by the authorities, where the municipality, called a "township," is charged with the repairs and maintenance. The road running from Salem, the county seat, up Penns Neck to Pennsville, is what is called a "shell road," which is a very good road, which may be known to Members who have ever driven over it. Along that road are most of the properties upon which taxes are levied. That road is used by the residents of the township. This road, running from that main road down to the fort, has practically no taxable property of any value or any farms, and hence the people in that locality have no use for the road, and have no desire to tax themselves to repair that road solely for the benefit of the United States Government in conveying to the fort its ammunition and supplies for the soldiers there. The department, has demonstrated what this road, in a measure, has cost them, by having bids made for the supplies to the fort deliverable at the fort and deliverable at Salem. The difference in the price is very material. You can very readily understand, as a portion of this road goes through lowland, that as the years go on without any improvements it will practically become impassable, and it is for the sake of the Government, and not for any private people, that this road should be improved. My constituents care nothing about it themselves. It has been urged by the department upon me and upon the committee, and, as I understand, it is the only one on which the committee has made any such report from the department.

Mr. EDWARDS of Kentucky. I would like to ask the chairman of the committee a question.

The SPEAKER. The pro forma amendment is withdrawn, without objection. The Chair understands the gentleman to move to strike out the last word.

Mr. EDWARDS of Kentucky. I do. I see that this bill provides for building a road from Harrisonville, N. J., to Fort Mott and the national cemetery at Finns Point. Now, I would like to ask the chairman of the committee if this will answer both purposes? In other words, is the national cemetery on the road between these points?

Mr. HULL of Iowa. That I could not answer. The whole argument was for a road to Fort Mott. I do not know exactly where the cemetery is; and so far as the cemetery is concerned, it entered very little, if at all, into the minds of the committee in reporting the bill.

Mr. MANN. If the gentleman will pardon me, Finns Point National Cemetery is on the reservation, at a distance from the reservation entrance of 3,337½ feet.

Mr. HULL of Iowa. The controlling idea in my mind, and, I think, in the minds of the majority of the committee, was the road to Fort Mott, where all the supplies for the troops must be hauled.

Mr. EDWARDS of Kentucky. I should like to ask the chairman of the committee as to the class or grade of that national cemetery, if he knows—how many interments there are there?

Mr. HULL of Iowa. I could not answer that, because it had no bearing on the report, in my mind, and I made no investigation on that line.

Mr. EDWARDS of Kentucky. One other question: Is Fort Mott on any national reservation?

Mr. HULL of Iowa. Oh, yes.

Mr. EDWARDS of Kentucky. The land is owned by the United States?

Mr. HULL of Iowa. Owned by the Government.

Mr. EDWARDS of Kentucky. And is this road entirely within the reservation?

Mr. HULL of Iowa. No; it is not at all within the reservation until it strikes the grounds surrounding the fort.

Mr. EDWARDS of Kentucky. Is it the policy of your committee to build roads outside of reservations?

Mr. HULL of Iowa. It has not been, nor is it the policy of Congress, although Congress had done it in some cases in the past. As I said before, the only reason for departing from that policy in this case was because the authorities claimed to us that it cost the Government more to haul the freight; that, in addition to the annoyance, it used up their animals and their vehicles and delayed their transportation; and that it would be cheaper to build the road for the use of the Government than it was to continue under the present system.

Mr. EDWARDS of Kentucky. How many troops are stationed there?

Mr. HULL of Iowa. Three artillery companies, I think.

Mr. EDWARDS of Kentucky. I think the report states that there are two.

Mr. HULL of Iowa. I think there are three. That is my recollection. One company could have been added since the reports from the department were made.

Mr. EDWARDS of Kentucky. I should like to know why it is necessary to maintain a fort at a point as inaccessible as this one, where they can not get in their supplies.

Mr. HULL of Iowa. The question of establishing the fort comes under the Board of Ordnance and Fortifications. They are all men of great eminence in their profession of arms, and they have surveyed the entire Atlantic and Pacific coasts, and have located the coast defenses at certain points. They could answer better than I.

Mr. LOUDENSLAGER. This is on the Delaware River.

Mr. HULL of Iowa. This is on a river, just the same as Fort Washington is on the Potomac River. The question whether it is a good place for it or not is not before Congress, because we have placed the absolute power in this Board of Ordnance and Fortifications to locate the defenses wherever they deem best. As I understand, this is on a river, so located as to protect the city of Philadelphia, just as Fort Washington on the Potomac is a coast defense, because it is so located as to protect the city of Washington from assault by water.

Mr. EDWARDS of Kentucky. It is undoubtedly a navigable river.

Mr. HULL of Iowa. Undoubtedly a navigable river.

Mr. EDWARDS of Kentucky. They could get their supplies by water much cheaper than by land.

Mr. HULL of Iowa. Oh, no. If the Government had to run its own boat there and carry its own supplies, it would cost more than it does to drag them through the mud.

Mr. EDWARDS of Kentucky. Then it is at a point where boats do not usually land.

Mr. HULL of Iowa. I do not know that they can land there at all. You must remember that when you locate a fortification it is not necessary that it shall be at a point where boats can land. These great coast-defense guns have a range of 12 or 14 miles, and a fortification may be utterly inaccessible by boat and yet splendidly placed to defend the city of Philadelphia or the city of Washington, or any other city further up the river. It is not necessary at all that a coast-defense fortification shall be at an accessible point, where boats can go right up to the fort.

Mr. EDWARDS of Kentucky. The only goods, then, that these two companies which are stationed there have to transport over this road of 4 miles is their provisions.

Mr. HULL of Iowa. No; their whole equipment, their ordnance, ammunition, everything connected with the post. It is not only their food, but their garrison equipage, their ammunition and guns.

Mr. EDWARDS of Kentucky. I would like to ask the gentleman if he does not think it is a pretty bad piece of road that a soldier can not transport enough provisions over during the twelve months to support him?

Mr. HULL of Iowa. Yes; and if it were only provisions there would be no necessity for the road.

Mr. EDWARDS of Kentucky. What else?

Mr. HULL of Iowa. They use for target practice an immense amount of ammunition; they carry the guns over there for emplacement; they have all the paraphernalia of a post.

Mr. EDWARDS of Kentucky. They have their own teams that are idle a great deal of the time.

Mr. HULL of Iowa. They have their teams there for regular work, and the department claims that it costs more to replace the horses, and so forth, that are worn out than it would to build the road.

Mr. EDWARDS of Kentucky. I notice that the department, not the department, but an officer, makes that statement.

Mr. HULL of Iowa. It is the department, because it was sent to the War Department and they transmitted it to us. If the gentleman will look over the reports from the department he will see that it is very rare for the head of a department to write anything to us, but he transmits the report of the officer in charge, and by that means indorses the report.

Mr. EDWARDS of Kentucky. I want to say to the chairman that I am not asking these questions to delay or to oppose the bill. I am in favor of more and better roads, and I am asking the questions for information for myself and the House as to the policy of the committee in building these roads. I am interested in knowing why there should be 4 miles of road built here at this particular point when we are not able to build them at a great many places where I believe they should be built. If it is a change of policy on the part of the committee, I want to say that I am in favor of it. I am in favor of a more liberal appropriation for roads to national cemeteries and for military roads. If Congress is not ready to enter upon a more general policy I am opposed to these little special roads.

Mr. HULL of Iowa. So far as I am concerned, I have no hesitation in saying, with regard to roads to national ceme-

teries, that it is an entirely distinct and different proposition to a road that the Government needs for its own purposes. In other words, the Government would rarely need a road to a national cemetery, and certainly the great body of those in the national cemetery would never want to use the road. [Laughter.]

Mr. EDWARDS of Kentucky. No; and I submit that they will never know what sort of a tombstone or monument is placed over them.

Mr. HULL of Iowa. I will say frankly that I would oppose any proposition to build roads simply for the convenience and luxury or pleasure of citizens along the line of the road. I would not have favored this road for the people of New Jersey to a national cemetery, and I only favor it because I believe it is a matter of economy for the Government to have the road constructed.

Mr. EDWARDS of Kentucky. The chairman, I think, will agree with me that we have spent several hundred thousand dollars building roads to national cemeteries, and that there are several other national cemeteries that have been located by the action of Congress in inaccessible places, just like Fort Mott has been located, where there should be roads built to them, and an expenditure for the improvement of the national cemetery or park is useless when it is so inaccessible. In my opinion, the House ought to enter upon a more liberal policy along these lines.

Mr. GARRETT. Mr. Speaker, I move to strike out the last word. Does the bill provide that the Government shall obtain the consent of the State or municipality?

Mr. HULL of Iowa. There is no provision in the bill for that purpose.

Mr. GARRETT. Does not the gentleman think there should be a provision of that kind?

Mr. HULL of Iowa. I should be glad to have the State take control as soon as it is built, and keep it up. It is a public highway.

Mr. MANN. I want to say that this is not a direction to construct this road at all; it is only an appropriation to the Secretary of War which he may use for the construction of the road. The report shows that there have already been negotiations between the officials at the fort and the local officials for obtaining permission to construct the road. I do not suppose the Secretary of War will expend any of the amount appropriated in the bill until he obtains authority.

Mr. GARRETT. I think it ought to be in the bill.

Mr. HULL of Iowa. I have no objection to an amendment to that effect.

Mr. THOMAS of North Carolina. Mr. Speaker, I want to ask a question in this connection if I may be permitted. So far as I have been able to see from reading this bill and the report, it is a good bill. This road is for the benefit of the United States Government.

Mr. HULL of Iowa. Only.

Mr. THOMAS of North Carolina. The national cemetery is on the reservation, according to the report, 3,337 feet from the entrance to the reservation.

Mr. HULL of Iowa. The road is entirely for the post.

Mr. THOMAS of North Carolina. I hope the chairman of the Committee on Military Affairs and the committee, in considering in a general way this question of roads to national cemeteries, will not make their policy too narrow.

The chairman of the Committee on Military Affairs understands that throughout the country there are a great many roads to national cemeteries, and perhaps he may be aware of the fact that I have a road to a national cemetery at my own home town, Newbern, N. C., constructed some twenty years ago and built by the Government at an expense of \$20,000.

Mr. SLAYDEN. How long is the road?

Mr. THOMAS of North Carolina. About 2 or 3 miles long. That road has had some repairs since. I secured the passage of a bill through Congress since I have been in Congress appropriating about \$6,000 for repairs, but the road is now again in bad condition. It is owned by the Government, a large part of it; and it seems to me in the case of the road to the national cemetery at my town and to national cemeteries in other towns in the country that when the Government has expended so much money on these roads the policy of the committee should be broad enough in a proper case to appropriate money for the purpose of repairing these roads. I therefore wish to say that I hope the chairman of the committee will not outline too narrow a policy in such matters.

Mr. HULL of Iowa. The chairman of the committee has no power to outline any policy.

Mr. THOMAS of North Carolina. Well, the committee.

Mr. HULL of Iowa. The committee, of course, would have to pass upon each question when it is presented to it. Now, I understand the gentleman from Tennessee [Mr. GARRETT] desires to offer an amendment.

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

The Clerk read as follows:

Add at the end of line 10:

"Provided, That no work shall be begun on said road until the consent of the State of New Jersey is obtained."

The SPEAKER. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. LOUDENSLAGER. Mr. Speaker, I suggest that the words "New Jersey" be stricken out of the amendment and that there be inserted in their place the words "the authorities of the municipalities in which the road is located," because the municipality has charge of the road.

Mr. GARRETT. I think I am willing to accept that amendment.

Mr. HULL of Iowa. If the object is to acquire jurisdiction over the road entirely, it will have to be ceded by the State, in my judgment.

Mr. GARRETT. Mr. Speaker, before accepting the amendment, let me say to the gentleman from New Jersey that my recollection is that the only road work the Federal Government ever did, with the exception of these military roads, was the Cumberland road, beginning away back in 1802 and continuing to 1834, and it is my recollection that the statutes provided in regard to that road that the consent of the States, in every instance, should be obtained before the Federal Government should begin any work, and I apprehend that the same principle would apply to this road as did apply then—that is the principle that was recognized in the case of the Cumberland road.

Mr. HULL of Iowa. But the Government owned that road and kept it up and used it as a post road. Now, if we have the jurisdiction ceded to the Government of the United States, and that Government should move the post away from there, the State of New Jersey might insist that we keep the road in repair, and I would not want anything of that kind.

Mr. GARRETT. I do not think so at all. The Government would simply pass an act then ceding the road to the State, as was done with the Cumberland road.

Mr. LOUDENSLAGER. I desire to say that in this case the roads are laid out by the municipalities, and the State itself has nothing to do with it, except where under the statute, by certain provisions, they are changed into state roads. This is not a state road.

Mr. GARRETT. I have no particular objection to the amendment; but this thought struck me, that it would be a little more in accord with the proper dignity of things for the Federal Government to deal with the States rather than with the local authorities. The very same principle that the gentleman has suggested is involved in the next bill on the calendar, a bill introduced by Mr. ANTHONY, of Kansas, and it is there provided that consent shall be had of the local authorities, and if the gentleman thinks that is better, I will not insist.

Mr. LOUDENSLAGER. That I think will be sufficient.

Mr. HULL of Iowa. Move your amendment.

Mr. LOUDENSLAGER. I move a modification by striking out the words "State of New Jersey" and insert "local municipal authorities."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "State of New Jersey" and insert "local municipal authorities."

The amendment was agreed to.

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

Mr. HULL of Iowa. Mr. Speaker, I now yield to the gentleman from Kansas [Mr. ANTHONY] to call up a bill.

MILITARY HIGHWAY BETWEEN FORTS LEAVENWORTH AND RILEY, KANS.

Mr. ANTHONY. Mr. Speaker, I desire to call up the bill (H. R. 14547) and ask for its consideration.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 14547) providing for a military highway between Forts Leavenworth and Riley, Kans.

The SPEAKER. This bill is on the Union Calendar.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union.

Mr. HAYES. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Chair under the rule declares the House in Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Connecticut [Mr. TILSON] will take 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. 14547, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14547) providing for a military highway between Forts Leavenworth and Riley, Kans.

Mr. ANTHONY. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

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

Mr. ANTHONY. Mr. Chairman, this bill confers authority on the War Department to permit the use of surplus prisoners in the two great federal penitentiaries at Leavenworth, Kans., in the work of constructing a military highway between Fort Leavenworth and Fort Riley, in the State of Kansas. These men are now employed in the work of building the new buildings in those institutions, but within a year or two it will be necessary for the Government to find some means of employing the labor of some of these men, and the department has recommended that these men be put to work in the construction of a military highway to connect these two largest military posts in the United States.

Mr. GARRETT. May I ask the gentleman what is the distance between these two posts?

Mr. ANTHONY. The distance between the two posts is 98 miles.

Mr. GARRETT. Are they connected now by railway?

Mr. ANTHONY. They are now connected by railway, but each year, Mr. Chairman, the Government moves large quantities of troops and materials between these two posts, and as there exists a military necessity for the construction of this road, as there exists another necessity, which is almost as great as the military necessity, and that is to find some occupation for the prisoners confined in these great institutions, some means which will not occupy their time and their labor in the production of articles which will come in conflict with free labor, I believe that this authority conferred upon the War Department, if put into practical effect, is one of the most legitimate uses to which this labor can be put; and I ask, Mr. Chairman, that this bill be passed which confers this authority upon the War Department to make this use of the labor if, in their wisdom, they deem it a proper thing to do.

Mr. HINSHAW. Will the gentleman permit a question?

Mr. ANTHONY. Certainly.

Mr. HINSHAW. How many prisoners are confined in these two prisons?

Mr. ANTHONY. In the military prison at which offenders who violate the military laws of the country are confined there are about from 1,200 to 1,500 at the present, and in the federal penitentiary, under the administration of the Department of Justice, there are about the same number.

Mr. HINSHAW. Are these prisoners or any of them engaged now in remunerative labor?

Mr. ANTHONY. They are engaged in no other labor than the construction of the buildings for their own penitentiaries.

Mr. HINSHAW. Is the business in which they are now engaged adequate to take up their time?

Mr. ANTHONY. It is at the present time, but in a year or two these buildings will be so nearly completed that there will be a large portion of this labor released. Then the Government will be up against the problem as to what occupation and labor they can put these men to work upon. If they go back to the production of shoes and harness and things of that kind, they will meet the objections of the labor unions of the country, who object to prisoners making articles of merchandise which come in competition with free labor. The old military prison was abolished for this reason alone, that they were unable to find occupation for those prisoners.

Mr. HINSHAW. I think great care ought to be exercised in not having these prisoners come in conflict with free labor. This bill provides only that their labor shall be used in the construction of this road. Is there any provision for materials or other expenses for constructing the road?

Mr. ANTHONY. I want to say to the gentleman that the idea of this bill is that the Government only furnishes the labor of these prisoners.

Mr. HINSHAW. Is it expected that the State of Kansas or the counties through which this road goes will furnish all material?

Mr. ANTHONY. Under the terms of this bill it is provided that the Government shall accept all free offers of material, and

many of the townships have agreed to furnish the Government the free material needed for this road. It is a bill which is designed to cost the Government not a dollar other than the actual maintenance of these convicts.

Mr. MADISON. You stated a moment ago that you asked for the passage of this bill because the road was a military necessity, that there was a large number of troops and munitions of war moved between the two forts each year. Now, has this been done by wagon road?

