

There is no doubt about another fact, that if the part of the section which the Senator has just read is law, then there is no use for any part that precedes it in that section, and it may be as well stricken out. If the Senator will strike that out, I will withdraw the criticism to it; but as long as the first part of the section up to line 21 on page 27 stands there can be but one of two things said, either that it is intended to nullify the Sherman law, or it is intended to so muddy the waters that there may be some opportunity to have the court construe it into an absolute nullification of this law.

Mr. ELKINS. I would say that I do not think there is any conflict or inconsistency whatever. Now, I will give way to the Senator from Minnesota [Mr. CLAPP] to submit a conference report.

#### RELIEF OF HOMESTEAD SETTLERS.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10321) for the relief of homestead settlers under the acts of February 20, 1904; June 5 and 28, 1906; and March 2, 1907, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

"SEC. 1. That two years' additional time for paying the installments due or to become due is hereby given to the purchasers of homestead lands sold pursuant to the provisions of an act entitled 'An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota,' approved February twentieth, nineteen hundred and four; and no homestead entries under said act shall be canceled for nonpayment of installments of the purchase price until the expiration of the two additional years above named."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Change section three to section four; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered —, and agree to the same with an amendment as follows: Amend the title so as to read, "An act for the relief of homestead settlers under the acts of February 20, 1904; June 5 and 28, 1906; and March 2, 1907; and May 29, 1908;" and the Senate agree to the same.

MOSES E. CLAPP,  
CHARLES CURTIS,  
R. L. OWEN,

*Managers on the part of the Senate.*

CHAS. H. BURKE,  
BIRD MCGUIRE,  
JNO. H. STEPHENS,

*Managers on the part of the House.*

The report was agreed to.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and the Senate (at 5 o'clock and 2 minutes p. m.) adjourned until to-morrow, Tuesday, March 22, 1910, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

MONDAY, March 21, 1910.

The House met at 12 o'clock noon.

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

The Journal of the proceedings of yesterday was read and approved.

#### CORRECTION OF VOTES.

Mr. MOORE of Pennsylvania. Mr. Speaker, on page 3428 of the RECORD I am recorded as being paired with Mr. WALLACE on the vote as to whether the decision of the Chair should stand as the judgment of the House. I was present at every roll call on Saturday, and upon this question I voted to sustain the judgment of the Chair, and I desire now to be so recorded.

The SPEAKER. Without objection, the Journal and RECORD will be corrected.

There was no objection.

Mr. ELLIS. Mr. Speaker, upon page 3428 of the RECORD I am recorded as having been paired with the gentleman from New York [Mr. SULZER]. As a matter of fact, I was present and voted "yea."

The SPEAKER. The Journal and RECORD will be corrected, without objection.

There was no objection.

Mr. MARTIN of South Dakota. Mr. Speaker, on page 3427 of the RECORD, on the motion of the gentleman from Nebraska for the previous question on the appeal, I am recorded as having voted in the negative. My vote was in the affirmative.

The SPEAKER. The Journal and RECORD will be corrected, without objection.

There was no objection.

Mr. GARDNER of Massachusetts. Mr. Speaker, on page 3290 of the RECORD of March 17, I am recorded as voting in the affirmative on the question of whether the census bill was in order on Thursday. The vote was carried by 201 in the affirmative to 72 in the negative. As a matter of fact, I was not in the House and did not vote.

The SPEAKER. The RECORD and Journal will both be corrected, without objection.

There was no objection.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FOSTER of Vermont. Mr. Speaker, by direction of the Committee on Foreign Affairs, I offer the following report on the consular and diplomatic appropriation bill and ask unanimous consent for its present consideration.

The SPEAKER. Is it presented for the first time?

Mr. FOSTER of Vermont. No; the bill was sent to the Senate and came back with Senate amendments and was again referred to the Committee on Foreign Affairs. Now, by direction of that committee, I again report the bill to the House and ask unanimous consent for immediate consideration of the report.

The SPEAKER. The gentleman from Vermont, by direction of the Committee on Foreign Affairs, reports the diplomatic appropriation bill with Senate amendments, and asks unanimous consent to consider the report without reference to the Committee of the Whole at this time.

Mr. CLARK of Missouri. Is the request that it be considered in the House as in the Committee of the Whole?

The SPEAKER. That is the effect of it.

Mr. MANN. Mr. Speaker, I shall object until after the Unanimous Consent Calendar is disposed of.

Mr. FOSTER of Vermont. I will withhold it for the present.

The SPEAKER. The Clerk will report the first bill on the Calendar for Unanimous Consent.

#### REORGANIZATION OF NAVAL ACADEMY BAND.

The Clerk read as follows:

A bill (H. R. 89) to reorganize and enlist the members of the United States Naval Academy Band.

*Be it enacted, etc.,* That the Naval Academy Band shall consist of 1 leader, who shall have the pay and allowance of a second lieutenant in the Marine Corps; 1 second leader, with pay at the rate of \$50 per month; 29 musicians, first class, and 11 musicians, second class; and shall be paid from "Pay of the navy."

SEC. 2. That the members of the Naval Academy Band as now organized shall be enlisted in the navy and credited with all prior service of whatever nature as members of said band, as shown by the records of the Naval Academy and the pay rolls of the ships and academy; and the said leader and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are, or may hereafter become, applicable to other enlisted men of the navy.

With the following committee amendments:

Add, at the end of section 2, the following:

"Provided, That no back pay shall be allowed to the leader or to any member of the said band by reason of the passage of this act."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Iowa to explain the effect of this bill.

Mr. DAWSON. Mr. Speaker, perhaps I ought to preface my explanation by stating that this bill is in the same terms of the bill that passed the House in the last Congress by unanimous consent, with the exception of the amendment which is found on the second page of the bill, a proviso that no back pay shall be allowed the leader or any member of said band by reason of the passage of the act. That proviso was put on the bill in order to guard against a possibility that under the law and without the provision the members of the band might claim accumulated longevity pay.

In explanation of the bill, I may say that it simply confers a long-deferred justice upon the band at the Naval Academy at Annapolis.

It recognizes the present band and simply provides for their enlistment in the navy, so that all there is to this bill would be

the enlistment of a few additional men in the navy who are now and have for many years been serving in the band at Annapolis, and giving to the leader of the band the rank of second lieutenant in the Marine Corps, thus placing this band upon the same footing as every other band in the military or naval service of the United States.

Mr. MANN. Will the gentleman yield?

Mr. DAWSON. Certainly.

Mr. MANN. How much does this bill propose to increase the pay of the leader, the second leader, and the musicians, not including longevity pay?

Mr. DAWSON. The musicians receive the same pay as they do now—musicians, first class, \$35.20 per month, and musicians, second class, \$33 per month. I ought to state that this band occupies a most anomalous position, in that a portion of them are enlisted men and a portion of them are not.

Mr. MANN. How much does this bill propose to increase the pay of the leader of the band?

Mr. DAWSON. It proposes to give him the pay of a second lieutenant in the Marine Corps.

Mr. MANN. What is that?

Mr. DAWSON. About \$1,700 a year.

Mr. MANN. What does he get now?

Mr. DAWSON. He is getting \$1,200 a year.

Mr. MANN. He will get \$1,700 a year under this bill and he now receives \$1,200?

Mr. DAWSON. Yes.

Mr. MANN. And in addition he would receive longevity pay and be placed upon the retired list?

Mr. DAWSON. He would come in as an officer or an enlisted man, as all members of the band would.

Mr. MANN. He is not now entitled to either longevity pay or retirement?

Mr. DAWSON. No. With regard to the assistant leader I will say to the gentleman from Illinois that while this gives the second leader at Annapolis \$50 a month, the second leader at West Point receives \$900 a year, or \$75 a month.

Mr. MANN. Of course that is information, but I will say to the gentleman frankly that I do not care whether the naval band at Annapolis and the military band at West Point get the same pay or not. What I would like to know is what the bill proposes to change.

Mr. DAWSON. I shall be very glad to give the gentleman any information I possess.

Mr. MANN. As I understand, neither the leader nor the second leader is now entitled to longevity pay or to retirement.

Mr. DAWSON. No; I believe not.

Mr. MANN. How many of these 29 musicians, who are enlisted men, are entitled to retirement?

Mr. DAWSON. By reason of their age or length of service, does the gentleman mean?

Mr. MANN. I mean who will be entitled to retirement?

Mr. DAWSON. There are but three or four of them. One of them has been in the band for thirty-nine years, and during his service as a bandsman he has seen many years of service in the Indian campaigns on the western plains.

Mr. MANN. Is he an enlisted man in the band?

Mr. DAWSON. No.

Mr. MANN. Well, why did he not enlist in the navy?

Mr. DAWSON. Well, I have not asked him that question.

Mr. MANN. I suppose there is some reason for it. He preferred not to be an enlisted man.

Mr. DAWSON. One other has been thirty-eight years in the service, and still a third has been thirty-six years in the service. I might add that one of these faithful old bands men, who has served in that band under military orders for between thirty and forty years, has passed to his long reward while this bill has been pending in Congress.

Mr. MANN. Then this will not do him any good.

Mr. DAWSON. Unfortunately not.

Mr. MANN. If this bill passed, being rather bad on its face, will it create a precedent for any other band in the government service?

Mr. DAWSON. No. I will say to the gentleman from Illinois that this is now the only band in either the military or naval service of the United States which occupies the anomalous position that it does. All the others are regularly enlisted.

I am glad to print in the Record the committee report on the bill, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 89) to reorganize and enlist the members of the United States Naval Academy Band, having had the same under consideration, report it to the House with the recommendation that it do pass with the following amendment:

Add at the end of section 2 the following:

"Provided, That no back pay shall be allowed to the leader or to any member of the said band by reason of the passage of this act."

This bill provides that the Naval Academy Band shall consist of 1 leader, who shall have the pay and allowance of a second lieutenant in the Marine Corps; 1 second leader, with pay at the rate of \$50 per month; 29 musicians, first class, and 11 musicians, second class, who shall be paid from "Pay of the navy."

It further provides for the enlistment of the members of the Naval Academy Band, so as to put this band on the same footing as every other band in both the naval and military service. The band at the Naval Academy now occupies the unique position of being the only organization of its kind anywhere in the military or naval service of the United States which is not regularly enlisted, although doing military duty and subject to military orders and discipline.

The Naval Academy Band, as at present constituted, consists of two classes of members. Some are regularly enlisted, while other members have never been enlisted because of the law. These latter include men who have served in the band for many years. These members of the band did not receive the increase of pay which was granted to the military and naval personnel by legislation enacted during the Sixtieth Congress, and it is only an act of simple justice to a worthy and deserving organization that the recognition embraced in this bill should be accorded to them.

The bill simply places the Naval Academy Band on the same footing as to pay and privileges enjoyed by members of the Military Academy Band since 1905. This legislation has been recommended by the authorities at the Naval Academy, by the Board of Visitors to the Naval Academy for several years last past, and by succeeding Secretaries of the Navy. The last annual report of the Board of Visitors says:

"It is recommended that the Naval Academy Band be composed of men enlisted for that service."

The Secretary of the Navy, in a letter to the chairman of the Committee on Naval Affairs, under date of January 22, 1910, commends this bill to the favorable consideration of the committee, with the addition of the proviso above referred to, which the committee has added to the bill.

A similar bill passed the House of Representatives February 16, 1909. As a part of this report we append the report made to the House on a similar bill during the second session of the Sixtieth Congress, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 4521) to reorganize and enlist the members of the United States Naval Academy Band, having had the same under consideration, report the same to the House with the recommendation that it do pass with the following amendment:

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

"That the Naval Academy Band shall consist of 1 leader, who shall have the rank, pay, and allowance of a second lieutenant in the Marine Corps; 1 second leader, with pay at the rate of \$50 per month; 29 musicians, first class, and 11 musicians, second class, and shall be paid from pay of the navy."

That the members of the Naval Academy Band, as now organized, shall be enlisted in the navy and credited with all prior service of whatever nature as members of said band, as shown by the records of the Naval Academy and the pay rolls of the ships and academy; and the said leader and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are or may hereafter become applicable to other enlisted men of the navy."

"This bill places the Naval Academy Band on the same footing, as near as may be, with the Military Academy Band at West Point. A similar measure was favorably reported to the House last year as a part of the naval appropriation bill, the same having been favorably recommended by the Secretary of the Navy."

The reorganization of the Naval Academy Band is strongly recommended by the Board of Visitors to the Naval Academy for the years 1906 and 1907, as will be seen by the following extracts from the reports of the Board of Visitors, as follows:

"The band of the academy is the only one in the service, and in fact in either service, which is not composed of regularly enlisted men. It is not known how this anomalous situation grew up, but it ought no longer to continue. The musicians are employed under civil-service rules, and their pay is insufficient. It has accordingly to be supplemented by contributions from officers and midshipmen, which is a condition of affairs not at all creditable to the Government. Some of the musicians are of advanced age, and are now barely able to perform their duties. The entire band should be put on a proper basis. It should be composed of enlisted men, and there should be as many enlisted men in the band at Annapolis as there are in the band at West Point. The leader of the band should receive sufficient compensation to secure and hold a man equal at least to the present incumbent." (Extracts from Report of the Board of Visitors to the United States Naval Academy, 1906, p. 11.)

The following recommendations are also unanimously made by the board for the reasons given:

"That authority be given to enlist the Naval Academy Band and make such changes in its size and in the compensation paid to the musicians and the bandmaster as may be required to put it on the same basis as the band at the United States Military Academy." (Extracts from the Report of the Board of Visitors to the United States Naval Academy, 1907, pp. 2, 4.)

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. DAWSON. Mr. Speaker, I ask to discharge the Committee of the Whole House from the further consideration of the bill and consider the same in the House as in the Committee of the Whole House.

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

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.

AMENDING SECTION 773, REVISED STATUTES.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 19285) to amend section 773 of the Revised Statutes.

Be it enacted, etc., That section 773 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"Sec. 773. It shall be the duty of the United States district attorneys to make and forward to the Solicitor of the Treasury, for his infor-



mation and the purposes of a permanent record, such reports relating to suits in which the United States is a party as may be required by the Solicitor of the Treasury with the approval of the Attorney-General."

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York—

Mr. PARKER. Mr. Speaker, I would like to have the report read.

The SPEAKER. This bill is on the Union Calendar.

Mr. BENNET of New York. It is on the House Calendar.

The SPEAKER. Without objection, the Clerk will read the report.

Mr. MANN. Mr. Speaker, I object to reading the report, as it gives no information.

Mr. BENNET of New York. Mr. Speaker, the purpose of this bill is simply to abolish unnecessary reports. The district attorney now makes two sets of reports—one to the Attorney-General and another to the Solicitor of the Treasury. When the act was adopted the Solicitor of the Treasury was an independent officer; now he is not; he is under the Attorney-General, and section 773 of the Statutes, as it is, simply makes unnecessary work and serves no useful purpose. Every particle of information that is sent to the Solicitor of the Treasury is also sent to the Attorney-General of the United States.

This bill is recommended by the Attorney-General of the United States for the purpose of doing away with unnecessary clerical work, and the section as amended preserves the rights of the Solicitor of the Treasury, with the approval of the Attorney-General, to get such reports from district attorneys as are necessary for his information and the use of the United States Treasury.

Mr. GARRETT. It prevents duplication.

Mr. BENNET of New York. Yes; that is all.

Mr. GARRETT. Now, may I ask the gentleman, are these reports after they are made public documents?

Mr. BENNET of New York. I do not think they are in every instance.

Mr. GARRETT. And open to the scrutiny of the public?

Mr. BENNET of New York. The substance of the reports is contained in the annual report of the Attorney-General now.

Mr. BARTLETT of Georgia. Mr. Speaker, will the gentleman allow me to interrupt him?

Mr. BENNET of New York. Go right ahead.

Mr. BARTLETT of Georgia. I understand the law as it is in reference to these reports is that the Solicitor of the Treasury is charged with the prosecution of all matters relating to the internal revenue and matters relating to the prosecution of violations of these and the coinage laws of the United States, and that most of the duty of the Solicitor of the Treasury is in the prosecution or keeping the records with reference to those prosecutions. I know, because I have frequently had occasion when I first came here to go to the Solicitor of the Treasury for the purpose of obtaining information in reference to them. I had a case where a recognizance had been forfeited and judgment absolute rendered upon it, and I introduced a bill for the purpose of relieving the security upon that forfeited recognizance, and I found the President referred the bill to the Attorney-General, and the records were all in the office of the Solicitor of the Treasury.

Mr. TAWNEY. If the gentleman from Georgia will permit me—

Mr. BARTLETT of Georgia. Yes.

Mr. TAWNEY (continuing). To make a statement. This bill, as I understand the gentleman from New York, relates only to the annual reports of the district attorneys.

Mr. BENNET of New York. That is all.

Mr. TAWNEY. It does not relate to the records at all.

Mr. BENNET of New York. None whatever.

Mr. BARTLETT of Georgia. I did not have a copy of the bill before me—

Mr. TAWNEY. When the district attorney makes his annual report to the Attorney-General, why, of course, the Attorney-General can furnish the Solicitor of the Treasury as many copies as he sees fit. It only relates to the annual reports of the district attorneys and prevents the necessity of the district attorney hereafter reporting to the Solicitor of the Treasury, as well as—

Mr. BARTLETT of Georgia. It does not affect the methods of doing business in the Solicitor of the Treasury's office and keeping the records as a place to go to get information in regard to this kind of cases.

Mr. TAWNEY. It does not at all.

Mr. BARTLETT of Georgia. That is all I want to know.

Mr. GARRETT. I understood from the gentleman from New York [Mr. BENNET] that under the law as it has been heretofore the attorneys made reports to two sources.

Mr. BENNET of New York. Exactly.

Mr. GARRETT. The Attorney-General and Solicitor of the Treasury?

Mr. BENNET of New York. Yes, sir. That is, they sent this technical matter, which has no interest for the Solicitor of the Treasury, as to when a case was commenced and when it was concluded, and all that sort of thing. This does not change the statute as to the duties of the Solicitor of the Treasury or the information that shall be sent to him, but he will have that just the same.

Mr. GARRETT. But he will still send to the Attorney-General the reports as heretofore?

Mr. BENNET of New York. Exactly.

Mr. GARRETT. But he will report to the solicitor only upon the solicitor's request.

Mr. BENNET of New York. And what he needs.

The SPEAKER. Is there objection?

There was no objection.

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

#### UNITED STATES DISTRICT ATTORNEYS AND MARSHALS IN TEXAS.

The next business upon the Unanimous Consent Calendar was the bill (H. R. 12434) to make uniform the salaries of United States district attorneys and marshals in Texas.

The Clerk read as follows:

*Be it enacted, etc.,* That from and after July 1, 1910, each United States district attorney and marshal of any Texas district shall receive as salary the sum of \$4,500 per annum.

Also the following committee amendment:

Strike out the words "five hundred" in line 5, so as to leave the words "four thousand dollars" as the salary.

The SPEAKER. Unanimous consent is asked to discharge the Committee of the Whole House on the state of the Union from the consideration of this bill, and that it may be considered in the House as in the Committee of the Whole.

Mr. KEIFER. Reserving the right to object—

The SPEAKER. Does the gentleman yield to the gentleman from Ohio [Mr. KEIFER]?

Mr. KEIFER. Mr. Speaker, I understand this bill is subject to objection.

Mr. PARKER. I desire to state as to this bill that the salaries of the marshals and district attorneys in Texas run from \$3,000 to \$5,000 a year—being \$3,500 in one district—but mostly nearly \$5,000.

Mr. TAWNEY. According to the amount of work they have to do?

Mr. PARKER. No. The \$5,000 district does not do as much as the others. The old district at Paris, in the northern part of the State, had all the Indian business at one time. Now, the Indian business is in Oklahoma, and it does not fall upon the courts in the upper part of the State. Under the circumstances it was suggested by the bill that the salaries should be \$4,500, but the committee has reduced them to \$4,000 all around, and the total is \$500 more than the amount that is paid to these district attorneys and marshals now.

Mr. HULL of Iowa. Does the gentleman believe it is equitable to put them all on the same basis? They get their salaries now according to the business in the district.

Mr. PARKER. What it used to be when it had the Indian Territory business.

Mr. HULL of Iowa. The Department of Justice still adjusts the salaries?

Mr. PARKER. I yield five minutes to the gentleman from Texas [Mr. HENRY].

Mr. MANN. Before the gentleman yields, can he tell this House what the average salary is that is paid to marshals throughout the United States—what is the minimum salary and what is the maximum?

Mr. PARKER. In my own State it is but \$3,000, and in some instances it goes up to \$5,000 or \$6,000. I do not know what the average is throughout the United States. I think it is about \$4,000.

Mr. KEIFER. Mr. Speaker, I desire to make an inquiry. As I understand it, unanimous consent has not been given to take this bill up for consideration.

The SPEAKER. No; the gentleman is correct.

Mr. STAFFORD. What is the basis for the salaries of the marshals throughout the country?

Mr. PARKER. Four thousand dollars; and this is about the same here. I yield to the gentleman from Texas [Mr. HENRY].

Mr. STAFFORD. I do not care about the salary, but I would like to ascertain the basis for the computation.

Mr. HENRY of Texas. There should not be the slightest confusion or objection about this bill. It comes with the unanimous report of the Committee on the Judiciary. It equalizes the salaries of the United States marshals and United States district attorneys in the State of Texas. First, I will state that the work in the four judicial districts of Texas is practically the same. At present the salaries are widely divergent, and there is no reason in that State, where the work is so nearly equal, for this disparity. In the eastern district \$5,000 per annum each is paid to the marshal and the district attorney. In the northern district, which has more work, the salary of the United States marshal is \$3,000 and the United States district attorney \$3,500. In the southern district the salary of the district attorney and marshal is \$3,500, respectively, and in the western district the salary of each of these officials is \$4,000. The salary of the marshal and district attorney was fixed in the eastern district some years ago at \$5,000, because at that time all the federal business in the Indian Territory and Oklahoma was returnable to the Paris branch of the eastern district of Texas. Since that time Oklahoma and the Indian Territory have come into the Union, and the business of that court has decreased until it is perhaps not one-third or one-fourth what it was then. These salaries should now be equalized in every district of the State of Texas, for the reason that the disparity in the business of the various districts is so insignificant that the salary ought to be identically the same. So this bill places them at exactly \$4,000 in each district, and this \$4,000 is below the average salary of the district attorneys and the marshals throughout the United States. In some districts it ranges as high as \$5,000, and in some it is \$4,500; in some it is \$4,000, but the general average, as shown by the report of the Attorney-General, is above \$4,000. But it is thought fair and equitable that the salaries in each one of these districts should be placed at \$4,000, not then giving the highest average salary in the United States. There is no reason why they should be \$5,000 in one district and \$3,000 in another, where the work is little more in the district where the salaries are higher.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question?

Mr. HENRY of Texas. Certainly.

Mr. COX of Indiana. How many United States district attorneys are there in Texas?

Mr. HENRY of Texas. There are four United States district attorneys.

Mr. COX of Indiana. How many United States marshals?

Mr. HENRY of Texas. Four.

Mr. COX of Indiana. How many will be affected by this bill?

Mr. HENRY of Texas. There will be only three. It will affect only three districts.

Mr. COX of Indiana. It would raise the salaries from \$3,500 to \$4,000?

Mr. HENRY of Texas. Oh, no; it would raise the salary of one from \$3,500 to \$4,000, and another from \$3,000 to \$4,000, and would reduce the salary of one from \$5,000 to \$4,000.

Mr. COX of Indiana. An even swap.

Mr. HENRY of Texas. It is an even swap.

Mr. COX of Indiana. Then I am in favor of it.

Mr. HENRY of Texas. I thought you would be, and every man in the House will be when he understands it. Representing Texas on the Judiciary Committee, I have investigated the matter very thoroughly, and say it is manifestly just, and there ought not to be the slightest objection to it from anyone.

Mr. STEPHENS of Texas. Is it not a fact that the business of the United States courts in Texas has increased very fast on account of the rapidly increasing wealth and population?

Mr. HENRY of Texas. It is true that the business has increased, and perhaps the salaries ought to be higher; but at this time, when the Treasury is running low, when we are all for economy, I think it better to put them on an equal basis, and therefore have made this report to the House favorably on two bills introduced by my colleagues Mr. GARNER and Mr. BURGESS.

Mr. STEPHENS of Texas. I will state to the gentleman that business in my district has increased very much during the last five years.

Mr. HENRY of Texas. In the northern district, which is the heaviest district when it comes to litigation, year by year the marshal only receives \$3,000, and in the lightest district, which is the eastern district, the marshal receives \$5,000. This condition ought not to continue longer. The northern district includes Dallas, Fort Worth, Abilene, San Angelo, and Amarillo, and some of the branch courts are several hundred miles apart.

The salary of the marshal in that district ought to be increased from \$3,000 to \$4,000. The only way in which we can do this equitably is to place all the salaries on the \$4,000 basis.

Mr. SHACKLEFORD. What is the salary of the sheriff in your county?

Mr. HENRY of Texas. The salary of the sheriff in my county ranges as high as \$3,000 a year; but that would not be a fair sample, because we are all so good there is scarcely any criminal business in my county. [Laughter.]

Mr. SHACKLEFORD. Do you believe that a United States officer should be paid any higher than the same grade of officer of the State?

Mr. HENRY of Texas. This is no higher. Why, \$4,000 a year for a United States marshal is not enough in a great many districts. I am for economy, but tax collectors and county officers in many places get \$4,000. Here is a district where the marshal must travel 700 miles twice a year to some of his courts, and yet his salary is only \$3,000.

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

Mr. SHACKLEFORD. Does he get his traveling expenses?

Mr. HENRY of Texas. He gets his traveling expenses, but he is away from home a good share of his time.

Mr. MANN. Can the gentleman inform the House what salary the marshal of the Supreme Court of the United States, located in Washington, receives?

Mr. HENRY of Texas. I can tell by looking at the Attorney-General's report. I suppose, though, that the marshal would get about \$4,000 a year for attending court from day to day and invoking God Almighty to "bless the Government of the United States and the honorable court."

Mr. MANN. Does the gentleman know also that a United States marshal in the State of Texas recently received about \$1,000 profit in one case in going after prisoners?

Mr. HENRY of Texas. He is limited strictly to his salary.

Mr. MANN. I beg the gentleman's pardon. He is not limited to his salary at all.

Mr. HENRY of Texas. There can be no question about that. The salaries are absolutely fixed by statute, and the marshal can not go beyond his salary in any instance unless he swindles the Government.

Mr. MANN. Oh, the gentleman is mistaken, because the law allows the marshal 10 cents a mile, both for himself and his prisoner, when he goes after a prisoner. There is a bill now on the calendar with a report showing how one of the marshals in Texas abstracted from the Treasury of the United States in the neighborhood of \$1,000 profit going after a prisoner.

Mr. HENRY of Texas. Will the gentleman give me the name of the marshal and the district?

Mr. MANN. It is one of the bills on the calendar.

Mr. HENRY of Texas. I should like to know the name of the marshal. The money would go into the Treasury, and he is limited by statute in the northern district to \$3,000 and can not go above that; if it is in the western district, \$4,000; and in the eastern district, \$5,000.

Mr. MANN. That is his salary; but he receives a traveling allowance when going after prisoners of 10 cents a mile for himself and the prisoner, although the expense is not over 3 cents a mile.

Mr. HENRY of Texas. Certainly, he receives his traveling expenses, and so does every marshal in the United States, and so does the district attorney; but if anybody pads his account and steals from the Government of the United States, it is not by reason of this statute here proposed.

Mr. MANN. I do not accuse them of stealing from the Government. They make a profit under the statute.

Mr. HENRY of Texas. They have no right to do it. That is the fault of the Attorney-General.

Mr. MANN. The law says they shall have it. It is not the fault of the marshal, and it is not the fault of anybody that I know of, unless it is the fault of the law.

Mr. HENRY of Texas. I will help the gentleman amend that statute.

Mr. MANN. The gentleman is on the committee.

Mr. ADAIR. Is not the profit the difference between the actual traveling expenses and the mileage allowed by law?

Mr. MANN. It is the mileage he receives. It has nothing to do with his salary.

Mr. HENRY of Texas. He ought to have mileage, and so ought the district attorney.

Mr. ADAIR. It adds to his salary. Will the gentleman say that the mileage of Members does not add to their salaries?

Mr. HENRY of Texas. It adds that much, yes; but the sheriff and all other officers get mileage when they travel.



Mr. ADAIR. I know; but it adds to the salary just the same.  
Mr. GOULDEN. Mr. Speaker, I submit that the House is not in order. It is impossible to hear the discussion.

The SPEAKER. The Chair agrees with the gentleman from New York. The House is not in order. The House will be in order. The Chair desires to say that since the adoption of the rule providing for a calendar of unanimous consent, the Chair is relieved of all labor and responsibility of examining bills and exercising his discretion in submitting them for unanimous consent, and that discretion now rests entirely upon the House. If the House is not in order, so that Members may know what is going on, and object to improper measures, somebody will get hurt. [Applause.]

Mr. GOULDEN. I think the gentleman from Texas is entirely too modest. He is to be commended for his patriotism in making a reduction in one of the salaries at least.

Mr. HENRY of Texas. I thank the gentleman for the compliment. Modesty has always been one of my crowning virtues. [Laughter.]

Mr. DAWSON. May I ask the gentleman one question?

Mr. HENRY of Texas. I yield to the gentleman from Iowa.

Mr. DAWSON. As I understand, all that is involved in this equalization is an increase of \$500 a year?

Mr. HENRY of Texas. The total increase would be \$500 a year.

Mr. GOULDEN rose.

Mr. HENRY of Texas. I will yield to the gentleman from New York.

Mr. GOULDEN. I would like to ask the gentleman if the 10 cents mileage does not include all expenses to which the marshal is subjected?

Mr. HENRY of Texas. Yes; and that applies to every district in the United States. They are all the same.

Mr. GOULDEN. It includes meals, sleeping-car accommodations, and everything to which the marshal may be subjected in going from one place to another in the discharge of his official duties.