Mr. ANTHONY. I would like to qualify that statement, if I so made it. I would not state that the road was a military necessity, but of military value.

Mr. MADISON. Have these troops and these munitions been moved by wagon road?

Mr. ANTHONY. They have. It is the idea of the Government, whenever possible, to move troops overland in order to give them the proper marches that they would have in time of war. The Government prefers to transport them that way rather than to ship them by trains.

Mr. MADISON. What is the condition generally of the public roads as they now exist and as they have existed for some years between those two places?

Mr. ANTHONY. A very poor grade of ordinary dirt roads, for the most part.

Mr. MADISON. And not kept up very well?

Mr. ANTHONY. They are kept up in the usual manner of keeping up all roads in agricultural States in this country, which is a disgrace generally to the States that maintain them.

Mr. MADISON. It is a matter of difficulty, as a matter of fact, to make these movements?

Mr. ANTHONY. They are always hampered and rendered difficult on that account.

Mr. CLARK of Missouri. Do not the Kansans claim that they have the best dirt roads in the world?

Mr. ANTHONY. I have never heard that claim in Kansas, and I will say that the best roads I have ever seen are in Pike County, Mo.

Mr. CLARK of Missouri. Why not turn this road around wrong end foremost and run it from Leavenworth down to Jefferson Barracks, on the Missouri River?

Mr. ANTHONY. On the completion of the road to Fort Riley I would be glad to support the proposition of the gentleman. [Laughter.]

Mr. CLARK of Missouri. They have not got the road completed to Fort Riley yet?

Mr. CRUMPACKER. I understand this road is a public highway under the control of the State of Kansas.

Mr. ANTHONY. The idea would be to use the present public roads.

Mr. CRUMPACKER. Yes. Does the bill provide that the Federal Government shall have any control over the road?

Mr. ANTHONY. I do not believe it does. It does not provide for any future control over the road.

Mr. CRUMPACKER. I want to say to the gentleman from Kansas that it strikes me that it is a very radical departure from established policy. If there is established a military road between these two forts, 98 miles apart, it is only a question of time when there will be military roads between all the other military reservations in the United States, and I do not believe the Government ought to go into the business of improving local highways under the pretext of establishing military roads.

Mr. ANTHONY. I will not admit the force of part of the gentleman's argument. I remind him that the situation which we have at Leavenworth exists in but one other place in the country, and that is Atlanta, Ga. The Government has its large penal institutions at Leavenworth, Kans., and at Atlanta, Ga., and the problem will be what to do with that class of prison labor. The construction of military highways by prison labor is one of the best solutions of the problem that has so far been offered.

Mr. CRUMPACKER. That is, perhaps, a wise policy in so far as it relates to the employment of federal prisoners; but, on the other hand, it opens up and adopts to a limited degree, at least, a policy on the part of the Federal Government to improve highways that are owned and under the control of the States.

Mr. ANTHONY. I do not agree with the gentleman at all.

Mr. CRUMPACKER. That is what I am afraid of. That is the aspect, as an individual member, that makes me hesitate to support the bill. It seems to me that it is the first step toward entering upon a policy that would involve the expenditure of hundreds of millions of dollars out of the Public Treasury, to improve country roads on the ground of military necessity. I think the policy is one that is tremendously dangerous.

Mr. ANTHONY. I want to say that there can be but one other instance in the country, and that will be presented from Atlanta, Ga., at all similar to this.

Mr. CRUMPACKER. I will satisfy myself by saying no when the gentleman makes the usual motion.

Mr. ANTHONY. Mr. Speaker, there has been but one objection I have heard urged to the employment of prisoners in the construction of a road. But it has been made by those probably not well informed or up to date on present methods in handling convicts in the work of building roads. It is true in times past we have had the horrors of convict camps and the difficulty in handling this class of labor. I want to read a letter which I have just received from the warden of one of the largest penitentiaries in the country, the Kansas State Penitentiary, showing their experience in work on the roads, showing that it is really a humanitarian system and life-giving to the convicts to have this kind of employment. This warden says:

WORKING PRISONERS ON HIGHWAYS.

KANSAS STATE PENITENTIARY,
Lansing, Kans., February 28, 1910.

Hon. D. R. ANTHONY, Jr.,
House of Representatives,
Washington, D. C.

DEAR ANTHONY: This institution for a number of years has been working the surplus convict labor on the public highways, and we find no difficulty in so doing.

The men who so work in the building of roads during open weather are taken from the mines and other places where they are employed during the winter months. They enjoy the change and their improved health and contentment is marked. We do not use a gun guard with these men. An officer simply has charge of them, who is unarmed, and directs the men as he would that many laborers. The escapes from this body of men are less than from any other kind of work.

We get as much work per man from prisoners per day as we would if they were employed instead of compelled to work. We allow them to wear overalls, jackets, and broad-brimmed hats, and this privilege of getting out of prison clothes into citizen's clothes appeals to them. The fact that this privilege goes only to the men who are fit to be trustees makes the work upon the road a sort of a prize to be attained, and this helps discipline.

I am expecting this summer to work a good many of the men who are in the tuberculosis wards, with a view of bringing about an improvement in their health. They are men who are slightly affected with tuberculosis, and I believe a summer on the highway work will greatly benefit them, especially those who have been confined in the shops during the winter months.

If you desire any further information, will be pleased to furnish it.

With kindest regards, I remain,

Yours, very truly,

J. K. CODDING, Warden.

If the same conditions in this prison should prevail in the other prisons, I want to say it would be a godsend to these prisoners instead of a cruelty to give them an opportunity to do work for the Government in the open air.

Mr. CRUMPACKER. One or two other questions, if you please. Suppose, now, that some of the counties or townships through which these highways are to be built should decline to contribute anything in the way of material. Would not the Government find it necessary to buy the material to construct the road through those counties and townships?

Mr. ANTHONY. The Government would be in nowise obligated to buy the road material.

Mr. CRUMPACKER. It would not be obligated; but would it not be a matter of policy for the Government to buy material, if it should enter upon the policy of constructing the highway as a military convenience, and not have to be dependent upon the counties through which the road runs? Some of the counties or townships might contribute the material, and others might refuse to contribute it. Would we go on and build the road through some of the counties?

Mr. ANTHONY. I believe the road would only be constructed through the townships agreeing to furnish the material. I do not understand that there will be any trouble about that.

Mr. CRUMPACKER. The gentleman can see what a powerful argument might be made in the future to build up the gaps in the road out of the Public Treasury where the townships failed to contribute the material.

Mr. ANTHONY. I call the gentleman's attention to section 8 of the bill, put in at the suggestion of the gentleman from Pennsylvania [Mr. BURKE], which says:

That nothing herein contained shall confer upon any officer of the United States or any other person or persons any authority to incur any obligation upon the part of the United States for the acquirement of property, the purchase of material, or the maintenance of said highway.

Mr. CRUMPACKER. That is true enough in the bill; but what I fear is that they will only partially build this road, or they will build it through some of the counties and not through other counties or townships, because the local authorities failed to contribute material. Congress will have to complete it by appropriations out of the Public Treasury. I know it is an unusual thing to undertake, and I fear the consequences of this kind of legislation.

Mr. CALDERHEAD. Mr. Chairman, I want to ask the attention of the gentleman from Indiana [Mr. CRUMPACKER] to the conditions that prevail over the route from Leavenworth to Fort Riley. I do not know of a township between those two forts that can not furnish the material for building a macadamized road. If there is a township anywhere along the line that has not the material in it, the material will easily be found in an adjacent township; and this convict labor will be used for moving it, taking it to where the road is built. It is not an expensive matter.

Mr. MANN. What is the character of the material?

Mr. CALDERHEAD. Limestone. In all the counties east of the Kaw River the limestone is hard. In the counties west of the Kaw River for about 20 or 21 miles the limestone is soft, but they have always found it sufficient for macadamizing roads.

Mr. CRUMPACKER. I suppose the gentleman bases his conclusion—and it is a very natural one—that it is greatly to the advantage of the localities to have the road constructed—

Mr. CALDERHEAD. I have no thought of that at all. The question is whether the prisoners can be kept employed or not.

Mr. CRUMPACKER. That is one side of it. I am with the gentleman on that aspect of it.

Mr. CALDERHEAD. As a matter of course, every township will be glad to have a macadamized road built through it.

Mr. CRUMPACKER. If the road shall be constructed, the Federal Government will have no control over it.

Mr. CALDERHEAD. Certainly not. The jurisdiction will remain in the State.

Mr. CRUMPACKER. But suppose the State or county should vacate a portion of the road.

Mr. CALDERHEAD. There is no probability of that, because there is a state law which makes every section line a public highway.

Mr. CRUMPACKER. But that law might be modified or repealed.

Mr. CALDERHEAD. Yes; and the world might come to an end. A great many things might happen in Kansas. A great many curious things have happened there, the same as in Indiana.

Mr. CRUMPACKER. Sometimes we repeal very wise laws, and if we depend upon state legislatures for protection of federal rights, I fear that our dependence may be a little precarious, under some conditions.

Mr. CALDERHEAD. The chief difficulty with the gentleman seems to be due to the fact that these forts are not located in Indiana, so that the road might be built there.

Mr. CRUMPACKER. We have one fort in Indiana—Fort Benjamin Harrison—and I was wondering if we could not have a military road built from Fort Benjamin Harrison down by way of Jefferson Barracks, near St. Louis, on through to Leavenworth and Fort Riley.

Mr. CALDERHEAD. When that proposition comes up, if the material is accessible, I will be in favor of the bill, if the work can be done by convict labor.

Mr. CRUMPACKER. I simply wanted to get at the real facts in this case, so that we may use it as a precedent to string roads throughout the country here and there between forts and military reservations.

Mr. CALDERHEAD. I have no objection to that if convict labor is used.

Mr. THOMAS of North Carolina. I understand this road is to connect two of the greatest military posts in the country?

Mr. ANTHONY. Yes.

Mr. THOMAS of North Carolina. Fort Leavenworth and Fort Riley?

Mr. ANTHONY. Yes.

Mr. THOMAS of North Carolina. The two are in the same State?

Mr. ANTHONY. Yes.

Mr. THOMAS of North Carolina. Will there be any expense to the United States Government except the maintenance of the convicts?

Mr. ANTHONY. That is all the expense which is contemplated, and the expense is limited by the bill to that.

Mr. THOMAS of North Carolina. And these convicts have to be maintained anyhow.

Mr. ANTHONY. They have to be maintained in these institutions. It will cost a little extra to maintain them on this road work.

Mr. THOMAS of North Carolina. Will the Federal Government have any supervision whatever over the road after it is constructed?

Mr. ANTHONY. None other than the general military use of the road.

Mr. THOMAS of North Carolina. The United States will have only the right which everybody else has to use the road.

Mr. ANTHONY. The idea in preparing the bill was not to encumber the Federal Government with any obligation to maintain the road after it is constructed, and I have no doubt whatever that the townships will attend to that work themselves.

Mr. THOMAS of North Carolina. I understand the Federal Government will have no control over this road when constructed; the control will be in the State and counties through which it passes.

Mr. ANTHONY. That it correct.

Mr. THOMAS of North Carolina. Do I understand that it will be used for the transportation of government supplies?

Mr. ANTHONY. Not entirely, but it will be largely used for the transportation of government supplies and the maneuvering of troops.

The following are indorsements and extracts from reports of War Department officials on this matter:

WAR DEPARTMENT,
Washington, February 20, 1908.

MY DEAR ANTHONY: Referring to the bill introduced in the House of Representatives by yourself and in the Senate by Senator CURTIS, providing for a military highway between Forts Leavenworth and Riley, Kans., I take pleasure in forwarding herewith the views of the Quartermaster-General and the Chief of Staff, in which I concur.

I shall be pleased to favor this bill whenever called upon to do so.

Very sincerely, yours,

WM. H. TAFT, Secretary of War.

Hon. D. R. ANTHONY, Jr.,
House of Representatives, Washington, D. C.

A true copy furnished Mr. ANTHONY for his information.

J. F. BELL,
Major-General, Chief of Staff.

MEMORANDUM FOR THE SECRETARY OF WAR.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
January 25, 1908.

A military road between Forts Riley and Leavenworth, Kans., would unquestionably be of great military value and convenience.

I cordially concur in the views of the Quartermaster-General, and recommend that anything be done which will aid and assist in this undertaking and is not contrary to the interests of the Government.

J. F. BELL,
Major-General, Chief of Staff.

WAR DEPARTMENT,
THE QUARTERMASTER-GENERAL,
Washington, January 20, 1908.

Respectfully returned to the Secretary of War.

It would undoubtedly be desirable for military purposes to connect these two posts by such a road as is proposed, and if the labor of federal prisoners is available in this connection the cost of construction would be comparatively small.

J. B. ALESHIRE,
Quartermaster-General, United States Army.

Mr. THOMAS of North Carolina. I want to say before I sit down that upon general principles I am in favor of building good roads and using convict labor for that purpose, because in so using convict labor we do not bring it into competition with free labor. I advocated that principle when I was a member of the state legislature of North Carolina. This roadway, if the construction is no expense to the Government and it can be built by the use of convict labor, may be a good thing; but there should be no expense upon the Government.

Mr. CALDERHEAD. Mr. Chairman, I want to state the difference between the two forts, so that it may be fairly understood. Fort Riley is a cavalry and artillery post and Fort Leavenworth is an infantry and cavalry post. There are military schools for the drilling of the troops in field maneuvers at both places, and they are constantly marching troops from Fort Riley to Fort Leavenworth and from Fort Leavenworth to Fort Riley; they are constantly moving batteries and cavalry troops over the public highway.

Mr. DAWSON. Will the gentleman state how far these forts are apart?

Mr. CALDERHEAD. About 90 miles.

Mr. MARTIN of South Dakota. Will the gentleman yield for a question?

Mr. ANTHONY. I will yield to the gentleman.

Mr. MARTIN of South Dakota. I would like to ask the gentleman in charge of the bill whether the construction of this military road is likely to pass jurisdiction over this highway to the Government, or whether the jurisdiction remains in the State?

Mr. ANTHONY. It will pass no jurisdiction to the Government. The idea is to let the jurisdiction remain in the State and the townships through which it passes. The bill provides that no work shall be done until the consent of the townships and county through which the road passes shall be obtained.

Mr. MARTIN of South Dakota. Section 3 refers to a per-

mission being given for a right of way to the Secretary of War for the road, and in section 7 it is referred to as "a military road." Is not there danger, from the ambiguous way in which the bill is drawn, that it is giving over, as a part of the military equipment, this road to the Government?

Mr. ANTHONY. I think not; it is simply giving it a name or title so that it will be known as a military road.

Mr. MARTIN of South Dakota. If the jurisdiction is to remain in the State, what is the need of giving a right of way to the Secretary of War?

Mr. ANTHONY. The cooperation of the townships—

Mr. MARTIN of South Dakota. It is necessary that a highway of this sort should remain within the jurisdiction of a State and the municipality through which it passes.

Mr. ANTHONY. That is the idea, to allow them complete jurisdiction.

Mr. MARTIN of South Dakota. I think the bill ought to be made certain in that respect, because the Government does not want to take over the responsibility for and the jurisdiction over this highway.

Mr. ANTHONY. In framing the bill the intention of the committee was to avoid that.

Mr. MARTIN of South Dakota. It might lead to serious complication in case of accident if the bill was so drawn as to be construed that it could be contended that this was a government road, and that the Government was responsible for any accident.

Mr. MANN. The Government is not responsible.

Mr. MADISON. Does the gentleman contend that the Government could be sued?

Mr. MARTIN of South Dakota. No; the Government could not be sued, but whether it was a state road or a government road might hinder the keeping it in operation in the future.

Mr. ANTHONY. All title to the highway will remain in the State.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. ANTHONY. I will yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. I want to ask the gentleman if the Committee on Military Affairs has ever considered the policy of a general law upon this subject of working all the military convicts on the roads?

Mr. ANTHONY. This is the first time it has been brought up, to my knowledge.

Mr. TAYLOR of Colorado. If it is a good thing to provide for the employment of convicts on this road, why is it not a good policy to have all the federal convicts throughout the United States employed upon the United States public highways, and have a general law on that subject? I may say that I am heartily in favor of the bill and this principle, and I would like to see a general bill along that line.

Mr. LIVINGSTON. Will the gentleman yield to me a few minutes?

Mr. ANTHONY. I will yield to the gentleman from Georgia five minutes.

Mr. LIVINGSTON. Mr. Chairman, this bill ought to pass, if for no other reason than one I want to mention.

Mr. HULL of Iowa. I would like to ask the Chair a parliamentary question. Are we in Committee of the Whole House on the state of the Union?

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, and this is general debate.

Mr. LIVINGSTON. Mr. Chairman, we have two federal prisons in the United States.

Mr. HAY. Will the gentleman yield for a question?

Mr. LIVINGSTON. The gentleman had better wait until I get started. [Laughter.] We have one at Fort Leavenworth, Kans., and one at Atlanta. I do not know the number of convicts at Fort Leavenworth, but we have 800 in Atlanta. We are building up an annex to the federal penitentiary, and when that is completed, which it soon will be, we will have 1,500 federal prisoners in a building with nothing comparatively to do. The organic act establishing these penitentiaries prohibited the convicts from coming in competition with free labor. It is minutely so stated in the original bill. They can not even have machinery of any kind inside the walls nor inside the building. Everything is hand work and must be hand work. Now, we have used our federal prisoners in Atlanta for building a wall 24 feet high around 20 acres of ground, including the building. We have about 75 or 100 men whom we have trained as stone cutters and stone setters, and they are putting up the annex. The remainder of those prisoners—800—we will have to put out to spading or forking up the ground, or doing something of the kind, to keep them healthy and alive. The State of Georgia has set this example. We have taken all the prisoners we have

in the State and put them on the roads, except the old and decrepit, and they go on the farms for the purpose of raising corn and wheat and meat and things of that kind. It is inhuman to keep prisoners in close confinement in buildings.