Mr. HENRY of Texas. Yes; and taking Texas, it is a strange thing that they do more business, perhaps, on less money than any State. Take the northern district of Texas, and the district attorney has one stenographer and one assistant, and he has the heaviest docket in the State of Texas. The change should have been made some time ago; but as long as the business of Oklahoma and the Indian Territory was returnable to Paris, in the eastern district of Texas, it was felt right that the marshal and the district attorney should have \$5,000 per annum, because they had hundreds of criminal cases every year from those Territories. The committee has decided that the most expeditious way and the proper way of adjusting the matter of equalization of salaries is to place them all at \$4,000, because the work is practically the same. I now yield to the gentleman from Ohio.

Mr. KEIFER. Mr. Speaker, I understand that this district in which the marshal is paid \$3,000 or \$3,500 was created under a claim that that would be sufficient salary for a marshal. That is one reason why we have four federal judicial districts in the State of Texas.

Mr. HENRY of Texas. That is true, and this salary was created when Judge McCormick, now circuit judge, was judge of the northern district and had only three districts and held court in only two places, Dallas and Graham.

Mr. KEIFER. Now in the northern district how many courts are there?

Mr. HENRY of Texas. I was coming to that. Now a court is held at Dallas, Fort Worth, Abilene, Amarillo, and San Angelo. From Dallas to Abilene is 300 or 400 miles, and from Dallas to San Angelo probably a greater distance than that. And the same as to Amarillo. These courts have had an increased business, the population has almost doubled, and we have had to create an additional district judge in Texas. The position was created only four or five years ago, and the business has rapidly increased in all the districts, and this United States marshal, who is now receiving \$3,000 a year, is doing five times as much work as the marshal did when the salary was placed at \$3,000.

Mr. STEPHENS of Texas. Will the gentleman allow me to suggest that 15 counties have been organized in the northern district since the last adjustment of salary of this officer, and that adds a great deal of work?

Mr. HENRY of Texas. Yes; and I will add to what the gentleman has stated that the northern district of Texas, where the marshal gets \$3,000 and the district attorney \$3,500, constitute nearly one-half of the counties of the State of Texas. There are over 100 counties in the northern judicial district,

and yet those are the salaries at the present day, fixed many years ago.

Mr. KEIFER. I wish to say that I have reason to believe that the eastern district of Texas does more business and has more federal business than any other district, or, at least, more business than it had when created. I have reason to know that the business of the marshal there is exceedingly delicate, and for that reason I know that they have more courts in that district than any other in the State of Texas. Am I right?

Mr. HENRY of Texas. The gentleman is not correct.

Mr. KEIFER. Do not they hold more courts in the eastern district than in any other district of Texas?

Mr. HENRY of Texas. I will set the gentleman right. The gentleman is wrong. In the eastern district A. J. Houston is the marshal, a son of the famous Sam Houston. They hold court in six places. I know the map thoroughly, for I have been in all the courts. They hold courts at Paris, Sherman, Texarkana, Tyler, Jefferson, and Beaumont, and in some of the places the court does not last twenty-four hours; and since the Paris court lost the Indian Territory and Oklahoma business they get through the dockets there sometimes in two or three days.

When the gentleman from Ohio came before the Judiciary Committee and asked that committee to give him additional judges for the State of Ohio, we listened very patiently, and I was impressed that you ought to have more district judges in Ohio than you had, and I was one of those who most strongly insisted on having two additional district judges, and we reported in favor of that bill. And when I found that we were doing a great deal more work for less money in Texas and that this matter ought to be looked after as well as the matter in Ohio, it occurred to me then, and does now, that the gentleman [Mr. KEIFER] ought to yield to our judgment. Now, the marshals in Ohio receive \$4,000 and the district attorneys \$4,500. Those marshals do not do any more work than they do in the State of Texas, and your marshals do more than Colonel Houston does in the eastern district of Texas. I understand the situation there.

Mr. KEIFER. That does not answer the question, Mr. Speaker. The question is whether the marshal in the eastern district of Texas should be reduced in order that others who may or may not be getting as much salary as they should be receiving should get something more. My point is that the marshal in the eastern district of Texas, taking into consideration the nature and character and delicacy of the business that he does, attending the six or seven courts that he has to attend each year, earns his salary, and it should not be taken away from him to pay somebody else, even though another marshal is inadequately paid.

Mr. HENRY of Texas. Mr. Speaker, I will answer the gentleman. The gentleman is entirely in error. The marshal in the eastern district of Texas has as simple duties as any marshal in the State to perform. In the western and southern and northern districts there are hundreds and hundreds of cases arising in regard to our complications with Mexico, smuggling and Chinese exclusion cases, and cases similar to that, and the duties are perhaps more onerous and delicate in other districts than the eastern district of Texas. The marshal and the district attorney in the eastern district at present have as easy duties to perform as in any of the districts of Texas. Frequently they have up Chinese cases in the other three districts and have to deport Chinamen and look after such cases as that; and there are numerous extradition cases, whereas there are none of those in the eastern district. The only reason this salary has not been reduced before was that the criminal cases from Oklahoma and the Indian Territory were returned to the eastern district at Paris for judicial purposes, but now, since those Territories have come in as a State, the Paris court disposes of its business in two or three days, whereas before that time it took sometimes five or six weeks and from three to four months to dispose of the docket at that division. The gentleman is entirely wrong. I do not know who gave him his information, but I had a letter from Colonel Houston this morning about the matter, a very polite letter, and I am going to write to him and answer him, just as I have answered the gentleman, that the time has come when this equalization should be made. He is a splendid and capable gentleman and my good friend. I have great personal admiration for him.

Mr. KEIFER. Mr. Speaker, I do not agree with that proposition. Colonel Houston is like anybody else who may happen to hold the office. I think it was created with the understanding that there was a great deal of business in the district, and the business has grown in the district, notwithstanding some changes. It is not fair to undertake to talk about the judicial situation of Ohio in comparison with this marshal business.

In Ohio we have a larger number of cases growing out of patents and other large business matters, and sometimes one case there will involve more than the gentleman has in all his federal courts out there. We have to measure the judicial work by the character of the business and not necessarily by the number of cases. The marshal has to attend all these courts, six or seven, as the gentleman admits, in the eastern district of Texas. I am not opposing the increase of the salary of the marshal in a district where the work has grown so that he earns it, but I am opposed to this matter of cutting down the salary of one and indiscriminately raising the salary of another.

Mr. HENRY of Texas. Let me say this to the gentleman: When the Ohio matters came before our committee, we heard the people from Ohio patiently, and we assumed that the gentleman from Ohio understood the condition of litigation there. We heard you very patiently. You made a good showing for two additional judges. Now, here is a better bill than yours, and, representing the State of Texas on the Committee on the Judiciary, I want to assure the gentleman, with the greatest courtesy, that he is entirely mistaken about his facts, and should defer to us and the same committee that dealt with his bill. If he will take the report of the Attorney-General, it will be found that the docket in the eastern district of Texas is no more important than any other of the districts of Texas.

The duties of the marshal are no heavier and the duties of the district attorney are no greater, and if he will take that report and read it, he will ascertain that I am stating the facts just as they are. There are not quite so many cases in the southern district of Texas, a new district, but there are a great many matters that do not get on the court docket, in regard to our complications with Mexico—extradition propositions and smuggling and such questions as that—that take up two-thirds of the time of the marshal and the district attorney, and which do not find their way into the courts. It would be unjust and unfair to defeat this measure here to-day. These other men are entitled to have their salaries raised and the other two salaries should be reduced, and the best way to do it is to equalize them all.

Mr. SLAYDEN. Will my colleague yield to me for a moment?

Mr. HENRY of Texas. I will.

Mr. SLAYDEN. Mr. Speaker, I want to remind my colleague and call the attention of the gentleman from Ohio to the fact that the judge in the western district sits in five places, Waco, Austin, San Antonio, Del Rio, and El Paso, and that the distance by the nearest possible line of travel between El Paso and Waco is—

Mr. HENRY of Texas. Seven hundred miles.

Mr. SLAYDEN. More than that; over 800 miles. These courts are held in four of the big cities of the State of Texas. In addition to that the western district of Texas embraces in its area more than 400 miles of international boundary, the line between Mexico and the United States. That and the southern district of Texas embrace territory out of which comes fully 90 per cent of all the smuggling cases that we have in the State of Texas; innumerable cases of illegal entry into the United States come before the courts at El Paso, Del Rio, and San Antonio.

Mr. HENRY of Texas. And cases under the Chinese-exclusion act.

Mr. SLAYDEN. And cases under the Chinese-exclusion act I have in mind. I do not think there can possibly be any comparison as to the labors involved in the office of marshal in these two districts. The distances are greater in the western district and there is more business to be handled. I did not know before that there was not a perfect equality in the payment of these officers, and I am surprised that it has been permitted to continue so long. It is a simple act of justice that the officials of the courts of the western district should be compensated equally with those of the eastern.

Mr. KEIFER. Mr. Speaker, I would like to answer some of this talk; it has mostly been on one side—

Mr. GARNER of Texas. I want to make a suggestion to the gentleman from Ohio—

Mr. KEIFER. Let me answer the last remark. I understand this last appeal by the distinguished gentleman from Texas is to cut down the salary of Col. Andrew Jackson Houston to \$4,000, the same salary that is to be paid to his marshal from the western district of Texas. He feels deeply aggrieved that Colonel Houston, of Texas, should be drawing as marshal more than the marshal of the western district. He now draws \$4,000 under the statute, and under this bill, after we have gotten it through, he will only draw \$4,000; but he is making an appeal that we ought to take off somebody's salary \$1,000, in order that he may be equalized with others, especially with the marshal's salary from the western district of Texas. I have

made no complaint about the salary of the marshal of the western district or any other district of Texas, and I do not believe, under all the circumstances, that we should cut down the salary of the present marshal of the eastern district of Texas, as he was appointed at his salary fixed for the office, and he earns it. I have had no occasion to go fully into the history of his marshalship there, but if we had the full history of the eastern district of Texas, we would at least ascertain that there are very few people here who would serve in the office for \$5,000 or \$50,000—

Mr. SLAYDEN. May I interrupt my colleague with a question? I would like to ask him if, in his experience here, he has ever found a day in which it is probable we could reduce salaries?

Mr. HENRY of Texas. Well, I do not know; I am hoping we will find it to-day.

Mr. HULL of Iowa. You could hardly claim it a reduction of salaries, as the bill is to increase the total.

Mr. GARNER of Texas. It increases the total \$500 a year.

Mr. HULL of Iowa. Then it is not a reduction of salaries—

Mr. GARNER of Texas. I want to say to the gentleman from Ohio—

Mr. HULL of Iowa (continuing). Because it increases the aggregate amount of salaries \$500.

Mr. GARNER of Texas. I do not know anyone has claimed it is a reduction of salaries as a total.

Mr. HULL of Iowa. The gentleman from Texas claims it in his question and answer.

Mr. GARNER of Texas. It is a reduction in one instance and an increase in two, and the total is increased \$500 a year.

Mr. HULL of Iowa. So it is not a bill which could be properly called a bill to reduce salaries.

Mr. GARNER of Texas. I have not contended it is any such bill, but it is as near as you can get to equalizing salaries as they ought to be in the State of Texas.

Mr. HULL of Iowa. The gentleman from Texas [Mr. SLAYDEN] asked his colleague [Mr. HENRY] if he ever heard of a case where this House was willing to reduce salaries by unanimous consent. I thought his answer gave out the idea that this was a bill to reduce salaries. It is a—

Mr. HENRY of Texas. The gentleman probably did not catch all the question. It is to reduce some salaries and raise others.

Mr. ADAIR. How much does it reduce Houston's salary?

Mr. HENRY of Texas. One thousand dollars.

The SPEAKER pro tempore (Mr. OLMSTED in the chair). Is there objection?

Mr. KEIFER. Mr. Speaker, after hearing this colloquy, I am obliged to object.

#### GALVESTON CHANNEL.

The next business on the unanimous-consent calendar was the bill (H. R. 20988) authorizing the Secretary of Commerce and Labor to construct a water main and electric cable across Galveston Channel to furnish water and light to the immigration station.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of supplying the immigration and life-saving stations at Galveston, Tex., with fresh water, lights, and other electric conveniences, the Secretary of Commerce and Labor be, and hereby is, authorized and directed to cause to be constructed, across Galveston Channel, a water main not less than 8 inches in diameter, and such suitable electric cable or cables as may be deemed necessary for the purposes above stated.

SEC. 2. That said work shall be done under the supervision and control of the Secretary of War.

SEC. 3. That the Secretary of Commerce and Labor is hereby authorized to receive from the city of Galveston, Tex., the sum of \$10,000 and to apply the same to the purposes herein stated, and that in consideration of said sum to be paid by said city the said city of Galveston shall have the right, under such rules and regulations as may be prescribed by the United States Government, to make connection with said water main and to use water therefrom for municipal and commercial purposes and for the use of itself and customers.

Also, the following committee amendments were read:

Page 1, line 6, strike out the words "and directed."

Page 2, line 6, after the word "regulations," insert the words "and limitations."

Page 2, line 7, before the word "be," insert the words "from time to time."

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas [Mr. GREGG] in charge of the bill whether it has been submitted to and has the approval of the Department of Commerce and Labor?

Mr. GREGG. It has; yes, sir.

Mr. MANN. It does not so appear by the report.

Mr. GREGG. The report does not show it, but the Secretary of Commerce and Labor has approved it, and has gotten an estimate, which has been submitted to the Committee on Appro-



priations, to pay for the difference between what the city pays and what it costs to erect the main.

Mr. MANN. And what does the department estimate the total cost of this work will be?

Mr. GREGG. The engineers down there at Galveston have estimated it to be about \$19,157—close on to \$20,000.

Mr. MANN. This bill proposes that the city of Galveston in return for the establishment of the main shall donate \$10,000?

Mr. GREGG. Yes.

Mr. MANN. If the bill is considered, will the gentleman be willing to accept an amendment at the end of section 2, so as to add:

At a total cost not to exceed the sum of \$20,000?

Mr. GREGG. I would be willing to accept that amendment, because that is the estimate anyway.

Mr. MARTIN of Colorado. I would like to ask the gentleman from Illinois [Mr. MANN] a question there.

Mr. TAWNEY. The estimate is \$15,158.

Mr. GREGG. No; it is \$19,000.

Mr. TAWNEY. It says \$15,158.

Mr. GREGG. I believe you have got that wrong.

Mr. TAWNEY. It just came in the other day from the department:

For the construction of an 8-inch cast-iron water main from Pier No. 14, in the city of Galveston, Tex., across the channel of the harbor of Galveston, Tex., to such place on Pelican Spit, Galveston Harbor, as may be necessary to furnish ample water facilities to the immigrant station thereon, \$15,158.

Mr. GREGG. That did not include the electric light. The electric light and all amount to over \$19,000.

Mr. TAWNEY. Then, there is a separate estimate for the electric light?

Mr. GREGG. Yes, sir. It is \$19,157—the entire estimate.

Mr. MANN. Does the gentleman from Colorado [Mr. MARTIN] wish to ask me a question?

Mr. MARTIN of Colorado. I do. We have got somewhat beyond the point on which I wished to ask it, however. But the gentleman inquired whether the Department of Commerce and Labor had approved this bill. I want to ask the gentleman if he thinks the approval by a department of a bill ought to be a condition precedent to favorable action on the bill by this House?

Mr. MANN. I have answered that question very often, but I will be glad to answer it again. I do not think the House is governed by any department of the Government; but where we propose to give to a department authority to do something which, if done at all, is to aid in the administration of the Government, it is certainly desirable that we have their opinion on the subject. We are not bound by the opinion.

Mr. MARTIN of Colorado. I will say to the gentleman, however, that I have personal reason to know that it is coming to be considered a very material thing here as to whether a department favors legislation or not. Whenever a Member introduces a bill here, it goes down to a department and is turned over to some petty division chief or some law clerk for an opinion as to whether it is good policy on the part of the Government to enact such legislation.

Mr. MANN. The longer the gentleman remains here the more he will see the necessity of referring bills to the departments. Now, may I ask my friend from Texas in reference to another matter?

Mr. GREGG. Certainly.

Mr. MANN. This bill proposes to give to the city of Galveston certain rights, which in some respects the Government may hereafter desire to change. Will the gentleman object to an amendment adding a new section:

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

Mr. GREGG. I will not.

The SPEAKER pro tempore. Is there objection?

Mr. TAWNEY. One moment. As I understand it, under this bill the city of Galveston will obtain all its water through this main?

Mr. MANN. That could not be possible.

Mr. GREGG. It is over on the island.

Mr. TAWNEY. I was wondering whether the city of Galveston at any time would have the power to control the water supply at this station because of this contribution of \$10,000.

Mr. MANN. I suppose it is to go over from the city across to the island, where the city may be subsequently built up more or less, without having two mains going over there when one would serve.

Mr. TAWNEY. That is very true, but I wanted to discover simply whether at some time in the future this supply would be subject to any regulation prescribed by the city of Galveston.

Mr. GREGG. It is just the other way.

Mr. BENNET of New York. It is a limitation put upon the city.

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

Mr. GREGG. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I offer the following amendment: In section 1, and as a part thereof, insert:

At a total cost not to exceed the sum of \$20,000.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment which the Clerk will report.

Mr. BENNET of New York. Mr. Speaker, a parliamentary inquiry: Ought not the committee amendments be acted on first?

Mr. MANN. I will withhold my amendment until the committee amendments are acted on.

The SPEAKER pro tempore. The question is first, then, on the committee amendments.

The question was taken, and the committee amendments were agreed to.

The SPEAKER pro tempore. Now, the gentleman from Illinois offers the following amendment which the Clerk will report.

The Clerk read as follows:

At the end of section 1 insert the following words:

"At a total cost not to exceed the sum of \$20,000."

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

Mr. MANN. Now, Mr. Speaker, I offer as a new section: "That the right to alter, amend, or repeal this act is hereby expressly reserved."

The Clerk read as follows:

Insert as a new section, "The right to alter, amend, or repeal this act is hereby expressly reserved."

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

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

#### FILING OF CAVEATS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20585) to repeal section 4902 and to amend section 4934 of the Revised Statutes, relating to caveats.

The bill was read as follows:

*Be it enacted, etc.,* That section 4902 of the Revised Statutes providing for the filing of caveats, said section reading—

"Sec. 4902. Any person who makes any new invention or discovery and desires further time to mature the same may, on payment of the fees required by law, file in the Patent Office a caveat setting forth the design thereof and of its distinguishing characteristics and praying protection of his right until he shall have matured his invention. Such caveat shall be filed in the confidential archives of the office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof; and if application is made within the year by any other person for a patent with which such caveat would in any manner interfere, the commissioner shall deposit the description, specification, drawings, and model of such application in like manner in the confidential archives of the office and give notice thereof by mail to the person by whom the caveat was filed. If such person desires to avail himself of his caveat he shall file his description, specifications, drawings, and model within three months from the time of placing the notice in the post-office in Washington, with the usual time required for transmitting it to the caveator added thereto, which time shall be indorsed on the notice."

be, and the same is hereby, repealed.

Sec. 2. That section 4934 be amended by striking out the following:

"On filing each caveat, \$10."

Sec. 3. That this act shall take effect July 1, 1910, and shall not apply to any caveat filed prior to said date.

Mr. GARRETT. Reserving the right to object, I would be glad to hear an explanation of the bill.

Mr. KÜSTERMANN. Mr. Speaker, I suppose that all the lawyers in this House know what a caveat means; but for the information of those who may not know, I will give the definition of a caveat as given in Webster's Dictionary:

A description of some invention, designed to be patented, lodged in the Patent Office before the patent right is applied for, and operating as a bar to the issue of letters patent to any other person respecting the same invention.

Mr. GARRETT. I hope the gentleman did not assume that I did not know what is meant by a caveat.

Mr. KÜSTERMANN. I did not know whether the gentleman was a lawyer or not. [Great laughter.] If there is any other question the gentleman desires to ask, I shall be pleased to answer.

Mr. GARRETT. I want to know what is the necessity for this?

Mr. KÜSTERMANN. Let me read from the report:

The original idea of the "caveat" provision was to give inventors, before they applied for a patent, an opportunity of completing their invention, and at the same time establish proof of priority in case a patent for the same or similar invention was applied for by others.

The fact that one of the late reports of the Commissioner of Patents states that 1,600 caveats have been kept alive by yearly renewals for from five to fifteen years shows that the caveat privilege is being made use of to extend the life of a patent of seventeen years to a term much longer than intended by law.

This abuse, coupled with the fact that unnecessary work is placed on the already overburdened Patent Office, which is obliged to ascertain on every incoming invention whether a caveat has been previously filed on some similar invention, makes it very desirable to do away with caveats altogether.

Then follows the report of the Commissioner of Patents, who also states that there can not be any possible objection to this—that it will do away with a great deal of unnecessary work in the Patent Office, and that really there is no more use for caveats, because to perfect the patent you have one year in the regular course of procedure to complete your invention. Furthermore, if the commissioner sees the necessity of an extension of time, he has the power to grant it. So this caveat being really a fifth wheel on the wagon, the committee unanimously reported that the caveat be done away with.

Mr. GARRETT. Does this act give the power to grant an extension of time for more than a year?

Mr. KÜSTERMANN. The patent law itself does.

Mr. GARRETT. But you are amending the patent law here.

Mr. KÜSTERMANN. Only the section that refers to the caveat. The other section remains, which provides that a year shall be granted for completing the invention, and more if the commissioner thinks it necessary.

Mr. MANN. Will the gentleman yield for a question? As I understand the gentleman's position, it is that caveats are used now in order to actually extend the life of a patent.

Mr. GARRETT. To kill time.

Mr. KÜSTERMANN. That is true.

Mr. MANN. And that the right to file a caveat results in a benefit to the patentee which he is not entitled to?

Mr. KÜSTERMANN. That is true.

Mr. MANN. The patent law limiting the life of a patent to seventeen years, but the filing of a caveat and not obtaining the patent for some years actually extends the real time?

Mr. KÜSTERMANN. Yes.

Mr. MANN. The gentleman wants to take away this extra privilege granted to the patentees. Is that correct?

Mr. KÜSTERMANN. It is.

Mr. MANN. Will the gentleman then explain this statement in the report of the Commissioner of Patents:

It is known that many inventors are led to believe that a caveat offers some protection against infringement, which it does not. The filing of an application for patent and payment of first fee of \$15 insures an inventor not only all the benefits which he receives by the filing of a caveat, but much more, inasmuch as on the filing of an application for a patent he is placed in interference with any other patent not granted more than two years prior thereto, and with any other application for patent which may be on file in the office or which may thereafter be filed.

Mr. MANN. I know the gentleman's contention is that the caveat gives to the proposed patentee a greater right than the law intends, but the Commissioner of Patents says that he would have more rights if the caveat is not appealed to.

Mr. CLARK of Missouri. Mr. Speaker, I served on that committee a good while, and I believe that I can tell you where the difficulty is about the patent business.

Mr. MANN. I wanted the gentleman from Wisconsin to answer my question.

Mr. CLARK of Missouri. Go on. I will not interfere with you.

Mr. KÜSTERMANN. I wish to answer the gentleman from Illinois that on filing a caveat a man pays \$10, and \$10 for every additional year that he may care to renew the caveat. And yet this expenditure in no sense gives him a patent. But by making an application for a patent outright he pays only \$15 down and then \$20 more when the patent is perfected; the entire expense of a patent being \$35.

Mr. MANN. I am not talking about the amount he pays. The commissioner says that the inventor gets more benefit with this law for caveats repealed than he does by making use of it. How does the gentleman explain that?

Mr. KÜSTERMANN. Let the chairman of the Committee on Patents explain.

Mr. MANN. Oh, no; the gentleman reports the bill and is in charge of it, and we are entitled to his explanation.

Mr. KÜSTERMANN. Although I am not a lawyer, I think I am pretty well posted on patent laws.

Mr. MANN. The gentleman is a lawyer by nature, not by profession.

Mr. KÜSTERMANN. I thank the gentleman for that compliment. Now, I am not responsible for what the commissioner says, and am not authorized to explain his views or ideas.

Mr. CURRIER. Mr. Speaker, let me say that the caveat affords absolutely no protection whatever to an inventor. It in no way prolongs the life of the patent. The caveat is filed simply as a piece of evidence to show priority of invention.

That question can be just as well determined by other evidence. It was supposed to serve a useful purpose, but it really does not. There is this trouble about it: The people of the country do believe that a caveat serves to prolong the life of a patent. The inventor has no protection under a caveat, it is only when he makes his application that the protection begins. The caveat is a worthless system, and this wipes it out.

Mr. GARRETT. It continues it for a year, does it not?

Mr. CURRIER. No; that refers to another part of the bill. This simply eliminates caveats.

Mr. BENNET of New York. Of what use is this language in the bill found on the first page?

Mr. CURRIER. That simply shows how the section will read as amended.

Mr. ADAIR. What is the purpose of a caveat if it affords no protection to the patentee?

Mr. CURRIER. It is simply to show the priority of invention. A man files a caveat describing his invention which has not been perfected up to that point where he desires to make application and to make the knowledge public. Under the caveat these are held in the archives of the office as secret and not open to the public. A caveat lasts for a year. If anybody makes an application for a patent which apparently covers this same idea, then the Patent Office notifies the man who holds the caveat to complete his application.

Mr. ADAIR. And he has a year in which to complete it. Does it not protect him for that year?

Mr. CURRIER. There is no protection to him at all; it is simply an evidential fact.

Mr. WILSON of Pennsylvania. Will the gentleman yield to me?

Mr. KÜSTERMANN. I will yield to the gentleman from Pennsylvania.

Mr. WILSON of Pennsylvania. Mr. Speaker, when a caveat is filed then any other inventor can not take out a patent on the same idea covered by the caveat until the party holding the caveat has been notified and has an opportunity to file his application for a patent. It places the inventor who takes out the caveat in a position where he can hold up an invention so that the public can not get the use of it until some one else attempts to take out a patent on the same idea. Then the Patent Office notifies the party holding the caveat, and his application is then considered. It gives him an additional length of time to control the patent, to control the idea conveyed in the patent, between the time he takes out the caveat and the time he makes the application for a patent, and for that reason it practically extends the term of the patent.

The Commissioner of Patents makes the statement that the patent is more valuable than the caveat, and that is true, because of the fact that the patent gives a right while the caveat does not, except in so far that it gives the right to prevent anybody else from taking out a patent is concerned. That is all that is in the statement by the commissioner. In my opinion, the proposition contained in the bill as presented by the committee is a good one, and the bill should be passed.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I will ask the gentleman in charge of the bill if he does not desire to put the bill in proper shape as far as the form is concerned. The bill as introduced recites the section, which is very good, as far as showing to the House what it is sought to repeal, but there is no good reason for incorporating the recital of the section in the statute. The object would be better attained by striking out all after the word "statutes," in line 4, page 1, down to and including line 15, on page 2, so that the section would read "that section 1492 of the Revised Statutes be, and the same is hereby, repealed."

Mr. KÜSTERMANN. I have no objection.

Mr. MANN. Then I offer that amendment.



The Clerk read as follows:

On line 4, page 1, strike out all after the word "statutes" and all on page 2, down to line 16.

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.

On motion of Mr. KÜSTERMANN, a motion to reconsider the last vote was laid on the table.

#### AMENDMENT TO TUCKER ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19287) to amend section 14 of "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 14 of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," be, and the same is hereby, amended by adding at the end thereof the words "together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States," so that when amended it shall read as follows:

"Sec. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled 'An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government,' and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim, or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed, or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States."

THE SPEAKER pro tempore. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, the purpose of this bill is perfectly clear on its face, but I should be glad to hear the gentleman who reports the bill, or some gentleman interested in it, upon the proposition of whether he considers it wise to call upon the court for the expression of an opinion.

Mr. DIEKEMA. Mr. Speaker, the object of this bill is to amend section 14 of the act commonly known as the Tucker Act. Under the provisions of the law as it now stands, either House of Congress may refer to the Court of Claims any bill pending in Congress providing for the payment of a claim against the United States, whether that claim be legal or equitable, or for a grant, gift, or bounty for any person, and after this claim has been so referred to this Court of Claims then the Court of Claims reports the same back to the House or Senate with a finding of the facts. The court by the provisions of the law as it now stands is limited to reporting the facts. It can not go beyond that, and also the facts relating to the proposition as to whether there has been any laches or delays and as to whether there has been any excuse for allowing the statute of limitations to run, if it has run. This bill proposes to add to the law as it now stands the following words:

Together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States.

This amendment was suggested to the House by the report of the Attorney-General, and on pages 25 and 26 of the last annual report of the Attorney-General we find this language:

The justices of the Court of Claims suggest, and I recommend, the amendment of section 14 of the act of March 3, 1887, commonly known as the Tucker Act (24 Stat., 505), by adding at the end of said fourteenth section, which requires that court, upon a reference to it by either House of Congress of a claim against the United States, to investigate and report to such House the facts in the case, and the amount, where the same can be liquidated, and so forth, the words "together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States."

The section so proposed to be amended is designed to afford assistance and relief to Congress in the investigation of claims and demands against the Government. No judgment can be rendered by the court on such a claim, and the amendment proposed is to enable the claimant to obtain the conclusions of the court as to the merits of the claim, as well as to give to Congress the full benefit of the investigation which shall have been made by the court into the facts and the law applicable to the claim.

Mr. Speaker, the gentleman asks whether or not the committee thinks it proper that the House should receive this additional information from the court. The committee in its hearings had before it the chairman of the Committee on War Claims of the House, and he represented to us that under the present statute very little, if any, help was obtained by the committee in many cases, the court saying that they could not

report the law in the cases, that they could not report whether the claim was a legal claim against the United States, that they could not report as to whether the claim was an equitable claim against the United States, that they could not report whether or not it was simply a gratuity. These are facts which the Committee on Claims desires, and therefore, in accordance with the suggestions of the chairman of the Committee on War Claims and in accordance with the recommendation of the Attorney-General and of the Court of Claims itself, this committee believes that it would be wise to give to the Committee on Claims the fullest benefit of the research that has been made by this court.

Now, in presenting these claims to the committees of the House or the Senate they are presented ex parte. In the Court of Claims both sides can be heard, and the court knows whether the claim is a legal one or not. The court knows whether it is an equitable claim that should be paid, and the court also knows whether it is simply a gratuity. With this information in the bosom of the court, we suggest that it will be for the interest of the committees and for the interest of the House to have this report. We do not suggest, as some members of the committee did, that we should go one step further, and that this court should recommend to the House and to the Senate whether or not the claim should be paid. This is entirely within the discretion of the House, but the House should have the fullest information before this discretion is exercised.

Mr. GARRETT. Mr. Speaker, the expression of the court one way or the other will, we know from our experience, be very forceful and potent in influencing the opinion of the committee and the opinion of the House. I will say to the gentleman that I do not propose to take the responsibility of objecting to this bill, reported by the committee after careful consideration. As I understand it, the court itself expresses a favorable opinion toward it, and the chairman of the Committee on Claims and the chairman of the Committee on War Claims each says he is favorable to it, and I do not propose to take the responsibility of objecting to its consideration; but I will say that I have some doubt about the desirability of calling upon the court for an opinion upon these various claims. I really believe that the reporting of the facts as the court finds them is and ought to be sufficient, but I do not propose to interpose an objection. I ornamented the Committee on Claims for two years and had some little experience in that matter, and I believe it is sufficient to have the facts.

Mr. DIEKEMA. The gentleman ornaments whatever body he belongs to.

Mr. LAW. Mr. Speaker, I just want to say to the gentleman from Tennessee that the committee of the House that makes probably the most use of the Tucker Act is the Committee on War Claims. I think that when the gentleman from Michigan referred to the chairman of the Committee on Claims he probably meant the chairman of the Committee on War Claims, because I appeared before the Judiciary Committee on this matter. I will simply say that this matter has been thoroughly considered also by the entire Committee on War Claims, and I believe the opinion is unanimous in favor of the amendment, so far as the membership of the committee itself is concerned.

Mr. GARRETT. May I ask the gentleman why might not the Bowman cases be embraced under this also? Of course I understand the statute of limitation in this could not apply to Bowman Act cases, because that is fixed by law.

Mr. LAW. If I understand the gentleman's question, it is, why the same provision should not apply to Bowman Act cases.

Mr. GARRETT. Yes.

Mr. LAW. I am inclined to think that it should, although it is not so important as to the Bowman Act cases as in the Tucker Act cases.

Mr. MANN. The Bowman Act cases do not have to be reported to Congress at all. Many come from the department. The House as a body does not use the Bowman Act, but the Committee on War Claims very often does use the Bowman Act.

Mr. LAW. The claims under the Bowman Act are relatively few and getting less all the time. The vast majority of claims from the Committee on War Claims now are sent down under the Tucker Act as the Bowman Act cases have been pretty well exhausted.

Mr. MANN. Mr. Speaker, will the gentleman from Michigan yield to a question?

Mr. DIEKEMA. I will.

Mr. MANN. Will the gentleman be willing to accept an amendment to be added at the end of the proposed amended section, to include the words "and the amount, if any, legally or equitably due from the United States to the claimant?"

Mr. DIEKEMA. I would not; because that would substitute the courts for Congress.

Mr. MANN. Not at all.

Mr. DIEKEMA. It would. There would be a distinct finding of the court as to the amount, if any, that ought to be paid.

Mr. MANN. Not at all.

Mr. DIEKEMA. That ought not to be done, because then there would be a judicial finding by the court to which the bill had been referred, and that judicial finding would find the exact amount by one of the courts of this country and then Congress would no longer have a free hand. I think we ought to maintain at all events a free hand to act after recommendation, and there should be no judicial finding as to the exact amount.

Mr. MANN. But the gentleman misunderstands the purpose of the amendment. What the amendment provides is that the courts shall report to Congress certain things, and if the court finds that there is an amount legally or equitably due that it shall report the amount to the Congress. Under the existing law if the court finds that the Government is legally or equitably indebted to a claimant the court can not express any opinion as to the amount which it so finds. All it can do is to express a statement as to the amount in controversy.

Now, I am personally very anxious to get some legislation by which a lot of these old war claims may be disposed of, so that there be some way of permitting the court, in case it finds there is something legally or equitably due from the Government to the claimant, to express an opinion as to what the amount is, and until that is done I shall continue, as I have in the past, to obstruct in every way possible the passage of these war claims not based on the findings of anything or anybody.

Mr. LAW. It is possible I did not understand the gentleman from Illinois, but the Court of Claims does now find the amount, not according to the amount claimed, but the actual value of what is claimed, the amount that should be paid by the Government in case Congress finds that the claim is a legal or equitable claim.

Mr. MANN. Mr. Speaker, I have repeatedly seen claims from the Court of Claims where they found that the Government was equitably indebted to a claimant, but where the amount that was stated was an amount they did not find the Government equitably owed, but they were not permitted and are not permitted to say what the amount is that the Government ought to pay; and I have seen bills come in here, being the amount originally named in the claim, where the court found something due, but expressly stated that that amount was not due, and where those bills passed through the House after a fight here.

Now, I think if the court finds that some amount is due, that the court ought to say that such an amount is due, legally or equitably, from the Government. Of course this would not affect those cases where there is nothing found either legally or equitably due from the Government.

Mr. BENNET of New York. It seems to me that the gentleman from Illinois [Mr. MANN] is correct, and I would like to call the attention of the gentleman from Michigan [Mr. DIEKEMA], who reported this bill which I had the honor of introducing, to this fact, that this does not require anything that is binding at all upon Congress, but simply provides that where the court has taken the time to go through all the records and has all the testimony in evidence before it, along with its other conclusions as to facts, they shall report a conclusion as to a particular fact. That is what, in their judgment, is due, if anything, either legally or equitably to the claimant. It seems to me it is in line with the purpose of the bill and does no harm.

Mr. DIEKEMA. I could not accept that amendment on behalf of the Committee on the Judiciary, for this reason. In the committee an amendment was proposed to the effect that this court should not only give its conclusions but its recommendations as well, and the committee struck out the words incorporated by the subcommittee, namely, "and their recommendations," so that it was the opinion of the committee that there should be no recommendation by the court as to the amount to be paid, and that Congress should continue to have a free hand as to the amount to be paid whenever the claim is an equitable one or a gratuity.

Mr. THOMAS of North Carolina. It would be a recommendation of the court?

Mr. DIEKEMA. Certainly; but it would be more than a recommendation in effect; it would be morally binding upon Congress.

Mr. MANN. If I understand the proposition, however, it was this: That the Court of Claims should report whether, in their judgment, under all the circumstances in the case, the statute of limitations being waived and everything else, the claim should be paid by the Government. That would leave to the

court the power to determine what question can be determined by Congress. My proposition now is that if the court finds there is something equitably due from the Government it shall state the amount, so that Congress may know what the amount is, and there can be no possible objection to it.

Mr. LAW. I just wish to say that I have not the slightest objection to the amendment suggested by the gentleman from Illinois [Mr. MANN]. But it does not strike me that it is essential, and that the court can not now and must not now do, under the law as amended by this bill, what it could otherwise do under the amendment suggested by the gentleman from Illinois. The law now provides as follows:

And to report to such House the facts in the case and the amount where the same can be liquidated.

And then the court also, under this amendment, reports whether the claim is legal, equitable, or a gratuity. It seems to me it fully covers the case, although I have no objection to the amendment suggested.

Mr. PARKER. I only desire to add it not only states whether it is a legal or equitable claim, but would inform Congress of the nature and character of the demand. No words can be broader than those, and it seems to me it gives power to the court to give us real information that it did not have before. And I think the bill ought to be passed.

Mr. MANN. If the gentleman will pardon me, I have talked with the judges of this court a good many times in reference to this matter, examined bills that came up here, and have discovered this, namely, that in matters referred to the Court of Claims, say, a certain state of facts arises, and a claimant claims that so much money is due for certain property taken, the court may be of opinion that a part of that ought to be paid and is equitably due from the Government. Under the existing provisions of law and under the amendment proposed, the court can not express any opinion in any way as to the amount that is equitably due from the Government. But the court can differ widely as to the meaning of what is equitable.

Mr. PARKER. I beg the gentleman's pardon. If the gentleman will allow me, the character and nature of the demand is what they investigate; and if they find some of it is good, they allow that which is good; and if they find any bad, they do not allow that. The conclusion of the court is as to the nature and character of the demand, or any part of it, whether it is a claim, legal or equitable, or is a mere gratuity. It gives the fullest power to the court to render their opinion as to the facts.

Mr. MANN. To state the character and nature of a demand that is equitably due does not state the amount equitably due. The court may be of the opinion that part of it is due and part not. Under the existing law the statement is that they shall find the amount for liquidated damages; but still, no doubt, the language of the law, under the construction of the law, they can not find, and never do find, in any of their findings that any amount is due or that, if a certain amount ought to be paid, how much that amount is.

Mr. GARRETT. They do as to war claims.

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

Mr. MANN. I offer the following amendment: Insert at the end of the section the following words—

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 22, after the word "state," insert "and the amount, if any, legally or equitably due from the United States to the claimant."

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. DIEKEMA. Division!

The House divided; and there were—ayes 28, noes 5.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. BENNET of New York, a motion to reconsider the vote by which this bill and the bill H. R. 19285 were passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT YANKTON, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (S. 6229) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company.

The bill was read, as follows:

Be it enacted, etc., That section 6 of an act approved March 9, 1904, authorizing the Yankton, Norfolk and Southern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the acts approved January 27, 1905; February 5, 1906; March 2,



1907; February 25, 1908; and March 4, 1909, be, and is hereby, amended by extending the time for commencing the construction of said bridge to March 9, 1910, and by extending the time for completing said bridge to March 9, 1912.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

BRIDGE ACROSS ST. CROIX RIVER BETWEEN MINNESOTA AND WISCONSIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22009) to authorize the villages of Taylors Falls, Minn., and St. Croix Falls, Wis., to construct a bridge across the St. Croix River between Minnesota and Wisconsin.

Mr. MANN. Mr. Speaker, before reading the bill, I ask unanimous consent that the bill may be laid upon the table. There is a Senate bill just like it on the calendar.

The SPEAKER. Without objection, it will be laid on the table.

There was no objection.

BRIDGE ACROSS WABASH RIVER AT ST. FRANCISVILLE, ILL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21673) granting authority to the city of St. Francisville, Ill., to build a bridge across the Wabash River.

The bill was read, as follows:

*Be it enacted, etc.,* That the city of St. Francisville, State of Illinois, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River between said city, in the State of Illinois, and the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The amendment recommended by the committee was read, as follows:

In line 5, after the word "River," insert the words "at a point suitable to the interests of navigation."

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

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BRIDGE ACROSS THE COPPER RIVER, ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (S. 6286) to authorize the Copper River and Northwestern Railway Company to construct a bridge across the Copper River, in the District of Alaska, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.,* That the Copper River and Northwestern Railway Company, a corporation organized and existing under the laws of the State of Nevada, is hereby authorized to construct, operate, and maintain a bridge and its approaches thereto across the Copper River, in the District of Alaska, below the mouth of the Kotsina River, at a point suitable to the interests of navigation, about 1½ miles north of the mouth of the Chitina River, on said company's line of railroad designated and generally known as the "Chitina Branch of the Copper River and Northwestern Railway," in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906; and are further authorized to construct, operate, and maintain a temporary bridge at or near the same point, to be removed upon the completion of the bridge first above referred to.

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

The amendment recommended by the committee was read as follows:

At the end of line 7, page 2, insert the following: "in accordance with the provisions of said act to regulate the construction of bridges over navigable waters, said temporary bridge."

The amendment recommended by the committee was agreed to.

The bill, as amended, was ordered to a third reading; and was accordingly read the third time and passed.

BRIDGE ACROSS MONONGAHELA RIVER, PENNSYLVANIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22369) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907.

*Be it enacted, etc.,* That section 2 of an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907, as amended by an act approved March 16, 1908, be, and is hereby, further amended to read as follows:

"SEC. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from March 15, 1910."

The amendments recommended by the committee were read, as follows:

Line 8, after the word "eight," insert the words "and February 18, 1909."

Line 7, strike out the words "an act" and insert in lieu thereof the word "acts."

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

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

UNITED STATES COURT, ROLLA, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21219) to provide for sittings of the United States circuit and district courts of the eastern division of the eastern judicial district of Missouri at the city of Rolla, in said district.

The bill was read, as follows:

*Be it enacted, etc.,* That from and after the passage of this act there shall be held at the city of Rolla, in the eastern division of the eastern judicial district of Missouri, a term of both the circuit and district courts of said division and district on the fourth Monday in January of each year: *Provided,* That suitable rooms and accommodations are furnished for the holding of said court at said place free of expense to the Government of the United States.

Mr. CULLOP. Mr. Speaker, I object to the consideration of that bill at this time.

Mr. MURPHY. I should like to ask the gentleman to withhold his objection. It is purely a local matter in Missouri.

Mr. CULLOP. I understand. It becomes a public matter, though, as soon as it is passed. That is my objection to it. My observation of bills of this kind is that they serve no good purpose.

Mr. MURPHY. I think this bill is a necessity. It is unanimously reported from the Judiciary Committee.

Mr. CULLOP. I should like very much to accommodate the gentleman, but I do not believe that I can.

The SPEAKER. The gentleman from Indiana objects.

BRIDGE ACROSS GRAND CALUMET RIVER, HAMMOND, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22459) to authorize the board of commissioners of Lake County, Ind., to construct and maintain a bridge across the Grand Calumet River, in the city of Hammond, Ind.

The bill was read, as follows:

*Be it enacted, etc.,* That the board of commissioners of Lake County, Ind., is hereby authorized to construct, maintain, and operate a bridge across the Grand Calumet River upon or near Hopman street, in the city of Hammond, Lake County, Ind., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

With the following committee amendment:

In line 5, after the word "River," insert the words "at a point suitable to the interests of navigation."

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

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

BRIDGE ACROSS ST. CROIX RIVER, TAYLORS FALLS, MINN.

The next business on the Calendar for Unanimous Consent was the bill (S. 6851) authorizing the village of Taylors Falls, Minn., and the village of St. Croix Falls, Wis., to construct a bridge across the St. Croix River.

The bill was read, as follows:

*Be it enacted, etc.,* That the village of Taylors Falls, Minn., and the village of St. Croix Falls, Wis., are hereby authorized to construct, maintain, and operate a free wagon and foot bridge, with necessary approaches, across the St. Croix River between the said villages in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

Mr. MANN. Mr. Speaker, I move to amend by inserting, after the word "river," in line 7, the words "at a point suitable to the interests of navigation."

The amendment was read, as follows:

Page 1, line 7, after "river" insert "at a point suitable to the interests of navigation."

The amendment was agreed to.

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

On motion of Mr. MANN, a motion to reconsider the votes by which the bills reported from the Committee on Interstate and Foreign Commerce were passed was laid on the table.

## TIDAL OBSERVATIONS BY COMMANDER PEARY.

Mr. MANN. Mr. Speaker, I present a report (No. 791) from the Committee on Interstate and Foreign Commerce upon a privileged resolution.

The SPEAKER. The gentleman from Illinois presents a privileged report which the Clerk will read.

The Clerk read House resolution 495, as follows:

House resolution 495.

*Resolved*, That the Secretary of the Department of Commerce and Labor be directed to transmit to the House such information, observations, and reports as he may have as a result of the tidal observations and investigations recently made on behalf of the Government by Commander Robert E. Peary.

Mr. MANN. Mr. Speaker, the information asked for is contained in the report of the committee, which is filed and is satisfactory to the gentleman introducing the resolution. I move that the resolution lie upon the table.

The motion was agreed to.

Mr. MANN. Mr. Speaker, in the report of the committee on the resolution is a chart or map, not very expensive to print, and I ask unanimous consent that it may be printed as a part of the report.

The SPEAKER. The Chair did not understand the gentleman's request.

Mr. MANN. In the report from the committee on the resolution presented there is a chart or map from the Coast and Geodetic Survey, and I ask unanimous consent that that be printed as a part of the report.

Mr. BARTLETT of Georgia. Mr. Speaker, I do not want to object, but I have heard my friend from Illinois suggest that the only authority for this that could be consulted was the Joint Committee on Printing.

Mr. MANN. I am not asking for printing in the RECORD. The law provides that maps can only be printed by order of the House.

Mr. BARTLETT of Georgia. I beg the gentleman's pardon. I thought the gentleman was asking that it should be printed in the RECORD.

Mr. CANDLER. Who introduced the resolution?

Mr. MANN. The gentleman from New Jersey [Mr. HUGHES], and this is satisfactory to him.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## EULOGIES ON THE LATE REPRESENTATIVE PERKINS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the adoption of the following order.

The Clerk read as follows:

*Ordered*, That there be a session of the House on Sunday, the 3d day of April, at 12 o'clock, to be set apart for eulogies on the life, character, and public services of the Hon. JAMES BRECK PERKINS, late a Representative from the State of New York.

The order was adopted.

## FOLDING SPEECHES FOR THE SENATE.

Mr. TAWNEY. Mr. Speaker, by direction of the Committee on Appropriations I submit the following report (No. 792), and I wish to call it up for immediate consideration.

The Clerk read as follows:

The bill (S. 7187) making appropriation for folding speeches and pamphlets for the Senate.

The Clerk read the bill, as follows:

*Be it enacted*, etc., That the sum of \$2,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the appropriation for folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, for the Senate of the United States, for the fiscal year 1910.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill.

Mr. BARTLETT of Georgia. I demand a second in order to find out what is going on.

Mr. TAWNEY. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

Mr. BARTLETT of Georgia. There is no objection to that.

A second was ordered.

Mr. BARTLETT of Georgia. I understand that this simply provides for folding the speeches of Senators?

Mr. TAWNEY. Yes; there is a deficiency in their appropriation for folding speeches. Two thousand dollars is the amount carried.

Mr. BARTLETT of Georgia. We provided some time ago for a deficiency.

Mr. TAWNEY. There was a deficiency in the House, and that was carried in the deficiency bill, but there was none carried for the Senate.

Mr. BARTLETT of Georgia. And this is to supply that deficiency?

Mr. TAWNEY. Yes; for the Senate. It does not relate to the House at all.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

## PUBLIC LAND FOR STREET PURPOSES, SANTA CRUZ, CAL.

Mr. NEEDHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9101) to grant title to certain public lands in the city of Santa Cruz, State of California, to be used for street purposes.

The Clerk read the bill, as follows:

*Be it enacted*, etc., That the Secretary of the Treasury be, and he is hereby, authorized to grant, relinquish, and convey, by quitclaim deed, to the city of Santa Cruz, in the State of California, a strip of land 20 feet in width off of the Water street side of the site of the Federal building in said city of Santa Cruz, and extending along Water street a distance of 120 feet, more or less, the said strip of land to be used for street purposes only.

The SPEAKER. Is a second demanded?

Mr. COX of Indiana. I will demand a second.

Mr. NEEDHAM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. COX of Indiana. That is satisfactory to me.

The SPEAKER. The gentleman from California asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. NEEDHAM. Mr. Speaker, there has been granted to the Government a site for a public building in Santa Cruz, Cal., and the land obtained contains 20 feet more than is necessary. The people subscribed to a fund to purchase the additional amount and deeded it to the Government in order that there might be a wider street. There are 20 feet additional to the amount of land usually granted for a building site to the Government.

Mr. COX of Indiana. How much land is owned by the Government?

Mr. NEEDHAM. The Government usually has a site 120 feet by 130. After this land is quitclaimed to the Government it will then have a lot of the usual size.

Mr. COX of Indiana. To whom is it proposed to give this land?

Mr. NEEDHAM. To the city of Santa Cruz, in order that the street may be wider. It is recommended by the Secretary of the Treasury.

Mr. COX of Indiana. It is a voluntary gift by the Government?

Mr. NEEDHAM. Yes.

Mr. COX of Indiana. It is 20 feet wide, and how long?

Mr. NEEDHAM. One hundred and twenty feet long. It is recommended by the department, and it is the unanimous report of the Committee on the Public Lands.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

## DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FOSTER of Vermont. Mr. Speaker, by direction of the Committee on Foreign Affairs, I report back the bill (H. R. 19255) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1911, with Senate amendments thereto, and ask unanimous consent that the House nonconcur to the Senate amendments and ask for a conference. (Report No. 793.)

The SPEAKER. The Clerk will read the Senate amendments.

The Senate amendments were read.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Vermont whether the House will have an opportunity, if this goes to conference, to consider the item of \$250,000 in payment of a supposed treaty obligation of the United States with the United States of Colombia, independent of a conference report. There are two reasons why, in my judgment, that provision ought not to be in this bill. In the first place, it does not come within the jurisdiction of the committee. That is the least important, perhaps. Second, we have already appropriated \$500,000 on the supposition that the treaty would be ratified by the United States of Colombia. It has been ascertained now that the treaty has not been ratified and the amount heretofore appropriated has not been paid. It seems hardly necessary to appropriate \$250,000 out of the current revenues of the United States for the next fiscal year if the United States of Colombia do not want it, which is evidenced by the fact that they have not ratified the treaty. I think that provision ought either to go out entirely, or if the conferees are unable to secure its elimination, then that the conferees ought to give to the



House the opportunity to consider it independent of the conference report.

Mr. MANN. Mr. Speaker, I believe I made a point of order against that item when it was in the House, on the ground that the expenditures in reference to the Panama Canal ought to be kept in one appropriation bill as far as possible, which would be the sundry civil appropriation bill. Of course we could take a vote in the House on the matter now, except that I hope the gentleman can assure us that before agreeing to that item he will give an opportunity to the House for the consideration of it.

Mr. FOSTER of Vermont. I think the House ought to have that opportunity. The committee was uncertain about the appropriation, I may say, without revealing what occurred in the committee. I will say, however, that the impression existed that the Department of State desired this appropriation to be made. There may have been some error. The gentleman from Illinois will remember that this came up at a time when the chairman of the Committee on Foreign Affairs, the late Representative Perkins, was seriously ill, and there may have been a misapprehension about it.

Mr. MANN. I agree with the gentleman myself that the appropriation ought to be made, notwithstanding the opinion of the Committee on Appropriations, and I have no doubt it will be reported in the sundry civil appropriation bill if not carried in this bill, but I think those Panama expenditures ought to be kept where anybody can ascertain what it is costing the Government to construct the canal, and not have items stuck in other bills.

Mr. FOSTER of Vermont. Will not the gentleman from Illinois concede that this is a treaty obligation?

Mr. MANN. It is no more a treaty obligation than paying to the Panama Government \$10,000,000. The whole building of the canal is a treaty obligation. The whole work we are doing down there is under a treaty.

Mr. FOSTER of Vermont. If the gentleman from Illinois desires—

Mr. TAWNEY. The real beneficiary, I will say to the gentleman from Vermont, under the treaty referred to is the United States of Colombia, not Panama. Now, the United States of Colombia has not ratified the treaty—

Mr. FOSTER of Vermont. The committee fully understood that fact, and it acted as it did upon the supposition that the State Department desired this appropriation to be made, so that we could say that we were performing our part of it.

Mr. TAWNEY. Of course the gentleman from Vermont knows that we could have a separate vote on the proposition now, but I do not wish to insist if there be opportunity given to consider the matter later.

Mr. FOSTER of Vermont. I think there will be no desire on the part of the conferees of the House to prevent that.

Mr. TAWNEY. One other question. The gentleman will recall the fact that on the point of order the appropriation for the additional clerical force for the State Department carried in the bill was rejected. Has that been restored by a Senate amendment?

Mr. FOSTER of Vermont. I think not; I am under the impression now it was not.

Mr. TAWNEY. It is certainly not good administration or good policy to carry part of the clerical force or administrative force in one bill and another part in another bill, and for that reason I think it ought to go out.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Without objection, the amendments of the Senate are disagreed to, and the Chair announces the following conferees.

The Clerk read as follows:

Mr. FOSTER of Vermont, Mr. FASSETT, and Mr. HOWARD.

PRINTING OPINION OF MR. JUSTICE WRIGHT, SUPREME COURT OF THE DISTRICT OF COLUMBIA, IN RE VALLEY PAPER COMPANY v. JOINT COMMITTEE ON PRINTING OF CONGRESS.

Mr. DOUGLAS. Mr. Speaker, I ask unanimous consent for the printing in the RECORD of the opinion of Mr. Justice Wright, of the supreme court of the District of Columbia, on the question of jurisdiction in the matter of the Valley Paper Company v. The Joint Committee on Printing of Congress, composed of REED SMOOT, JONATHAN BOURNE, JR., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, and also his decision in dismissal.

Mr. KEIFER. Mr. Speaker, I suggest to the gentleman from Ohio that he ask that it be printed as a document instead of being printed in the RECORD.

Mr. DOUGLAS. Very well.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the documents referred to be printed as a docu-

ment. Is there objection? [After a pause.] The Chair hears none. (H. Doc. No. 806.)

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. MOREHEAD was granted leave of absence for two days on account of important business.

#### WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. ALEXANDER of New York was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Dietz, Sixtieth Congress, no adverse report having been made thereon.

#### PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20578) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1911, and for other purposes, and pending that motion I want to call attention to the matter of time for general debate, and ask to have the attention of the gentleman from Massachusetts [Mr. KELIHER], as the minority head of the Subcommittee on Appropriations, which has charge of pensions.

We have agreed that there shall be four hours of debate on each side, the time on the minority side to be controlled by the gentleman from Massachusetts [Mr. KELIHER] and on the majority side by myself.

The SPEAKER. The gentleman from Ohio asks unanimous consent that general debate on this bill be limited to eight hours, four hours on a side, the time to be controlled equally by the gentleman from Ohio [Mr. KEIFER] and the gentleman from Massachusetts [Mr. KELIHER].

Mr. GOULDEN. Mr. Speaker, I would like to inquire of the gentleman from Ohio if this debate is to be confined to the bill or is it to be general debate?

Mr. KEIFER. It is to be general debate. I may say to the gentleman that I expect at some time before the close of the general debate, within the eight hours, to speak on the bill. Everybody may talk on the bill who desires to do so.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20578, the pension appropriation bill, Mr. PRINCE in the chair.

Mr. KEIFER. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. KEIFER. Mr. Chairman, I expect to participate in this debate a little later on, but I now yield one hour, on so much thereof as he may desire, to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. During the consideration of the legislative, executive, and judicial appropriation bill the other day some suggestions occurred to me which I thought I would discuss at the first opportunity, which has come now, on the general subject of appropriations for our civil service. The attacks and criticisms on the bill the other day were, I am pleased to say, mostly in the line of reducing expenditures, which certainly is an unusual attitude for the House to take. I think it is violating no confidence of the Committee on Appropriations to say that in making up our bill we take into consideration two elements: First, the merits of each particular question, and then, secondly, the query whether it could be carried through the House; and on that second branch our concern is generally not as to how much of an appropriation we could carry through the House, but how small an appropriation. We generally feel that the House will be pretty sure to favor almost any large appropriation and that the question we have to face is how economical a bill can we carry through, and therefore I was pleased the other day that most of the criticisms and most of the amendments were to reduce the size of the appropriation bill.

As a rule, economy is not one of the popular virtues in this House, and still less in the other House which has to pass upon appropriation bills. It was alluded to in the debate the other day that a distinguished Senator recently stated that he could reduce appropriations \$300,000,000 if he had control of them. Now, I wish that that gentleman, for whose ability I have the greatest respect, had made that statement in the course of an argument in which he was endeavoring to cut down appropriations, and not in the course of an argument, as he did, in favor of a commission to consider in the future, remote, possibly, how

appropriations could be cut down. It seems to me a commission is generally a way to postpone action, and I fear a commission to determine how the expenditures of our civil government could be cut down is an unnecessary postponement. There were before the Senate at that time plenty of obvious methods of reducing expenses. There are before both Houses plenty of obvious methods of reducing expenses, and we all know by experience that the part the Senate generally plays on appropriations bills is simply to add to their size.

The House passes the bill, and then the peculiar and exclusive province of the Senate generally is simply to determine what additions shall be made, to make no scrutiny of our appropriations or suggestions, but simply to increase them. It is but fair to say that there is some excuse and some reason for this, because after the departments have come before the House committee and urged what they think they ought to receive, and the House committee has acted and has drafted its bill, giving them, as a rule, only a fraction of what they ask for, then it is the common practice for those heads of departments, having received a certain portion, to go before the committee in the Senate, assuming that they are going to be left with what the House has given them, and concentrate their whole effort before the Senate in procuring what we denied. So, practically each department has two chances. It first has its chance before the House committee, and secondly, it has its chance before the Senate committee, and therefore, as I say, that is some excuse, if not reason, for the Senate committee devoting itself simply to enlarging appropriations which the House has made.

I was much pleased last year to see in a sudden ebullition of economy on the part of the Senate, the appointment of an expenditures committee, as they called it, which we were told was going to largely cut down appropriations, which was going to have a supervising power over all the Senate committees, and, when the committees were indulging in extravagances, to lop them off. I think we, on this side of the House, thought and said at the time that that committee was not likely to be effective, because it was quite obvious that any expenditures committee framed to cut down the expenditures of another committee would find when they came into practical operation and tried to prune a bill which some powerful committee or powerful Senator had formulated they would find they were not encouraged or permitted to exercise a critical supervision.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. GILLET. Certainly.

Mr. STEPHENS of Texas. Is it not a fact that a few years ago, under the administration of the last President, a commission known as the Keep commission was organized, and that they formulated quite a lengthy report? Has it ever been acted upon in any way?

Mr. GILLET. I am sorry to say it has not.

Mr. STEPHENS of Texas. What was the necessity of creating another along the same line?

Mr. GILLET. There is, of course, this decided distinction between the Keep commission and the Committee on Expenditures. The Keep commission was a commission of the departments, while the Committee on Expenditures is a committee of members of the Senate.