The people of this country are demanding that the United States Government should set some example in the kinds of roads that we ought to have. The Department of Agriculture is moving along that line. This bill does not cost the Government anything; does not cost the United States Government a dollar. It does not cost the State of Kansas a dollar. The right of way is provided for along the contiguous ground, as well as the survey; not only that, but the stone and other material for building the roads is given free, and the only thing that makes any trouble about it at all in the minds, perhaps, of Members of the House was the suggestion of the gentleman on my left as to whether we were not infringing on states rights. I say "no." All the work is to be done by the engineers of the Department of Agriculture, and the road is to be built under their supervision and they are to construct it. It can not be done at all unless the townships or counties give their consent. In Georgia we have no general law for building public roads. That is a matter that is left to each county. This bill as applied in my county would be that nothing could be done until the commissioners of that county sanction the project. The State has no right at all involved. It has no control and it has a law authorizing county road commissioners, and those commissioners are absolute and have sovereign power to do as they please.

Mr. DAVIDSON. Does the gentleman not think it would be a wise provision to use the Atlanta prisoners to construct a military road from Atlanta to the sea?

Mr. LIVINGSTON. I have a bill asking for a 32-mile road, and as soon as this is out of the way I will put it in.

Mr. MANN. Why not build a road from Atlanta to Fort Leavenworth by way of New York?

Mr. LIVINGSTON. There is no reason for it.

Mr. DAWSON. I want to inquire how much additional supervision these convicts will require outside of the penitentiary to that required inside.

Mr. LIVINGSTON. Outside the penitentiary with this bill the department engineers construct the entire road.

Mr. ADAMSON. The gentleman from Iowa is asking about guarding the convicts.

Mr. LIVINGSTON. Oh, guarding the convicts.

Mr. DAWSON. Yes.

Mr. LIVINGSTON. No more. They are to be guarded and they are to be sheltered and maintained out of the appropriation made in the sundry civil bill for those two institutions.

Mr. ADAMSON. It does not take any more guard?

Mr. LIVINGSTON. It does not take any more to guard or a pound more to eat.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. ANTHONY. I yield the gentleman five minutes more.

Mr. LIVINGSTON. Mr. Chairman, I want to suggest this to the members of this committee. You must do something with the federal prisoners and the military prisoners. This covers the military prisoners in every section of the country. If you will go into the Appropriation Committee room you will see the deal of trouble that we have had in the last bill, which is ready to be reported, and it comes up as a distinct question, What are you going to do with your military prisoners? They are costing us now about 24 cents per capita per day, and they ought not to cost us more than 11 cents; and we are prepared with the hearings to show that. The prisoners in the Atlanta Penitentiary cost us 11 cents per capita to feed them. We paid 50 cents per capita before we built that prison. It is not only a question of economy, however, it is a question of humanity. What are you to do with the federal prisoners? You must work them somewhere. You can not work them in competition with free labor.

Now, there is not a man here who is interested in public highways, in my opinion, who has examined this bill but who must say that this is work at which they ought to be put; that this is what ought to be done. It costs nothing to the United States Government, it costs nothing to the State; the right of way and the material are given by the people who live along the survey. That is all there is in it. The Department of Agriculture is determined to inaugurate this policy—

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

Mr. LIVINGSTON. Yes.

Mr. GILLESPIE. Who is to furnish the wagons, scrapers, and equipment necessary to build this road?

Mr. ANTHONY. If the gentleman from Georgia will allow me to answer that, the prisons at Leavenworth have now ample road-making equipment.

Mr. GILLESPIE. Then why not put in the bill that the Government of the United States shall not be at any expense?

Mr. LIVINGSTON. It is in the bill. I have just made that statement.

Mr. MANN. There is quite a different provision in the bill; it says that the Department of Agriculture shall make all necessary surveys, and so forth.

Mr. GILLESPIE. That is my understanding, and I read the bill quite carefully.

Mr. ANTHONY. The bill provides absolutely that the Government shall be at no expense.

Mr. MANN. I do not understand that.

Mr. LIVINGSTON. Mr. Chairman, I will not yield. The suggestion made by the gentleman from Illinois has been covered, I suppose. I want to explain it. The engineers now engaged in public-road building in the Department of Agriculture, with their road machines, are allowed by this bill to be put on this work. The wagons, mules, and horses necessary we have in Atlanta and we have them in Kansas.

Mr. MANN. Will the gentleman yield for a question?

Mr. LIVINGSTON. Yes.

Mr. MANN. The purpose is to have this road constructed without expense to the Government?

Mr. LIVINGSTON. Yes.

Mr. MANN. Largely for the benefit of the localities; now, why should the Department of Agriculture furnish the machinery in its possession for that purpose when it ought to be used elsewhere?

Mr. LIVINGSTON. They are not using it elsewhere.

Mr. MANN. Oh, well, the gentleman knows we make appropriations for it, and it is used elsewhere.

Mr. LIVINGSTON. I say to the gentleman that it is not to be used elsewhere, and for that reason the bill provides that the machinery that the Department of Agriculture has shall be used. It is not a general proposition. Now, listen, it provides that these engineers are permitted to use the machinery the Department of Agriculture has which is not in use.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. LIVINGSTON. Yes.

Mr. CLARK of Missouri. How far out from the prison do you propose to work these prisoners?

Mr. LIVINGSTON. Ninety miles in Kansas.

Mr. CLARK of Missouri. How are you going to control them?

Mr. LIVINGSTON. Control them? I will show you many prisoners in Georgia working on the roads, and you ask me how they are controlled?

Mr. CLARK of Missouri. How do you control them? That is what I want to find out.

Mr. LIVINGSTON. It will take me ten or fifteen minutes to do it, but it is sufficient for me to say to you they are controlled.

Mr. CLARK of Missouri. Who has control over these prisoners?

Mr. LIVINGSTON. Why, the guards in the federal prison at Fort Leavenworth.

Mr. CLARK of Missouri. Do you think the same number of guards can guard these prisoners in the open that they can in the prison?

Mr. LIVINGSTON. I have answered that question once.

Mr. CLARK of Missouri. I did not hear you.

Mr. LIVINGSTON. They will not have an additional guard, nor will an additional dollar be needed to guard these prisoners—not one.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. ANTHONY. Mr. Chairman, I would like to answer the question of the gentleman from Missouri as to who would guard these prisoners by saying that the Government has thousands of soldiers doing but little, and this would be a very good work to put them to; but we do not need guards. Under the modern and humane way of working the men, as testified to in a letter from the chief warden, he does not put an armed guard over a squad of prisoners. The idea is to use trustees, who will be glad of the opportunity to get in the open.

Mr. CLARK of Missouri. Might it not be better to muster these surplus soldiers out of the service and put them to work, too? [Applause.]

Mr. LIVINGSTON. That is a gray horse of another color.

Mr. CLARK of Missouri. I know it is.

Mr. LIVINGSTON. It is a mighty good proposition, if you can carry it out.

Mr. ANTHONY. If any gentleman wants time, I would be very glad to yield it to him. I yield three minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Chairman, this measure is more important, it occurs to me, as a precedent than the bill is within itself. Something must be done not only with the federal prisoners, but with the state prisoners as well. It occurs to me that as a humanitarian measure in getting these prisoners out of their cells and outside of the walls of the prisons onto the public highway where they can have air and exercise, would be sufficient justification for the passage of this bill.

Out in the State of Ohio we have been legislating on this question for a number of years, and up to the present time no satisfactory solution has been given. At the present time many of the prisoners in the penitentiary at Columbus are engaged in the manufacture of material essential to the construction of roads, but they have never progressed so far as this bill seeks to go and placed them on the highways for the purpose of constructing roads themselves. But the question of competition between convict and free labor is rife throughout the entire country. Yesterday I received a letter from a man engaged in the manufacture of brooms in my district. They are manufacturing brooms with convicts in the state penitentiaries. I believe that they pay 60 cents a day for this convict labor, and these men and women in the city of Urbana, 30 miles removed from Columbus, are compelled to compete in the markets with men who are employed at 60 cents a day.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. COLE] has expired.

Mr. COLE. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COLE. Now, it occurs to me, Mr. Chairman, that a measure of this kind which permits public employment of these men on the highways would be of infinite value, not only to the public in the construction of these roads, but also it would take them out of competition with free labor in the United States.

I do not think it is necessary to submit any argument to this committee on the proposition that men in this day can not successfully compete with 60-cents-a-day labor. As I say, this measure is but limited in its application, but if this works successfully, and if they construct this road in this manner successfully, why should it not establish a precedent whereby roads can be constructed throughout the country by taking labor that is now in competition with free labor and placing it where it can be of greater service to the public? I think, if for no other reason than establishing a splendid precedent, that this measure ought to be adopted and authority be given for the construction of this road with this convict labor. [Applause.]

Mr. ANTHONY. Mr. Chairman, I yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I favor this bill, and for several very excellent reasons. Some disposition must be made in the near future of the idle labor in federal penitentiaries. I had for four years the indirect care and custody of federal prisoners as United States marshal for the eastern district of Tennessee. We were compelled to keep them in idleness in the various county jails, and confinement in idleness brought on complications, disease, and an unhealthy condition among the prisoners. In Knox County, where I reside, the county prisoners were employed upon turnpike construction; they were constantly in the open air, doing work that gave them needed exercise and insured good health conditions. As the Representative from Georgia [Mr. LIVINGSTON] has so well said, there is a question of humanity involved in this proposition.

Secondly, after the present improvements on the federal prisons are finished, the more than 3,000 federal prisoners must either be kept in idleness or some avenue found for their employment.

I hope we will not follow the bad example of my State (Tennessee) by working prisoners in coal mines, workshops, and factories, where their labor comes in competition with free and honest labor and deserving manufacturers and coal operators are robbed of orders they need and deserve. I have now pending before a committee of this House a bill which I think ought to have the support of both sides of this Chamber.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. AUSTIN. Directly. That proposition or bill seeks to prohibit transportation companies from hauling convict-manufactured goods or convict-mined coal. The place to work state and federal prisoners is upon the construction of public highways, giving us a complete system of turnpike roads, and I hope that every Member of the House will favor the inauguration of this policy by voting for the pending bill, and thus make it impossible for federal prisoners to be used at some future day in workshops and factories located within federal prison walls.

President Taft, when Secretary of War, approved this proposed legislation, and in a letter to Representative ANTHONY used the following language:

I shall be pleased to favor this bill whenever called upon to do so.

General Bell, Chief of Staff, and General Aleshire, Quartermaster-General, both cordially and strongly commended this measure.

Mr. MADDEN. Will the gentleman allow me to interrupt him?

Mr. AUSTIN. Certainly.

Mr. MADDEN. Does the gentleman consider the labor employed in the construction of roads is not now free and honest labor?

Mr. AUSTIN. This road will not be constructed unless the pending bill becomes a law.

Mr. MADDEN. That is not the question. I wish to ask the gentleman if he considers the labor which is now employed all over the country in the construction of the roads which are being built by the different communities in the country as not being free, honest labor?

Mr. AUSTIN. I did not understand the gentleman's question at first. I do not mean to state that free and honest labor is not employed in the various States in the construction of public roads, although a number of the States are utilizing prison labor on road making. There is an immense field, as the gentleman knows, in every State in the Union, not only for the employment of every federal and state prisoner, but also for every available free and honest laborer in the construction of new and the extension of present pike roads.

The Republican party believes in protecting the American manufacturers and wage-earners against the cheap pauper-paid labor of the Old World, and it should in national and state law-making bodies at all times and under all circumstances favor free and honest labor and the men who have invested their capital in mines and plants against an unjust and unfair system which places prison labor and prison-made goods in the open market in competition with the output of our mills and factories.

I believe the United States is the only civilized country in the world that uses prison labor in workshops and factories in competition with free and honest labor. We should lose no time in putting an end to this great wrong and evil, and in this good and patriotic work both political parties should be solidly in line.

Mr. ANTHONY. Mr. Chairman, I reserve the balance of my time.

Mr. HAY. Mr. Chairman, this bill is for the purpose of building a road about 100 miles in length in the State of Kansas, largely, if not entirely, at the expense of the Government of the United States. The only ground which can be given for building this road would be that it was a military necessity to build this road between these two posts. So sure was the gentleman from Kansas when introducing the bill that that was the only ground on which the House would consent to build this road that he undertook to get from the War Department a statement that it was a military necessity. What does the department say? They would like to see a road of this sort built, but could not say that it was a military necessity.

Mr. ANTHONY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. HAY. Certainly; I yield to the gentleman.

Mr. ANTHONY. I would like to call the gentleman's attention to the fact that every indorsement that I asked of the War Department was given cheerfully and promptly; and if the gentleman will read the letter of Mr. Taft, when Secretary of War; the Chief of Staff, General Bell, and General Aleshire, of the Quartermaster-General's Department, he will see their indorsement.

Mr. HAY. I am going to read those statements.

Mr. ANTHONY. I ask the gentleman not to misrepresent me.

Mr. HAY. I am not misrepresenting the gentleman; I am saying that the War Department does not indorse this bill as a military necessity, and I will read what the gentleman has incorporated in his report.

Mr. ANTHONY. And "the gentleman" has not argued that the bill is a military necessity.

Mr. HAY. I decline to yield to the gentleman if he says that I am misrepresenting him. I read what the Quartermaster-General says. The Quartermaster-General says:

It would undoubtedly be desirable for military purposes to connect these two posts by such a road as is proposed, and if the labor of federal prisoners is available in this connection the cost of construction would be comparatively small.

He says it would be "desirable," not that it is a military necessity. Now, the Chief of Staff, General Bell, says:

A military road between Forts Riley and Leavenworth, Kans., would unquestionably be of great military value and convenience.

Not a necessity; and no man can say it is a military necessity to build this road. Railroads connect these two posts, and all men and all supplies which are necessary to be transported from the one post to the other can be better transported over those railroads than they can over this proposed highway.

I say that this is a measure for building a road for the benefit of the State of Kansas. If we are going into that sort of business, if this Government is ready to go into the business of building roads, why we ought to have them do the same for the State of Virginia, for the State of Missouri, for the State of Colorado, for the State of Ohio, or for any other State as well as for the benefit of the State of Kansas. [Loud applause.] And, in line with that, I ask the Clerk to read, as a part of my remarks, the substitute which I propose to offer for this bill.

The CHAIRMAN. The Clerk will read the proposed substitute for the information of the House in the gentleman's time. The Clerk read as follows:

Be it enacted, etc., That the Secretary of War and the Attorney-General be, and they are hereby, authorized and directed to permit the use of any prisoners, not otherwise employed, serving sentences in the United States military prisons and in the United States penitentiaries, in the construction of any state highway that may be undertaken by the proper highway authorities of any State; said prisoners while so used to be subsisted, guarded, and sheltered at the expense of the States or of the counties through which said highways pass.

Mr. HAY. Well, Mr. Chairman, the gentleman from Kansas has stated that this will not cost the Government of the United States anything. There is a provision in this bill which provides that the United States shall not pay out anything for the construction of this road. Why, the bill expressly provides that the United States shall subsist, shall guard, and shall shelter the men who are building this road. It does not provide in this bill—

Mr. ANTHONY. Will the gentleman yield?

Mr. HAY. Yes; I will yield.

Mr. ANTHONY. He will admit that this Government will have to subsist and will have to guard these men?

Mr. HAY. Yes; but not at the same expense as when they are at work on the road.

Mr. ANTHONY. It would be but very little more expense.

Mr. HAY. And, Mr. Chairman, as was suggested by a question of the gentleman from Texas [Mr. GILLESPIE], the bill does not provide a single, solitary equipment for the building of this road. Commit the Government to the building of this road, and you necessarily compel the Government to furnish every road machine and furnish every sort of equipment that may be necessary to build this road. I defy the gentleman from Kansas to show a single provision in this bill which provides that this equipment may be furnished either by the State or by the counties.

Mr. ANTHONY. Mr. Chairman, for the information of the gentleman I will refer to section 8 of the bill, which says that the Government shall not be liable for the purchase of any material.

Mr. HAY. I am talking about equipment, not material.

Mr. ANTHONY. I think "material" would cover it.

Mr. HAY. "Material" does not cover "equipment." Material for the building of a road means the rock and the dirt and whatever may enter into the building of the road.

Mr. LIVINGSTON. That is all provided for in the bill.

Mr. HAY. It is not provided for in the bill, and I should like to have you show me where it is. The gentleman from Georgia is anxious to have this bill passed because he has a bill of his own of a similar character.

Mr. LIVINGSTON. Yes; I have, and do not you forget it, either. I do not cover up any of my tracks in the House.

Mr. HAY. Oh, no; the gentleman does not have to do anything of that sort. We all know that. We all understand the motives of the gentleman from Georgia.

Mr. LIVINGSTON. Anybody can find out at any time.

Mr. MILLER of Kansas. I call the gentleman's attention again to the eighth section:

SEC. 8. That nothing herein contained shall confer upon any officer of the United States or any other person or persons any authority to incur any obligation upon the part of the United States for the acquirement of property, the purchase of material, or the maintenance of said highway.

Mr. HAY. The "acquirement of property" does not cover the question of buying the machinery.

Mr. JAMES. That has reference to the right of way, the road itself?

Mr. HAY. The gentleman knows that that refers to the road itself and not to the equipment and machinery.

Mr. MILLER of Kansas. It refers to everything in connection with the building of the road, and there is nothing in the bill that provides for the buying of any property by the United States.

Mr. HAY. The gentleman and I differ on that, that is all.

Mr. ANTHONY. If it will make it any more clear to the gentleman from Virginia, I will be glad to have the bill amended by putting in the words "machinery and equipment," also.

Mr. HAY. I was simply answering the statement of the gentleman from Kansas that this would not cost the Government of the United States anything. Anybody who knows anything about the mode in which governments undertake projects of that sort knows that if the Government of the United States once commits itself to the building of this road it will have to build it at whatever cost may be necessary in order to complete it. Next year we will have an estimate from the War Department asking for an appropriation for the purpose of continuing the construction of this work.

Mr. AUSTIN. I should like to ask the gentleman, does he favor national aid to public roads?

Mr. HAY. I do; and I favor national aid for public roads in every State in this Union, and not alone in the States of Kansas and Georgia. [Applause.]

Mr. LIVINGSTON. How can you get it in Missouri and Virginia if you do not start somewhere?

Mr. HAY. Will you vote for the substitute which I have offered to this bill?

Mr. LIVINGSTON. No. I will vote for another one, though. There is no responsibility on anybody anywhere in your substitute.

Mr. HAY. The gentleman is entirely mistaken about that.

Mr. LIVINGSTON. I know what I am talking about.

Mr. HAY. The gentleman thinks he does, but I do not think so.

Mr. COX of Indiana. Is there anything in this bill which would prevent the Federal Government from undertaking to exercise control over the road after it was built? What is the gentleman's opinion about that?

Mr. HAY. There is nothing in the bill which would prevent the Government from taking control of the road.

Mr. COX of Indiana. That is my construction of the bill.

Mr. ADAMSON. I should like to ask the gentleman a question. Inasmuch as the road which the gentleman from Kansas wishes is right in the neighborhood of his penitentiary, and inasmuch as the one the gentleman from Georgia [Mr. LIVINGSTON] wants is right adjacent to the penitentiary, is it not reasonable to conclude that they will both be likely to get their roads first if your substitute passes?

Mr. HAY. Oh, well; it is reasonable to conclude that the gentleman from Georgia [Mr. LIVINGSTON], through whose district I understand part of this Georgia road runs, would try to do that.

Mr. ADAMSON. As those roads are nearer the prisons where the convicts are, is not that likely?

Mr. HAY. I do not know about that. I suppose probably they would not.

Mr. ANTHONY. I would like to ask the gentleman if he considers it either practicable or sensible to transport prisoners from Kansas to Virginia?

Mr. HAY. Of course it is practicable. They are transporting them all over the State of Virginia for the purpose of working on public roads, and they can be transported from Kansas to Virginia for that purpose just as well.

Mr. SHERLEY. Will the gentleman yield?

Mr. HAY. I will yield to the gentleman from Kentucky.

Mr. SHERLEY. Is the gentleman aware of the fact that these convicts are now being employed in building the penitentiaries, and will be for some time?

Mr. HAY. I was coming to that. A great deal of stress has been laid upon the point that it is necessary to give these convicts something to do. As a matter of fact, that question is not imminent now, because these prisoners are now engaged in building this very penitentiary, or a part of it, both in Kansas and in Atlanta.

Mr. SHERLEY. I will also state that, judging by the estimates for the completion of the work and the rapidity with which it has been progressing, it will be several years before they can finish that work.

Mr. HAY. The gentleman from Kentucky says that it will be several years before the work can be completed. But, Mr. Chairman, apart from that, it does seem to me that the bill is vicious in many other respects. It authorizes to be done a great many things which will inevitably place upon the Government the burden of building this highway. It is placing it on the ground of a military necessity, when no military necessity ex-

ists and when no military necessity can exist for the building of this road.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAY. I will.

Mr. MANN. The gentleman is a member of the Committee on Military Affairs. I understand the penitentiary at Fort Leavenworth is under the control of the Department of Justice.

Mr. HAY. The military prisoners are under the control of the Department of War and the federal prisoners under the control of the Attorney-General.

Mr. MANN. That is the Department of Justice. May I ask the gentleman whether this bill was ever referred to the Department of Justice for its opinion in reference to this matter?

Mr. HAY. I am not positive about that, but I do not think it was. I think it was sent to the Secretary of War, but not to the Department of Justice.

Mr. MANN. Does the gentleman know whether the committee ever had before it any expression of opinion from the warden of the penitentiary, who has these prisoners in charge?

Mr. HAY. Not that I know of. Mr. Chairman, I reserve the balance of my time.

Mr. SLAYDEN. Mr. Chairman, I have been opposed to this proposition for several reasons. In the first place, the claim that it is a military necessity or exigency is not well founded.

In the second place, it is a specific appropriation of such favor and benefits as can give free employment to convicts. I do not think that ought to be done, and if we are going to engage in this policy at all, then that embodied in the substitute offered by my colleague from Virginia [Mr. HAY] is the better policy. It provides in general terms that the Secretary of War and the Attorney-General may arrange for the employment of convicts, civil prisoners, and military prisoners upon terms to be reached for their use in the construction of state highways. It further provides that while so engaged in doing work for the highways altogether within a State the expense of their keeping and guarding shall be paid by the communities that are to be benefited.

That seems to me, Mr. Chairman, to be a safe proposition, although the cost of the work is not essential in the consideration of the balance of the substitute bill.

I want also to call the attention of the Members of the House to the fact that Kansas is not the only State in the Union where there are two military posts. It is not the only State in the Union where a military exigency may be trumped up for the purpose of diverting the labor of these convicts to the local benefits of a community. In Nebraska we have in the vicinity of Omaha, Fort Crook and Fort Omaha. In other States we can find two or more military posts that might be tied together by a road built by federal prisoners at the general expense. At my own home down in San Antonio there is a military post. Sixteen or 18 miles away there is a military reservation where the troops are constantly engaged in target practice, to which place commissary supplies and quartermaster stores are transported every day by wagon. There is just as much reason, Mr. Chairman, and I honestly believe more reason, for the construction of a road by the Government between these important military points as there is for doing it between Fort Riley and Fort Leavenworth, between which two places there are now two great railway systems.

I am not asking, and I shall not ask, that the Government of the United States construct a highway in my county, even though it is desirable to have a good road between those two points for the transportation of the military supplies. I want to say, and in this I differ from my friend from Virginia [Mr. HAY], that I do not want to see the United States undertake the policy of constructing highways. In my judgment the moment that the first bill passes this House, committing the Government of the United States to the construction of roads, then in that moment the good-roads movement among the people of the country will die the death, and from that time forward, forever more, each community in this country will cease to rely upon itself to develop for its own uses its local highways, and will look to the Federal Treasury to supply the means for doing it. As an earnest advocate of the good-roads movement, as a man who has devoted years of effort to the upbuilding of the road system of the country, who has done all that he can to inspire his own community and others in his State to the construction of good roads, I oppose absolutely, and so long as I may have the honor of being a Member of this House, I shall continue to oppose, anything that looks like the construction of highways by the Federal Government.

I yield back the balance of my time to the gentleman from Virginia.

Mr. HAY. Mr. Chairman, I yield ten minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Chairman, I am one of those opposed to both the bill and the substitute. I can not see any good reason for the passage of either. There has been no information laid before this House or before the Committee on Military Affairs which would warrant the passage of either the bill or the substitute. There has been no examination of the question by any competent authority as to what ought to be done for our federal prisoners. There are two great prisons at Leavenworth, one under the Department of Justice and one under the Department of War. The authorities controlling those institutions have in neither instance made any examination or report to anybody as to whether this bill is best fitted to care for the work of those prisoners or not, or as to what would be the facts or advantages as to any other plan. Now, many States of the Union employ their prisoners at some sort of work which does not conflict with labor and which is for the benefit of the prisoners and for the benefit of the State.

The state prison in my State is one of them, and before any measure is passed by this House to utilize the labor of prisoners there ought to be an exhaustive investigation by the authorities having charge of the prisoners and by the proper committees of this House, and we should find out and consider what should be done for the best advantage of the people who pay the bills, and what should be done for the best advantage of the prisoners who are unfortunate enough to be under our charge. No such examination or report has been had or called for concerning this bill or substitute.

Mr. ANTHONY. I want to call the attention of the gentleman to the fact that this bill merely confers authority on the War Department. They will investigate as to whether it is a wise thing to do or not. I think the gentleman's suggestion would be overcome by the fact that the bill is not mandatory, but merely grants authority.

Mr. STEVENS of Minnesota. Yes; but it is our business, the business of Congress, to dictate the policy of running our institutions. It is not the business of these departments to dictate what shall be the policy, and it is our business to have the question first investigated by those who know most about it and then make a report to us; and then we should lay down the particular policy as to what should be done thereafter with the prisoners in these great institutions.

No such investigation has been made, no such examination has been had, no report has been had. No committee has investigated it for one single moment or given one moment of thought to it, and here we are attempting to lay down a broad policy as to the employment of prisoners in these great institutions, without any apparent concern as to the welfare of the unfortunates or as to the effect upon the people at large. If there was any imminent necessity for it, there might be consideration given to this bill, but I notice there is an estimate for the next fiscal year of \$183,000 for this very penitentiary, so that for a year and a half at least the prisoners will be kept at the work they are now on; and if there is anything sincere in the desire of caring for these prisoners, in looking to or considering their welfare, in laying down a policy as to what ought to be done for them in the future, there is ample time for this investigation to be had, ample time for the department to report to Congress, and ample time for Congress to act upon the measure, so that there is no use, so far as this measure is concerned, of any haste and considering now as to what should be done for the prisoners. They will be occupied for at least a year and a half under the present arrangement.

Mr. AUSTIN. Will the gentleman tell us how you work the convicts in the State of Minnesota?

Mr. STEVENS of Minnesota. By manufacturing binding twine for our farmers. And the same is done, I think, in the State of North Dakota and the State of South Dakota.

Mr. MADISON. And in the State of Kansas.

Mr. SHACKLEFORD. And in the State of Missouri.

Mr. STEVENS of Minnesota. The situation in these various States well illustrates what I was stating, that it is a question which deserves the most exhaustive investigation and the most serious consideration by the authorities having charge of these prisoners, and all to be brought to our attention before we finally decide the matter.

Mr. ANTHONY. Does the gentleman know that it would take not more than one-twelfth of the men in these institutions to do the work on these roads?

Mr. STEVENS of Minnesota. I know nothing about it, and the gentleman does not.

Mr. ANTHONY. Yes, I do.

Mr. STEVENS of Minnesota. No information was given to the committee. The report of the committee conveys no information about this at all.

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman if this bill was not presented to President Taft when he was Secretary of War, and did he not state, "I shall be pleased to favor this bill whenever called upon to do so?"

Mr. STEVENS of Minnesota. Yes; I presume so. But that was not the judgment of any man of this committee. We have to legislate for ourselves; the responsibility is upon us. It is information we want and not opinion, even of an eminent man, in a matter of this importance.

Mr. COX of Indiana. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. COX of Indiana. Briefly, to call the attention of the gentleman to the words of sections 2 and 3. It looks to me very much like it puts the entire power in the hands of the Secretary of War. Now, suppose the Department of Justice does not desire to cooperate with the Secretary of War and let that class of prisoners be engaged in this class of work, then if this becomes law, would not this condition occur—that one class of military prisoners would be permitted to work on these roads and the federal-court prisoners could not?

Mr. STEVENS of Minnesota. The gentleman is entirely right about that; there is no doubt about it. There is no definite policy established by this bill at all. Now, another point, Mr. Chairman—

Mr. SULZER. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. SULZER. Was this bill favorably reported from the Committee on Military Affairs?

Mr. STEVENS of Minnesota. It was evidently favorably reported, but at the time several of us notified the committee that we should present our views on the floor, which I am now endeavoring to do.

Mr. SULZER. There was no minority report made.

Mr. STEVENS of Minnesota. I have the report of the committee here on the desk—

Mr. SULZER. But I said no minority report.

Mr. STEVENS of Minnesota. No; there was not.

Mr. SULZER. Judging by the discussion, I had an idea this bill was adversely reported.

Mr. STEVENS of Minnesota. That is for this committee to ascertain before we get through. Mr. Chairman, there is another aspect that has been discussed, and that is the military feature of it. The department reports—that is, the Quartermaster-General states that it is desirable for military purposes.

The two reservations mentioned in this bill are of the greatest in the United States. There are more troops stationed within the borders of Kansas than any other State in the Union. These great posts are about 100 miles apart. It is true that at some time during the year, occasionally in some years, for the purpose of maneuver, the troops may be marched back and forth, and that has been done a few times. But for a real, genuine military purpose I submit to the good sense of this committee if it is not better to have an ordinary road that troops will be obliged to march over in times of ordinary work or in times of maneuvers. Is it not better that they should have to use the ordinary dirt road, which is found anywhere, than a first-class macadamized road built by the government engineers, as provided in this bill? They would not have such a road elsewhere; they do not go to battle or make military campaigns on that kind of a road. If we want to give our troops real instruction in military matters, we want to furnish them conditions that approximate those of actual war and of an actual campaign, and we would not have much actual war on a macadamized road of this nature. Then there is another thing, Mr. Chairman, and I submit it without any attempt to criticize the good people of Kansas. Kansas is remarkably favored in the way of great federal institutions.

As I said, there are more troops kept within the borders of the State of Kansas than in any other State in the Union. Most of our States would be mighty glad to have institutions of this nature; most of us would be mighty glad, and most of the States and most of the localities would be mighty glad to have great institutions, where millions of dollars are expended for their construction, where millions of dollars are spent annually for the maintenance of those great institutions.

Mr. AUSTIN. I would like to ask the gentleman a question right there—

Mr. STEVENS of Minnesota. In a moment. Now, is it fair for the State of Kansas to take advantage of the bounty of the Government, which has been showered upon its people and locality, to get another great advantage over the other States of the Union by using our labor to build their own local highways, when there is hardly pretended to be any compensating advantage to the Nation or the national public service?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HAY. I yield five minutes more to the gentleman.

Mr. AUSTIN. I wanted to ask the gentleman if these two military posts were located in the State of Minnesota and this proposition was before the House, would he be opposed to Minnesota having this road?

Mr. STEVENS of Minnesota. I am glad the gentleman asked the question. There is one of the largest reservations in the United States on the borders of my own district—Fort Snelling. St. Paul appropriated \$120,000 to make a highway to Fort Snelling; the city of Minneapolis appropriated \$150,000 and St. Paul \$125,000 for a bridge to help cross the river in order to reach Fort Snelling. That is the way we do business. [Applause.]

Mr. AUSTIN. You did not answer my question.

Mr. STEVENS of Minnesota. I hope I answered the question.

Mr. AUSTIN. You have not answered my question.

Mr. STEVENS of Minnesota. No; not under any circumstances. If the United States will establish a great military reservation in our midst, we will build highways, we will build bridges, and we will do everything we can to assist the United States instead of milking it. And we have done it, and other States are doing it. Other States of the Union are building their highways, are building their bridges, and are making other expenditures to help the Government instead of taking money out of the Government.

Mr. AUSTIN. Suppose a State failed to do that, would you accept this from Congress?

Mr. STEVENS of Minnesota. Not under any circumstances. We can build our own highways and pay for them. [Applause.]

Mr. ANTHONY. I notice that the gentleman has mentioned a magnificent bridge that the Government has built at Fort Snelling, between Fort Snelling and St. Paul. I would like to ask him out of that government appropriation of \$120,000, how much of it went to the street railway corporation?

Mr. STEVENS of Minnesota. Not a dollar. The street railway company paid \$25,000 for the privilege of crossing the bridge. One half of the whole sum was paid by the city of St. Paul and the other half by appropriation of Congress. The only way the troops can get from that post to St. Paul is by that bridge across the Mississippi River. The United States paid one-half and one-half was paid by the city of St. Paul. We not only paid that, but we paid \$120,000 to build a road to it, and the street car company was obliged to pay the Government \$25,000 for the privilege of crossing that bridge, and it has to perpetually maintain the space between the car tracks.

Mr. ANTHONY. The Government paid one-half of the construction of that bridge?

Mr. STEVENS of Minnesota. Yes.

Mr. AUSTIN. You claimed that your city and your people paid for the whole thing.

Mr. STEVENS of Minnesota. I beg your pardon. I did not say that.

Mr. AUSTIN. Now you admit that the Government paid part of it.

Mr. STEVENS of Minnesota. I did not say that. I said that the city paid one-half of the bridge and the city of Minneapolis paid the whole expense of the roadway on the other side.

Mr. AUSTIN. Did you not say in your original statement that the Government paid none of that expense?

Mr. STEVENS of Minnesota. No. It was not called for.

Mr. AUSTIN. Why did you not tell us the whole story? Why did you withhold the fact that Congress paid a part of the expense?