Mr. STEPHENS of Texas. Part of the duties was to ascertain how these funds could be saved by reorganization of the departments, so that we would not have to make such excessive appropriations.

Mr. GILLET. They had no legislative authority, while the Expenditures Committee has.

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

Mr. GILLET. Certainly.

Mr. PARSONS. How would you proceed if you were to reduce the expenses \$300,000,000? Would it not be necessary to reduce salaries in a great many cases?

Mr. GILLET. Certainly. I suppose so.

Mr. PARSONS. And pensions?

Mr. GILLET. Let me tell the gentleman that the whole civil expenses of the Government are less than \$300,000,000, and it would be necessary to reduce the military expenses.

Mr. PARSONS. In the gentleman's opinion, is it possible to reduce the expenses \$100,000,000 without postponing the work that later on will have to be done?

Mr. GILLET. Well, of course; take our naval programme. There is a great field for economy. I should suppose, however, that what the Senator referred to was economies of administration, and I should think \$100,000,000 was a very large percentage of saving for the very best business methods to accomplish.

Mr. PARSONS. If they could save \$15,000,000. Could they save that much?

Mr. GILLET. I believe they could.

Mr. PARSONS. Fifty million dollars?

Mr. GILLET. Well, I do not wish to go into details as to how much.

Mr. FITZGERALD. Let me suggest to the gentleman that after he has been in the House as long as the Senator from Rhode Island has been in the Senate, and has the same commanding influence, he will perhaps agree that \$300,000,000 a year could be saved by a proper administration of affairs.

Mr. GILLET. I do not wish to criticize the Senator here, and it would not be in order, and I heartily sympathize with him, though I think it was an exaggerated statement. I do believe our present system of administration is, and probably in the nature of things must be, extravagant. We see it right here around us in the Capitol. I do not think there is any place in the country where there is more opportunity for economy than right here under the control of the House of Representatives and of the Senate; and yet there are obvious reasons why it is difficult and unpleasant for anybody to touch that extravagance.

Mr. COX of Indiana. Will the gentleman yield in that connection?

Mr. GILLET. Certainly.

Mr. COX of Indiana. What kind of extravagance is there immediately surrounding ourselves?

Mr. GILLET. We employ a great many more men than are necessary for the work which they have to do, and are paying them larger salaries than men employed in the same work receive anywhere else.

Mr. COX of Indiana. If this is the fault of anyone, whose fault is it?

Mr. GILLET. It is the fault of the House. But of course the real trouble back of it all is the condition of public opinion. The trouble, as it seems to me, is that public opinion in the United States takes no interest in economy at all, and that is a development which is constantly increasing with our population.

Mr. COX of Indiana. Does the gentleman believe that we will ever bring about economy until the people themselves demand it?

Mr. GILLET. That is what I was leading to. That is the vital trouble. The people have no interest in economy, and the man who takes an interest in it, instead of gaining popularity at home, on the contrary makes himself unpopular. What our constituents want is not that we shall be economical in the use of the public money, but that, if possible, we shall get appropriations for our districts and get legislation for them, and anybody who gets a large and liberal appropriation for some special interest of the district thereby achieves popularity, no matter what his conduct may be in general legislation.

Mr. HUGHES of New Jersey. Will the gentleman yield to me?

Mr. GILLET. Certainly.

Mr. HUGHES of New Jersey. Does not the gentleman think that that is the natural result of a fiscal policy that has for its main object in the raising of revenues not merely the raising of sufficient money to meet the expenses of the Government, but the furtherance of the theory of protection?

Mr. GILLET. Certainly; I am willing to admit that. I think it is one of the fundamental weaknesses of indirect taxation, one of the worst of the necessary concomitants of the protective policy, that it has educated the people to feel that legislation makes prosperity and plenty. One peculiar effect of this is that river and harbor legislation is the most popular legislation now; perhaps public buildings almost comes next. It seems rather preposterous that men should prefer to go on the River and Harbor Committee rather than on any other committee of the House, when there are other committees whose jurisdiction is certainly intrinsically more interesting and whose power is greater. But on the River and Harbor Committee they can use their power and influence to accomplish something for their own districts, and it seems to me that this is a fair indication that at present what our constituents want of us is to do something for them. So long as we are able to get our hand in the Treasury and bring out something for our own districts they do not much care how much is spent for other districts.

Mr. PARSONS. Is not that lack of public opinion due more to the fact that in this country the system of federal taxation is indirect, and therefore does not come right to the mind of the taxpayer? But that of course exists under a tariff for revenue only as well as a tariff for protection.

Mr. JOHNSON of South Carolina. But would not under an income-tax law.

Mr. GILLET. That is undoubtedly one reason that the people are not so sensitive to federal as they are to municipal taxes. They do not feel the burden of taxation, and large



expenditures do not mean any increase to them so far as their personal taxes are concerned.

Mr. PARSONS. And would not that be the same under an income tax if the minimum income taxed was as much as \$5,000?

Mr. GILLETT. I think it would.

Mr. JOHNSON of South Carolina. Does not the gentleman believe that the people who pay the income tax who are now perfectly indifferent to the appropriations that are made by Congress would complain and criticize if we were extravagant?

Mr. GILLETT. Of course they would; but as the gentleman said, if the income tax was confined to incomes above \$5,000 the persons with incomes of \$5,000 are not so numerous that their protest would count very much in the population of the United States.

Mr. JOHNSON of South Carolina. But they are a very powerful and influential class in this country. They control the newspapers and organs of public opinion.

Mr. PARSONS. Oh, no.

Mr. GILLETT. They would have some effect, but I think it would be very slight compared with the great mass of the people who would not be touched by it.

Mr. HUGHES of New Jersey. I want to answer the suggestion made by the gentleman from New York, and I think he was trying to answer the suggestion that I made a short time ago. Does not the gentleman think it is a fact that the reason for extravagance is not only that our taxes are indirect, but that for years there was no relation between our expenditures and our income; that the tariff produced so much money that the problem, when I was a young man or a boy, was what to do with the surplus; and there never has been, and is not now, any budget presented, nor is there any relation now between our taxes and our expenditures?

Mr. GILLETT. That undoubtedly is true, and that is undoubtedly one reason. The people do not feel the taxes, and therefore they do not care much how they are spent.

Mr. GAINES. Will the gentleman permit me?

Mr. GILLETT. Certainly.

Mr. GAINES. I do not know that I can add much to this academic discussion, but I do not believe that much of it is true.

Mr. GILLETT. On which side? It is on two sides.

Mr. GAINES. The gentleman calls attention to the fact that the people throughout the United States want the Federal Government to spend constantly more and more money for public service. He says that that is true, because the people of the country do not pay taxes directly into the Treasury. Is it not a fact that throughout the States of this Union the people are demanding more and more public services from the state governments, where they do pay their taxes directly into the state treasury? Is it not true that they are demanding new hospitals, new charities of various sorts, the extension of the public-school system, the extension of the university system, and many other things? It is a tendency throughout the country for people to demand more and more of governments, and that is not limited to the Federal Government, and is not, in my opinion, due to the policy of protection.

Mr. LANGLEY. Down in my section of the country we have for a long time had an impression that the section of country from which the gentleman from Massachusetts comes has had the lion's share of favors from the Federal Government, and I for one am ready to admit here that the chief purpose which my people had in sending me here was to do everything I could toward getting as much as possible for my district, at least until we even up with the balance of the country, and particularly New England.

Mr. GILLETT. I do not believe the gentleman's district has had any less than my district, for I do not know of anything except public buildings that my district has had; and as for the remark of the gentleman from West Virginia [Mr. GAINES], it is certainly true that there is a prodigious movement all over the country, State and municipal, as well as national, for larger public expenditures; but I do believe that the feeling of the burden of a tax has an influence to repress the expenditure of money, and that it is a misfortune of the Federal Government that so nearly all its taxes are indirect, and therefore there is no pressure of taxation, and consequently there is no private interest in anybody's economizing.

I think it would be an excellent thing if we had some such system as they have in England, where they have a fluctuating tax on some necessity of life, such as tea or tobacco, whereby it is brought home to every citizen that the expenditures are increasing, and that therefore the tax, which everybody feels, is increased. It calls public attention to the increase of taxation, and therefore they take more interest in it; and unless

there is some such feeling of the burden of taxation I do not believe you can get any interest in economy.

Mr. GAINES. If the gentleman will permit, it seems that he is citing an example which disproves his agreement to the question asked by the gentleman from New Jersey. As I said a moment ago, in our various States—and I could illustrate it from the State of West Virginia—the people are demanding every year that more and more public service be rendered out of the state treasury. I remember twenty-five years ago in that State we had only a very few public institutions. Our state university is six or eight times as large as it formerly was. Our state normal schools have vastly increased, and the public-school system has been tremendously advanced. Where we had one insane asylum we now have another for special treatment.

We have what is called a home for incurables. We have more than a half a dozen hospitals for treatment of people injured about public works, and there is going on throughout this country, State as well as national, and throughout the world as I see it, a movement on the part of the people to demand greater and greater services at the hands of the state treasurer. But when it comes to England—which the gentleman cites as being an example where the people feel their direct taxes more than they do the taxes that go into the Federal Treasury under our system of indirect taxation—England has old-age pensions and a score of things that our people have not yet attempted. The movement on the part of our people, which the gentleman from Massachusetts deplors, is more marked in England than it is in the United States of America or in any State in the United States.

Mr. GILLETT. Well, I differ with the gentleman from West Virginia in saying that it is more marked there—that the feeling of taxation does not have any effect upon the expenditures. I think it does. It seems to me that it is flying in the face of human nature to say that when you feel a tax you are just as likely to be extravagant as when you do not. Human individuals have the same feeling when en masse as when separate; and when masses of people feel taxation, they will have some interest in economy, which I think they would not if they did not feel it.

Mr. GAINES. The gentleman says I am flying in the face of human nature, but I think he is flying in the face of the concrete facts that he has stated.

Mr. GILLETT. That is a difference of opinion.

Mr. PARSONS. Will the gentleman yield?

Mr. GILLETT. With pleasure.

Mr. PARSONS. In England, does direct taxation affect as many people as it does here? Direct taxation there on land affects largely the landholders only. Here it affects the farming community, a very different matter. I would suggest also that in a great many of the States direct taxes, as far as state government expenditures are concerned, have been abolished; that is the tendency. We have abolished it in the State of New York.

Mr. GILLETT. Mr. Chairman, this academic discussion alluded to by the gentleman is not necessary for the discussion which I intended to make. I simply was calling attention to the fact that extravagance or interest in economy is fatally lacking among our constituents, whatever its cause, and therefore, as a natural result, is badly lacking among ourselves.

Now, let us return to the appropriation bill which I was discussing. The different departments come before the committee with their estimates for expenditures. It is one of the most thankless tasks that I think is performed in the House or in any of the committees to take up this budget of \$33,000,000 for the civil expenses of the departments in Washington, go through it, item by item, and try to determine what ought to be granted and what not. It is a horrible mass of details. The departments come before us every year suggesting that this clerk's salary be increased, that they have a dozen or half a dozen more clerks here, and so forth. We have to take their statement; we can not be sure whether they are correct or not. We cross-examine them and grope and guess as to where we shall distribute the clerks, where we shall increase salaries, and as to what the general result of the bill shall be, and then when we bring it into the House we can not be at all certain whether our guess has been right or that the bill is not deficient or that we have fairly carried out the needs of the departments; but cross-examination is apt to beget an antagonism between us and the departments, which is unfortunate; a natural feeling on their part that we distrust them, which is quite able to beget reciprocal distrust and prevent frankness and cooperation.

What we ultimately do is to get acquainted with the chief bureau officers and the heads of departments, and make up

our minds what kind of work they are doing, and whom we can implicitly trust and whom we can not, and then we have to guess and come to a result, and often I have no doubt that it is wrong. There has been a tendency for many years now for the committee and for the House to keep a strict control over the expenditures of the different departments—to reduce everything to detailed statements, to see that a department shall not have a lump sum, for instance, for the support of clerks. The tendency has been such that in every department the House now decides just how many clerks shall be employed and just what salary each one of them shall receive. I am not at all sure that the old system is not, after all, better; and though I have been for years earnestly insisting on details, I sometimes question whether we would not obtain better results by saying to each bureau officer, "We give you a lump sum, and we trust you with the expenditure of it, and we expect you to get results," in that way putting them upon their mettle and allowing them to show their ability in accomplishment.

I have been gradually coming to the conclusion that we might get better results by trusting more to the departments and by keeping a less exact control over the matter by the House, for I find it is impossible for us to get to the real needs of the departments. Once in a while there comes into office some ambitious and energetic young man who wants to make a reputation and who goes to work and shows us in a very short time how prodigiously expenditures can be reduced and the same and better results obtained. Then the chances are that he is attracted elsewhere and the work in the department sags back into its old condition. If a man does go into a department and try to execute reforms, he has a disagreeable task, because of course he finds against him the whole routine of the department. The clerks under him do not want change. The heads of the bureaus prefer of course, and every official prefers, that matters shall run along as they have before; that as little work as necessary shall be imposed upon the subordinates, and that everything in the department may run smoothly. Consequently the pressure against anyone who tries to upset the present arrangements is strong, and it is much easier for him to acquiesce in the old routine and let it run along easily and smoothly.

I do not mean to criticise or condemn the force of clerks in the city of Washington. I think they are as good as the system will allow. The trouble is not with the individuals, but with the system.

Mr. LANGLEY. Does the gentleman mean the civil-service system?

Mr. GILLETT. I will come to that. The trouble, of course, is that human nature asserts itself. We all of us like to get on with just as little work as we can. We like to be tied down as little as possible, and if there is no motive for us to work, if there is no motive to make us efficient, we are going to drift on and do as little work and be as little efficient as we can and at the same time earn our salaries; and I have no doubt the clerks in our present departments are individually excellent, but our present system does not, as a rule, give them any motive to exert themselves, and consequently they drift along and do as we doubtless would do in the same condition—as little work as is required of them; and the only way to change it, it seems to me, is in some way to bring a motive for efficiency into the departments. As it is now, promotions in much of the service do not at all depend upon efficiency, or they did not until recently.

I am happy to say that in a number of departments now the promotion is determined by efficiency records. Of course, formerly, as the gentleman from Kentucky [Mr. LANGLEY] knows—he alluded to the subject—appointment did not at all depend upon efficiency, but I suppose he and everybody will admit that it would be impossible now, with the vast army of clerks we have, to appoint them as they were formerly appointed, simply by patronage.

Mr. LANGLEY. That must have been prior to my time.

Mr. GILLETT. Of course it was much prior to the gentleman's time. It was prior to 1883 when the departments were comparatively small, but when they were large enough to have great abuses spring up. In 1883 we took the first step toward divorcing the appointment of clerks from patronage, but promotions were allowed to go by favor. I think that is a mistake. In framing our bill we frequently have Members of Congress come to us and speak in favor of this and that clerk and ask for a promotion, and it is one of the most unpleasant features of this legislative bill, to avoid giving offense and at the same time not to create the impression which we all can see would be fatal in the departments, that the promotion of a clerk de-

pends not on his efficiency, but having a friend in the House of Representatives.

I remember, in a conference not a great many years ago, when the Senate asked an increase of salary for a clerk in a certain division, we responded that we had already given the chief of that division everything that he had asked, whereupon a Senator said, "I have a letter upon this subject," and he innocently and carelessly read to us a letter which we found was addressed to another Senator from the head of this division, in which he said:

If you wish to accomplish the object you have in view and raise the salary of such a person, the way to do it is by the following language.

It was obviously a mere attempt to accomplish the promotion of a personal friend. Such things have happened in the past, and such things are happening now, but in many departments the system of promotion by efficiency has been adopted, which to a certain extent remedies this, but the trouble is you can not entirely remedy it until you have a system by which the compensation of the clerks and the promotion of the clerks depends upon the kind and character of work they do. That would change the whole atmosphere, and that could be accomplished by adopting the report of the Keep commission, to which the gentleman a little while ago referred.

That commission was appointed during the last administration, and reported that there should be a new reclassification of clerks. Clerks to-day are classified according to a law adopted more than a half century ago, which simply says they shall be divided into four classes, receiving \$1,200, \$1,400, \$1,600, and \$1,800 a year. There is no specification as to what kind of work they shall do, so that a clerk receiving \$1,200 and a clerk receiving \$1,800, belonging to different classes, may do exactly the same kind of work.

Mr. JOHNSON of South Carolina. The same kind and quantity of work?

Mr. GILLETT. Yes; the same kind and same amount, and that constantly occurs to-day. In fact, a man or woman may be drawing \$1,800 and doing work much less in difficulty and in quantity than a clerk in a different class, who is only receiving \$1,200, and I think it is perfectly obvious that such a system as that is fatal to general efficiency. There can be no motive for clerks to do good work and show their ability when the only classification is by the amount of salary, without regard to the work they do. Now, the Keep commission reported that the clerks should be divided into classes, not according to the amount of pay they receive, but according to the character of the work that they perform, and that the lowest grade of clerks, doing the least difficult work, should receive the lowest salary, and so the man should be promoted up who shows efficiency and capacity to do the more difficult kind of work and receive greater compensation.

Mr. SHEPPARD. Will the gentleman permit a question?

Mr. GILLETT. Certainly.

Mr. SHEPPARD. In this connection, did they make any recommendation as to the age limit in regard to clerks?

Mr. GILLETT. I think not; I do not remember.

Mr. SHEPPARD. Will the gentleman touch on that in his discussion to-day?

Mr. GILLETT. What do you mean, the age limit of entrance?

Mr. SHEPPARD. No; the age limit of clerks to hold their positions.

Mr. GILLETT. Oh, yes; I will speak about that. This Keep commission provided that they should be classified in this way and that the lower grades of clerks should be paid the least; and then they, as they showed fitness, should be promoted through the different classes of work until they reached the head of the bureau. Now, I believe that to-day the lower grades of work are compensated more in the departments than they are outside, and that the higher grades of work receive much less compensation in the government service than they do outside, and that the new classification would tend very much to increase the compensation of the heads of bureaus and the clerks who have superintendence—the clerks who have the difficult work to do, whose executive ability can vitalize the whole service and accomplish results and economies—whereas the clerks who just do the routine copying, the ordinary work that requires no initiative of their own, are paid more to-day than they would be paid outside for the same class of service.

So it seems to me that this report of the Keep commission, if it should be adopted, would effect a reform in both of these ways. It gives the higher salary to the higher grade of clerical work, and in that way offers an inducement to bright men and women to go into the departments and stay there perma-



nently. It offers promotion based on approved merit, and not simply by favor, and it also prevents persons receiving the same salary who are doing entirely different kinds of work.

Mr. CRUMPACKER. Will the gentleman permit a question?

Mr. GILLETT. I will.

Mr. CRUMPACKER. I understand that a large majority of the clerks are engaged in performing what the gentleman calls routine, or, rather, nonexpert work, and that the higher places are occupied, and there is very little opportunity for promotion, however great their capacity, for those who are engaged in the performance of this lower class of work.

There may be clerks of exceptional natural ability and aptitude in the lower grades. Does not the gentleman believe that the recommendation of the chief of the Keep commission would drive all those ambitious clerks, who have so little opportunity for promotion and advancement, out of the service?

Mr. GILLETT. I think the gentleman exaggerates the smallness of the opportunity there would be for promotion. There are a great many in the upper grades. There is great opportunity for promotion to these grades, and while undoubtedly the great majority are in the routine work, yet there are gradations in that.

Mr. CRUMPACKER. I will say to the gentleman that complaint has been made to me by chiefs of bureaus that they are limited in their right to promote because the appropriation bills limit the number of the high-class clerks, and they carry on the registers of eligibles in the way of promotion a large number of people all the time, and they keep them there because there is no opportunity for advancement. It seems to me the question of longevity in the service ought to have some such consideration as is given in the public schools.

Mr. GILLETT. There is one fact that I would suggest, that at present a great many of these higher salaries are drawn by persons who are doing the most routine kind of work. They are not reserved at present for those who are doing the highest class of work, and therefore there is not the opportunity to promote.

Mr. KEIFER. I would like to ask a question.

Mr. GILLETT. Certainly.

Mr. KEIFER. I would like to have the gentleman inform the committee whether those promotions to the higher grades are simply on the ground of longevity, or whether there is not some sort of a test or examination for promotion like there is in the army. In case an officer in the army comes to a period under longevity where he is entitled to promotion, he must still undergo an examination, and successfully, too, if he wants to be promoted.

Mr. GILLETT. Until recently the promotion was entirely by favor. As it is now, in a number of the departments they do have examinations and efficiency tests, and promote according to efficiency, but it depends entirely on the head of the department as to whether they do it or not. I would like to have it in the law, so that it would be compulsory.

Mr. CRUMPACKER. Is it not the practice of the department to keep an efficiency record of their clerks, and are not promotions made, or claimed to be made, on the efficiency record of the clerks?

Mr. GILLETT. I just said they are in some departments, but not in others.

Mr. CRUMPACKER. I supposed that that was general.

Mr. GILLETT. No; it is not.

Mr. PARSONS. What is the provision of the civil-service rules in regard to promotions?

Mr. GILLETT. I do not think the rules compel it. At any rate, if they do it has never been obeyed.

Mr. GARRETT. I was unavoidably absent during part of the gentleman's remarks. Has the bill been reported from the Committee on Reforms in the Civil Service fixing this civil pension?

Mr. GILLETT. No; it has not.

Mr. GARRETT. That is still pending?

Mr. GILLETT. That is still pending; yes. And there is one other advantage that would come from such a reclassification, and that is, it would do away with another abuse which now exists. The different departments are now bidding with each other for the services of clerks. That is, if a clerk is in one department and is getting perhaps \$1,200 or \$1,400, and some other department finds out that he is an excellent clerk, the other department may offer him a larger salary. Consequently it makes it to the advantage of each department to have their salaries as high as possible.

Instead of there being a motive for economy there is a motive for extravagance, because if they are paying more in their department than the other department, then they can draw away

good clerks. In that way the different departments are bidding against each other, and those who are paying the highest salaries—in other words, the most extravagant department—can get the best clerks, which is an obvious anomaly and ought to be stopped. That, it seems to me, is one of the changes which ought to be made for the benefit of our service, and it is the only way we can get economy in the service, because it makes it to the advantage of every man to be efficient. It supplies a motive to all the clerks by giving them promotions, and it also makes the salaries of the higher grades large enough to present a career for an ambitious and intelligent man.

There is another phase or issue about which I was asked, and that is superannuation. That has been talked of often in this House. This House tacked on one of the appropriation bills some ten years ago, I think, a clause forbidding any department to keep upon its rolls a clerk who was incompetent because of age, and yet it has never been carried out. The heads of departments come before us and say they will not obey it, and we in Congress look with equanimity upon their refusal.

One reason why they do not obey the law is because many of the clerks are soldiers of the late war, and there is a peculiar sentimental sympathy for them. Moreover, there is a general and natural feeling that when a man has given long years of service to the Government, it is not fair to drive him out in the cold when no longer able to sustain himself. We would not do it ourselves and it is not fair to ask the Executive to do it.

Mr. GOULDEN. Will the gentleman yield to me for a moment?

Mr. GILLETT. Certainly.

Mr. GOULDEN. I think the gentleman will agree with me when I say that that regulation is more honored in the breach than in the observance, viz, discharging men and women who have given thirty, forty, and even fifty years of useful service to the Government at small salaries, that they should be thrown out of service when they arrive at an age where they are no longer as fully capable of doing that which they have done so well and faithfully in the past. This would be inhuman and un-American.

Mr. GILLETT. That was what I intended to suggest. Now, the United States is behind every other nation in providing for superannuation.

England and Germany, and very recently France, all have adopted elaborate systems, some of them exceedingly liberal, applying not only to employees of the Government, but applying also to all employees throughout the nation, and compelling contribution by the employee himself, by the Government, and by the employer to provide for old age; so that in Germany and in France the old age of every employee is in some measure provided for by these contributions by the person himself, his employer, and the Government. Now, I do not suppose the United States will consider going into any liberal system like that, but I believe it would be economy for the United States to provide for some system of discharging its old employees and protecting their old age. There are different means of legislation suggested. The simplest and easiest is a flat pension for employees. I do not believe public opinion for a moment would support that. I do not believe the opinion of this House would support that. And, Mr. Chairman, I believe it is the most expensive system. England has tried it and found that she is paying for her superannuated employees about 16 per cent of what she is paying for those on the active list. It is an expensive kind of annuity. Moreover, although we look upon it as pension, and although the government employees here in Washington have recently declared for it, influenced, I presume, largely by the fact that it seems like a gratuity from the Government, after all, experience proves that it is not a gratuity.

After a short time we will come to look upon that pension not simply as a gratuity, but as a part of the pay. To-day, when we consider the salary of a judge or the salary of an officer of the army, we do not consider simply the salary they are receiving, but we take into consideration, also, what they are to receive when they go upon the retired list. So, if we should give a flat pension to civil employees, we would very soon come to consider it not simply as a pension, but as part of their pay, and that would have to be taken into account when fixing the amount of salaries they should receive.

Therefore, although on its face it looks like a gratuity, it soon ceases to be so, and would be looked upon as deferred pay, and would be taken into account in fixing the salaries; and it would be unequal and unfair, because all the clerks would not get it. Those who died before they reached that age would forfeit this deferred pay. Those who resigned from the service would forfeit it. So that all would contribute to it, but only a certain portion would receive it. Moreover, it would have

another unfortunate effect: It would prevent absolutely the discharging of anybody, which is one of the very objects any system of pensions ought to provide, because if the pension was looked upon as deferred pay—as part of a man's salary—any head of a department would be very reluctant to discharge a clerk and thereby rob him of his right to a pension. One of the evils we wish to remove by a pension system is the present difficulty in discharging inefficient men, and yet a flat pension system would increase that very difficulty.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. MARTIN of South Dakota. I should like to inquire what is the view of the gentleman as to whether a time limit upon the employment of those in the civil service might work beneficially, at least from the standpoint of the Government?

Mr. GILLETT. I have considered that. It has been suggested that men should have a term of service of four, six, or seven years, and then should only be reappointed by some positive action by their employer. It seems to me the trouble with that is that it would soon develop into a mere routine; that when a man's case came up or when a whole list of terms expired the appointing officer would, as a routine matter, of course, indorse them for reappointment.

Mr. MARTIN of South Dakota. Suppose the term of service were longer and then the person should be ineligible to reappointment. How would that proposition work?

Mr. GILLETT. How long does the gentleman mean?

Mr. MARTIN of South Dakota. Ten years.

Mr. GILLETT. That means that nobody would go into the federal service for a permanency, and it would shut out any man from the service with any idea of starting at the bottom and rising, and it seems to me no intelligent or ambitious young man would enter the service, and those are the very ones whom we want to attract to the service.

Mr. MARTIN of South Dakota. But does not the gentleman think that after a service of ten or possibly fifteen years, as a rule, the limit of a man's efficiency is reached, and that the Government gets an inefficient service under the present system?

Mr. GILLETT. I do not believe at all that a man's efficiency reaches its maximum in ten years of service, or in fifteen, and that he then deteriorates.

Mr. MARTIN of South Dakota. There must be some period when he begins to depreciate. Now, if that term was ascertained by a careful analysis, and it should be provided that after that length of service a man would be considered ineligible, does not the gentleman think it would encourage habits of thrift, economy, and saving on the part of the employees to make provision for the inevitable time when, by the age limit, they would be compelled to retire?

Mr. GILLETT. That period would have to be at least twenty-five or thirty years in length, and consequently it seems to me impracticable. I was going to suggest what I think is a better provision than that for the encouragement of thrift.

Mr. MADDEN. I presume the gentleman knows that it is the custom of the great business institutions of the country to encourage men who come into their service and prove efficient to remain during their whole lives. They do not consider that a man becomes inefficient or disqualified by length of service, but, on the contrary, that it makes him more efficient, and they are glad to have him remain during his life.

Mr. GILLETT. It certainly does add to a man's efficiency up to a certain age.

Mr. MADDEN. Would not the same thing be true in the service of the Government of the United States?

Mr. GILLETT. Of course it is true, but there is a limit when, by the failure of natural powers, efficiency begins to decrease.

Mr. GARDNER of Michigan. Right along that line I should like to ask whether or not the gentleman's committee has contemplated any age limit of service? For instance, there are certain corporations which have a rule that when a man, for example, reaches the age of 70 he shall retire.

Mr. GILLETT. I was just coming to that. I have given a good deal of thought to the different propositions, and there is a proposition which it seems to me hits the case better than any other. That is to provide that each person in the service shall have deducted from his monthly salary a certain percentage, which shall be set aside on the books of the Government for his exclusive use, on which the Government shall guarantee an interest rate of perhaps 4 per cent, and which, by the time he reaches the age of 65 or 70, will be sufficient to give him a fair living support. Instead of being a pension it is really a compulsory insurance system.

Mr. MADDEN. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. MADDEN. Has the gentleman made any study of the time when a man commences to become inefficient in the service?

Mr. GILLETT. Yes.

Mr. MADDEN. I would like to have the gentleman state when it is.

Mr. GILLETT. It varies prodigiously in the individuals. I think it is impossible to state or fix any age. My opinion is that in the ordinary clerical service of the Government the age of 70 is the age we could fix as the age of compulsory retirement. Of course there will be many exceptions to that. Many men are vigorous long after they are 70. Some men fail long before they are 70, but we have got to strike an average.

If the system I was speaking of should be adopted each man will contribute nothing to others. The deductions from his salary will all go to him, and if he leaves the service at any time he can take his fund and go away, so that there is no motive to prevent his superior discharging him as there is in the case of the flat pension.

Mr. MADDEN. Is there any way in which a man can be removed from the service now for inefficiency?

Mr. GILLETT. Oh, yes; the chief can remove him at any time.

Mr. MADDEN. Is the power exercised?