Mr. STEVENS of Minnesota. Now, Mr. Chairman, one word more. It does not do any locality any good to have partiality and favors showered upon it. It injures the fiber of the citizens to come to this Government and ask for things which they can better do for themselves, and in a matter of this kind, before we decide upon a measure that is liable to lead to a broad and important policy in the end, we should have the fullest information about what ought to be the best for treating the prisoners, what ought to be really done for military advantage of our Government, and what the localities ought to do for themselves.

I yield back the balance of my time. [Applause.]

Mr. HAY. Mr. Chairman, I yield ten minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Chairman, there is one question in connection with this proposed legislation which I can not answer

to my satisfaction—that is, in such a way that can satisfy me to support the bill—and that question is, By what authority is Congress to engage in the construction of this particular highway?

Confessedly this is not to be a military road; that is to say, it is not to be built because of a military necessity. Nor is it to be a post-road. What character of roads can the Federal Government, under the Constitution of the United States, build except military roads and post-roads? Where is the authority? Surely any road it builds must be for some governmental use, and this proposed road not being a military necessity, not being a post-road, its construction lies absolutely, to my mind, outside of the domain of congressional power.

Mr. BORLAND. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. GARRETT. I yield to the gentleman.

Mr. BORLAND. Does not the gentleman consider that the judicial power of the United States empowers the United States to keep its prisoners in that the power to keep those prisoners employed?

Mr. GARRETT. Oh, I think the principle involved in this bill is this: If the Federal Government can take its prisoners and enter the limits of a State and perform the functions that ought to be performed by the State or county or township; that is, the construction of a road, not for a military necessity, not as a post-road, but as a simple public highway; if it can do that with its prisoners, then it can appropriate the money direct from the Treasury and substitute its money instead of its convict labor and do the same thing. I can not bring myself to the support of any such policy. If the Federal Government is going to undertake the business of constructing highways, those highways should be for some governmental use. This proposed road is to be a highway simply for the benefit of a locality in the State of Kansas—not a military road, not a post-road, but just an ordinary local highway.

Now, Mr. Chairman, I am perfectly well aware of the fact that there is widespread sentiment in the Republic for federal aid in the construction of highways. But gentlemen will remember that at no time has anybody ever proposed that the Federal Government had authority to construct a highway unless it needed that highway to use in governmental business.

The fact is that the indirect system of taxation of the Federal Government is responsible for the growing demands upon the Federal Treasury. The citizen does not recognize when he is paying his federal taxes, because the method of collection is indirect rather than direct. But he does realize when he is paying state, county, and municipal taxes, because he takes the cash from his pocket and pays it to the collector and receives only a tax receipt in return. It results, therefore, that many people have come to look upon federal appropriations not as so much spent, but as a gift—as so much picked up. A member of a state legislature, when he returns from the session in his State, will be met by his constituents. They, with a keen, cold gleam in their eyes, say: "How much did you spend?" When a Member of Congress goes to his home, he will be met by that same constituency, and with the same cold gleam in the eyes. They will ask him: "How much did you get?" [Laughter and applause.]

Mr. LIVINGSTON. Mr. Chairman, may I be permitted to ask the gentleman a question?

Mr. GARRETT. I yield to the gentleman.

Mr. LIVINGSTON. I want to suggest to the gentleman from Tennessee that whether these prisoners are worked or not, they eat the same amount of food, they wear the same amount of clothes, and take the same number of men and amount of money to guard them as when they are kept in the prison. Now, what loss is it to the Government if they are taken outside of the walls and made use of? You are speaking for the taxpayer; where does the taxpayer come in?

Mr. GARRETT. I will say to the gentleman from Georgia that in my opinion this bill projects the Federal Government into a work with which the Federal Government has no business to deal.

Mr. LIVINGSTON. That doctrine was good a hundred years ago, but not now.

Mr. SHERLEY. Mr. Chairman, will the gentleman allow me?

Mr. GARRETT. I yield to the gentleman.

Mr. SHERLEY. Do you not know, when you reach the question of the penitentiary in the district of the gentleman from Georgia, that they have four or five years' work before they complete the work on the branch there?

Mr. GARRETT. Undoubtedly.

Mr. LIVINGSTON. Will the gentleman permit me to say in reply to that that this bill provides that whenever they have no work to do inside of the prison a certain number of them only

can be worked? The Secretary of War and the Attorney-General may permit them to work outside.

Mr. SHERLEY. I suggest further, if the gentleman will look at the testimony which I hold in my hand, given before my committee less than two weeks ago, he will see that that time will not be reached for five years yet.

Mr. LIVINGSTON. In response to the suggestion of the gentleman, I am sorry he did not hear what was said—that they have 800 prisoners in Atlanta. The walls are all built, and they have all the building stone needed for the building of that annex, and only one-third part of the 800 can be worked upon that building. What are you going to do with the balance of them? That is the proposition.

Mr. HAY. I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, this bill embodies two distinct policies: That of giving employment to federal prisoners on the one hand, and that of committing the Federal Government to the construction of state and local highways on the other hand. The question of what shall be done with prisoners in the various penal institutions of the country is one that has troubled the various legislative officers of all the States in the Union. I do not know of any State that has adopted the policy of using inmates of penitentiaries for the general construction of public roads.

It must be borne in mind that the item of individual labor is a comparatively small factor in the cost of the construction of a public highway. The chief cost of the work is in the material, the grading, the hauling of the material, and the rolling of the road. The State of Indiana has built as many miles of public highways as any other State in the Union west of the Alleghenies, according to population, and we know that the factor of wages for manual labor is comparatively small in the construction of a modern highway. It costs us from \$4,000 to \$6,000 a mile to build roads in our State, and the laborers employed in highway building in Indiana are free, honest laborers. To use penitentiary inmates in the construction of highways is to bring convict labor as much in competition with honest, free labor as if the inmates were used in any line of manufacturing.

In relation to the other policy I can not help but believe that this bill, if enacted into law, will practically adopt the policy of the United States building and improving state highways at the expense of the Federal Government, a policy which I think is objectionable.

Mr. CALDERHEAD. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. CALDERHEAD. Under what policy was the national highway built to Indianapolis?

Mr. CRUMPACKER. Under the policy of opening up the country, at a time when there were no railways and when there were practically no local roads. The conditions prevailing, when the national road was built to Indianapolis seventy-five years ago, were materially different from those which now exist. The Federal Government was then justified in building roads as a military necessity and as post-roads, because there were no railroads. We were then building canals all over the country, while to-day we have railroads and other means of intercourse, so that there is no necessity for the adoption of this policy.

Mr. GARRETT. This road is not proposed to be either a military road or a post route.

Mr. CRUMPACKER. That is true; and it will not be under the control of the Federal Government. It will be absolutely under the control of the State of Kansas. If we pass this bill and construct this highway, substantially 100 miles long, it will only be a question of time when, at the expense of the Federal Treasury, thousands of miles of highways will be constructed, which as soon as constructed will be in the ownership and control of the various States through which they pass.

It is practically entering upon a policy that will cost this Government hundreds of millions of dollars, in the doing of a thing that essentially belongs to the various localities. The gentleman from Minnesota suggested that to the States belongs this duty, and the States ought to regard it as a privilege to provide themselves with all of the local facilities that may be necessary for social and commercial purposes. The States ought to construct highways out of their own revenues. Let the Federal Government confine its activities to federal functions, and most of all, let it keep out of the field of the general construction of public roads, unless it shall own and control the operation of the roads. The State of Kansas does not propose to turn over to the United States Government the power to regulate and control this highway, and many of us believe that aside from the labor this road will cost the Government

of the United States a good deal ultimately in the way of appropriations from the Federal Treasury to complete the unfinished parts of the highway, to guard the prisoners while so employed, and to provide horses, equipment, and machinery necessary to do the work.

Mr. HAY. I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. ANTHONY. Mr. Chairman—

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] has the floor.

Mr. ANTHONY. May I suggest that debate be closed in twenty minutes, one-half on each side?

Mr. UNDERWOOD. I think the question ought to be fully debated, and I object to that proposition.

The CHAIRMAN. Objection is heard. The gentleman from Virginia yields five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, it is unfortunate that we have prisoners at all. How to use them so as to give them employment is a serious question. It is a question which all the States of the Union have been trying to solve for some time. Nobody doubts that prison labor does come into competition with honest, free labor, no matter how the prison labor may be employed. But I undertake to say that no gentleman on the floor of this House will say that the labor employed in the construction of roads throughout the country is not free, honest labor. If these prisoners are employed in the construction of roads, they will come as much into competition with free, honest labor as they do in any other work which they perform. The principle involved in the bill before the House is a dangerous one. All the States of the Union are building their own roads out of their own treasures from taxes levied and collected from their own people, and the State of Kansas should be no exception to the rule.

There is no more reason why the Federal Government should construct a road in the State of Kansas from Fort Leavenworth to Fort Riley than there is that the Federal Government should be called upon to construct a road from the military post at Chicago to the military post in San Francisco.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MADDEN. I will yield to the gentleman from Kansas.

Mr. CAMPBELL. Is not there just as good reason for the Government of the United States building a road from Fort Leavenworth to Fort Riley as there is for digging a ditch between Chicago and St. Louis? [Applause.]

Mr. MADDEN. In one case I want to say that the ditch to which the gentleman refers is to be a waterway through which the great ships of the Lakes and seas may carry the products of the labor of the country. [Applause.] And the people of Chicago themselves have so far paid \$64,000,000 of their own money for the construction of the ditch to which the gentleman so sarcastically refers without calling upon the Government of the United States for the expenditure of a single dollar. [Applause.]

The State of Illinois, through a vote of its people recently, authorized its legislature to vote \$20,000,000 for further expenditure in connection with this great interstate improvement. [Applause.]

I wish to say in further reply to the gentleman from Kansas, that the Middle West, through which this proposed waterway is to run, is a part of that great territory to be served by the transportation facilities which this great waterway will afford; and the one thing for which this waterway is about to be constructed is to enable the reduction and regulation of freight rates by the railroads of this country, and to give an opportunity to every producer in every section of the land for the transportation of the products of his labor at the cheapest possible price. I submit to the House and to the gentleman from Kansas that this is not in any particular like the proposition that is before the House for the construction of a road wholly within the State of Kansas. [Applause.]

Mr. HAY. Mr. Chairman, I now yield five minutes to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Chairman, I think a fair reading of this bill would lead one to conclude that the Government would do everything connected with this road except to furnish the materials, the rock, the earth, and so forth, needed in the construction of the road. All expense of equipment, teams, scrapers, machinery of any kind, necessary in road construction, I think it could fairly be implied, is to be paid for by the United States Government under this bill.

Now, the very first section says:

That the Secretary of War be, and is hereby, authorized to take all necessary steps to utilize the labor of the United States convicts in the construction of this road.

How can you utilize the labor for the construction of the road without supplying the implements necessary for labor to use? The first section of the bill plainly implies authority in the Secretary of War to put the equipment into the hands of this labor for the purpose of constructing this road.

Mr. ANTHONY. Will the gentleman yield?

Mr. GILLESPIE. I will yield to the gentleman from Kansas.

Mr. ANTHONY. I will say that I believe the Government now owns all the equipment that will be necessary to use in the actual labor.

Mr. GILLESPIE. If the Government does not own equipment, authority is plainly implied that the Secretary of War may go and buy it. I do not know whether they own all the equipment necessary or not.

Mr. ANTHONY. The first section only says he may utilize the labor.

Mr. GILLESPIE. How are you going to utilize the labor without putting equipment in the hands of labor which it is necessary for the labor to use, such as teams, scrapers, wagons, and other equipment necessary to build the road?

Mr. ANTHONY. There is a provision in the bill which expressly forbids the Government, or any officer of the Government, from incurring any indebtedness whatever.

Mr. GILLESPIE. It confers no authority upon any officer to incur any obligation upon the part of the United States "for the acquirement of property," and so forth.

Mr. ANTHONY. Property and material.

Mr. GILLESPIE. Here are two provisions, then, in apparent conflict with each other. You might reconcile them and allow both provisions to stand, if you say that section 8 prevails, except the authority that is conferred by clear implication in the first section of the bill upon the Secretary of War to purchase road equipment, and so forth. Section 8 only prohibits the incurring of an obligation by an officer or other person against the Government, while in the first section of the bill the obligation against the Government is clearly incurred and there is no necessary conflict, and both provisions may stand. Then both sections would stand together and the fair interpretation of both sections would be that the Secretary of War is to be authorized to purchase these teams and wagons and machinery necessary to construct this road, but he can not incur an obligation for any other purpose. Why not plainly put in the bill what is meant? If all you mean is that the Federal Government shall lend the labor or donate the labor of these convicts and be at no expense except their necessary keep and care anyway, why not plainly say so in your bill? I think any fair construction of this bill would be that the Secretary of War can go on and expend money in his hands for the purpose of purchasing equipment with which to construct this road and feel sure that Congress will be called upon in the future to appropriate for it.

Mr. Chairman, I want to state while I am upon my feet that I do not agree to the proposition advanced here that the Federal Government should go into the different communities and into the different States of this Union and aid in the construction of roads.

Mr. LIVINGSTON. Do not they do that in waterways now?

Mr. GILLESPIE. We are not talking about waterways. We are doing it along those lines that we ought not to be engaged in. I am now talking about roads. I believe it is unconstitutional and the most expensive form of road construction that ever entered the mind of man, on account of the wild scramble for appropriations, and that it is impossible to adopt an equitable plan of construction for the whole Union in view of the fact that many of the States have already highly developed systems of roads and have taxed their own people many millions to accomplish this, while other States have not taxed their people so much, and consequently are far behind in road construction. I highly favor the employment of federal convict labor upon the public roads without expense to the Federal Treasury other than the usual and ordinary expense necessary in keeping convicts anyway. I shall therefore support the substitute offered by the gentleman from Virginia.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. GILLESPIE. Yes.

Mr. COOPER of Wisconsin. I am interested in the gentleman's contention that two paragraphs of the bill, the first and the eighth, can not be construed together; that the first paragraph must control, and that it means that the Secretary of War is to have power to purchase wagons, mules, and so forth. Now, let me ask the gentleman what he has to say of my construction of the two paragraphs. I would read them as if one came immediately after the other, and so, following an ordinary rule of statutory construction, I would treat the last as if it

were simply a proviso, thus: "That the Secretary of War be, and he is hereby, authorized to take all necessary steps to utilize the labor of the United States convicts: *Provided*, That nothing herein contained shall confer upon any officer of the United States or any other person or persons any authority to incur any obligation on the part of the United States for the acquirement of property, the purchase of material, or the maintenance of said highway."

Thus read together the paragraphs are harmonious and their meaning clear. There is express prohibition against the acquirement of property—and "property" includes mules and wagons—and there is also express authority to utilize the labor of the convicts if implements and materials are on hand or are supplied by which it can be utilized. That is the only possible construction.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HAY. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, undoubtedly this bill will cause the United States to incur an expense whether the gentleman from Kansas [Mr. ANTHONY] intends it or not. You can not possibly construe the first section and the last section of this bill together and get any reasonable construction out of it except that the Secretary of War, or the officer authorized to use these prisoners, must furnish them with the implements with which to build this road. If you say that he must not buy any implements, that he must not furnish anything at all for these men to work with, then you say that he must use the labor without giving him anything with which to make that labor effective, and, in effect, that he can not really use it at all, thereby making the bill a nullity; and I am frank to say that the courts might possibly indulge the presumption, violent possibly, but nevertheless they might possibly indulge the presumption that Congress would not do a useless thing, and therefore that Congress meant that these men should be furnished with the implements with which to do the work. It is not right to expend the Government's money in the State of Kansas for this purpose unless it is going to be made a general movement, to be carried out throughout the whole country. [Applause.]

I am in favor of using convict labor on our roads, and I am willing to vote for the substitute; but I am not willing to vote for the bill, because it will entail great expense on the Government, and because it confers upon one State a favor in which the others may not participate. In answer to the gentleman from Georgia [Mr. LIVINGSTON] as to his statement that it will be no more expensive to have these men on the public roads than it is to house and feed them in the prison, I desire to say that some years ago I introduced and had passed in the legislature of Alabama a bill authorizing a certain county of that State to use its convicts on the roads. The county made an investigation, and found out that in order to do that they must furnish the equipment, a movable sort of jail or barracks of some kind, in which to shelter these men; that such equipment was very expensive; and up to this time the movement has not been begun, simply and solely because of the expense of housing the men while they are out on the road. The county hopes, however, to purchase the necessary equipment at an early date, and use the convicts as the law provides. Certainly, the contention of the gentleman from Georgia that it will be no more expensive to house these men on the road than in the penitentiary, falls to the ground when considerations of that kind are brought forward, and when we remember that we have the penitentiary, but have not the movable cages or jails.

Convicts ought not to be used in competition with men who are engaged in manufacturing, and I agree with the gentleman from Ohio in his ideas along that line, but I do say that when the Government of the United States commits itself to the policy of using the convicts on the public roads, then every State should have an even and a fair chance to get that convict labor, and to get it on a fair, square footing with every other State, whether they are fortunate enough to have a federal penitentiary within their borders or not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman—

Mr. ANTHONY. Mr. Chairman, may I inquire how much time remains on both sides?

The CHAIRMAN. The gentleman from Kansas has sixteen minutes remaining.

Mr. ANTHONY. And the other side has used all of its time?

The CHAIRMAN. The time of the gentleman from Virginia has expired. Does the gentleman from Minnesota take the floor in his own right?

Mr. MANN. Mr. Chairman, I rose for the purpose of taking the floor.

The CHAIRMAN. Does the gentleman from Kansas desire to be recognized for the remainder of his time?

Mr. ANTHONY. I desire to reserve the remainder of my time.

The CHAIRMAN. The gentleman from Kansas reserves the remainder of his time, and the gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, it is not my intention to take very much of the time of the committee. It seems to me that the provision in section 4 of the bill providing for the authorization of the Secretary of War to make use of such available machinery as may be possessed by the Department of Agriculture is, to say the least, an unfortunate provision. We now provide an appropriation for the Office of Public Roads in the Department of Agriculture. That is for the purpose of giving education throughout the country in the main. Undoubtedly, if this act should become a law, the result would be that the Department of Agriculture would be called upon to turn over that road-making machinery to the Secretary of War until this road should be completed.

Mr. ANTHONY. Mr. Chairman, will the gentleman allow me to interrupt him for a moment?

Mr. MANN. I shall be glad to do so.

Mr. ANTHONY. For the gentleman's information I will say that the Department of Agriculture has, since this bill was drawn up, sold its road-making machinery. It has none. The only machinery it would have left now would possibly be its surveying instruments.

Mr. MANN. Then the gentleman would be glad to have that provision stricken out of the bill?

Mr. ANTHONY. Not entirely, because we still want to use the engineer department.

Mr. MANN. Well, that is the provision I am talking about. The gentleman says they have no machinery, so we do not need that provision in the bill. Now, it seems to have been a question here as to whether this bill would authorize any expenditure on the part of the Government for machinery, and it has been asserted on one side that it would cause the Government to incur obligations, and, on the other side, that it would not. I call the attention of the committee to the language of the bill, which seems to be very simple in its purpose and in its operation. Section 1 is:

That the Secretary of War be, and he is hereby, authorized and directed to take all necessary steps to utilize the labor of United States convicts in the construction of a macadam road, etc.

That is the authority to the Secretary of War, which will warrant an appropriation for that purpose, and in the sundry civil appropriation bill when it comes before the House, if this bill is enacted into law, it will be in order for my distinguished friend from Kansas to arise, if it is not already in the bill, and offer an amendment for the purpose of providing the money with which to buy the machinery in order that this labor may be utilized. The bill itself provides that by the passage of this bill no officer shall incur any obligation on the part of the Government. That is true, but with the bill a law the authority exists and undoubtedly will be made use of, and if the bill passes it should be made use of, to provide the necessary equipment in order that proper use may be made of the labor of these convicts. But, Mr. Chairman, the purpose for which I arose was to make some inquiry as to what the attitude was of the people having in charge these convicts. My distinguished friend from Kansas a little while ago corrected me on the quiet by saying the warden of the penitentiary at Leavenworth was under the War Department, and that there was no way of obtaining the opinion of the warden, but the warden of the penitentiary is not under the War Department, notwithstanding the opinion of my learned friend from Kansas—

Mr. ANTHONY. Will the gentleman permit an interruption?

Mr. MANN. Always.

Mr. ANTHONY. Now, I would like to correct the gentleman and to say—

Mr. MANN. You did it before.

Mr. ANTHONY (continuing). And to say that the officer in command of the United States prison at Leavenworth is a major and quartermaster of the United States Army and takes orders from the Secretary of War. That is the United States military prison. The gentleman possibly has in mind the United States federal prison under the Department of Justice, to which his assertion would apply, but is incorrect as applying to the United States military prison at Leavenworth.

Mr. MANN. I did not make any statement as to the United States military prison.

Mr. ANTHONY. I thought you used the words "United States military prison."

Mr. MANN. I beg the gentleman's pardon; I have not used them before until now.

Mr. ANTHONY. So the gentleman is half right.

Mr. MANN. I am not half right; I am altogether right on that particular proposition, though goodness knows I am reasonable enough to say I do not get things half right half the time. The gentleman's bill provides in section 2 for the use of prisoners available from the United States military prison, and in addition to those such prisoners as are now confined in the United States Penitentiary, Leavenworth, Kans.

The United States Penitentiary at Leavenworth, Kans., to which I referred, is under the Department of Justice. I hope the gentleman will remember that. It is easy enough in either case to obtain the opinion of the warden. Can it be possible that this House, the national legislative body, can not obtain the opinion of an officer of the Government under its control? I want to know what Major McLaughry thinks of this. He is one of the most distinguished men in this country in reference to convict labor. I would take his judgment against the judgment of anybody that I know upon this question, and yet, although that opinion would be of great value to the House, although the opinion of the Department of Justice ought to at least have been asked for, there is not a line or a suggestion that the men having charge of these prisoners have ever been asked their opinion in reference to the matter; nor were the men in charge of the military prisons asked for their opinions in reference to the matter, if we may judge by the report.

Mr. ANTHONY. I would state for the gentleman's information—

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Kansas [Mr. ANTHONY]?

Mr. MANN. Certainly.

Mr. ANTHONY. The opinion of the superior officers of these men has been asked for, the Quartermaster-General, the Chief of Staff, and the Secretary of War, covering the United States military prison.

Mr. MANN. I have great respect for the Quartermaster-General of the army, whom I regard—

Mr. ANTHONY. Will the gentleman permit me one step further?

Mr. MANN. Certainly.

Mr. ANTHONY. While I have not the written indorsement of the warden of that prison on file here, yet he has stated to me unequivocally that he thinks that would be the finest solution of the labor problem he knows of.

Mr. MANN. That has great weight with me, and I have no doubt of the statement of the gentleman from Kansas. The Quartermaster-General, when reporting upon this bill, as he was required, made no report indicating that he had asked any information from the warden or the major in charge of these prisoners, but says it would undoubtedly be desirable for military purposes, and so forth, if the labor of federal prisoners is available in this connection, and so forth, and that the cost would be small. He makes no recommendation about it.

Now, I am inclined myself to think that it is a good thing to use convict labor in building roads, but it seems to me that we are taking a rather dangerous step when we engage upon that policy without the information which we ought to have from the people in charge of these prisoners, as to whether this shall be the policy of the Government, because if we say now that we will do this, the chances are that it means that we will embark upon that policy. I do not know, but if it had to be decided now, without any chance for further consideration, and I had to decide it with what limited knowledge I have, and it is extremely limited, I would take the chance of putting these men to work building roads. I think the gentleman ought to obtain more information from the men in charge of these prisoners. It is idle to say it will not cost anything. Does the gentleman know what it cost to subsist the prisoners at Fort Leavenworth prison last year? Or does the gentleman from Georgia [Mr. LIVINGSTON] know what it cost to subsist the prisoners at Atlanta last year?

Mr. LIVINGSTON. Eleven cents per capita.

Mr. ANTHONY. Does not the gentleman admit that these prisoners would have to eat inside the walls just the same as they would outside?

Mr. MANN. Well, Mr. Chairman, it cost 10½ cents a day per prisoner to subsist the prisoners at Atlanta last year, and it cost 12.2 cents per day to subsist the prisoners at Leavenworth last year. It is perfectly safe to say that if these men go out in the open and engage in work that is worth anything they will not be subsisted for any such sum as that. No man in this country can work in the open air and live on 12.2 cents per day

subsistence. And while that may not be an argument against the bill, it is an argument against the reason for passing the bill, namely, that this will not cost anything. If it is right to do it, I do not care what it costs. It is much more important in the end to determine the right thing to do for the convicts, because it is their interest in this matter that we ought to largely consider.

Mr. LIVINGSTON. Mr. Chairman, I want to suggest to the gentleman that our prisoners, up to this time, have been worked at hard work—such as cutting stone, placing stone, and the like—and they have lived on 11 cents a day.

Mr. MANN. Why, the gentleman from Georgia a little while ago was telling how the prisoners at his prison had nothing to do.

Mr. LIVINGSTON. What I said was, if they had nothing to do.

Mr. MANN. It is a terrible thing, in his opinion, because the prisoners had nothing to do.

Mr. LIVINGSTON. I did not say anything of the kind.

Mr. MANN. It would be a matter of humanity to pass this bill, so that these prisoners might have work to do.

Mr. LIVINGSTON. I did not say anything of the kind.

Mr. MANN. Well, if the gentleman does not change his remarks in the Record, I am willing to let it stand.

Mr. LIVINGSTON. All right. I said when they completed this work they would have nothing to do, and I repeat it.

Mr. MANN. If it is a matter long in the future, if it is a question to ascertain whether these prisoners shall have nothing to do years from now, we had better let it go until we acquire more information. If there is any pressing necessity that these prisoners shall do something, let us learn of the men in charge of these men as to what ought to be done before undertaking to pass upon it.

Mr. ANTHONY. Will the gentleman answer me a question?

Mr. MANN. I will if I can.

Mr. ANTHONY. The gentleman has doubted the wisdom of enacting this legislation on account of the insufficiency of information. I want to ask him, inasmuch as this bill leaves it to the judgment of the Secretary of War, if he would not be willing to leave the wisdom of putting it into effect with the Executive, the President of the United States, and the Secretary of War?

Mr. MANN. Well, the President of the United States nor the Secretary of War is the legislative branch of the Government. But if it were the policy—

Mr. ANTHONY. But the gentleman has just said he did not want to proceed on this because there was no direct recommendation from the War Department.

Mr. MANN. If my distinguished friend, asking a question, will permit me to answer, I will be greatly obliged to him. Neither the President of the United States nor the Secretary of War constitutes the legislative branch of the Government. It is for us to determine what our policy shall be in reference to our convicts. It is not the duty of the Secretary of War to determine that policy; and while we ought to obtain his opinion before we act concerning men under his control, it would be idle to say we will leave it to him to determine whether he enforce the acts of Congress. Have we gotten to the point where, when passing acts of Congress, we shall leave it to the Secretary of War or anybody else to determine whether those acts shall be enforced or not? If this bill passes, it ought to be, and I believe will be, the duty of the Secretary of War to enforce it. It would be nonsense to pass it on any other terms.

Mr. ANTHONY. Mr. Chairman, I simply want to say for the gentleman's information I believe, as the law exists now, the Secretary of War has absolute power to say what those prisoners shall do so long as they stay on the military reservation. In the past the Secretary of War has abolished convict labor in the production of articles which came in conflict and competition with free labor; and I believe that course will be pursued also in this case. And it is because we believed he will pursue the same course we felt that was the proper procedure that has brought us in here.

Mr. MANN. The gentleman assumes that the Secretary has now the power.

Mr. ANTHONY. He has not the power to work them off the reservation, but he has the power to do anything he pleases with them on the reservation.

Mr. MANN. The fact that the men in charge of these prisoners ask for authority to control them, I assume, is a confession that in their minds they have not the power they think they ought to have. I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I have listened with a great deal of interest, as I am sure all the Members of the House have, to the discussion of this bill. No one who has listened

to the debate can have overlooked the fact that every man who has opposed the bill is opposed to it with a reservation that he is in favor of the use of convict labor in the construction of roads.

Mr. GARRETT. I hope the gentleman will exclude me from that class.

Mr. LIVINGSTON. Provided it is done in his section and in his State.

Mr. CAMPBELL. I will modify the statement by excepting the gentleman from Tennessee.

In one instant gentlemen are opposed to the bill only because the head of some department does not unqualifiedly indorse it, and being reminded that the responsibility is upon us to outline and lay out such a policy, they give some other equally untenable reason for opposing the bill. Now, there are few men here who do not believe that the solution of the prison-labor problem is to use it upon the public highways. I doubt if there are many men in this House who have not so stated on the hustings to their constituents.

Mr. COCKS of New York. I have not.

Mr. CAMPBELL. There are few prison reformers in the United States who have not at some time advocated the use of prison labor upon the highways and given many reasons for it. The letter read here by my colleague [Mr. ANTHONY] from the warden of the Kansas State Penitentiary is illuminating upon that question. This policy has made the convicts in the Kansas prison model prisoners. They seek an opportunity and court the favor of the warden, with a view of getting outside of the walls of the prison, wearing overalls and broad-brimmed hats, working on the highways. The letter states that these prisoners are not shackled and are under a guard who is unarmed. It seems that no one can state a substantial objection to using labor of this character in the construction of public highways. Prisoners must work at something. They should not compete with labor in manufacture or mining. I think most of the gentlemen who have opposed the bill would be willing to concede that, but they are not in favor of this particular proposition, because the warden of the penitentiary has not stated that it was a good thing and because the Secretary of War only says that it is a good thing, but does not state it is a military necessity.

The fact is that the War Department has given as much of an indorsement to this bill as it is proper for any department to give as to the passage of any act by this House. The War Department was not called upon for a policy as to the use of prison labor, but for the particular plan of using the prison labor in the penitentiary at Leavenworth, Kans., on a road between Fort Leavenworth and Fort Riley, and they unqualifiedly commit themselves to the proposition that it is their opinion that it would be a proper way to use that labor.

Many men who have opposed this bill shrink from it because it may entail a small expense. I do not agree with the construction that has been placed on sections 1 and 2 of the bill by the gentleman from Texas [Mr. SLAYDEN] nor by the gentleman from Virginia [Mr. HAY]. Plainly those sections do not authorize the purchase of machinery or equipment, limited as they are by section 8. Sections 1, 2, and 8 must be construed together. For myself I will say that I would not shy from the proposition if it provided for even a considerable expense. I can think of few, if any, better purposes to which we could put money than to provide for good roads with it.

Mr. MARTIN of South Dakota. On that subject I should like to have the view of the gentleman from Kansas. It seems to me quite apparent that it is one thing to take care of prisoners in a government penitentiary and quite a different thing to work them upon a road 5, 10, or 15 miles from that penitentiary. The first section here authorizes the Secretary of War to take all necessary steps to utilize the labor of United States convicts. In view of what the gentleman has just stated, I should like to ask him whether that would not authorize the Secretary of War to provide temporary equipment, consisting of guardhouses, tents, and the paraphernalia for keeping men in the field for the purpose of working them at long distances from the penitentiary?

Mr. CAMPBELL. I am not familiar with the details of what would be necessary in using prisoners at long distances from the penitentiary. I do not know how they should be housed, but I take it that it will add but little to the expense of keeping the prisoners—to feed and house them out on the work. They have guards day and night in the penitentiary. The War Department has tents. It has camp equipment, and can use its tents and camp equipment, and the guards that are used at the penitentiary can be used to guard the prisoners out on the highway.

Mr. MARTIN of South Dakota. Whatever may be necessary in order properly and economically to use that labor at long

distances from the penitentiary the Secretary of War will undoubtedly have authority to provide under this bill.

Mr. CAMPBELL. I think so.

Mr. MARTIN of South Dakota. So that whatever theory may have been advanced here that this would not entail any expense in equipment is hardly justified in face of the language of that section.

Mr. CAMPBELL. I do not think the War Department under any authority conferred by this bill could purchase tents or camp equipment; but it would not be necessary to do that, for, as I have stated, the department has tents and camp equipment now.

Mr. MARTIN of South Dakota. Certainly, without some modifying language the Secretary of War could take all necessary steps to use this labor.

Mr. CAMPBELL. But, as I say, sections 1 and 2 must be construed in connection with section 8, which provides that no property may be acquired under this bill.

Mr. MARTIN of South Dakota. That language is ambiguous, and taking the two together it raises quite a doubt as to the meaning of the act. It seems to me that authority is given, taking the whole subject together, and certainly would form the basis of an appropriation covering the whole question of equipment.

Mr. CAMPBELL. Section 8 says:

Nothing herein contained shall confer on any officer of the United States, or any other person or persons, any authority to incur any obligation on the part of the United States for the acquirement of property, the purchase of material, or the maintenance of said highway.

Mr. MARTIN of South Dakota. That language as to incurring obligations is somewhat ambiguous. It would probably mean incurring obligations in the future, but in connection with the first section it would leave great doubt as to whether the Secretary of War is not authorized to take the necessary steps looking to the furnishing of this equipment.

Mr. ANTHONY. Mr. Chairman, I would like to make a suggestion, that we close debate at 5 o'clock.

Mr. PAYNE. And I would like five minutes of that time.

Mr. HAY. The gentleman means to close general debate?

Mr. ANTHONY. To close general debate at 5 o'clock and proceed with the reading of the bill. I will make that motion, Mr. Chairman.

The CHAIRMAN. That motion is not in order in Committee of the Whole. The gentleman from Kansas has the floor in his own right.

Mr. CAMPBELL. Mr. Chairman, some one at some time, and at some place, must begin this kind of work with prison labor, if it is to be undertaken at all, and undoubtedly it should be undertaken. It must commence in Georgia, or in Kansas, or in Texas, or in Iowa, or in New York. It so happens that the most favorable place to-day for the use of convict labor under the control of the United States is within the State of Kansas.

Mr. NORRIS. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. NORRIS. Will the gentleman agree to accept the amendment of the gentleman from Virginia giving authority in a general way to the Secretary of War?

Mr. CAMPBELL. I am not in charge of this bill.

Mr. NORRIS. Will the gentleman favor that amendment? I will remind the gentleman that if Kansas is the most favorable place in the United States to do the work, he would not run any risk in accepting the substitute, because it is fair to say that the Secretary of War would have to take that place.

Mr. CAMPBELL. If the substitute should be adopted, would the gentleman from Nebraska vote for the bill?

Mr. NORRIS. Yes.

Mr. CAMPBELL. I want to see a few miles of good road made in the United States by prison labor, to demonstrate the wisdom and usefulness of that way of employing convict labor, and I do not care much where the work begins.