Mr. GILLETT. The gentleman from Illinois knows as much about that as I do. Of course it is exceedingly difficult, and that is one reason why we ought to have some such system as I have mentioned, because it is so difficult for the superintendent to discharge anyone under him when he knows the man he is about to throw out into the world has no means of support. But if we compel contribution and saving for each man, so that whenever he is relieved from his service he has sufficient income to support him, or if he is young to give him a start, I believe it would be not only to the advantage of the man, but would be greatly to the advantage of the Government itself. In that way there would be a free hand in the superior officers whenever the clerk was inefficient, and while they do not like to discharge an employee, yet they all undoubtedly would prefer to have efficient rather than inefficient subordinates, and if there was no motive of sympathy which would withhold the discharge, that would much oftener happen.

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

Mr. GILLETT. I will yield to the gentleman.

Mr. DAWSON. Would the gentleman apply it simply to the government clerks in the District of Columbia, or would he apply it to the civil service throughout the country?

Mr. GILLETT. At the start it might be well to test it merely in the District of Columbia, though I should like to see it applied throughout the service.

Mr. DAWSON. As emphasizing the difficulties which the gentleman says stand in the way of legislation, would not he be confronted with the additional difficulty that we have now a Civil Service Retirement Association of the United States, which embraces all the civil-service employees, and that they would be absolutely opposed to this plan?

Mr. GILLETT. As to that proposition, the gentleman knows perhaps better than I do. I do not know whether we would have their opposition or not. I hope they would see that it is the only plan which has a chance of succeeding, and that as they studied it they would appreciate its advantages and value. There is one difficulty about it. While such a system could easily be applied to new clerks those who are now old in the service could not, in their few remaining active years, set aside enough to support them after they retired. Something must be done for them. I believe that the establishment of such a system is of enough advantage to the Government in the long run to justify it in paying out of the Treasury sufficient sums to retire on a living pension the clerks now in the service when they shall reach the age fixed for retirement. That would cost a large sum for a few years; it would be a discrimination in favor of the present clerks, but it would be worth the cost—it would rid us of present superannuation; it would establish a permanent system under which there would be no superannuation, and it would take away from the superior officer the disinclination to remove an inefficient clerk, which to-day is a great incubus to the service.

[Here the hammer fell.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. R. 5269. An act for the relief of Alexander Everhart;



H. R. 12397. An act granting certain rights and privileges to the department of fisheries of the State of Pennsylvania; and

H. J. Res. 172. Joint resolution enlarging the scope of inquiry of the schedules relating to population for the Thirteenth Decennial Census.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 20490) 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, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TAYLOR as the conferees on the part of the Senate.

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

H. R. 19628. An act to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes.

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

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; and

S. 6636. An act for the relief of assignees in good faith of entries of desert lands in Imperial County, Cal.

#### PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. KELIHER. Mr. Chairman, I now yield to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Chairman, the subject of upbuilding our merchant marine has been thrashed over so often that it is threadbare. Ever since that upas tree, a high protective tariff, has been on our statute books, feeding on the vitals of the people, the cry of the protectionist has been heard in the land for a ship subsidy.

The pill has been sugar coated many times and new names given it, such as mail subvention, to furnish collars and fast cruisers in time of war, to save the \$200,000,000 paid yearly to foreigners, etc., but the Humphrey bill is the same old raid on the Treasury.

The fact is that the rapid development in the West has offered profitable opportunity for the investment of money, so that capital left the sea. For the same reason, protected manufacturing industries, that since the war have reaped such rich returns, helped draw capital from the building and operating of ships.

Only moderate returns could be expected from this source of investment. At the hearings held by the Committee on the Merchant Marine and Fisheries during the Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses the influential and persistent lobby for a ship subsidy were open and emphatic in their demands for the extension of the protective-tariff principle to building American ships.

The demand became more forceful in the last few years as the trusts had monopolized the manufacturing industries, destroying competition, thus forcing capital into old fields.

The charge is made that competing nations subsidize their merchant marine. This is true to a limited extent; in France, per registered ton, \$9.28; Japan, \$7.40; Italy, \$4.58; Germany, 72 cents; England, 48 cents. The facts are that the fleets have not materially increased under this policy, and reports from credible sources declare that Japan is tired of the policy.

Again, it is a well-established fact that, like the protective tariff, once a line of steamers receives aid from the Government it must be continued or failure is the result.

The same claim is made for aid to shipbuilding that caused the protective tariff to be maintained, namely, protection to infant industries. More than half a century has passed since this Nation adopted that policy, yet the gigantic combinations, monopolies, and trusts that are throttling the masses to-day, that put the prices of living up to exorbitant figures, were in the Capitol from March to August of last year working night and day to keep up the tariff schedules.

With the failure of Congress, controlled by the Republican party, with a Republican President in the White House, all elected on a platform pledged to a reduction of the tariff, no relief was afforded to the masses of the country. [Applause.]

Dissatisfaction is heard everywhere, and our friends on the other side of this Chamber realize that a condition, not a theory, confronts them. It is a live wire loose in their respective States; and the result, if the signs of the times mean anything, will be a Democratic House of Representatives next year, followed by a Democratic Senate and President in 1912. [Applause.]

Well-posted Republicans admit that there is danger ahead. The failure of that party to live up to the plank in its national platform of 1908 will be resented by the American people. The lamented Lincoln uttered a truism when he said:

You can fool all the people a part of the time, a part of the people all the time, but you can not fool all the people all the time.

[Applause.]

The bill offered by the gentleman from Washington [Mr. HUMPHREY] is perhaps less objectionable than those hitherto presented to Congress, but still it is a subsidy, an extension of the protective-tariff principle, and class legislation. The majority can pass it, but it will only accentuate the iniquity of the policy that has given such tremendous advantages to protected industries, a system that has made tens of thousands of millionaires in a few decades.

Well do I recall the time when a number of the wealthiest and best known of the plutocrats of to-day were in very moderate circumstances. Just one illustration will suffice.

In 1875 I rented desk room in my offices to a young man at \$10 per month; to-day he is worth from one to two hundred millions, made through the favoritism of the Government, by the aid of the protective tariff.

This is not an isolated case by any means. If time permitted I could add a score of similar cases that fell under my personal observation while a resident of Pennsylvania.

In the hearings before the commission and the committee of which I have been a member for seven years, such organizations as the Patrons of Husbandry, representing a million or more farmers of this country, the American Federation of Labor, with a membership of millions, have bitterly opposed a ship subsidy.

Such eminent and well-informed men as James J. Hill, of St. Paul, the great railroad builder; John F. Crowell, of New York, a noted statistician; F. W. Taylor, of Philadelphia, a large shipowner; C. Morton Stewart and James R. Foard, of Baltimore, successful merchants, and others all over the country, do not believe in ship subsidy as a remedy for the upbuilding of the merchant marine.

In my own city the famous chamber of commerce refused to indorse the matter. The question was fully and earnestly debated for two consecutive monthly meetings, including January, 1910. The vote was adverse to a ship subsidy.

Mr. JOHNSON of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. GOULDEN. Certainly.

Mr. JOHNSON of South Carolina. What organization did the gentleman say decided against a ship subsidy?

Mr. GOULDEN. The Chamber of Commerce of New York City, the greatest commercial body in this country, if not in the world. It is composed of the leading successful business men of the country.

The difficulties in the way of upbuilding a merchant marine are: First, the question of increased cost of building ships in our American yards, due to the higher prices of steel, iron, lumber, and the other materials that enter into steam vessels. This is directly attributable to the protective tariff.

A second cause is the higher price paid to American mechanics. The difference between that paid abroad and here is largely due to the increased cost of living in this country, and to the fact that the mechanic abroad has steady employment.

In the foreign yards a score or more of ships are built from one model, thus greatly reducing the ultimate cost; steady wages, with a moderate expense in living, makes the wages of workmen in foreign yards about equal to those in American yards. The fault, therefore, is with our system of government, in which we unnecessarily protect the articles that enter into the building of ships. [Applause.]

A third cause of the languishing condition of our over-the-sea carrying trade is the law affecting the operating of American ships. The law compels certain food supplies and so many cubic feet of air in sleeping quarters, making a difference of 25 per cent in favor of the foreign shipowner.

Upon inquiry I have not as yet been able to note any material difference in the supply of sailors between the various nations. Those of other countries have no more difficulty in securing men than we have, notwithstanding the difference in food, sleeping quarters, and so forth. The day is coming, soon too, when our high-spirited, ambitious, venturesome lads,

instead of going West to hunt for excitement with the Indians and wild game and in the mining camps, will again turn to the sea.

Allow our merchants to buy their ships in the open markets of the world and you will quickly see the American merchant marine rehabilitated and the exports and imports of the country carried by vessels under the flag of the Union.

The Humphrey bill, now under consideration, has some excellent features, particularly the section permitting the purchase of ships in the open markets of the world. This provision is included in the substitute measure offered by the minority. The especially objectionable feature of the Humphrey bill is the subsidy sections.

The substitute offers in lieu of that the preferential duty on goods shipped in vessels owned entirely by Americans and floating our flag. The objections to this by the advocates of a bounty has always been the question of our treaties with foreign governments. But when this objection is examined we find that there are no treaties in the way, but commercial conventions, a different thing entirely. Treaties concern general questions of peace and good will and are terminated by abrogation.

Commercial conventions are like contracts, providing for an exchange of considerations; concessions are made on both sides, in order that each may derive like advantages in a commercial or business way. As soon as the advantages cease on either side it is expected that the conventions will be terminated, as the considerations no longer exist. Such conventions are being terminated all the time by various governments, and it is considered the just and proper thing to do. But to confuse treaties and conventions is an example of the methods pursued to back up a subsidy measure.

We lost our ocean-going commerce through the making of commercial conventions; the only advantage our people derived from them was the loss of this commerce and the displacing of our mariners by foreigners. This has been clear to our statesmen for generations, and it was clear to Republican administrations up to the Roosevelt régime that the only proper method was the regulation of commerce and the establishment of discriminating duties, involving at the same time the termination of the conventions that caused all our loss. In the case of Great Britain there is not even such a convention to be terminated, although we are made to believe almost that we are bound by treaty to continue the present unbusinesslike conditions. In this case the country was buncoed by the Government of Great Britain.

We have already terminated the agreements with France, Brazil, and China; and the reciprocity agreement with Canada, the only one which should never have been terminated, ceased some years ago, sacrificed in the tariff interest. The very people who shout loudest about the danger of abrogating trade treaties are the ones who permit and sanction the killing of such a trade relation with Canada as the former reciprocity agreement and allow conventions with France and other countries to be terminated.

All of which shows the hypocrisy practiced by certain of our good tariff reformers, and is another of the ills which the sacred tariff has brought down upon our heads.

As testimony to the correct Republican attitude on the subject in the past, permit me to quote from the platform on which President McKinley was elected in 1896:

We favor restoring the American policy—

Note that—

of discriminating duties for the upholding of our merchant marine and the protection of our shipping in the foreign trade, so that American ships, the product of American labor employed in American shipyards, sailing under the Stars and Stripes, and manned, officered, and owned by Americans, may regain the carrying of our foreign commerce.

[Applause.]

That President McKinley agreed with this is evident from these his own words:

We must encourage our merchant marine—we must have more ships. They must be manned and owned by Americans. The policy of discriminating duties in favor of our shipping, which prevailed in earlier years of our history, should be again promptly adopted by Congress and vigorously supported until our own prestige and supremacy on the sea are fully attained.

Besides platforms and official declarations, we have the actual provision for discriminating duties in the two latest Republican tariff measures; in section 22 of the Dingley Act such duties were provided for, but this section was nullified by a Republican Attorney-General. And the discriminating duties in the Payne bill are there, but are very artfully hidden.

This is the best evidence of the double dealing of the subsidy advocates. They know the proper method of restoring our merchant marine; they provide for it in legislation; and yet they suppress all mention of it in debates and discussions and shout

loudly for subsidies as the only means of salvation. Even their cry of commercial war by abrogating commercial treaties is disposed of by their own constitutional lawyers. For instance, Senator Edmunds, of revered memory, stated as follows at a hearing before the Senate Commerce Committee:

We are in the attitude of being able, without any breach of treaty obligations, to resort to discriminations in respect of our vessels and commerce, after giving the requisite notice and after the lapse of time referred to.

Thus the Republican statesmen dispose of the objections stated by the subsidy advocates against a policy set forth in Republican platforms, indorsed by Republican leaders, and halloved by the martyred McKinley. [Applause.]

President Roosevelt promised to carry out all the policies and plans of McKinley, but the one of discriminating duties was overlooked, somehow. President Roosevelt, more than any other one man, was responsible for the only measure of success attained by the subsidy proposition, and his friends and supporters were driven to strange gods in order to justify their attitude to a measure so inadequate and futile.

For instance, Senator Roor proposed that subsidies be granted so as to equalize the difference in wages and other costs between Americans and foreigners, so as to place our merchant marine on an equal competitive footing with others. That the plan is incorrect can be seen the moment we reflect that England pays higher wages and other costs than any other nation but our own; and yet no other nation has taken away her commerce. The project is unsound to commence with. And the experience of countries that have tried equalizing subsidies has shown it to be a failure anyway; France and Italy pay over \$16,000,000 in this way, yet their merchant marines are small and inadequate. Senator Roor's plan would cost us annually \$50,000,000 at least, on his own figures, to equalize costs; and then we would only be on a basis of competition with the other nations, without any guaranty of shipping business, and with no apparent reason why we should be patronized instead of the others already possessing the commerce.

No; this plan will not work. If we selected England as the country up to which we should equalize these differences, it would cost us at least \$100,000,000; and England would still keep her commerce, and we would receive no return for our money, and our mariners would still remain quiescent.

No; we need a merchant marine to safeguard our commercial prosperity and independence, and large enough to cope with the great and growing trade of the Nation. We must get it by proper means, and discriminating duties are the one and only means, the American plan, sanctioned by all parties and statesmen and economists. These duties give us the preference at actual market rates and force the carrying trade our way almost without competition. As to fear of commercial war, a mere scarecrow, let me quote from Thomas Jefferson:

It is not to the justice and moderation of others we are to trust for fair and equal access to markets with our productions, or for our due share in the transportation of them, but to our own means of independence and the firm will to use them.

[Applause.]

I desire to add as a part of my remarks the following from an article by Mr. William W. Bates, former United States Commissioner of Navigation, and president of the Shipping Society of America, a recognized authority on all matters affecting the shipping interests of the world:

#### THE TRUE AND ONLY REMEDY.

On this head there is little to add. In answer to all suggestions in favor of ship subsidy, from whatever quarter coming, there is one word that settles the question—unconstitutionality. However, there is another word almost as strong—impracticability. This lies in the principle that large vessels can carry for less than small ones; and that vessels too small to compete would have to be classed with those large enough to need no "aid." Fix a scale of "aid" for rivals in a certain trade for one year, and by changes of size it might be made inapt for next year. Then the people would not tax themselves to support the scheme.

But American shipping has no favors to beg of government. There stands the compact for protection by "navigation laws." What justice demands, honor must concede. A government that will not honor its obligations to its own people is unfit to survive.

#### THE PROSPECT FOR SHIPPING RESTORATION.

"Hope springs eternal in the human breast"—"While the lamp holds out to burn"—the truth seems to be that "hope" is well-nigh spent, and the "lamp" will soon go out. The rulers of the United States are better stocked with procrastination than any other mortals on earth. If Lincoln had lived, no doubt shipping restoration would have materialized. If Grant had gotten a third term; if Garfield had lived; if Harrison had been reelected, perhaps the work would have been accomplished.

But the star of hope was William McKinley, who reached the Presidency pledged by party platform and his letter of acceptance to the resumption of "discriminating duties." By a large majority the people voted for this resumption, but, after the election, Senator Hanna voted the other way. McKinley fell down—failed the nation, and the twelve years since have been cruelly wasted in abortive efforts to frame and pass "ship subsidy" bills—really in defiance of the popular will. With the demise of McKinley the friends of shipping expected much



from Theodore Roosevelt, though they had no promise such as his predecessor made. He did not appreciate his opportunity. He has the firmness and resolution, but unfortunately he lacks appreciation of a "merchant marine," and has scant sympathy with industries needing protection. But for these shortcomings Theodore Roosevelt might have gone down the ages as the savior of his country's independence on the ocean.

President Taft now has Roosevelt's opportunity, but he seems in doubt what to approve. He has recommended "ship subsidy"—for the establishing of a few steam mail lines. Now, mail subsidy is not "ship subsidy." The one is payment for services, the other is gift money for no public consideration. It is doubtful whether the President intended to neglect this obvious distinction. In fact, he advocates mail lines only. An adequate marine would sum up to about 7,000,000 tons, but the mail lines corresponding to this figure to about 650,000 tons only. Thus it appears that the President is not for a merchant marine—just yet. Sailing ships are altogether out of mind, with nothing in view for irregular freighting steamers. It is sad to think that, possibly, the President intends not to carry out the compact for navigation laws, but to go beyond his predecessors and quite abandon to our rivals our rights on the ocean as the easiest solution of an urgent and important problem, but this may be under consideration. Surely in the past forty years the American people have had ample disappointment with regard to the merchant marine.

[Applause.]

For the information of the House I desire to have included in my remarks the report of the minority members of the Committee on Merchant Marine and Fisheries. This embodies my views, except that something should be added to insure the building of first and second class vessels that could be used as scouts or cruisers and cargo-carrying steamers in case of war.

AMERICAN MERCHANT MARINE IN FOREIGN TRADE AND THE NATIONAL DEFENSE.

Mr. SPIGHT, from the Committee on the Merchant Marine and Fisheries, submitted the following as the views of the minority, to accompany H. R. 16362:

We dissent from the views of the majority of the Committee on the Merchant Marine and Fisheries, and are opposed to H. R. 16362.

This bill and the arguments employed by its advocates do not deal fairly with Congress nor with the people. The bill is a "delusion and a snare," shrewdly devised to catch the unwary and mislead public sentiment. It has been heralded throughout the country that, if enacted into law, it would cost the Government nothing. It is said that the subsidies provided would be paid exclusively from the profits derived from the ocean mail service and would therefore impose no burden upon the National Treasury, and would result in the building of from 20 to 40 new ships. Let us examine this for a moment in the light of the facts and see how far it is true.

According to the report of the Postmaster-General, the estimated profit from the ocean-mail service during the fiscal year ending June 30, 1909, was \$3,486,086.20, allowing nothing for the handling and transporting of these mails on land. From this estimated profit there was paid \$1,127,245.72 in the way of mail subsidies under the act of March 3, 1891. Making no allowance for handling and transporting on land, this would leave available for subsidies under H. R. 16362, \$2,358,840.48. The three ships of the Spreckles line, which, after enjoying subsidies for many years, repudiated their contract in 1907, and for whose benefit this bill is partly intended, will receive about \$500,000. The "Morgan syndicate" and other existing lines will doubtless absorb the balance. There are about 20 ships eligible to contract under the proposed extension of mail subsidies, some on the Atlantic and others on the Pacific coast. Now, where do the new ships come in? We believe that the passage of this bill would not result in any substantial increase of vessels in American shipyards, unless its enactment should engender the hope that much larger subsidies would be granted after the "ball is started to rolling." This is doubtless the purpose of the chief advocates of the pending bill.

#### COMES OUT OF THE TREASURY.

As to the argument that the bill will not involve any expenditure from the Treasury, we are surprised that anyone is so simple as to be caught by such a transparent pretense. While it does not appropriate a specific amount, it does appropriate from the Treasury a sum to be ascertained in a given way, and that this sum shall be paid to the ships subsidized. Because there is a profit on ocean mail, this bill seeks to give subsidies to certain ships equal to that profit. Every dollar that is given in this way must be raised by some form of taxation. The Postmaster-General recognizes the dire financial straits of the Postal Department of the Government and, as one of the remedies, he asks Congress to increase the rates of postage on second-class mail matter. This proposed tax on education and moral training and the spread of intelligence has called forth so much earnest protest that the House Committee on the Post-Office and Post-Roads declined to make provision for such increase in the post-office bill now pending.

As another measure of relief this same high official has suspended the further extension of the Rural Free-Delivery Service. If any class of our people more than another is entitled to the consideration of the Government, it is our rural population, which is benefited by the free delivery of mails. It is composed of the greatest wealth producers of the country, who get less from the Federal Government than any other class of our people. Yet it is proposed to deny better mail facilities to the farmers and give the money thus saved to a few shipowners. If there is a surplus in one branch of the Post-Office Department, the logical, reasonable thing to do would be to apply it to the deficit in other branches of the same department. The postal deficit last year was more than \$17,000,000. If this bill had been in operation this deficit would have been more than \$20,000,000.

#### OPPOSED ON PRINCIPLE.

We have thus far confined ourselves to presenting objections to the policy of such an administration of our public affairs. Beyond all this there is the fundamental wrong and injustice of taking from all the people and giving to a particular and restricted few of one class to enable them to make their private business more profitable. It is not compensation for services rendered in the carrying of mails, because as good or better service can be had, and is now being given, for far less money. The minority substitute would result in more vessels flying the American flag which would be serviceable in time of war without such favoritism.

In the foreign mail service, when payment is made under the pound rate, American vessels are paid 80 cents per pound for letters and post

cards and 8 cents per pound for other articles. Steamers of foreign register are paid for same service about one-half as much. Leaving out of consideration the cost of carrying mails in foreign vessels, the subsidized steamers are paid vastly more than the service costs on nonsubsidized American vessels. As an illustration of this we refer to the subsidized service of the New York and Cuban Mail Company, which is paid \$71,032 for carrying 1,179 pounds of letters and post cards and 26,063 pounds of other matter. A calculation will show that for this service on nonsubsidized American vessels the compensation at pound rates would amount to only about \$10,000, or one-seventh of the subsidy. If these mails had been carried on vessels of foreign registry, the cost would have been about \$5,000. Is it strange that with such business methods there should be a deficit in the Post-Office Department?

#### SUBSIDY PERSISTENT.

For a dozen years, at every session of Congress, a subsidy proposition has been urged. It has assumed various forms. Sometimes it has offered immense bounties to "ocean greyhounds." Sometimes it has been based on tonnage and cargo. At first its advocates were frank enough to call it by its true name, "subsidy." When the people understood and learned to hate that word the more euphonious title of "subvention" was adopted. When this disguise was penetrated, they selected another nomenclature and called it "mail pay." Notwithstanding these successive changes of title, the "trail of the serpent is over it all," and it is just as much a subsidy as ever.

#### INCREASE OF TONNAGE DUES NOT DESIRABLE.

We are opposed to the increase of tonnage duties as provided in section 4, because the only effect will be to increase freight rates and divert trade from our North Atlantic and Pacific ports to Canadian and British Columbian ports.

#### FREE-SHIP PROPOSITION INEFFECTUAL.

The "free-ship" section is so hedged about with restrictions that little, if any, good would be accomplished by it. The value that the majority of the committee place on it may be best judged by the following language in their report:

"It is not believed that there will be a large demand for American register of foreign-built steamers under this provision. Section 6, in all probability, will not add one single steamship to the fleet under the American flag engaged in the transoceanic commerce upon either the Atlantic or Pacific."

If it is true, as has been charged, that this section of the bill was thrown out as a "bait" to catch Democratic "suckers," the purpose will fail.

Looking at and considering the bill from every standpoint, we are impelled to the conclusion that no substantial and permanent good of a public nature would be accomplished by its enactment.

#### SOME RELIEF DEMANDED.

That the decadence of our merchant marine in the foreign trade is to be sincerely regretted, is the honest feeling of every patriotic American citizen, no matter how widely we may differ as to the causes or the remedies which should be applied. Leaving out of consideration any question of national safety or the possible demands of the army and navy, it must be a source of deepest regret, if not of humiliation, to see so little of our vast commerce carried under our own flag. We are accustomed to point with pride to the fact that for several years the balance of trade with the world has been in our favor—that is, the value of our exports far exceeds the value of our imports. We are the greatest exporting nation on the earth, and yet it is a deplorable fact that so little of our commerce is carried in American vessels. While we can not agree that the remedy for this condition is to be found in the granting of subsidies, we do agree that it is the part of wise statesmanship to endeavor to provide relief. This must not be done by imposing burdens upon the men who have built up our immense trade balance and by giving money to shipowners who do nothing to help themselves, but ask the Government to make their business profitable.

#### TRADE HAS NOT FOLLOWED SUBSIDIES.

That subsidies have not built up trade is strikingly exemplified in the following tables of exports during the ten-year period from 1897 to 1907. It is well known that our heaviest subsidized mail line is from New York to England, and yet our exports during that period to the United Kingdom showed an increase of only 25 per cent. To the following countries, to which we have no subsidized mail lines, the increases are shown:

	Per cent.
Turkey	4,900
Austria-Hungary	275
Germany	105
Italy	181
Canada	181
Chinese Empire	115
British East Indies	125
Japan	196
Egypt	200

These figures are eloquent in support of our contention that no good can come of a further extension of the act of March 3, 1891.

#### SUBSTITUTE PROPOSED.

But recurring to our statement that something should and may be done to restore our merchant marine to the high seas and carry more of our commerce in vessels flying the American flag, when the pending bill shall come before the House for consideration we propose and will offer the following as a substitute, to wit:

[H. R. 21828, Sixty-first Congress, second session.]

A bill to encourage the development of the American merchant marine, and for other purposes.

Be it enacted, etc., That a reduction of duty of 5 per cent of all the customs duties now or hereafter imposed by law shall be allowed on all goods, wares, and merchandise imported into the United States in vessels of the United States owned and controlled by citizens of the United States, or corporations organized and chartered under the laws of the United States or of any State thereof and whose stockholders are all citizens of the United States; but said reduction of duty herein provided for shall not apply to cases where goods, wares, and merchandise are transhipped or transferred from a foreign vessel or port or place to a vessel of the United States for the purpose of evading the provisions of the customs laws of the United States. And any and all clauses in existing treaties with foreign countries in contravention hereof are hereby abrogated, and all acts of Congress in conflict here-

with are hereby repealed: *Provided*, That said reduction of duties shall take effect and be in force from and after the time specified in section 2 of this act. The Secretary of the Treasury shall prescribe such rules and regulations as may be necessary for carrying out the provisions of this section.

SEC. 2. That the President shall have power, and it shall be his duty, to give notice, within ten days after the passage of this act, to all foreign countries with which commercial agreements have been entered into making any provision or provisions which are in conflict with section 1 of this act of the intention of the United States to terminate such agreement at a time specified in said notice, which time shall in no case be longer than the period of time specified in such agreements, respectively, for notice for their termination: *Provided*, That until the expiration of the period when the notice of intention to terminate hereinafter provided for shall have become effective, or until such date prior thereto as the high contracting parties may, by mutual consent, select, the terms of said commercial agreement shall remain in force.

SEC. 3. That section 4132 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, and seagoing vessels, whether steam or sail, wherever built, and to engage only in trade with foreign countries or with the Philippine or other island possessions of the United States being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, and whose stockholders are all citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not be entitled to mail compensation under the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports and to promote commerce,' and shall not engage in the coastwise trade; but such vessels shall be entitled to all other benefits and privileges given to vessels of the United States."

SEC. 4. That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States for foreign account or ownership, or for the purpose of being employed in the foreign or domestic trade of the United States, and all such materials necessary for the building or repair of their machinery, and all articles necessary for their outfit and equipment, may be imported into the United States free of duty.

SEC. 5. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed, and that, except as provided in the first and second sections hereof, this act shall take effect and be in force from and after its passage.

#### DISCRIMINATING DUTIES.

It will be observed that by the first section of this proposed substitute we offer discriminating duties.

We will not enter into an extended discussion of the wisdom of this policy, but will say that the obvious effects of it would be to induce the foreign merchant or manufacturer who desires to ship any dutiable goods to an American importer to send them in a vessel of the United States on account of the 5 per cent rebate. The same inducement is offered to our merchants buying in foreign markets. The great advantage to the shipowner would be that it would help to assure him of a return cargo. At the same time it is a help pro tanto to the shipbuilder, because it encourages the investment of capital in American-built ships, which may engage in either foreign or coastwise trade.

#### UNSOUND OBJECTIONS.

Two objections have been urged to this policy, neither of which, in our judgment, is well founded. One is that it would necessitate the abrogation or amendment of a number of treaties with foreign countries. This, it is provided in the treaties themselves, may be done by giving the specified notice. We have a precedent for this in the tariff law of 1909. Are we not strong enough, and shall we not have the courage, to declare a policy of our own?

#### RETALIATION BY FOREIGN COUNTRIES.

The other objection is the danger of retaliation. All the commercial nations of the world need what we have to sell. They can not afford to impose unnecessary burdens upon their own people in their efforts to punish us for the exercise of the very right which they claim for themselves. In one respect at least we have the advantage of any other country. We produce the cotton which keeps their factories running, gives employment to their labor, and clothes their millions. They can not get it elsewhere, and there is no substitute. It is inconceivable that England, or Germany, or any other country which manufactures cotton cloth, would put up a burden upon our raw material, without which their machinery would stop and their people would suffer.

The second salient feature of this proposed substitute is the "freeship" provision. It is admitted by all that we have an insignificant merchant marine under the American flag in the foreign trade. We need more ships, and it is claimed that it costs so much more to build them in American than in foreign yards that the difference is prohibitive. While it is true that there is some difference, we are convinced that this difference is exaggerated. We call attention to the recent successful competition of American shipyards with those of the world in securing contracts for the construction of two large battle ships for the Argentine Republic. Whether or not there is any ground for the contention as to the difference in the cost of construction, the fact remains that we have not the ships, and if our capitalists want to engage in the laudable business of carrying our commerce under the American flag, they must be allowed to buy in the cheapest markets. This we propose to do without any tonnage limitations or as to whether the motive power is steam or sail. As a concession to our shipyards we deny these foreign-built vessels the privilege of the coastwise trade.

#### FREE SHIPS.

The third and last proposition of this substitute is distinctly for the benefit of both shipbuilders and shipowners. It can hurt no business or interest except the steel trust. It will do no injustice to this greedy corporation, but simply take from it a part of the unholy gain which it has been so long exacting from its helpless customers. It has been abundantly shown that steel products which enter into the construction of ships have been delivered in foreign yards, after paying land and ocean freights, much cheaper than was charged our home buyers. This section will compel the steel trust to compete with the foreign producers to the great advantage of American shipbuilders and shipowners.

It will be remembered that, prior to the enactment of the present tariff law of 1909, these products were admitted free of duty when used in the construction of ships for foreign ownership, or for American ownership for the foreign trade. The law permitted such American vessels to engage in the coastwise trade for not exceeding two months in any one year. This afforded no practical relief to our shipyards. Under the present law this privilege was extended so far as to permit such vessels to engage in domestic trade six months in the year. We now propose to break the "strangle hold" of the steel trust by admitting free of duty all foreign products to be used in building ships for any service, foreign or domestic. We shall expect the steel trust and its friends to oppose it. The friends of an American merchant marine and the "common people" should align themselves in support of the proposed change in existing law.

THO. SPIGHT.  
J. A. GOULDEN.  
HARRY L. MAYNARD.  
FRANK CLARK.  
J. W. ALEXANDER.  
RUFUS HARDY.  
R. P. HOBSON.

#### [Applause.]

In conclusion, Mr. Chairman, allow me to give my individual opinion on this important subject. It should be taken out of the domain of politics and treated in a businesslike and patriotic manner. I have implicit faith in the devotion of the Members of Congress to the country and its best interests to believe that such a measure would merit practically the unanimous support of both the Senate and House. Such an effort is about being made by the majority and minority members of the Committee on Merchant Marine and Fisheries. I sincerely hope that success will attend our efforts. It has my hearty approval and will have my most cordial support. [Applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MILLER of Kansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 10321) for the relief of homestead settlers under the acts of February 20, 1904; June 5 and 28, 1906; and March 2, 1907, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. CURTIS, and Mr. OWEN as the conferees on the part of the Senate.

#### PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. KEIFER. Mr. Chairman, I now yield one hour, or such part of it as he may desire, to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Chairman, it has been almost half a century since the last shot of the civil war was fired. Its echo had died away long before my mind was mature enough to comprehend what that war meant. Notwithstanding this long lapse of years, there are those—and some of them in high places, too—who do not seem to realize that the war is over. I did not pass through it, and therefore I may not be able to view it in the same spirit as those who did. But I believe I am voicing the sentiments of generations born since then when I say that we want to live for the present and the future, and not in the memories of the dead and buried past. To those members of my own party who may disagree with my views on this question let me say that if we expect to win future political contests we must do it by standing upon living issues, by relying upon the record which we have made with the power that the American people placed in our hands, and that we can not hope to win by seeking to revive the prejudices and passions of the old rebellion days. When Grant and Lee met at Appomattox they were both animated by the earnest hope that the wounds which had been inflicted upon the Nation might be closed quickly and forevermore, and actuated by the same hope the two greatest armies that the world had ever known melted away, to be absorbed in the common citizenship of the country. The people of the South returned to desolate homes and untilled acres, resolved upon restoring by the arts of peace the prosperity of which the war had deprived them.

How marvelously and how far beyond the hopes of the most sanguine in those gloomy days the southern people have succeeded in carrying out that resolve the present condition of the South bears unanswerable testimony. They accepted in good faith the arbitrament of war, and since then have done their share to restore not only a union of States, but a union of hearts, and they have been ever since loyal to the flag under which their forefathers battled and won. The men from "Dixie" proved this by their patriotic response to the call to arms in 1898.

To my mind prejudice has no place in the lexicon of true patriotism. The people of the South have a right to remain devoted to the memory of their heroes. [Applause.] Being



loyal to the flag of the Union, as they are, they should not be blamed for cherishing the symbols of the heroism of their people and for honoring their dead; and we should not criticize them for feeling as we would feel and for doing as we would do under the same circumstances. It is human nature that they should reverence those things that symbolize the story of the matchless bravery, the un murmuring suffering, and the heroic endurance, even unto the end, of their men and women. [Applause.]

So far as I am concerned, I have always looked upon Lee and Stonewall Jackson, along with Grant and Sherman, as majestic, aye, as heroic, figures of a mighty war [applause]; and while I was taught and have always believed that Grant and Sherman were on the right side, I have never had in my heart the slightest prejudice toward the followers of Lee and Jackson. [Applause.]

In my native State of Kentucky there are many who fought in both armies, and there was perhaps no section where the passions engendered by the war were fiercer than they were in this neutral territory; and yet I venture the assertion that there is no section where there is less feeling between the followers of the blue and the gray than there is in Kentucky. On the day when the graves of the dead are strewn with flowers, it is not unusual to see the ex-soldiers of both armies march together to render that loving service. [Applause.] No ex-Union soldier, so far as I have ever heard, thinks of objecting to the tiny confederate flag which sometimes finds its place among the flowers that are placed upon confederate graves. This is so because he does not see in these tokens an indication that the men or women who placed the emblems there still carry rebellion in their hearts. Neither does any former confederate soldier harbor any resentment because on the graves of the Union soldiers he sees the flag before which his own had to be lowered. Indeed, Mr. Chairman, brave men who faced each other on the battlefield never harbor animosity. [Applause.] They, of all others, are the ones who have a right to object—if any objection is to be made—to these evidences of the reverence of the southern people for the memories of the "lost cause."

To illustrate the spirit of liberality which permeates the hearts of the people of Kentucky, I call attention to the fact that both houses of the Kentucky legislature recently passed, without opposition, a bill granting a pension to the disabled and needy ex-confederate soldiers of that State, and their widows. I am glad to have this opportunity of saying that had that bill become a law I should have most cheerfully contributed my mite as a citizen and taxpayer toward the payment of these pensions, although I think that the bill should also have provided the same pension for the state militiamen who rendered such valiant service to the State and Nation on the other side, and to their widows, such pension to cease, of course, as soon as my bill to make them pensioners of the Federal Government becomes a law.

I do not desire to place myself in the attitude of criticising Governor Willson for vetoing that bill. I do not know upon what reasons he based his veto, except the reports that I have read in the public press, which I assume to be correct. I regret, however, that he felt it his duty to veto the bill, and I will say that if I had been governor I believe I would have signed it, even though no provision was made for the payment of the pensions, and I would have put the question of providing the money for paying them up to the legislature, whose duty it is to provide the ways and means for meeting the obligations of the State. But that is a local question which we will discuss in Kentucky later on. I do not desire to go into it here, and it is not proper that I should.

I do wish to say, however, Mr. Chairman, that I do not want my position to be misunderstood or misrepresented in the least. Let no man go forth and say that I have uttered upon this floor sentiments lacking in patriotic appreciation of what the soldiers of the Union stood for and accomplished. My ancestors were Whig and Union stock. My earliest lessons were lessons of patriotism, and my youthful mind was trained to cherish the ideals of the Republic. I am merely speaking the sentiments which I believe Lincoln and Grant and McKinley would speak if they were living to-day, and sentiments which are entirely in harmony with those which I heard our Chief Magistrate utter only a few evenings ago; and from the manifestations of approval which we have witnessed of the kindly sentiments uttered the other day by the good old man from Mississippi, I believe I am speaking the feelings of the great majority of the American people, both north and south of the Mason and Dixon line. The people of the South have followed Grant's advice at Appomattox, to turn their swords into plowshares and their

spurs into pruning hooks, and are contributing their share toward making the Nation happier, greater, and better. Let us meet them and treat them in that spirit, forgetting so much of the past as it is unnecessary to remember. [Applause.]

But, Mr. Chairman, I arose primarily for the purpose of discussing the pension question. This bill carries the enormous amount of \$155,000,000 for the payment of pensions. I say enormous, because, comparatively speaking, it is an enormous sum of money, amounting to about 25 per cent of the total annual revenues of the Government, and, when added to the amount heretofore expended for pensions, it will make the aggregate sum paid for that purpose, since our first pension law was enacted, a little over \$4,000,000,000. But great as is the sum carried by this bill, I would make it greater if I could. I would make it sufficient to give a pension to every soldier who has served our country, whether in the Mexican, civil, or Spanish wars, and who is now disabled, and I would make it sufficient to place the old soldiers above want and in comfortable circumstances for the remainder of their days; and if the revenues of the Government proved insufficient to meet this increased expenditure, I would mortgage the revenues of the future, if necessary, in order to pay in some measure to these veterans while they are alive the inestimable debt of gratitude which the Republic owes to them. The distinguished gentleman from Iowa [Mr. KENDALL], who recently made a most eloquent plea in behalf of the old soldiers, had the courage to say that he had introduced a bill granting them a pension of a dollar a day, and that he was ready to take the responsibility of voting for such a measure, notwithstanding the fact that it might increase the pension appropriation for the time being by sixty or seventy millions of dollars. I have introduced a similar bill. I introduced it in the last Congress, and I have introduced it again in the present Congress, and I want to say here and now that I am ready to vote for it even if it increases the pension appropriation by a hundred million dollars. [Applause.]

I want to say, further, that I have not introduced a single bill since I have been a Member of this House that I was not ready to support with my voice and vote, nor shall I do so while I remain a Member of it. If I find that I have erred in introducing any measure I will have courage enough to publicly admit it and withdraw my support of that measure. I do not charge—because I do not know—that any Member of this House has done otherwise; but in looking over the various pension bills which have been introduced in the present Congress alone, I have found, somewhat to my surprise, that measures proposing either an increase of pensions provided by existing law or to grant pensions to those upon whom a pensionable status is not now conferred, have been introduced by more than 100 Members of this House. Some of them have been introduced by Republican and some by Democratic Members. Many of these bills propose to give a pension of a dollar a day to veterans of the civil and Mexican wars; many of them propose to increase the rates provided in the age law; and several to give a pensionable status to members of state militia organizations who aided in the suppression of the rebellion, and so forth. Every one of these bills is designed to liberalize our pension system in one way or another. In my examination of them I have found scarcely a single one that I would not be glad of the opportunity to vote for. I do not charge that any of these bills were introduced merely for "home consumption" and without any expectation on the part of the authors of having them favorably considered.

Mr. ALEXANDER of Missouri. Mr. Chairman, will the gentleman yield for an interruption?

Mr. LANGLEY. Certainly.

Mr. ALEXANDER of Missouri. I think it is fully twenty years or more since the first bill was introduced here to place the enrolled militia on the pension rolls. These bills have been introduced in each succeeding Congress. I introduced a similar bill, one embracing all the militia organizations of the different States having a military standing with that end in view, and I am very sure I am voicing the sentiments of the delegation from Missouri when I say that from time to time the Members thought highly of placing the enrolled Missouri militia on the pension rolls, because they believed it merited recognition from the Government, and I will be very glad to support that as well as the gentleman's measure.

Mr. LANGLEY. I am coming to that in a few moments. I am obliged to my friend for calling my attention to that point at this particular time, however. I was proceeding to inquire if anyone seriously doubts that more than 100 Members of this House, of both political parties, standing together as a unit in an effort to get some legislation that would be more favorable to the soldiers than our present law—

Mr. TAYLOR of Colorado. I desire to say to the gentleman in view of the fact that a large number of pension bills have been introduced on both sides of the House and in view of the fact that both national political parties in the last national convention adopted strong resolutions recommending an increase of pensions for the old soldiers, do you know of any action thus far being taken by the Pensions Committee, of either the Senate or the House, looking toward the carrying out of that pledge to the people of this country?

Mr. LANGLEY. I know that the Pension Committees have been considering different bills. I know that they have considered two or three bills that I have introduced, because I have made the life of my distinguished friend from New Hampshire [Mr. SULLOWAY] and some of his associates almost miserable, I fear, during this Congress and a portion of the last Congress by talking to them time and again about these measures.

Mr. SULLOWAY. Not at all.

Mr. TAYLOR of Colorado. What is your best judgment up to the present time as to whether there is going to be any such legislation this session or not?

Mr. LANGLEY. I sincerely hope there will be. I am coming to that now, and I am endeavoring to point out a way whereby my friend and others who have introduced bills upon this question, if they are in dead earnest about it, and I assume they are, can by united effort get something done.

Mr. TAYLOR of Colorado. I want to say to you that, as far as I am concerned, I will go down the line just as far as the Republicans will toward pensions for the old soldiers, and I mean what I say in my bill on that subject which I have introduced.

Mr. LANGLEY. I am glad to have the gentleman's statement to that effect. But, gentlemen, if all of you are in earnest on this question, does anyone seriously doubt that more than 100 Members, on both sides of the House, standing together, could by a united effort get some legislation that would be more favorable to the soldiers than our present laws? Let us, friends of the soldier, who have introduced these bills get together and prove our faith by our works, and there is little doubt as to what the outcome will be. If we introduce bills merely to let them die in the committee, we need not wonder that the soldiers become dubious of our motives when we go before them and pose as their friends. I am satisfied that it would be interesting to the Members of the House, and I am sure it would be of great interest to the soldiers and their families and friends throughout the country, to know just what these various bills propose, and if there be no objection I will insert at this point in my remarks a brief summary of what each bill proposes and the name of the Member who introduced it, as follows:

H. R. 12390 (by Mr. ADAIR) provides \$30 per month from date of filing to any person who served ninety days in the military or naval service in the civil war, or sixty days in the Mexican war, and who was honorably discharged.

H. R. 13409 (by Mr. ADAIR) amends the act of April 19, 1908, so as to give title thereunder to widows who were married to the soldier or sailor prior to April 19, 1908.

H. R. 2094 (by Mr. ADAMSON), increasing to \$25 per month the rate of pension to soldiers and sailors of the Mexican war, of Powell's Battalion, and survivors of the Indian wars of 1832 to 1842, inclusive, and to their widows.

H. R. 8232 (by Mr. ALEXANDER of Missouri) gives pensionable status to teamsters who served sixty days in the war with Mexico, or were wounded or disabled in engagements with hostile Indians or Mexicans while in such service, and to their widows.

H. R. 13878 (by Mr. ALEXANDER of Missouri) extends the provisions of the acts of June 27, 1890, and February 6, 1907, to members of Missouri organizations that served ninety days during the civil war in cooperation with the military or naval forces of the United States, or under United States officers, or were paid by the United States for their service, or were paid by the State of Missouri and said State reimbursed by the United States Government for such service, and who were honorably discharged or relieved from service.

H. R. 13879 (by Mr. ALEXANDER of Missouri), extending the provisions of act of June 27, 1890, to all Missouri State Militia and other organizations that cooperated with the United States forces in suppressing the rebellion.

H. R. 16012 (by Mr. ALLEN) provides under the act of June 27, 1890, the rate of \$36 for invalids who require regular and constant aid and attendance of another person, and \$25 where the disability is such as to require frequent and periodical though not regular and constant aid and attendance, provided in each case that the disability was not due to the claimant's own vicious habits, and he is without other means of support than an actual net income not in excess of \$250 per year.

H. R. 6290 (by Mr. ANDREWS), virtually reenacts the Indian war act of July 27, 1892, and the Texas Rangers act of May 30, 1908, and provides—that may be accepted as proof of service—that the record of such service enlistment or muster in the War Department of the United States or on file in the office of the adjutant-general of any State or Territory involved shall be accepted as evidence of service.

H. R. 6304 (by Mr. ANDREWS), extending the foregoing to include United States Volunteers and New Mexico and Arizona Volunteers between 1855 and 1890, and their widows, and provides further that testimony of two comrades may be accepted as proof of service.

H. R. 6307 (by Mr. ANDREWS) extends the provisions of the act of February 6, 1907, to those who served sixty days in any of the Indian wars.

H. R. 10583 (by Mr. ANDREWS) directs the restoration to the rolls of the name of George W. Nelson and others who enlisted in any one of the six regiments of United States Volunteers in the civil war prior to January 1, 1865, and whose names have been dropped from the rolls under the decision in the case of Nelson, and gives pensionable status to them and their pensionable heirs.

H. R. 1505 (by Mr. ANSBERRY) provides \$50 for loss of sight of one eye in service, \$70 for loss of sight of one eye and disease of the other, \$80 for total loss of sight of one eye and one-half loss of sight of the other, \$90 for total of one and three-fourths of the other, and \$100 for total blindness.

H. R. 1508 (by Mr. ANSBERRY) amends the act of February 6, 1907, so as to make the rates thereunder \$15, at the age of 62 years; \$20, at the age of 70 years; \$25, at the age of 75 years; and \$30, at the age of 80 years. Original pension under this act to commence from date of filing after passage of this act, increase to be allowed from date entitling to increase without further application.

H. R. 21999 (by Mr. ANTHONY) provides \$30 for soldiers who served ninety days in the civil war or sixty days in the war with Mexico and were honorably discharged and who are incapacitated for manual labor and require the care and attendance of another person.

H. R. 2695 (by Mr. ASHBROOK) provides the rate of \$30 for all soldiers of the Mexican war, the Indian wars, the civil war, and the Spanish war, disabled by total blindness, paralysis, or total disability for all manual labor, not due to vicious habits, requiring the frequent and periodical aid and attendance of another person, and without an actual net income not to exceed \$100 per annum, exclusive of pension.

H. R. 2697 (by Mr. ASHBROOK) extends provisions of act of February 6, 1907, to include all who served in the military or naval service of the United States over 60 years of age and who have received a final honorable discharge, the rates to be as follows: 62, \$15; 66, \$20; 70, \$25. If claimant be unable to prove date of birth, record of age at enlistment to govern.

H. R. 2698 (by Mr. ASHBROOK) provides \$12 per month for the widow of any person who served ninety days in the United States military or naval service during the civil war, the Spanish war, or the war with Mexico and was honorably discharged, provided such widow was married to the one rendering the service prior to the passage of this act, and pension to commence from date of filing after passage of this act.

H. R. 109 (by Mr. AUSTIN) proposes to amend the act of April 19, 1908, so as to pension civil-war widows otherwise entitled, who married the person rendering the service prior to the passage of this act.

H. R. 5884 (by Mr. AUSTIN) extends the provisions of existing pension laws to the officers and members of the National Guard of East Tennessee, and provides that record of service or discharge shall not be required, but that reasonable evidence of service in any such organization as long as it served, or until disabled, captured, or killed, shall be sufficient.

H. R. 5885 (by Mr. AUSTIN) extends the benefits of the general pension laws to all honorably discharged soldiers of the Spanish war, regardless of whether they incurred disability in line of duty.

H. R. 5886 (by Mr. AUSTIN) provides for payment to each federal soldier, or state militiaman cooperating with federal troops, who was captured and held as a prisoner of war, or to each widow of such prisoner, who has not remarried, \$2 for each day of confinement of such person in confederate prison.

H. R. 5962 (by Mr. AUSTIN) provides for making a record of the service and discharge or death of the members of Joshua J. Duncan's company, Scott County Home Guards of Tennessee, and for their pay, and makes their service pensionable under general pension laws.

H. R. 6107 (by Mr. AUSTIN) giving those engaged in operating military railroads during the civil war military status and extending to them the provisions of the general pension laws.

H. R. 12143 (by Mr. AUSTIN) provides an increase of 25 per cent in the pension of all pensioners under the general law on becoming 62 years of age and 10 per cent at the end of each period of five years thereafter, each increase to be granted as a matter of course.

H. R. 12156 (by Mr. AUSTIN) provides for honorable discharge for the members of Capt. William Bingham's company, Tennessee National Guard, who have a record of service or can prove same, and gives pensionable status to such as had ninety days' service and to their widows and minors.

H. R. 13112 (by Mr. AUSTIN) provides for honorable discharge for the members of Union County company, Tennessee National Guard, who have a record of service or can prove same, and gives pensionable status to such as had ninety days' service and to their widows and minors.

H. R. 12405 (by Mr. AUSTIN) provides that rural free-delivery mail carriers may administer oaths in pension matters, fee to be not in excess of 25 cents.

H. R. 17512 (by Mr. AUSTIN) extends the provisions of the act of February 6, 1907, to those who served thirty days in the civil war or the war with Mexico.

H. R. 12418 (by Mr. BARNHART) provides pension, regardless of length of service, for any person who served in any capacity in the military or naval service of the United States during the civil war or the war with Mexico, and who has been honorably discharged, the rate to be \$30, unless over 80 years of age, in which case to be \$40, and, if blind, \$50. Extends the provisions of the act of April 19, 1908, to widows otherwise entitled whose marriage was not subsequent to January 1, 1905. Abolishes local medical examining boards and discontinues special examination of pension claims.

H. R. 62 (by Mr. BATES), extending the provisions of the act of March 2, 1903, to grant the same rate of pension for disabilities equivalent to those mentioned in said act.

H. R. 101 (by Mr. BATES), increasing the maximum rate of pension under the second section of act of June 27, 1890, to \$24 per month.

H. R. 12398 (by Mr. BATES), making the maximum rate of pension under the section section, act of June 27, 1890, \$30 per month and the minimum rate \$12 per month.

H. R. 13856 (by Mr. BATES), granting a pension of \$30 per month to any person who served ninety days or more in the civil war upon reaching the age of 64 years.

H. R. 7529 (by Mr. BENNETT of Kentucky), extending the provisions of the act of June 27, 1890, to the Kentucky State Militia and the Provisional Kentucky Militia.

H. R. 7534 (by Mr. BENNETT of Kentucky), granting additional compensation to surviving Union soldiers, sailors, and marines who were prisoners of war during the civil war at the rate of \$3 per day for each and every day he was such prisoner.

H. R. 10039 (by Mr. BORLAND), extending the provisions of the act of June 27, 1890, and February 6, 1907, to all state militia and other organizations that were organized for the defense of the Union and co-



operated with the military or naval forces of the United States in suppressing the war of the rebellion.

H. R. 16035 (by Mr. BRADLEY), creating in the War Department and the Navy Department a roll designated as the civil war volunteers' retired list, to authorize placing thereon with retired pay certain surviving officers and enlisted men who served in the Army or Navy or Marine Corps of the United States during the civil war.

H. R. 7 (by Mr. BROWNLOW), providing for arrears of pension from date of discharge or death in all pension claims on account of disabilities, wounds, or injuries, or on account of deaths because of disabilities, wounds, or injuries, incurred since the 4th of March, 1861.

H. R. 532 (by Mr. BROWNLOW), granting pension to certain east Tennesseans engaged in the secret service of the United States during the war of the rebellion.

H. R. 10945 (by Mr. BUTLER), increasing the rate of pension for total deafness to \$40 per month and a proportionate rate for partial deafness.

H. R. 11790 (by Mr. CAMPBELL), providing pension of \$30 per month to any dependent person who served ninety days or more during the civil war upon proof that he is suffering from blindness, paralysis, rheumatism, or accident resulting in the loss or use of a limb, or who is helpless to care for himself.

H. R. 11809 (by Mr. CAMPBELL), extending the provision of the act of June 27, 1890, to the surviving officers and enlisted men of Captain Beatty's independent scouts and to their widows and minor children.

H. R. 13411 (by Mr. CAMPBELL), granting a pension to any person who served ninety days or more in the civil war, or sixty days in the war with Mexico, at the rate of \$15 per month at 62 years of age, \$20 per month at 65 years of age, \$30 per month at 70 years of age, \$40 per month at 75 years of age; and repealing the limitation as to date of marriage of widows in the acts of June 27, 1890, May 9, 1900, and April 19, 1908.

H. R. 2192 (by Mr. CARY), granting a pension of \$30 per month to any person who served ninety days in the civil war, or sixty days in the war with Mexico, and who is now, or may hereafter become, totally blind, and also the privileges of the National Home for Disabled Volunteer Soldiers.

H. R. 13894 (by Mr. CLARK), Same as H. R. 2192.

H. R. 12299 (by Mr. CLARK of Florida), extending the provisions of the act of February 6, 1907, to any person who served thirty days in the Seminole Indian wars and to their widows.

H. R. 12300 (by Mr. CLARK of Florida), granting a pension to any person who served as a soldier in the Seminole Indian wars, whether regularly mustered into the service or not, and to the widow of any such person, at the rate of \$12 per month at 62 years of age, \$15 per month at 70 years of age, and \$20 per month at 75 years of age.

H. R. 22233 (by Mr. CLARK of Florida), granting pension at the rate of \$12 per month to the lawful widow of any deceased soldier who served in the Army of the United States in any war in which the United States was engaged.

H. R. 1443 (by Mr. CLINE), amending section 2 of the act of April 19, 1908, by extending the limitation as to date of marriage to those married prior to the passage of this act.

H. R. 15392 (by Mr. COLE), granting pension to any person who served ninety days in the civil war or sixty days in the war with Mexico, at the rate of \$15 per month at the age of 62 years, \$20 per month at the age of 65 years, \$30 per month at the age of 70 years, \$40 per month at the age of 75 years, and repealing the limitation as to the date of marriage of widows under the acts of June 27, 1890, May 9, 1900, and April 19, 1908.

H. R. 19866 (by Mr. COWLES), granting pension to any person who served ninety days in the civil war or sixty days in the war with Mexico, at the rate of \$15 per month at 65 years of age, \$20 per month at 70 years of age, and \$25 per month at 75 years of age.

H. R. 20150 (by Mr. COX of Indiana), granting a pension of 10 per month to teamsters of the civil war.

H. R. 22845 (by Mr. COVINGTON), granting pension to the surviving officers and enlisted men of the United States Army employed on the frontier in Nebraska and adjoining Territories in the Sioux Indian wars and disturbances from 1853 to 1860, and to their widows.

H. R. 18815 (by Mr. CRAVENS), granting pension to certain officers and men of the Fourth Regiment Arkansas Mounted Infantry.

H. R. 12308 (by Mr. CROW), granting a pension to any person who served ninety days or more in the civil war or sixty days in the war with Mexico, at the rate of \$15 per month at 62 years of age, \$20 per month at 65 years of age, \$30 per month at 70 years of age, \$40 per month at 75 years of age, and repealing the limitation as to the date of marriage of widows under the acts of June 27, 1890, May 9, 1900, and April 19, 1908.

H. R. 120 (by Mr. CRUMPACKER), amending section 2 of the act of June 27, 1890, making the minimum rate thereunder \$12 per month and the maximum rate \$24 per month.

H. R. 17505 (by Mr. COUDREY), providing for old-age pensions.

H. R. 12407 (by Mr. COUDREY), amending the second section of the act of June 27, 1890, making the maximum rate thereunder \$24 per month.

H. R. 12408 (by Mr. COUDREY), extending the provisions of the act of June 27, 1890, to the surviving officers and enlisted men who served for thirty days or more in the various Indian wars between 1817 and 1856, and to their widows.

H. R. 12412 (by Mr. COUDREY), extending the provisions of the pension laws to all soldiers who served in the Spanish-American war and who were honorably discharged therefrom, regardless of whether they contracted disease or permanent disabilities in the service.

H. R. 12413 (by Mr. COUDREY), granting pension to teamsters of the war of the rebellion and Indian wars from 1861 to 1865, inclusive, and to their widows and minor children.

H. R. 12414 (by Mr. COUDREY), granting a pension to any person who served in the civil war or in the war with Mexico and who was honorably discharged from his last contract of enlistment, \$15 per month at the age of 62 years, \$20 per month at the age of 65 years, \$25 per month at the age of 70 years.

H. R. 12415 (by Mr. COUDREY), granting a pension of \$25 per month to any dependent person who served ninety days or more in the military or naval service of the United States during the war of the rebellion upon proof that he is suffering from any cause rendering him helpless to care for himself.

H. R. 12416 (by Mr. COUDREY), providing that the accrued pension shall be payable to the estate of the deceased pensioner.

H. R. 1482 (by Mr. COUDREY), granting pension to certain enlisted men, soldiers, and officers who served in all Indian wars prior to the civil war, at \$15 per month at the age of 65 years and \$20 per month at the age of 70 years.

H. R. 1484 (by Mr. COUDREY), granting an increase of pension to any pensioner upon arriving at the age entitling him to the next higher rate without filing an application therefor.

H. R. 11930 (by Mr. COX of Indiana), granting a pension at the rate of \$30 per month to any person who served ninety days in the civil war or sixty days in the war with Mexico, and providing for the discontinuance of all pension agencies, payment of all pensions to be made monthly by the Bureau of Pensions.

H. R. 20149 (by Mr. COX of Indiana), extending the provisions of the act of June 27, 1890, to the officers and members of the crews of the Mississippi Ram Fleet, Marine Brigade, or the Mississippi Squadron, and to their widows and minor children and dependent parents.

H. R. 7523 (by Mr. CULLOP), granting a pension at the rate of \$30 per month to any person who served ninety days or more in the civil war or sixty days in the war with Mexico, and who has been honorably discharged therefrom.

H. R. 12330 (by Mr. DAVIDSON), granting a pension to any person who served ninety days in the civil war or sixty days in the war with Mexico, at the rate of \$15 per month at the age of 62 years, \$20 per month at the age of 65 years, \$30 per month at the age of 70 years, \$40 per month at the age of 75 years; and repealing the limitation as to the date of marriage of widows in the acts of June 27, 1890, May 9, 1900, and April 19, 1908.

H. R. 12331 (by Mr. DAVIDSON), providing a rate of pension for total deafness at the rate of \$40 per month, and a proportionate rate in case of partial deafness.

H. R. 4316 (by Mr. DE ARMOND), authorizing the granting of pensions and the increase of pensions in extraordinary cases not now provided for by the Bureau of Pensions, instead of by special act.

H. R. 4317 (by Mr. DE ARMOND), extending the pension laws to the soldiers engaged in the Utah expedition of 1857 and 1858, and to the widows and children of such soldiers.

H. R. 7108 (by Mr. DIXON), granting a pension of \$12 per month to the widow of any officer or enlisted man who served ninety days or more in the civil war, if married to said soldier prior to the passage of this act.

H. R. 7109 (by Mr. DIXON), granting a pension at the rate of \$30 per month to any person who served ninety days or more in the civil war and has been honorably discharged therefrom.

H. R. 7546 (by Mr. DOUGLAS), amending section 2 of the act of June 27, 1890, making sixty days the minimum length of service required to give title to pension.

H. R. 7547 (by Mr. DOUGLAS), amending section 4708 relative to the renewal of pension to a widow whose name has been dropped from the roll on the ground of remarriage, to provide that when the widow has been divorced from the person to whom she remarried it shall not be necessary that the divorce was granted upon her own application.