Mr. NORRIS. Well, that would do it.

Mr. CAMPBELL. I submit, Mr. Chairman, to the Members of the House that we have rarely had an opportunity in this Congress to do a wiser or a better thing for the whole country than to start this policy by utilizing the prison labor under the control of the United States Government in road making.

Mr. GARRETT. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. GARRETT. What legal right has the Government to build a road in any way unless it is a post-road or a military necessity?

Mr. CAMPBELL. What legal right has the Government of the United States to expend a dollar for the suppression or extinction of the boll weevil?

Mr. GARRETT. I do not know. [Laughter.]

Mr. CAMPBELL. What constitutional right has the Government to spend a dollar to make any part of the Mississippi River navigable?

Mr. GARRETT. That is a very different proposition, where it is navigable.

Mr. CAMPBELL. Well, where it is not navigable?

Mr. GARRETT. Where it is not navigable it can be made navigable.

Mr. CAMPBELL. It can by appropriating enough money.

Mr. GARRETT. Does the gentleman from Kansas say that the Government has no right to spend money for suppression of the boll weevil?

Mr. CAMPBELL. Whether we have the right or not, we have been doing it, and on the urgent request of gentlemen on that side of the aisle.

Mr. GARRETT. The gentleman asked me, and I answered him. Now, what does the gentleman think about it?

Mr. CAMPBELL. The gentleman from Tennessee said that he did not know. I say I do not think the Constitution ever contemplated the expenditure of a single dollar for the suppression of the boll weevil. [Laughter.]

Mr. GARNER of Texas. Did the gentleman vote for it?

Mr. CAMPBELL. Yes; I thought it necessary.

Mr. GARRETT. Does the gentleman think two wrongs will make a right?

Mr. CAMPBELL. Oh, no; but it is too late to impose a constitutional inhibition to appropriations of that kind, or to say there is want of constitutional authority to do something for which there appears to be a public possible necessity.

Mr. Chairman, in further answer to the gentleman from Tennessee [Mr. GARRETT], let me say, the Government of the United States, under the Constitution, has always responded to the necessities of the conditions that arise. I like that feature of the Constitution. It responds to our necessities. There has never been a great necessity or occasion for action where the Constitution has stood in the way of whatever action was necessary for the common welfare.

Gentlemen here contend or admit that we have a right under the Constitution to make nonnavigable streams navigable and to dig canals, and no one will now say that there is no warrant for doing such work under the Constitution.

Mindful of the public welfare, we make appropriations for these purposes wherever it has been thought wise to do so. But I want to remind gentlemen that the commerce carried on the public highways is far greater than the commerce carried upon the navigable rivers of the country, whether they are naturally navigable or have been made so by the expenditure of money by the Government.

No one will question that the commerce of the country, great as it is, is first transported on the public highways, whether the roads are good or bad. This is particularly true of the products of agriculture, of mines, and of forests. We have in the run of the years appropriated over \$500,000,000 for the improvement of our rivers and harbors. We are spending anywhere from three hundred and seventy-five to five hundred millions on the Isthmian Canal, all to carry a commerce that must first be taken from the point of production to these avenues and instruments of transportation.

In the single year of 1906, which is the only one for which I have the figures, it cost, in round numbers, \$1,000,000,000 to carry the products of the country to the shipping points from the points where they were produced and only \$700,000,000 for carrying them from the shipping point to the point of consumption. The average cost of transporting a ton a mile over our dirt roads in the United States is 25 cents per ton, while in European countries it is from 10 to 12 cents per ton over their macadam roads.

It having cost us a billion of dollars in one year to take our products to shipping points over our dirt roads, at 25 cents per ton, it is easy to see that if we reduced the cost of hauling on dirt roads from 25 cents to 10 or 12 cents per ton on macadam roads, that we would save \$500,000,000 annually of this primary cost in our commerce, and this, too, without depriving anyone of work or doing anyone an injury.

When we pay \$500,000,000 or \$800,000,000 to the railways for transportation, the money is paid to labor for doing office work and handling trains and purchasing material and keeping up tracks and paying taxes and dividends, but of that more than \$1,000,000,000 that it costs to haul our products to the railroad stations or other shipping points over dirt roads more than one-

half is waste. The loss of time, wear, and tear on horses and other draft animals, and on wagons and harness, is an element of waste; and yet Members on this floor shrink from embarking on a policy which it is confidently hoped, if pursued, will finally result in making many miles of good road, and the principal excuse given is that it would cost something extra to feed the prisoners and to give them shelter while they are doing the work.

Mr. Chairman, I hope to live to see the day in this House when we shall as cheerfully appropriate money to aid in the making of good roads throughout the country as we do now for improving rivers and harbors and to make an interoceanic canal.

I believe there is ample constitutional warrant for national aid in the improvement of our highways. We have clear constitutional warrant for the construction of military and post-roads. The railroads of the country make military roads no longer a military necessity, but we to-day have a greater necessity for post-roads than ever before in the history of the country. Almost every highway throughout the country is used daily by mail carriers carrying the United States mail to the people living along these roadways.

On March 14, 1818, a resolution was adopted in this House declaring that the House has power under the Constitution to appropriate money for the construction of post-roads.

There is a clear grant of such authority.

There were great lawyers in that House—as great constitutional lawyers as there are here to-day. In 1818 Henry Clay said, speaking on the question of good roads to be built by the Government:

Of all the modes in which a government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened \$2, the producer of the article would receive that \$2 more now than formerly.

John C. Calhoun in 1817, and he claimed always to adhere to the Constitution, said:

Let it not be said that internal improvements may be wholly left to the enterprise of the State and of individuals. I know that much may justly be expected to be done by them; but in a country so new and so extensive as ours, there is room enough for all the general and state governments and individuals to exert their resources. Many of the improvements contemplated are on too great a scale for the resources of States or of individuals, and many of such a nature that the rival jealousy of the State, if left alone, might prevent. They require the resources and general superintendence of the Government to effect and complete them.

But there are higher and more powerful considerations why Congress should take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals it might indeed admit of some doubt whether they ought not to be left alone wholly to individual exertion, but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject, we find the most urgent reasons why we should apply our resources to them. Good roads and canals, judiciously laid out, are the proper remedy. Let us, then, bind the Republic together with a perfect system of roads and canals.

Cooley, in his Constitutional Law (and it is directly to the point)—it was uttered before we had rural mail routes on practically all the highways of the country—says:

Every road within a State, including railroads, canals, turnpikes, and navigable streams, existing or created within a State, becomes a post-road whenever, by the action of the Post-Office Department, provision is made for the transportation of the mails upon or over it.

So I say, Mr. Chairman, if we are embarking by this bill on a broader and more comprehensive plan than is apparent on the face of it I would not shrink from it. In this bill we are only seeking to authorize the use of the prison labor under control of the United States authorities in the construction of a road between two military posts.

Gentlemen say that it will establish a precedent. If it does so, it will be a precedent which it will not be unwise to follow if it leads to the construction of good roads for the use of our people.

There are few, if any, public improvements that could be undertaken that would benefit so many of the people. Good roads would add to the attractiveness of farm life more than any other one thing. It is too much of an undertaking for the local communities. The State and National Government will have to lend every possible aid. We can begin by using the prisoners under the control of the United States, and after we have shown the wisdom of that step we can take another.

Mr. HOBSON. Mr. Chairman, I believe there is a way, if the gentleman will permit me, under which the Constitution of the United States could respond in this instance.

Mr. MANN. Is this war with Japan? [Laughter.]

Mr. HOBSON. When the amendment of the gentleman from Virginia is offered I shall offer an amendment which I believe

will clear up all constitutional difficulties, and with the permission of the gentleman from Kansas I will ask unanimous consent that the Clerk read the amendment for the information of the committee.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that his amendment be read for the information of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

Provided, That such convict labor shall not be employed in the construction of any road until the plans for such road have been submitted to and approved by the Secretary of War, as promoting the military or postal service of the United States, nor shall such employment exceed in any case the equivalent of one-half of the total cost of construction.

Mr. HOBSON. Will the gentleman from Kansas yield to me five minutes that I may explain what the amendment is?

Mr. CAMPBELL. I yield five minutes to the gentleman from Alabama.

Mr. HOBSON. Mr. Chairman, this amendment would remove the constitutional difficulty in the way.

Mr. SHACKLEFORD. Mr. Chairman, I believe it has been conceded by the advocates of this measure that there is no military necessity for this road, nor would this promote the postal functions of the Government.

Mr. HOBSON. Then, Mr. Chairman, if that were the case, the Secretary of War could not approve the plans, and the road would never be built; it would be left, as in all other cases, to be settled entirely on its merits, and held within constitutional limitations. A further reason why I offer this amendment is that, so amended, this measure would be a starting point for inaugurating a legitimate and wise national policy of cooperation in road building.

The railroads of the country have the incentive of remuneration to insure private enterprise in their development. This incentive is lacking for the highways. The great development of railroad systems is one of our greatest causes of prosperity, and the backward condition of our highways constitutes the greatest economic burden and loss that the Nation now sustains. Of course the roads are of prime concern to the communities and the States, but they are also interstate and national in their benefits. The roads of Alabama ought to fit into the roads of Tennessee on the north, the roads of Georgia on the east, the roads of Mississippi on the west, and of Florida on the south, as the railroads do, and the whole highway system of America ought to be constructed according to some agreed plan.

Mr. LIVINGSTON. Does not the Constitution now give Congress the right to build post-roads, rural-carrier routes, if you please, or anything else of the kind?

Mr. HOBSON. It certainly does.

Mr. LIVINGSTON. Then what do we want with your amendment?

Mr. HOBSON. The amendment is to have the Secretary of War verify that a road is for a constitutional purpose before the Government takes part in its construction. The time ought to be hastened when the United States Government shall provide a plan to systematize the development of the roads of the United States.

A survey ought to be made by the Government to determine the highway chart or plan, showing the natural development of roads connecting the centers and areas of production with the centers and areas of consumption, connecting the centers of population, taking advantage of the topography of the country. There would be natural trunk lines like trunk lines of railroads. Doubtless a series of them would extend from the Great Lakes to the Gulf; another series from the Mississippi to the two oceans. The state roads and county roads and local roads would be natural feeders to these trunk lines, and where adaptable would be turned into parts of the trunk lines. After the general survey is made, then the detailed surveys could be made, and then each county, each State, and the whole United States would have a rational plan toward which to work, all plans being part of the whole plan. Then the Government would have a rational basis upon which to cooperate with the States in developing roads when they would promote the military and postal service. In no case do I think the Government ought to bear more than half the total expense. Under the present bill as amended the Government could only pass upon plans submitted in each case by the state authorities.

Ere long, through cooperation of the Geological Survey, the Bureau of Public Roads, and the War Department, and through the establishment of a national highway survey, the national plans could be developed, and then the people in all their organizations, public and private, local, state, and national,

could cooperate throughout the whole land and proceed in a systematic, scientific, and economical way to strengthen the weakest link in our American civilization.

At first sight the cost might appear large, but it would be one of the best investments the people could make. The cost would be small compared to the staggering loss now being borne on account of bad roads. The isolation of the farm would gradually disappear. All rural values would be enhanced. Then we could partially turn the current that has been setting so heavily toward the cities back to the farm.

Of course, Mr. Chairman, this measure, as perfected, could at best only be a first indirect step. But it would be a step, and if it can be perfected, I hope it will be passed.

Mr. CAMPBELL. I reserve the balance of my time.

Mr. PAYNE. Mr. Chairman, unfortunately there is a penitentiary located in the town in which I live—

Mr. BUTLER. I think that is a good thing.

Mr. PAYNE (continuing). Which belongs to the State of New York—no; the people there do not need it. About ten years ago the State of New York thought they would try the experiment of utilizing convict labor in making roads. They built a road, I think, about a mile in length within 2 miles of the location of the state prison and employed convict labor so far as they could utilize it; but, of course, they had to hire the teams and men to run the teams, and they had to prepare the material and draw it to the road, perhaps a distance of 2 or 3 miles, and in the course of a summer of considerable effort they had about a mile of the road built. I do not remember the exact figures that it cost the State, outside of the free convict labor that they used, to build this road. However, it was several thousand dollars, and if my memory is correct it cost something over \$7,000 to build this mile of road.

It was a pretty good road, almost as good as the roads that we are building now and called "state roads," some of which cost, including the entire expense of labor, wagons, and all, from \$5,000 to \$8,000 a mile. They build still better roads that cost from \$10,000 to \$12,000 a mile in our State now—these state roads. The result of it was that the State of New York was too wise to go on with that experiment and, so far as I know, they have never built a rod of road since in that way, as it was too expensive and they could not afford it. The plan by which the State now operates is, the State pays half the expense of the road which they may adopt and the county 35 per cent and the towns 15 per cent. Under this plan we are building roads as cheaply as we built them before with the convict labor thrown in. It did not pay and it will not pay the Government of the United States to build a road which they can legitimately build anywhere in the United States.

Mr. LIVINGSTON. We have learned a good deal more since then.

Mr. PAYNE. I do not wonder, Mr. Chairman, when we are contemplating that this Government shall build a road 125 miles in length—

Mr. NORRIS. Ninety miles.

Mr. PAYNE. Well, ninety, which is long enough where the United States has no business to build a road, that it engenders a sort of Colonel Sellers feeling in the mind of the eminent gentleman from Alabama, who sees golden dreams and visions of roads built all over the United States, a grand central road somewhere, to be followed by roads in every State and everywhere, built in the United States, where post-roads never did exist.

I do not know whether he proposes any national highway across the Pacific Ocean to protect us from the murderous Japs or not.

Mr. HOBSON. Mr. Chairman—

The CHAIRMAN. Will the gentleman from New York [Mr. PAYNE] yield to the gentleman from Alabama [Mr. HOBSON]?

Mr. PAYNE. Let me finish this sentence. I presume that must have been in his visions and dreams at the same time he was expanding these roads all over the United States. And yet, Mr. Chairman, right here is a warning to the gentlemen who must act upon this proposition. This is the way all precedents are made. They come in here with a proposition—and we have a good many smooth-tongued orators who are even capable with their oratory to wipe out with a breath any proposition in the Constitution of the United States—

Mr. HOBSON. Mr. Chairman—

Mr. PAYNE. Who could create material without the cost of a penny; who could gather in teams and drivers and machinery without any cost to the Treasury of the United States; and when you talk to them about the cost they say the Secretary of War can furnish tents and house these convicts when they go a few miles from the penitentiary, and it does not cost anything to guard them, because they need fewer guards

on the outside of the walls than within. That was not the experience at Auburn with the state road, which is both outside and inside of the city limits. They had to have more guards and more people, and we have a pretty respectable class of prisoners there, that come to us from the surrounding towns of Syracuse, Rochester, Buffalo, and the western part of the State of New York. They are a pretty respectable class, and still we had to have additional guards.

Now, just then we did not have any particular business for the convicts to do. They had gotten rid of the contract system by a vote of the people of the State, and we were looking around for work for the convicts. After we had gotten through with the road proposition by a mile of experiment we did not try that business any more. We tried another way to employ them, and to employ them in the state prison.

And we are building our roads by free, honest labor of the citizens of the State of New York. We are building good roads, we are building them at moderate expense on contracts, and we are getting in the way of keeping them in repair, and we are going to have roads all over the State independent of asking the Treasury of the United States and the Congress of the United States to lay aside the Constitution and build roads. Kansas asks for a road a hundred miles in length, because one end of it comes somewhere near a federal prison.

Now, if the gentleman from Alabama [Mr. Hobson] will give me his attention I will be glad to hear from him.

Mr. HOBSON. Mr. Chairman, I merely interrupted the gentleman because of his interpretation of what I had said and of my position, and it is clear that the gentleman did not hear the whole of the amendment that I offered, because the latter part of it restricted the Government's cooperation to not exceed one-half of the equivalent of the cost of construction, which implied, of course—

Mr. PAYNE. One-half would ruin the United States Treasury. Ten per cent of it would cost more than your war with Japan will cost in a thousand years. [Laughter.]

Mr. HOBSON. I would say to the gentleman that, if he puts that out, it will probably result in a small portion of good to the country that would result in an expenditure that would escape war with Japan.

Mr. PAYNE. The gentleman is always spending money from the Treasury. It does not cost him a cent. We spend the money in the United States Treasury always for the old flag and the appropriation. Now, he wants more battle ships; he wants to crowd our shipyards with them in order to prevent a war with Japan, and all the time he goes around the country talking about a war with Japan, trying to bring it on, or else creating a scare in order to force Congress into building a lot of battle ships for the sake of preventing a war with Japan. [Laughter.] And so, when this good-roads proposition comes up—the penitentiary road proposition—he immediately seizes on the occasion, and in his fertile imagination he sees these roads built all over the great area of the United States, illimitable almost in extent, and built out of the National Treasury. I do not know what proposition will come up here next, but if the gentleman from Alabama [Mr. Hobson] happens to be here with his fertile imagination, he will start another chance to spend the money of the taxpayers of the United States by the thousands of millions in order to build something of great national importance after we have exhausted the Treasury with war ships or to build good roads. Oh, deliver the country from the fertile imagination of the gentleman who comes here from Alabama! [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman from Kansas if he intends to go on with the debate and finish this bill this afternoon, or whether—

Mr. ANTHONY. I hope the House will proceed with the second reading of the bill and dispose of it. There has been a lot of time unnecessarily wasted. I think in justice to the measure we ought to vote on it to-night. [Cries of "Vote!" "Vote!" and "Read!"]

Mr. UNDERWOOD. Mr. Chairman, I am perfectly willing, if the House does not want to go on with the debate, but to go home, that the committee rise and not take any further time in debate this afternoon; but I do not propose to have this important measure passed without having finished what I wish to say on the bill, which will probably take an hour. But in order to let the House go home, I think I will move the committee rise and report the bill to the House with the report that it has come to no resolution thereon; and then next Wednesday the gentleman can take it up and consider it in very much better form than to-night. I therefore move that the committee rise.

The CHAIRMAN. The gentleman from Alabama moves that the committee rise.

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

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TILSON, 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. 14547) providing for a military highway between Forts Riley and Leavenworth, Kans., and had come to no resolution thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLET, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 22643) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (No. 715), ordered to be printed.

Mr. LIVINGSTON. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Georgia reserves all points of order on the bill.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that H. R. 18162, the agricultural appropriation bill, be taken from the Speaker's table, that the House disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Kansas, chairman of the Committee on Agriculture, asks unanimous consent to take from the Speaker's table the agricultural appropriation bill with Senate amendments, to disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. SCOTT, Mr. COCKS of New York, and Mr. LAMB.

CERTIFICATE TO PRINT PHOTOGRAPH.

The SPEAKER laid before the House a certificate to print one photograph in House Document No. 720, Dunkirk Harbor, New York.

The SPEAKER. Is there objection to the order to print the lithograph?

Mr. MANN. Is that a report from the War Department, from the engineer's office?

The SPEAKER. It is a report from the War Department, and this is to print a lithograph. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO EXTEND REMARKS.

Mr. ANTHONY. Mr. Speaker, I would like to ask unanimous consent that gentlemen who may so desire may extend their remarks in the Record in regard to the bill for the construction of a highway between Forts Riley and Leavenworth, Kans.

The SPEAKER. The gentleman asks unanimous consent that gentlemen may have leave to extend remarks in the Record upon the bill for the construction of a highway between Forts Riley and Leavenworth, Kans.

Mr. MANN. Mr. Speaker, does the gentleman mean those who have spoken; and if so, for how long a time?

Mr. ANTHONY. Those who desire, and for any reasonable time.

Mr. MANN. Well, I do not agree to a "reasonable" time. Say for five days. The gentleman ought to make the request that those who have spoken may have leave to extend for five days.

The SPEAKER. Does the gentleman so modify his request?

Mr. ANTHONY. I do.

Mr. CLARK of Missouri. Is this request limited to remarks on this bill for the construction of the road?

Mr. ANTHONY. It is.

Mr. CLARK of Missouri. Then I have no objection.

The SPEAKER. The Chair hears no objection.

ADJOURNMENT.

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

The motion was agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting draft of proposed legislation in relation to cutting timber on Indian reservations (H. Doc. No. 762)—to the Committee on Indian Affairs and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting a reply to the inquiry of the House as to prices paid for certain supplies (H. Doc. No. 763)—to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Acting Secretary of Commerce and Labor, transmitting a draft of proposed legislation relating to the site of North Point Light Station, Wisconsin (H. Doc. No. 764)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

4. 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 examination of laws relating to commitments to the Government Hospital for the Insane (H. Doc. No. 765)—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. 226) to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district," reported the same with amendment, accompanied by a report (No. 713), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8913) to provide for the time and places for holding of the regular terms of the United States circuit and district courts for the western district of the State of Oklahoma, and for other purposes, reported the same with amendment, accompanied by a report (No. 714), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLINGSWORTH, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 22621) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 711), which said bill and report were referred to the Private Calendar.

Mr. WHEELER, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 22637) 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. 712), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 22203) for the relief of Dr. W. S. Hosack, and the same was referred to the Committee on War Claims.

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. MAYNARD: A bill (H. R. 22622) to provide for acquirement by purchase or by condemnation of lands at Cape Henry, Virginia, for the purpose of fortification and coast defense—to the Committee on Appropriations.

By Mr. HENRY W. PALMER: A bill (H. R. 22623) providing for the erection of a public building at Pittston, Pa., and appropriating moneys therefor—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22624) providing for the erection of a public building at Plymouth, Pa., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22625) providing for the erection of a public building at Nanticoke, Pa., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 22626) to acquire a suitable site at Birmingham, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS: A bill (H. R. 22627) to construct bridges over the Rio Grande River, one at Isleta and one at San Felipe, for the benefit of the Pueblo Indians in New Mexico—to the Committee on Appropriations.

By Mr. COUDREY: A bill (H. R. 22628) describing the meaning of robbery and prescribing the punishment therefor in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 22629) amending the laws relative to the admission of federal soldiers to the various branches of the National Soldiers' Home—to the Committee on Military Affairs.

By Mr. BOWERS: A bill (H. R. 22630) to provide for holding terms of United States courts at Hattiesburg, Miss.—to the Committee on the Judiciary.

By Mr. GRONNA: A bill (H. R. 22631) providing for the classification, care, and disposal of the public lands of the United States—to the Committee on the Public Lands.

Also, a bill (H. R. 22632) to provide for the classification of the public lands of the United States—to the Committee on the Public Lands.

By Mr. LANGLEY: A bill (H. R. 22633) granting increase of pension to soldiers and sailors of the late war in certain cases—to the Committee on Invalid Pensions.

By Mr. GARNER of Pennsylvania: A bill (H. R. 22634) placing an export tariff duty on all food animals, whether live or dressed, for a period of two years—to the Committee on Ways and Means.

By Mr. KALANIANA'OLE: A bill (H. R. 22635) to ratify an act of the legislature of the Territory of Hawaii, authorizing W. A. Wall, his associates and assigns to construct and operate a railroad on the island of Hawaii, Territory of Hawaii—to the Committee on the Territories.

By Mr. ESTOPINAL: A bill (H. R. 22636) increasing the limit of the cost of construction of the court-house and post-office building at New Orleans—to the Committee on Public Buildings and Grounds.

By Mr. CREAGER: A bill (H. R. 22638) to provide for the construction of a road from the former site of Fort Gibson, Okla., to the national cemetery—to the Committee on Military Affairs.

By Mr. KELIHER: A bill (H. R. 22639) providing promotions for clerks and carriers in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 22640) to provide the rate of pay for substitute letter carriers in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

By Mr. ANDREWS: A bill (H. R. 22641) providing for the completion of a public building at Albuquerque, N. Mex.—to the Committee on Public Buildings and Grounds.

By Mr. HANNA: A bill (H. R. 22642) to authorize the Secretary of the Interior to sell a portion of the unallotted lands in the Cheyenne Indian Reservation in South Dakota to the Milwaukee Land Company for town site purposes—to the Committee on Indian Affairs.

By Mr. MCCREDIE: Joint resolution (H. J. Res. 167) authorizing an investigation into the facts and circumstances attending the death of Lieut. James N. Sutton at the United States Naval Academy at Annapolis, Md., on the 13th day of October, 1907—to the Committee on Rules.

By Mr. FLOOD of Virginia: Memorial of the legislature of Virginia, for ascertainment of number of acres of unproductive land in Virginia—to the Committee on Agriculture.

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. ANDERSON: A bill (H. R. 22644) granting an increase of pension to Aaron B. Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22645) granting an increase of pension to Joshua Covell—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 22646) granting an increase of pension to David J. Jones—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 22647) granting a pension to Sally B. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22648) granting an increase of pension to Andrew J. Yeakey—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 22649) granting an increase of pension to Samuel M. Payne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22650) granting an increase of pension to Doctor H. Byons—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 22651) granting a pension to Ole Miller—to the Committee on Pensions.

By Mr. COUDREY: A bill (H. R. 22652) correcting the hospital record of Edward J. Wehrle—to the Committee on Military Affairs.

By Mr. CRAVENS: A bill (H. R. 22653) granting an increase of pension to Albert Hawkins—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 22654) granting an increase of pension to James Taylor—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 22655) granting an increase of pension to Melvina W. Smith—to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 22656) granting an increase of pension to W. L. Gouldin—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 22657) granting an increase of pension to John A. Gates—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 22658) granting an increase of pension to David Secrest—to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 22659) granting an increase of pension to Ephraim E. Blake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22660) granting an increase of pension to William Dolan—to the Committee on Invalid Pensions.

By Mr. GARNER of Pennsylvania: A bill (H. R. 22661) granting an increase of pension to Margaret L. Ramsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22662) granting an increase of pension to Andrew Gallagan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22663) granting an increase of pension to George E. Koch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22664) granting an increase of pension to Robert M. McCormick—to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 22665) granting an increase of pension to Adam Kimbrough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22666) granting an increase of pension to John Hayes—to the Committee on Invalid Pensions.

By Mr. KRONMILLER: A bill (H. R. 22667) granting an increase of pension to George W. Shawgo—to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 22668) granting an increase of pension to Louisa Duncan—to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 22669) granting an increase of pension to Samuel Stillwell—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 22670) granting a pension to Henrietta B. Rogers—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 22671) granting an increase of pension to James R. Johnson—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 22672) granting a pension to Fritz Lutz—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 22673) granting an increase of pension to Frederick Brown—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 22674) granting an increase of pension to James Singleton—to the Committee on Pensions.

By Mr. WANGER: A bill (H. R. 22675) granting an increase of pension to Samuel D. Tarrence—to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 22676) granting an increase of pension to John Shelt—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22677) for the relief of John F. Rudd—to the Committee on Military Affairs.

By Mr. MCKINLEY of Illinois: A bill (H. R. 22678) granting an increase of pension to Martilus Hill—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Men's League of the Fifth Baptist Church, Washington, D. C., favoring Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Margaret Hoak—to the Committee on Invalid Pensions.

Also, petition of George W. Rugg, of Newark, Ohio, favoring the ex-prisoners of war pension bill (H. R. 1342)—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Robert W. Smith—to the Committee on War Claims.

By Mr. BENNET of New York: Paper to accompany bill for relief of Harry Simmons—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Petition of Downtown Taxpayers' Association for an eight-hour law on government works—to the Committee on Labor.

Also, petition of H. Lee Sellers, of New York City, for a telepost office in Washington, D. C.—to the Committee on the District of Columbia.

Also, petition of Men's League of Fifth Baptist Church, Washington, D. C., for the Sunday rest bill (S. 404)—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of Margaret Goff Moore Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of Alex. Markowski, in behalf of St. Casimir Society, No. 708, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. COUDREY: Paper to accompany bill for the relief of Edw. J. Wehrle—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of executive board of Pittsburgh (Pa.) Chapter, Daughters of the American Revolution, for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of New York Produce Exchange, against Senate bill 5106, that all steamship lines having rail connections with rail-and-water routes shall be subject to the interstate-commerce law with reference to their port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Paper to accompany bill for relief of Charles Jackson—to the Committee on Invalid Pensions.

Also, petition of the Tilden Club of Brooklyn, N. Y., favoring the building of one battle ship at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. FLOOD of Virginia: Petition of State Dairymen's Association of Virginia, against repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. FLOYD of Arkansas: Petition of citizens of Newton County, Ark., for House bill 20683, to abolish the Ozark Reserve—to the Committee on the Public Lands.

Also, paper to accompany bill for relief of J. W. Freeman—to the Committee on Claims.

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

By Mr. FORNES: Petition of Marine Association of the Port of New York, in favor of detaching at least one naval officer at each branch hydrographic office in the country—to the Committee on Appropriations.

Also, petition of Alexander Hamilton Post, No. 182, against acceptance of statue of Gen. R. E. Lee for Statuary Hall—to the Committee on the Library.

Also, petition of W. W. Parkinson, favoring House bill 20162—to the Committee on Labor.

Also, petition of New York Produce Exchange, against Senate bill 5106 and House bill 17536, relative to port-to-port rates on steamships—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rogers, Peet & Co., against the Moon bill (H. R. 21334), regulating the granting of restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. FOSS: Petition of the Neighbors Club, Kenilworth, Ill., favoring Senate bill 423 and House bill 3654, relative to national child-labor bureau in Washington, D. C.—to the Committee on Labor.

Also, petition of the Illinois Society, Sons of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Harris & Reed Manufacturing Company, of Chicago, Ill., opposing the passage of the Moon

bill (H. R. 21334), regulating the granting of restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of Augustus Johnson, of New York City, against the Moon bill (H. R. 21334), regulating the granting of restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of Men's League of the Fifth Baptist Church, for the Sunday rest bill (S. 404)—to the Committee on the District of Columbia.

Also, petition of F. W. Parkinson, of New York City, favoring House bill 20162—to the Committee on Labor.

By Mr. HAMILL: Petition of Carroll Council, No. 1378, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

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

Also, petition of Ben B. Lindsay Club, of Bowman, N. Dak., protesting against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of John Sanderson, George A. Dooley, John Reber, and Adolf Leopold, citizens of San Francisco, Cal., favoring an eight-hour work day on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of Thomas Howie and 47 other citizens of San Francisco, Cal., protesting against the immigration of all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of A. N. Little, of Oakland, Cal., and R. H. Hipkins, secretary of Photoengravers' Union No. 8, of San Francisco, Cal., favoring an eight-hour work day on all work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. HENRY of Connecticut: Petition of Carmody Council, No. 55, Knights of Columbus, of New Britain, Conn., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of German Savings Bank, of Newark, N. J., opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alpha Council, No. 1, of Loyal Association, of Perth Amboy, N. J., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. JOYCE: Petition of C. F. Baughman and others, of Cambridge, Ohio, and John Pollock and others, of Zanesville, Ohio, for Gardner eight-hour bill (H. R. 15441)—to the Committee on Labor.

By Mr. KENNEDY of Ohio: Petition of Methodist and Lutheran churches of Leetonia, Ohio, for the Burkett-Sims bill, McCumber-Tirrell bill, Hamilton-Owen bill, and others of a reformatory nature—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Massillon (Ohio) Board of Trade, against House bill 3075, relative to government envelope printing—to the Committee on the Post-Office and Post-Roads.

By Mr. KORBLY: Petition of Caroline Scott Harrison Chapter, National Society of the Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. LAWRENCE: Petition of La Société des Artisans Canadiens Français, of Adams, Mass., favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fort (Mass.) Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. LENROOT: Petition of citizens of St. Croix County, Wis., against any change in the oleomargarine law—to the Committee on Agriculture.

Also, petition of citizens of St. Croix County, Wis., for enactment of such law as will make it possible for the homeless to register and file claim without traveling thousands of miles to do so—to the Committee on the Public Lands.

By Mr. LLOYD: Petition of citizens of Goldsberry and Greensburg, Mo., against Senate bill 404, Sunday observance—to the Committee on the District of Columbia.

By Mr. McCALL: Petition of Massachusetts ministers, theological students, and others, against further increase of the navy—to the Committee on Naval Affairs.

By Mr. McHENRY: Petition of National Fraternal Association, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of business men of Shamokin, against any bill which will further tax and prohibit sale of butter substitutes—to the Committee on Agriculture.

By Mr. NYE: Petition of citizens of Minneapolis, for eight-hour bill (H. R. 15441)—to the Committee on Labor.

By Mr. MURPHY: Petition of Noah Coleman Chapter, Daughters of the American Revolution, for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON: Paper to accompany bill for relief of George W. Allen—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. SCOTT: Petition of B. M. Scherley, C. E. Finches, and others, for an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

By Mr. SHERWOOD: Petition of citizens of Ohio, for an eight-hour day on government works—to the Committee on Labor.

By Mr. SPERRY: Resolutions of Polish citizens of Waterbury, Conn., protesting against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STEVENS of Minnesota: Petition of Minnesota Editorial Association, protesting against an increase of rates of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Walter Coles Cabell, of Washington, D. C., for postponement of returns relative to business of corporations required under section 38 of the Payne tariff bill until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, against Senate bill 5106, relative to port-to-port rates of steamships—to the Committee on Interstate and Foreign Commerce.

Also, petition of James E. West, favoring an appropriation for Washington playgrounds—to the Committee on the District of Columbia.

Also, petition of Immigration Restriction League of Boston, against the Hayes bill (H. R. 13404)—to the Committee on Immigration and Naturalization.

Also, petition of Atlantic Harbor, No. 77, American Association of Masters, Mates, and Pilots, favoring House bill 20162, for an eight-hour law on all government public works—to the Committee on Labor.

Also, petition of citizens of New York in mass meeting for appropriation for raising the wreck of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of New York State Bar Association, favoring the Sherley bill, relative to the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Typothete of New York City, for House bill 3075, prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Maritime Association of the Port of New York for a naval officer in each branch hydrographic office in the country—to the Committee on Appropriations.

Also, paper to accompany bill for relief of Nicholas White—previously referred to the Committee on Claims, reference changed to the Committee on War Claims.

By Mr. SWASEY: Petitions of Topsham (Me.) Grange and Eastern River Grange favoring a national health bureau—to the Committee on Agriculture.

By Mr. WOODS of Iowa: Petition of citizens of Algona, Iowa, for an appropriation for a federal post-office building in Algona, Iowa—to the Committee on Public Buildings and Grounds.

SENATE.

THURSDAY, March 10, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE-PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The VICE-PRESIDENT announced his signature to the enrolled bill (H. R. 19558) to authorize the Secretary of War to effect an exchange of certain parcels of lands owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky., which had previously been signed by the Speaker of the House of Representatives.