H. R. 13578 (by Mr. EDWARDS of Kentucky), granting a pension at the rate of \$1 per day to any person who served ninety days or more in the civil war or sixty days in the war with Mexico.

H. R. 14506 (by Mr. EDWARDS of Kentucky), granting a pension to any person who served ninety days in the civil war or sixty days in the war with Mexico, at the rate of \$15 per month at 62 years of age, \$20 per month at 65 years of age, \$30 per month at 70 years of age, \$40 per month at 75 years of age, and repealing the limitation as to date of marriage of widows in the acts of June 27, 1890, May 9, 1900, and April 19, 1908.

H. R. 14507 (by Mr. EDWARDS of Kentucky), granting pension to certain battalions of Kentucky State Militia.

H. R. 6272 (by Mr. ELVINS), extending the provisions of the act of June 27, 1890, and act of February 6, 1907, to the Enrolled Missouri Militia and other military organizations of the State of Missouri that cooperated with the military and naval forces of the United States during the civil war.

H. R. 18287 (by Mr. ELVINS), granting a pension to any person who served ninety days in the civil war or sixty days in the war with Mexico, at the rate of \$20 per month at 62 years of age, \$25 per month at 65 years of age, \$30 per month at 70 years of age, \$40 per month at 75 years of age, and repealing the limitation as to date of marriage of widows in the acts of June 27, 1890, May 9, 1900, and April 19, 1908.

H. R. 14559 (by Mr. FASSETT), to authorize and empower mail carriers to certify pension vouchers for pensioners who receive their mail by rural delivery.

H. R. 20826 (by Mr. FOCHT), amending section 4708, Revised Statutes of the United States, in relation to pension to remarried widows.

H. R. 4821 (by Mr. FOSTER of Illinois), amending the act of February 6, 1907, to provide that the rate of pension thereunder shall be \$15 per month at 65 years of age, \$20 per month at 70 years of age, \$25 per month at 75 years of age, and \$30 per month at 80 years of age.

H. R. 4822 (by Mr. FOSTER of Illinois), granting pension at the rate of \$30 per month, or \$1 per day, to every person who served sixty days in the civil war or war with Mexico.

H. R. 35 (by Mr. FOWLER), amending the act of February 6, 1907, to include any person who served ninety days in any war or campaign against Indians prior to the termination of the civil war.

H. R. 14503 (by Mr. FULLER), amending the act of April 19, 1908, making the limitation as to date of marriage of widows January 1, 1909, instead of June 27, 1890.

H. R. 3669 (by Mr. GARDNER of New Jersey), granting pension to any person who served in any Indian war, the war with Mexico, or the civil war, at the rate of \$10 per month at 65 years of age; \$14 per month at the age of 70 years; \$18 per month at the age of 75 years; and to the widow of any such person who was married prior to the 4th day of July, 1876.

H. R. 16017 (by Mr. GARNER of Pennsylvania), extending the provisions of the pension laws to the Twentieth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, and Thirty-third regiments; the several batteries of artillery; the several troops of cavalry; the several independent companies comprising the Pennsylvania militia, otherwise known as the "Emergency Men," providing that they shall be entitled to the same pension as though they had been in the service for a period of ninety days or more.

H. R. 22919 (by Mr. GARNER of Pennsylvania), granting a pension of \$30 per month to all persons who served in the civil war or the war with Mexico.

H. R. 9141 (by Mr. GOULDEN), providing that in determining the rate of pension under the act of February 6, 1907, in case where there is doubt as to the date of birth, the age given at enlistment will be accepted.

H. R. 12317 (by Mr. GOULDEN), increasing pension to \$55 per month to all soldiers who have lost an arm at the elbow, or a leg at the knee, in lieu of that they are entitled to under the provisions of the act of March 2, 1903.

H. R. 18293 (by Mr. GRAHAM of Illinois), granting pension of \$12 per month to the widow of any officer or enlisted man who served ninety days in the civil war, without means of support other than her daily labor and a maximum net income not exceeding \$250 per year, and \$2 additional to each minor child under 16 years of age, or to the minor children under the age of 16 years, provided that said widow shall have married said soldier prior to the passage of the act of June 27, 1890.

H. R. 18590 (by Mr. GRIEST), granting pension to army teamsters of the civil war and to their widows.

H. R. 1496 (by Mr. GRIGGS), granting increase of pension, at the rate of \$16 per month, to survivors of the Indian wars and disturbances under the act of July 27, 1892.

H. R. 3054 (by Mr. HAMILTON), amending the act of February 6, 1907, to provide a pension, at the rate of \$20 per month, to anyone totally disabled for the performance of manual labor, regardless of age.

H. R. 3637 (by Mr. HAMILTON), granting a pension, at the rate of \$50 per month, to any officer or soldier, sailor, or marine who, while in the service of the United States and line of duty, was taken prisoner of war and confined in a confederate prison between the 1st day of May, 1861, and the 1st day of May, 1865.

H. R. 16211 (by Mr. HAMILTON), increasing the pension to \$30 per month to those who have lost one eye or become totally blind in one eye from causes occurring in the military or naval service of the United States.

H. R. 2102 (by Mr. HAMLIN), extending the provision of the act of June 27, 1890, to the Seventy-second Regiment Enrolled Missouri Militia.

H. R. 4819 (by Mr. HAMLIN), extending the provisions of the act of June 27, 1890, to any state militia organization which was under the jurisdiction of the United States, in whole or in part, or under the authority or command of any commissioned officer of the United States Army.

H. R. 19395 (by Mr. HAMLIN), extending the provisions of the act of June 27, 1890, and act of May 9, 1900, to any person who served sixty days in the civil war, and providing a rate of pension not to exceed \$12 per month in proportion to the degree of inability to earn a support.

H. R. 2212 (by Mr. HAYES), amending the act of February 6, 1907, to include those who served in any of the Indian wars.

H. R. 4 (by Mr. HAWLEY), extending the provisions of the act of July 27, 1892, and June 27, 1902, to include the officers and enlisted men of the Modoc Indian war of 1872 and 1873, in Oregon and California.

H. R. 47 (by Mr. HAWLEY), extending the pension laws in favor of the officers and soldiers of the Indian wars to include the officers and soldiers of the Bannock war, Oregon and Washington, 1878 and 1879.

H. R. 49 (by Mr. HAWLEY), increasing the rate of pension to survivors of the various Indian wars entitled under the act of July 27, 1892, and June 27, 1902, to \$12 per month.

H. R. 9506 (by Mr. HEALD), providing that in the administration of the pension laws the members of the Fifth and Sixth Regiments of Delaware Volunteer Infantry shall be held to have been in the service from the dates of their respective musters into service to the dates they were mustered out, discharged, or otherwise released.

H. R. 15420 (by Mr. HEFLIN), granting pension to the surviving children of the soldiers of the war of the Revolution, the Mexican war, the Indian wars, the war between the States, and the Spanish-American war, who from mental or physical affliction or disability are unable to earn their support.

H. R. 13839 (by Mr. HIGGINS), granting a pension to the widow of any person who served ninety days in the civil war who was married to said person prior to January 1, 1900, and lived continuously with him from date of marriage to the date of his death, at the rate of \$6 per month and \$2 per month additional for each minor child under 16 years of age.

H. R. 4503 (by Mr. HINSHAW), providing that the pension laws shall be so construed as to include the Companies A, B, and C of the First Nebraska Militia, which served from August 13, 1864, to November 12, 1864, as having been in the military service of the United States during the war of the rebellion.

H. R. 15403 (by Mr. HINSHAW), granting a pension at the rate of \$100 per month to the child of any person who enlisted in the army or navy of the United States during the war of the rebellion, provided such child was blind at the date of said enlistment or has since become blind before attaining the age of 16 years and has now reached the age of 50 years and has no means of support or property.

H. R. 1459 (by Mr. HINSHAW), granting a pension to the widow of any deceased soldier or sailor of the United States at the same rate of pension said deceased soldier or sailor was receiving at the time of his death.

H. R. 1460 (by Mr. HINSHAW), providing pension at the rate of \$12 per month to the widow of any person who served ninety days or more in the civil war, or sixty days in the war with Mexico, if married to such person prior to the passage of this act.

H. R. 1461 (by Mr. HINSHAW), granting a pension to any person who served ninety days in the civil war, or sixty days in the war with Mexico, at the rate of \$15 per month at the age of 62 years and \$20 per month at the age of 65 years.

H. R. 2023 (by Mr. HINSHAW), providing that the various pension laws of the United States shall be held to include Captain Stuft's independent company Indian scouts, Nebraska Volunteer Cavalry, as having been in the military service of the United States during the war of the rebellion.

H. R. 14569 (by Mr. HOWELL of Utah), pension to survivors of the Utah Indian wars prior to 1863 and their widows at the rates of \$12 for those 62 years of age, \$15 at the age of 70 years, and \$20 at the age of 75 years and over. (No limitation as to length of service.)

H. R. 3660 (by Mr. HOWELL of Utah) extends benefits of the acts of July 27, 1892, and June 27, 1902, to include service in Utah Indian wars prior to 1867.

H. R. 3663 (by Mr. HOWELL of Utah) extends benefits of the act of July 27, 1892, to survivors of the Utah Indian wars from 1865 to 1868, inclusive, and their widows.

H. R. 22241 (by Mr. HOWLAND), time of service in Army or Navy of the United States during the civil war shall be computed from date of enlistment to date of discharge, and soldier held to have been actively serving during such period.

H. R. 8779 (by Mr. HUBBARD of West Virginia), pension of \$10 per month to bridge builders and railroad repairers in the employ of the United States during the civil war.

H. R. 8780 (by Mr. HUBBARD of West Virginia), \$30 per month to all survivors of any war of the United States prior to 1866, who rendered thirty days' service. Same pension to widows, with \$2 per month addi-

tional for each minor child. Provides for reduction of clerical force in Pension Bureau and closing of soldiers' homes and pension agencies; that pension may be paid to pensioner's family if he fails to provide for such family, and gives title to 160 acres government land for thirty days' service in war prior to 1866.

H. R. 5663 (by Mr. HUBBARD of West Virginia) extends benefits of the general law and act of June 27, 1890, to troops acting under orders of the governor of West Virginia during the rebellion and to their widows, minor children, and dependent relatives. Amends section 4718, Revised Statutes, so that name shall not apply in cases where one, after aiding and abetting the rebellion, served in the Union Army or Navy.

H. R. 6565 (by Mr. HUBBARD). Pension of \$10 per month to teamsters in employ of the United States during the war of the rebellion.

H. R. 5172 (by Mr. HUFF) amends act of March 3, 1883, by increasing rate for loss of hand or foot, total disability of same, and disability equivalent to loss of hand or foot, from \$24 to \$30 per month.

H. R. 17171 (by Mr. HUGHES of West Virginia) directs that the First, Second, Third, Fourth, Fifth, and Sixth United States Volunteer Infantry shall be considered to have served in the war of the rebellion.

H. R. 2493 (by Mr. HUGHES of West Virginia) extends benefits of the general pension law and act of June 27, 1890, to troops acting under orders of the governor of West Virginia during the war of the rebellion and to their widows, minor children, and dependent relatives. Also amends section 4716, Revised Statutes, so that same shall not apply in cases where one, after aiding and abetting the rebellion, served in the Union Army or Navy.

H. R. 2497 (by Mr. HULL) increases the rate of pension of Mexican-war survivors to \$30 per month and increases the pension of the widows of such survivors to \$15 per month.

H. R. 18689 (by Mr. JOHNSON) amends acts of June 27, 1890, May 9, 1900, and April 19, 1908, to allow pensions to all widows who were married to the soldiers prior to January 1, 1900.

H. R. 18690 (by Mr. JOHNSON) provides that any person who was in the service of the United States ninety days during the civil war, and was honorably discharged from such service, shall be entitled to pension of \$30 per month, and to pension at the rate of \$35 per month after he attains the age of 70 years, and \$40 per month when he shall have attained the age of 75 years. Also provides that when no satisfactory evidence of age is obtainable the applicant for pension shall be accepted as having reached the age of 20 years on the 1st day of April, 1861.

H. R. 4310 (by Mr. KEIFER) increases the rate of pension on account of loss of hearing to \$50 per month in cases of total deafness.

H. R. 4311 (by Mr. KEIFER) increases rate of pension on account of loss of an eye to \$24 per month.

H. R. 7542 (by Mr. KENDALL) increases rate of pension on account of total deafness to \$45 per month, and on account of nearly total deafness to \$40 per month.

H. R. 7543 (by Mr. KENDALL) provides pension of \$12 per month for the widow of any honorably discharged volunteer soldier who served three months in the Army of the United States between April 1, 1861, and August 1, 1865.

H. R. 7544 (by Mr. KENDALL) provides pension for volunteer soldiers who served three months in the United States Army between April 1, 1861, and August 1, 1865, and were honorably discharged, at the rate of \$15 per month if 60 years old, \$20 per month if 65, \$25 per month if 70, and \$30 per month if 75.

H. R. 7545 (by Mr. KENDALL) provides that every officer, soldier, sailor, or marine who was a prisoner of war and confined in a confederate prison between April 1, 1861, and August 1, 1865, shall be entitled to pension of \$50 per month.

H. R. 6683 (by Mr. KENDALL) provides pension for all who served ninety days in the civil war, or sixty days in the war with Mexico, and were honorably discharged, at the rate of \$12 per month at the age of 60 years, \$15 per month at the age of 65, \$20 per month at the age of 70, and \$25 per month at the age of 75.

H. R. 7106 (by Mr. KENDALL) provides pension of \$1 per day for every surviving volunteer soldier who served in the field for a period of three months between April 1, 1861, and August 1, 1866, and was honorably discharged from such service.

H. R. 12355 (by Mr. KINKAID of Nebraska), granting a pension to any person who served ninety days in the civil war and sixty days in the war with Mexico at the rate of \$15 per month at 62 years of age, \$20 per month at 65 years of age, \$30 per month at 70 years of age, \$40 per month at 75 years of age, and repeating the limitation as to the date of marriage of widows under the act of June 27, 1890, May 9, 1900, and February 6, 1907 (act April 19, 1908, probably intended).

H. R. 17538 (by Mr. KINKAID of New Jersey), providing that pensions, after March 4, 1910, shall be payable every two months.

H. R. 41 (by Mr. LAFEAN), amending section 2, act of April 19, 1908, to provide a pension for the widow of any officer or enlisted man at the rate of \$12 per month if married prior to the passage of this act.

H. R. 13424 (by Mr. LAFEAN), granting a pension of \$50 per month to any person upon reaching the age of 75 years who while in the service shall have lost one foot or one hand or been totally disabled in the same, or who are now pensioned for paralysis resulting in incapacity for performing any manual labor.

H. R. 13425 (by Mr. LAFEAN), providing an additional allowance of \$2 per day to all persons who were confined as prisoners of war for each and every day of confinement in confederate prisons.

H. R. 22575 (by Mr. LAFEAN), increasing the rate of pension from \$24 per month to \$40 per month for those pensioned on account of disability equivalent to the loss of a hand or foot.

H. R. 13450 (by Mr. LANGLEY), granting a pension to any person who served ninety days in the civil war or sixty days in the war with Mexico, at the rate of \$15 per month at 60 years of age, \$20 per month at 65 years of age, \$25 per month at 70 years of age, \$1 a day at 75 years of age.

H. R. 13451 (by Mr. LANGLEY), providing a pension to soldiers of the Spanish-American war and to their widows, minor children, and dependent parents, without proving service origin of disability.

H. R. 13452 (by Mr. LANGLEY) amending paragraph 3, section 4693, United States Revised Statutes, removing the date of limitation as to the prescription of claims thereunder so as to grant pension for disability incurred by a state militiaman while serving with the regular troops, regardless of date of filing claim.

H. R. 13456 (by Mr. LANGLEY), providing pension at the rate of 50 cents a day to the widow of any officer or enlisted man who has died or shall hereafter die by reason of wounds or injuries or disease contracted in the service, in the war with Mexico, civil war, or in any of the Indian wars, providing that such widow was married prior to or during his service, and extending the benefits of such act to the widows



of officers and enlistment of the state militia organizations who cooperated with the military forces under command of federal officers.

H. R. 13460 (by Mr. LANGLEY), providing an allowance of \$2 a day for each day of confinement to any federal soldier or any member of a state militia organization cooperating with federal troops in the suppression of the rebellion, who was captured by the enemy and confined in any confederate military prison.

H. R. 13461 (by Mr. LANGLEY), to extend the provisions of the pension laws to officers and enlisted men of state military organizations who rendered military service to the Union during the war of the rebellion, and to their widows, minor children, and dependent parents, known as the militia bill.

H. R. 13463 (by Mr. LANGLEY), amending section 4716, Revised Statutes of the United States, so as to provide that a prior confederate service shall not be a bar to pension to those who subsequently volunteered and served in the Army or Navy of the United States and were honorably discharged therefrom. And repealing section 2 of the joint resolution approved July 1, 1902, as to those who had a prior confederate service and enlisted in the military or naval service of the United States after the 1st day of January, 1865.

H. R. 13464 (by Mr. LANGLEY), amending the act of June 27, 1890, repealing the limitation as to date of marriage of widows thereunder and providing pension for those who were married prior to the passage of this act.

H. R. 19242 (by Mr. LANGLEY), to grant to all soldiers and sailors of the civil war who served ninety days and received an honorable discharge, and to all soldiers of the Mexican war who served sixty days and received an honorable discharge, a pension of a dollar a day.

H. R. 22633 (by Mr. LANGLEY), amending the acts of June 27, 1890; February 15, 1895; February 6, 1907; July 1, 1902; and June 28, 1906, to provide a pension of \$1 per day to any person so disabled as to require the frequent and periodical, or the regular or constant, aid of another person, and who are without resources or means of support except the pension.

H. R. 19961 (by Mr. LINDSAY), granting a pension to any person who enlisted for ninety days or more in the service of the United States during the war of the rebellion, and who has been honorably discharged therefrom by reason of being mustered out of service before the completion of the said ninety days or more, at the rate of \$12 per month at 62 years of age, \$15 per month at 70 years of age, \$20 per month at 75 years of age.

H. R. 19972 (by Mr. LINDSAY), granting a pension at the rate of \$12 per month to the widow of any officer or enlisted man who served ninety days during the war of the rebellion, provided that said widow shall have married said soldier prior to January 1, 1900.

H. R. 12420 (by Mr. LOUB), providing a pension for any person who served ninety days or more in the civil war or sixty days in the war with Mexico, at the rate of \$12 per month at 60 years of age, \$15 per month at 65 years of age, \$20 per month at 70 years of age, \$30 per month at 75 years of age, \$40 per month at 80 years of age.

H. R. 1013 (by Mr. LOUDENSLAGER), increasing the rate of pension to \$14 per month to the widow of any officer or enlisted man in the army or navy who has died, or shall hereafter die, by reason of any wound or injury incurred or disease contracted in the line of duty in the service of the United States in any Indian war, war with Mexico, or the civil war, provided that such widow was married to the soldier or sailor prior to or during his service.

Providing a pension of \$10 per month to the widow of any officer or enlisted man who served thirty days in any Indian war enumerated in the acts of July 27, 1892, and June 27, 1902, or who served sixty days during the war with Mexico, ninety days or over during the civil war, provided said widow was married to said soldier or sailor prior to or during the period of his service.

Granting a pension at the rate of \$8 per month to the widow of any such officer or enlisted man who was his wife for a period of five years preceding his death.

H. R. 2247 (by Mr. MCCALL), providing that rate of pension for army nurses shall be \$12 per month at 62 years of age; \$15 per month at 70 years of age; \$20 per month at 75 years of age.

H. R. 11996 (by Mr. MCGUIRE of Oklahoma), providing a rate of pension of \$30 per month to any honorably discharged soldier or sailor who served three years in the United States Army during any period of the war of the rebellion; \$25 per month for those who served two years; \$20 per month for those who served one year; \$15 per month for those who served sixty days or over and less than one year, and extending the provisions of this act to the officers and enlisted men of the state militia and other organizations of the States of the Union who cooperated with the military and naval forces of the United States in suppressing the war of the rebellion, who served sixty days or more; and increasing the rate of pension to \$30 per month to those persons totally disabled to perform manual or other labor whose income is less than \$300 per year, and providing a pension at \$12 per month to the widow of any officer or enlisted man who served sixty days or more in the service of the United States during the war of the rebellion, provided said widow shall have married said soldier prior to the passage of this act.

H. R. 1492 (by Mr. MCHENRY), providing a pension to any person who enlisted and served in the military or naval service of the United States during the late civil war or the war with Mexico, and who shall have been honorably discharged under his last contract of enlistment, at the rate of \$15 per month at 60 years of age; \$20 per month at 65 years of age; \$25 per month at 70 years of age.

H. R. 16875 (by Mr. MACON), increasing the rate of pension of every widow of every pensioner who before his death was on the pension rolls on account of service in the Mexican war, to \$20 per month to those who are without means of support other than their daily labor and an actual net income not exceeding \$250 per annum, and \$30 per month when without an income of any amount.

H. R. 8778 (by Mr. MACON), providing an increase of pension to \$30 per month to every pensioner on the rolls at \$20 per month on account of service in the Mexican war and who, from age, accident, or disease, is disabled for manual labor and is in such circumstances that "\$12 per month are insufficient to provide him with the necessities of life."

H. R. 14535 (by Mr. MARTIN of Colorado), extending the provisions of the act of June 27, 1890, and act of May 9, 1900, so as to include those persons honorably discharged prior to ninety days of service on account of wounds, injuries, disease, or disability incurred in the service.

H. R. 17882 (by Mr. MOON of Pennsylvania), granting pension of \$40 per month to any person who, while in the service and line of duty, shall have been totally disabled in one hand or one foot; \$46 per month for total disability of an arm at or above the elbow or a leg at or above the knee; \$55 per month for total disability of an arm or leg

when equivalent to the loss of arm at the shoulder joint or a leg at the hip joint.

H. R. 17883 (by Mr. MOON of Pennsylvania), providing a rate of pension of \$65 per month to those who, while in the military or naval service of the United States in the war of the rebellion, shall have lost one hand or one foot or been totally disabled in the same; \$70 per month to those who have lost an arm at or above the elbow or a leg at or above the knee or been totally disabled in the same; \$75 per month to those who shall have lost an arm at the shoulder joint or leg at the hip joint or so near the joint as to prevent the use of an artificial limb; or been totally disabled in the same; \$100 per month to those who shall have lost one hand and one foot or been totally disabled in the same; \$125 per month to those who shall have lost both hands or both feet or been totally disabled in the same.

H. R. 9512 (by Mr. MOON of Tennessee), increasing the rate of pension to survivors of the Mexican war to \$30 per month to those who served in excess of sixty days in the war with Mexico and who are without an income of more than \$300 per annum.

H. R. 9515 (by Mr. MOON of Tennessee), recognizing the military service of and giving pensionable status under all pension laws of the United States to persons serving under United States officers as home guards, militia, or other provisional troops during the civil war.

H. R. 22324 (by Mr. MORGAN of Missouri), extending the provisions of the act of June 27, 1890, and act of February 6, 1907, to the Enrolled Missouri Militia and other military organizations of the State of Missouri that cooperated with the military and naval forces of the United States during the civil war.

H. R. 16368 (by Mr. MORRISON), granting a pension of \$1 per day to any person who served ninety days or more in the civil war or sixty days in the war with Mexico, and granting an additional pension, the total not to exceed \$50 per month, to those suffering from disabilities growing out of said service, according to the extent of the disabilities, as shown by a report in writing, to be made by two reputable physicians, regularly licensed and entitled to practice medicine and surgery within the county in which the pensioner resides.

H. R. 18008 (by Mr. MURPHY), providing for a service pension of 1 cent per day for the whole number of days of service during the war of the rebellion additional to any pension the person may be receiving or may hereafter receive, providing that the total allowance shall not exceed \$25 per month. The additional pension to date from the passage of this act, without application being made therefor.

H. R. 9143 (by Mr. MURPHY), providing for the acceptance of the muster rolls in the office of the adjutant-general of the State of Missouri as and for the length of service of the Missouri Home Guards during the war of the rebellion.

H. R. 10759 (by Mr. MURPHY), extending the provisions of the act of June 27, 1890, to each and every company and organization of militia, rangers, or home guards organized for the defense of the Union, in Missouri, during the war of the rebellion.

H. R. 2190 (by Mr. NICHOLLS), extending the provisions of the pension laws to persons engaged in the operation and construction of United States military railroads during the war of the rebellion.

H. R. 15393 (by Mr. NORRIS), providing for a restoration of pension to any widow whose name has been or shall hereafter be dropped from the rolls on account of her remarriage, on the death of the person to whom she remarried or the divorce of such person.

H. R. 2718 (by Mr. OLDFIELD), granting pension to certain officers and men of the Fourth Regiment, Arkansas Mounted Infantry.

H. R. 16894 (by Mr. PEARRE), providing for the monthly payment of pensions.

H. R. 16900 (by Mr. PEARRE), granting a pension of \$30 per month to all honorably discharged soldiers and sailors who served at least ninety days in the war with Mexico who have or may reach the age of 62 years.

H. R. 16901 (by Mr. PEARRE), extending the provisions of the act of June 27, 1890, and the amendments thereto to any person who served not less than sixty days in the civil war.

H. R. 16903 (by Mr. PEARRE), granting a pension of \$30 per month to all honorably discharged soldiers and sailors who served at least ninety days in the civil war and who have or may reach the age of 70 years.

H. R. 16904 (by Mr. PEARRE), granting a pension of \$50 per month to all persons who served ninety days or more in the war of the rebellion, or during the war with Spain, who are now or may hereafter become blind, or so nearly blind as to require the services of an attendant, and who have not an actual net income exceeding \$600 per year.

H. R. 21418 (by Mr. RAINY), granting a pension to any person who served for one year or more in the civil war, or sixty days in the war with Mexico, who has never been convicted by a military court-martial, at the rate of \$12 per month at 62 years of age, \$15 per month at 70 years of age, \$20 per month at 75 years of age.

H. R. 12431 (by Mr. RAUCH), granting a pension to any person who served ninety days or more in the civil war, and sixty days in the war with Mexico, at the rate of \$15 per month at 62 years of age, \$20 per month at 65 years of age, \$30 per month at 70 years of age, \$40 per month at 75 years of age. And repealing the limitation as to the date of marriage of widows in the acts of June 27, 1890, May 9, 1900, and "February 6, 1907" (probably intended act of April 19, 1908).

H. R. 15402 (by Mr. ROBERTS), providing a pension of \$15 per month to the widow of any officer or enlisted man who served ninety days or more during the civil war, or who died in service, or was honorably discharged from such service, provided said widow was married prior to the year 1880.

H. R. 14533 (by Mr. RODENBERG), granting a pension to any person who served ninety days or more during the civil war, or sixty days in the war with Mexico, at the rate of \$15 per month at 62 years of age, \$20 per month at 65 years of age, \$30 per month at 70 years of age, \$40 per month at 75 years of age, and repealing the limitation as to the date of marriage of widows in the acts of June 27, 1890, May 9, 1900, and April 19, 1908.

H. R. 9941 (by Mr. RUCKER of Colorado), granting pension to the surviving members and the widows of members of the Forsythe Scouts.

H. R. 8117 (by Mr. RUCKER of Missouri), extending the provisions of the act of June 27, 1890, to the Enrolled Missouri Militia and other military organizations of the State of Missouri that cooperated with the military or naval forces of the United States in suppressing the rebellion.

H. R. 13888 (by Mr. RUSSELL), providing that no pension shall be granted to any person whose name shall now be or who shall hereafter become a citizen of any foreign country.

H. R. 9278 (by Mr. SCOTT), granting pension to the widow of any officer or enlisted man who served ninety days or more in the civil

war, or sixty days in the war with Mexico, who is without means of support other than her daily labor and an actual net income not exceeding \$250 per year, at the rate of \$12 per month at the age of 62 years, \$15 per month at the age of 70 years, \$20 per month at the age of 75 years. Also granting a renewal of pension of \$12 per month to the widow of any such officer or enlisted man whose name shall have been dropped from the roll by reason of her marriage to another person who has since died or shall hereafter die.

H. R. 16385 (by Mr. SCOTT), extending the provisions, limitations, and benefits of the act of June 27, 1890, to the surviving officers and enlisted men of the Eighteenth and Nineteenth Regiments of Kansas Volunteer Cavalry.

H. R. 2269 (by Mr. SHACKLEFORD), extending the provisions of sections 2304 to 2309, inclusive, of the Revised Statutes of the United States to the officers and privates of Missouri organizations who were in the actual military service of the United States during the civil war and were honorably discharged from such service, and to the widows and minor orphan children of such persons, notwithstanding such officers and privates may not have been technically mustered into the Union Army.

H. R. 21902 (by Mr. SHERWOOD), granting a pension at the rate of \$30 per month to any officer or enlisted man who served ninety days in the civil war with credit in the volunteer army, who is so disabled as to require the frequent and periodical aid and attention of another person.

H. R. 9773 (by Mr. SMITH of California), providing that any soldier's widow who has been or may hereafter be granted a pension shall not forfeit the same by remarriage to a soldier who served sixty days or more in the war between the States.

H. R. 11197 (by Mr. SMITH of Iowa), granting additional compensation to surviving soldiers, sailors, and marines who were prisoners of war during the civil war and to their widows at the rate of \$2 for each and every day they were such prisoners of war.

H. R. 11198 (by Mr. SMITH of Iowa), extending the provisions of the act of February 6, 1907, to any person who served one year or more in the civil war or six months during the war with Mexico, notwithstanding the fact that such person may have been discharged from the service for disability due to his own vicious habits.

H. R. 11199 (by Mr. SMITH of Iowa), providing that an officer or enlisted man, claiming pension on account of disabilities incurred while a prisoner of war, that such disabilities shall be presumed to have been incurred in line of duty if he was in good health when captured and suffering from the disability or disabilities at the time of his exchange or discharge.

H. R. 11200 (by Mr. SMITH of Iowa), providing that any widow who was married to a soldier and lived with him as his wife for a period of not less than ten years will be presumed to be his legal widow in the absence of proof to the contrary.

H. R. 13858 (by Mr. SMITH of Iowa), providing that any officer or enlisted man who was honorably discharged on account of disabilities within ninety days of his commission or enlistment shall be entitled to receive the same pension as if he had served the full period of ninety days.

H. R. 19397 (by Mr. SMITH of Iowa), granting pension at the rate of \$12 per month and \$2 per month additional for each minor child, to the widow of any person who served sixty days in the war with Mexico or ninety days in the civil war or to the minor children of such person, if the widow be dead, provided the widow to be entitled to the benefits of this act shall have been married to the soldier at least five years before his death.

H. R. 22065 (by Mr. SMITH of Michigan), granting a pension to any person who served ninety days in the civil war, or sixty days in the war with Mexico, at the rate of \$20 per month at the age of 62 years, \$30 per month at the age of 65 years, \$35 per month at the age of 70 years; and repealing the limitation as to the date of marriage of widows in the acts of June 27, 1890, May 9, 1900, and April 19, 1908.

H. R. 6703 (by Mr. SPARKMAN), increasing the rate of pension to \$16 per month to those receiving or entitled to pensions under the acts of July 27, 1892, and June 27, 1902.

H. R. 75 (by Mr. STEPHENS of Texas), extending the provisions of the act of July 27, 1892, to the surviving officers and enlisted men of the Texas Volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from January 1, 1851, to January 1, 1861, and from 1866 to 1876.

H. R. 10033 (by Mr. TAYLOR of Colorado), extending the provisions of the acts of June 27, 1890, and February 6, 1907, to the members of the Third Regiment of Colorado Volunteer Cavalry who served during the civil war, and to their widows and minor children.

H. R. 17857 (by Mr. TAYLOR of Colorado), granting a pension of \$30 per month to any person who served thirty days in the civil war or war with Mexico, and \$40 per month to such person past 80 years of age, or, if blind, \$50 per month; and extending the provisions of the act of June 27, 1890, and May 9, 1900, to widows who were married subsequent to January 1, 1905; and repealing all laws authorizing branch pension agencies, traveling pension examiners, local pension examining boards, and all other pension department expenses except those necessary to the prompt and efficient dispatch of business in the General Pension Office in the national capital; and that all physical examinations of applicants for disability pensions shall be made by two graduate local physicians of ten years' practice.

H. R. 3083 (by Mr. TAYLOR of Ohio), amending the act of April 19, 1908, removing the limitation as to the date of marriage of widows.

H. R. 19553 (by Mr. TAYLOR of Ohio), granting a pension to the widow of any officer or enlisted man who served ninety days during the Spanish-American war or Philippine Insurrection, who has died or shall hereafter die, upon proof of her husband's death without proving death to be the result of this service, and \$2 per month additional for each minor child under the age of 16, and providing that in case the minor child is insane, idiotic, or otherwise permanently helpless, pension shall continue during the life of such child or during the period of such disability.

H. R. 20357 (by Mr. TAYLOR of Ohio), extending the provisions of the pension laws to persons engaged in the construction of military telegraph lines during the war of the rebellion.

H. R. 9957 (by Mr. THOMAS of Kentucky), extending the provisions of the pension laws to the survivors of the Middle Green River Battalion Volunteers of the late civil war, State of Kentucky.

H. R. 17278 (by Mr. THOMAS of Kentucky), granting a pension to any person who served ninety days in the civil war or sixty days in the war with Mexico, at the rate of \$20 per month at the age of 62 years, \$25 per month at the age of 70 years, \$30 per month at the age of 75 years.

H. R. 8912 (by Mr. TOW VELLE), granting a pension to any person who enlisted and served in the civil war or war with Mexico, and who shall have been honorably discharged under his last contract of enlistment, at the rate of \$15 per month at the age of 60 years; \$20 per month at the age of 65 years; \$25 per month at the age of 70 years; \$30 per month at the age of 75 years; and \$35 per month at the age of 80 years.

H. R. 12374 (by Mr. TOWNSEND), granting a pension at the rate of \$40 per month to any person who while in the service of the United States shall have lost one hand or one foot, or been totally disabled in the same, or suffering from a disability equivalent to the loss of a hand or a foot; \$46 per month to any person who in like manner shall have total disability of an arm or leg, or shall have lost an arm at or above the elbow, or a leg at or above the knee; \$55 per month to any person who in like manner shall have lost an arm at the shoulder joint, or a leg at the hip joint, or so near the joint as to prevent the use of an artificial limb; and \$60 per month to any person who in like manner shall have lost one hand and one foot, or been totally disabled in the same; and \$100 per month to all persons who in like manner shall have lost both feet.

H. R. 5182 (by Mr. TOWNSEND), granting a pension at the rate of \$40 per month to all persons who while in the military or naval service of the United States shall have lost one hand or one foot, or been totally disabled in the same, or have a disability equivalent to the loss of a hand or foot; \$46 per month to all persons who in like manner shall have lost an arm at or above the elbow, or a leg at or above the knee, or be totally disabled in the same; \$55 per month to all persons who in like manner shall have lost an arm at the shoulder joint, or a leg at the hip joint or so near the joint, or where the same is in such a condition as to prevent the use of an artificial limb; \$60 per month to all persons who in like manner shall have lost a hand and a foot or been totally disabled in the same; \$100 per month to all persons who in like manner shall have lost both feet.

H. R. 1455 (by Mr. WEISSE), providing that the accrued pension from the date of last payment to the date of death of a pensioner shall be payable to his estate.

H. R. 1456 (by Mr. WEISSE), increasing the rate of pension for persons eligible under section 2, act of June 27, 1890, for persons who require the frequent and periodical aid and attendance of another person to \$30 per month, provided they are or may be without an actual net income not to exceed \$100 per year, exclusive of any pension.

H. R. 6282 (by Mr. WILEY), granting a pension to army locomotive engineers and to their widows and minor children.

H. R. 19629 (by Mr. WOODS), amending the act of February 6, 1907, to include artisans and members of the Construction Corps of the United States Army.

H. R. 12435 (by Mr. WOODS), extending the provisions of the act of June 27, 1902, and July 27, 1892, to include the survivors of the Indian wars which occurred in the State of Iowa down to and including the year 1863.

H. R. 5477 (by Mr. WOODYARD), granting pensions to teamsters of the war of the rebellion.

H. R. 5478 (by Mr. WOODYARD), granting an honorable discharge to the Independent State Scouts or Guards of West Virginia.

I have also been examining the general pension bills which have been introduced in the Senate, and I find that the soldiers appear to have a good many champions over there. I shall also insert in the RECORD a summary of the Senate bills on this question which have been introduced in the present Congress proposing to liberalize the pension laws. It will be observed that such bills have been introduced by no less than 19 Senators, over one-fifth of the membership of that body. The following is a summary of these Senate bills:

S. 5056 (by Mr. BURKETT), increasing to \$100 per month the pension of all persons totally disabled in both legs from causes originating in the service.

S. 5057 (by Mr. BURKETT), increasing to \$30 per month the pension of all persons who served ninety days in the war with Mexico and who have reached the age of 62 years.

S. 652 (by Mr. CHAMBERLAIN), increasing to \$16 per month the rate of pension to survivors of the Indian wars under the acts of July 27, 1892, and June 27, 1902.

S. 2639 (by Mr. CHAMBERLAIN), providing that in construing the length of service under the acts of June 27, 1890, and February 6, 1907, the service shall be held to cover the entire period from date of enlistment to date of discharge, regardless of any time on furlough.

S. 3836 (by Mr. CURTIS), providing pension for all persons who served ninety days in the civil war, or sixty days in the war with Mexico, at the rate of \$15 per month at 62 years of age, \$20 per month at 65 years of age, \$25 per month at 68 years of age, \$30 per month at 70 years of age, \$35 per month at 73 years of age, \$40 per month at 75 years of age.

S. 3837 (by Mr. CURTIS), providing arrears of pension from date of discharge, or from date of actual disability, if occurring after discharge from causes due to service.

S. 4971 (by Mr. DICK), providing a pension of \$12 per month to the widow of any person who served ninety days during the war with Spain or Philippine Insurrection, without proving death due to service, and \$2 increase on account of each minor child under 16 years of age.

S. 567 (by Mr. DILLINGHAM), increasing the rate of pension of army nurses to \$20 per month under the act of August 5, 1892.

S. 461 (by Mr. FLINT), providing additional pension on account of wounds or injuries received in the civil war or war with Mexico, at the rate of \$12 per month at 62 years of age, \$15 per month at 70 years of age, \$20 per month at 75 years of age.

S. 838 (by Mr. HAYBURN), providing additional pension at the rate of \$3 per day to all persons who were taken prisoners of war during the war of the rebellion and confined in confederate prisons, from which they escaped and rejoined the Union forces, and \$12 per month to their widows.

S. 2270 (by Mr. JONES), increasing to \$12 per month the pension of survivors of Indian wars, under the acts of July 27, 1892, and June 27, 1902.

S. 3732 (by Mr. JONES), providing pension for any person who served ninety days in the civil war or sixty days in the war with Mexico, at the rate of \$15 per month at 62 years of age, \$20 per month at 65 years of age, \$30 per month at 70 years of age, \$40 per month at 75 years of age.



years of age; repealing the limitation as to date of marriage of widows, acts of June 27, 1890, May 9, 1900, and February 6, 1907, and increasing the pension of widows who were the wives of soldiers, sailors, or marines during the civil war to \$18 per month.

S. 4478 (by Mr. JONES), granting pensions to officers and enlisted men of the Life-Saving Service who become disabled by disease, age, or injury incurred in service and line of duty, and to the widows or minor children of such officers or enlisted men.

S. 123 (by Mr. McCUMBER), granting a pension of \$12 per month to the widows and minor children of deceased soldiers and sailors of the civil war, the war with Mexico, and the various Indian wars, without regard to the date of marriage.

S. 658 (by Mr. McCUMBER), granting pension of \$12 per month to widows and minor children of deceased soldiers and sailors of the civil war, the war with Mexico, and the various Indian wars provided the widow shall have married the soldier or sailor at least three years prior to his death and lived and cohabited with him continuously from the date of marriage, if subsequent to June 27, 1890, to the date of his death.

S. 5250 (by Mr. MONEY), amending the act of February 6, 1907, to include those who served ninety days in the war with Spain.

S. 631 (by Mr. NELSON), granting a pension to all persons who, while in the military or naval service of the United States, shall have lost one hand or one foot or been totally disabled in the same, \$45 per month; to those who shall have lost an arm at or above the elbow or a leg at or above the knee or been totally disabled in the same, \$51 per month; to those who shall have lost an arm at the shoulder joint or a leg at the hip joint or an arm so near the shoulder or a leg so near the hip joint, or where the same is in such a condition as to prevent the use of an artificial limb, \$60 per month; to those who have lost one hand and one foot or totally disabled in the same, \$65 per month; and all persons having received other injuries in line of duty shall receive an additional pension in accordance with the statutes regulating such disabilities.

S. 2602 (by Mr. OWEN), granting a pension of \$30 per month to the widows or dependent children of any United States marshal or special officer killed in the performance of his duty.

S. 2550 (by Mr. PENROSE), granting additional pension to all surviving soldiers, sailors, and marines who remained loyal to the Government of the United States to the close of the war of the rebellion, who were taken prisoners of war and confined in confederate prisons between the 25th day of May, 1861, and the 1st day of May, 1865, at \$2 per day for each and every day of confinement in such prison, in addition to the pension to which such persons may be entitled.

S. 4805 (by Mr. PENROSE), granting a pension of \$40 per month to all persons who, while in the military or naval service of the United States, shall have lost one hand or one foot, or been totally disabled in the same; \$46 per month to those who shall have lost an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same; \$55 per month for the loss of an arm at the shoulder, or a leg at the hip joint, or so near as to prevent the use of an artificial limb, or been totally disabled in the same; \$60 per month for the loss of one hand and one foot, or total disability of one hand and one foot; \$100 per month for the loss of both hands or both feet, or total disability of both hands or both feet.

S. 4806 (by Mr. PENROSE), granting a pension to prisoners of war who served during the civil war at \$2 per day for each day of confinement in prison, additional to a pension of \$12 per month.

S. 4853 (by Mr. PENROSE), granting a pension to any person who served ninety days or more in the military or naval service of the United States, as a regular or volunteer, at the rate of \$30 per month upon reaching the age of 64 years.

S. 2629 (by Mr. FILES), granting an increase of pension to \$12 per month to survivors of the Indian wars under the acts of July 27, 1892, and act of June 27, 1902, and \$15 per month at the age of 70 years, and \$20 per month at the age of 75 years.

S. 4687 (by Mr. RICHARDSON), granting a pension to all persons who served thirty days or more during the war of the rebellion at the rate of \$8 per month, and to the widow and minor children of such persons, provided that said widow shall have married said person prior to June 27, 1890.

S. 65 (by Mr. SCOTT), granting a pension of \$12 per month to all army nurses who served six months or more during the civil war who are, or hereafter may be, unable to earn a support.

S. 77 (by Mr. SCOTT), granting a pension of \$12 per month to all persons who served ninety days or more during the war of the rebellion, whose service was honorably terminated between the 4th day of March, 1861, and August 20, 1866, and that all persons accepted in the military or naval service shall be presumed to have been physically sound at enlistment.

S. 4026 (by Mr. SCOTT), extending the provisions of the pension laws granting pension to the officers and enlisted men who served in the war of the rebellion, their widows, minor children, and dependent relatives, to all persons placed upon the roll of military telegraph operators under the provisions of the act of January 26, 1897.

S. 5251 (by Mr. SCOTT), granting a pension of \$12 per month to all army nurses who served ninety days during the civil war, 1861 to 1865.

S. 5145 (by Mr. SMITH of Michigan), granting a pension of \$12 per month to the remarried widow of any officer or enlisted man who served ninety days or more during the civil war, upon proof of present widowhood, provided the widow shall have been married to said officer or enlisted man prior to his enlistment and service in the civil war.

S. 162 (by Mr. TAYLOR), extending the provisions of the pension laws to the survivors or to the widows of those who died or may hereafter die, who, on or about the 8th of November, 1861, under the authority of Gen. George H. Thomas, burned or attempted to burn various bridges on the line of the railroad between Stevenson, Ala., and Bristol, Tenn.

S. 1773 (by Mr. WARNER), granting pension to the teamsters who served the Government of the United States during the war with Mexico.

I do not want anyone to misunderstand my position. I will repeat what I have said on previous occasions in this House, that this Government can not be justly charged with illiberality to its soldiers, their widows, and orphans. I believe it is admitted that we have as liberal a pension law as any nation on the earth; but being the greatest Nation, and having had the greatest soldiers, we ought to have the most liberal pension system. Those gentlemen who are concerned about the increase in the appropriation that a pension of a dollar a day to the old soldiers would bring about should remember that they are pass-

ing away by the thousands every year, and that in the very nature of things the rate of mortality will increase tremendously from now on, so that the increase in the pension appropriation will be but temporary at the most, for it will be only a few years more until every veteran of the civil and Mexican wars will have passed away.

Mr. GARRETT. Will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. GARRETT. The gentleman had unanimous consent a moment ago to insert a summary of what the various pension bills were; that is, general pension bills. I have not introduced any myself and have no interest in the matter; but in making up that summary, would it not be better to put the bills themselves in?

Mr. LANGLEY. I think that would make my speech entirely too voluminous to send through the mails. There are two or three hundred of such bills.

Mr. GARRETT. Involving then—

Mr. LANGLEY. Some of them, of course, are exact duplicates of others, and others with slight modifications, and so on.

Mr. GARRETT. Of course I have no objection. It might involve controversy here as to what a bill really meant.

Mr. LANGLEY. I will say to the gentleman that I have had a great many years of experience as an officer of the Government in pension matters, and I can easily determine the purport of each bill, and shall be extremely careful in making this summary so as not to put in the Record anything that will not correctly represent the substance of each bill.

Mr. GARRETT. I hope the gentleman's summary will not involve us in a long controversy here.

Mr. LANGLEY. The gentleman is quite right. I think we have had enough controversy, along certain lines at least, for the present. But, to resume the statement I was making when the gentleman from Tennessee interrupted me, if we should leave a debt of a few millions for the next generation to pay they will most cheerfully pay it when they read the story of what these heroes did for the Nation and realize and enjoy the greatness and prosperity of that Nation which their sacrifices made possible.

As a matter of fact, there would not be any considerable pension indebtedness for the next generation to pay—not nearly so much as we are paying now. At the present death rate of the invalid pensioners of the civil war there will be a decrease of about \$6,000,000 a year, counting the average rate of pension now paid them, and practically all of them will have passed away in less than twenty years. As I said when the pension appropriation bill was pending in the last Congress:

It will be only a little while, at best, that we shall be honored with their presence. With them the sun of life is fast sinking in the West. The hand of time bears heavier and heavier upon them as, with feeble steps, they approach the end. Let us, while we have the opportunity, make the evening of their life as comfortable, contented, and happy as a Nation's bounty and gratitude can make it, that they may realize before they go that we appreciate to the fullest the priceless heritage they are leaving us.

Aside from the question of increasing the pensions of those whose cases are covered by existing law, I want to call attention to some elements of injustice that the existing law contains—to some discriminations that ought to be remedied. On two occasions since I have been a Member of this body I have urged upon it the passage of a bill that will extend the provisions of the pension laws to that loyal, patriotic body of men who were never mustered into the service of the United States, but who rendered just as heroic, just as effective, and just as valuable service in the suppression of the rebellion as those who were mustered in, and who, in fact, did much more to that end, and under more arduous conditions, than thousands who are now on the pension rolls. [Applause.] Remember, I am not claiming that a single provision in the existing pension law is wrong. On the contrary, I say that every pension law now upon the statute books was properly enacted, and every man whose name is now on the pension rolls and whose service complied with the conditions provided by those laws deserves to be on those rolls. I know that there are many Members of this House, including my distinguished friend from New Hampshire, the chairman of the Committee on Invalid Pensions, who look askance whenever the subject of pensioning the militia is broached. They seem to think that it is a proposition to put everybody on the pension roll who happened to belong to a state militia organization, whether the members of it actually did service or were merely organized for local purposes, and possibly for meeting the enemy, whose coming may have been rumored, but who, in fact, never came. Let me disabuse your minds of that impression, so far as my contention is concerned.

I am asking relief only for that class of men like those in Kentucky, West Virginia, Missouri, Kansas, Indiana, Pennsylvania, and perhaps two or three other States who acted with the armed military forces of the United States, and in many cases armed and equipped by it, and who rendered actual and valuable service in the suppression of the rebellion. The whole history of pension legislation shows that the dominant thought in the minds of those who advocated and passed these measures was to give recognition to service rendered to the Government. That has always been the primary consideration.

In the very beginning President Washington urged the granting of a pension to all classes of soldiers, including the militia, who had rendered actual and loyal service against the enemy. This class of soldiers was expressly recognized by the act of March 16, 1802, and by various acts subsequent to that date and prior to the civil war. The Missouri Home Guards were provided for by the act of 1862, and by more recent legislation the Enrolled and Provisional Missouri Militia, the Texas Rangers, and an organization of Tennessee militia were given a pensionable status. I contend that the service rendered by the Kentucky militia and by the militia of some of the other States during the civil war was equally as meritorious and equally as important to the Union, and that their military status was such that they are just as much entitled to a pension as are the members of those organizations already recognized.

Mr. GARDNER of Michigan. I notice the gentleman did not include Ohio in the list of States that had furnished militia. The State of Ohio furnished militia, and recently paid them for their services out of the state treasury.

Mr. LANGLEY. If I did not mention Ohio, it was an oversight, because Ohio is always in the forefront and ought to be in my mind. I said "and two or three other States."

Mr. LEVER. Has the gentleman any statistics as to the number of those militiamen?

Mr. LANGLEY. If the gentleman will just wait a moment, I am coming to that point.

Mr. GARRETT. Has the gentleman time to yield to me for a question?

Mr. LANGLEY. For a question, certainly.

Mr. GARRETT. The gentleman throughout his speech speaks of the war of the rebellion. I just wanted to ask the gentleman if he had noticed in the last general pension legislation the change of language used, in which it refers to the civil war rather than the war of the rebellion?

Mr. LANGLEY. I think the gentleman, if he will read my speech, will find that I used the term "civil war" in the opening of my remarks; and if I used the other term later, I desire to correct it.

Mr. GARRETT. Correct it in the Record.

Mr. GARDNER of Michigan. From force of habit.

Mr. HAMLIN. I wish to ask the gentleman if he can explain how it happened that so many of the Missouri State Militia were left off the list of Government troops? For instance, the gentleman has just mentioned the home guards of Missouri. They unquestionably, from the record, were no more a part of the United States troops than were a number of other state militia organizations. Can the gentleman explain how that happens?

Mr. LANGLEY. At this moment I do not think I can answer the gentleman's question, if I understand the purport of it. I am not sure that I quite understand his question.

Mr. HAMLIN. There were any number of state militia organizations in Missouri, so called.

Mr. LANGLEY. Yes.

Mr. HAMLIN. And they served not only ninety days, but many of them served two years and many of them three years. But they have no pensionable status to-day, because they are not carried on the records of the War Department as government troops.

Mr. LANGLEY. They were not mustered into the service of the United States.

Mr. HAMLIN. They were under the jurisdiction and orders of officers of the Federal Government.

Mr. LANGLEY. So were the Kentucky troops.

Mr. HAMLIN. And I want to know if the gentleman can explain how it happens that they have no pensionable status to-day? They fought side by side with others who have a pensionable status.

Mr. LANGLEY. I am endeavoring now to show that Congress has been remiss in its duty by not making the pension law broad enough to cover the class of men to whom I think the gentleman refers.

Mr. HAMLIN. If the gentleman will permit me, I hold no brief for the chairman of the Invalid Pensions Committee, but I think he is perhaps misinformed as to that gentleman's posi-

tion on this proposition. I think he is inclined to believe that these people are entitled to a pensionable status.

Mr. LANGLEY. I have been laboring for a long time to convince him that they are entitled to it.

Mr. GOULDEN. Mr. Chairman, I see the gentleman alluded to [Mr. SULLOWAY] is present, and he is big enough and handsome enough to take his own part.

Mr. LANGLEY. I shall certainly be delighted to yield to him.

Mr. SULLOWAY. I have no desire to interrupt the gentleman from Kentucky, or inject anything into his speech. I suppose the gentleman from Missouri [Mr. HAMLIN] well remembers that the question as to which of the Missouri militia organizations were entitled to be considered in the service was settled by a commission long ago.

Mr. LANGLEY. That was the Hawkins-Taylor commission.

Mr. SULLOWAY. Yes; that was the name of it.

Mr. HAMLIN. That is correct.

Mr. SULLOWAY. Under the findings of that commission certain Missouri militia organizations were included and others were not, as not having been regularly in the service.

Mr. HAMLIN. If the gentleman from Kentucky will permit me, I am perfectly aware of that fact; but the question I want to ask is, if the gentleman knows upon what basis the Hawkins-Taylor commission operated in order to reach the conclusion that other state militia organizations ought not to be placed on an equality with the home guard?

Mr. LANGLEY. At one time I was entirely familiar with that matter, but I have been so busy recently in looking after the interests of the Kentucky troops that I have become somewhat rusty as to the status of matters in Missouri. As a member of the board of pension appeals, a good many years ago, I participated in the preparation of a decision that covers that fully. That decision is in the printed volumes published by the Department of the Interior.

Mr. FOSTER of Illinois. I think the Missouri State Militia who received pay from the National Government at that time were placed on the pension rolls, and those that did not have not been taken in under that resolution.

Mr. LANGLEY. If the gentleman will permit me to go ahead now, I think I will develop in a moment what he is getting at. The Senate Committee on Pensions recently prepared and had published as a Senate document a very interesting and exhaustive history of these various organizations. In the very outset of that document I find this statement:

There were, as is well known, many persons engaged in some sense in the war of the rebellion as members of state militia, home guards, and other state military organizations, who were not regularly enlisted and mustered into the military service of the United States. They were called out and served in various emergencies during the war. Some of these rendered very valuable service, fighting in battle and incurring wounds and injuries, while the service of others was of a minor and trivial character. The border States principally and the Northern States, in which hostilities actually occurred, were the scenes of their operations, and their services were called for by the governors of such States for general and special service therein, though at times the service rendered became incidentally of a national character.

In the border States numerous state militia and home-guard organizations were maintained. This was notably so in Missouri and Kentucky, States in which many raids and invasions by the enemy occurred. West Virginia maintained a body of militia, as also did Indiana, and they were called into service in times of various emergencies, especially in cavalry raids made by the enemy into loyal territory; and other States called into their service emergency troops at various critical times, their service being rendered in part in defense of the States wherein organized, and in part in defense of the interests of the Federal Government.

In the border States the militia and home guards were frequently engaged in most terrible warfare, and their services in many instances in the protection of their own and the adjacent territory from assaults of guerrillas was rendered under conditions which tested to the utmost their faith in and loyalty to the General Government.

That the state militia, state military organizations, and home guards on many occasions rendered valuable and efficient service to the United States and to the States in which they were organized, sometimes within the limits of those States and again beyond their borders, is undoubted, and there is abundant evidence thereof. In Missouri and Kentucky, for instance, it may safely be said that the holding of the States in the Union was due to their success in crushing out the disloyal and secession sentiment then prevailing in many localities. In some cases there was but little fighting, but they were often used as guards at various points, relieving troops of the Union army and enabling the latter to proceed to the front.

Mr. THISTLEWOOD. Will the gentleman yield?

Mr. LANGLEY. I will yield to the gentleman.

Mr. THISTLEWOOD. I want to ask the gentleman if it is not a fact that these home guards, this militia, served entirely within the limits of the State and did not go beyond the borders of the State?

Mr. LANGLEY. Oh, not at all. The gentleman is mistaken in that. The Adjutant-General's report shows the contrary. I know that in my own State of Kentucky there were some of these militia organizations that went beyond the borders of the



State. For example, I have a letter from a member of the North Cumberland Battalion giving in detail the services of that organization and showing that they went entirely out of the State sometimes, and so did others. But, as the gentleman well knows, there are many regular soldiers now on the pension rolls who never did render service outside their own States. That ought not to figure in it, however.

Mr. THISTLEWOOD. Let me ask the gentleman this further question: If those who served beyond the borders of the State were engaged in any battle or engagement, are they now entitled to a pension?

Mr. LANGLEY. I did not quite understand the gentleman's question.

Mr. THISTLEWOOD. If there were those who served within the State only, they are excluded from the pension rolls. We all understand that. But those who went beyond the border and were engaged in battle, are they entitled to a pension?

Mr. LANGLEY. No; but even if that were the law, it would practically exclude the large part of the militia to whom I am referring. The point I am seeking to get at is that these men who rendered service in the suppression of the rebellion—the same character of service as those who were mustered into the United States service—are as justly entitled to pension as anyone else.

Mr. THISTLEWOOD. I do not question the justice of it; I wanted to get at the facts. There are some in my State who came from Missouri. They served in the state militia and are not pensionable under the law. I thought that the line was drawn somewhere and that that line was when they went beyond the borders of a State.

Mr. LANGLEY. I do not recollect that there is any provision in the pension law which includes the class to which the gentleman refers.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield to me for a question?

Mr. LANGLEY. I will yield to the gentleman from New York with pleasure.

Mr. GOULDEN. I should like to ask if it is not the judgment of the gentleman that men who did service ninety days or more in the manner he describes, whether they remained within the State or out of it, who were under command of regular officers or volunteer officers regularly sworn in, ought to have some legislation entitling them to a pension?

Mr. LANGLEY. The gentleman puts the case exactly. I unhesitatingly answer yes. The whole history of pension legislation, as I have already said, shows that the primary consideration has been the service rendered the Government.

Mr. SULLOWAY. But they must have been in the government service.

Mr. LANGLEY. Ah, that is the point. I say it ought not to make any difference whether they were regularly in the service or not. I know men who served in Kentucky who enlisted with the understanding that they were to go into the service of the United States, but they were not mustered in for one reason or another. Kentucky's quota was filled before many of them had a chance.

Mr. GOULDEN. Never regularly enrolled.

Mr. LANGLEY. Never regularly enrolled, and others believed that they were regularly enrolled, and some of them have told me they did not know until long after the war that they were not. Still others tried in vain to get in, and, failing, went right on serving the Union cause anyhow.

As bearing upon the question of the character and importance of the service rendered by some of these organizations in the suppression of the rebellion, I ask your indulgence while I read a short extract from the work of William F. Fox, entitled "Regimental Losses in the American Civil War," pages 536-537:

While the more northern States were confronted with the questions of a war, the border States had to deal with the additional and more serious ones arising from a civil war—a strife in which brother would be arrayed against brother, neighbor against neighbor, and which would be characterized by all the terrible and distracting scenes engendered by such a contest. They were slave-holding States, but they resisted all importunities to join the confederacy and remained loyal to the Union, although they knew full well that such action would transfer the war to their own fields. Missouri knew that by remaining in the Union her counties would be overrun by guerrilla bands and predatory invasions; Kentucky sturdily refused all overtures from the confederacy, although it was plain that the State would thus become once more "the dark and bloody battle ground" of history; Maryland remained steadfast, and her fields resounded with the tread of armies and the roar of battle; and in West Virginia loyal regiments were formed of refugees who had left their homes, their fields, and barns in the hands of a ruthless enemy. It meant something to be loyal on the border.

And yet these States responded promptly to the calls of the National Government for troops, one of them surpassing all others in its lavish supply of men and money, while the others filled their quotas and did it without a bounty or a draft. The slave-holding States of Delaware,

Maryland, West Virginia, District of Columbia, Kentucky, and Missouri not only remained true to the old flag, but furnished 301,062 men for the loyal support of an administration that received scarcely a vote within all their borders.

And more could be said upon the same subject without telling the whole story. In my own State of Kentucky it was the invincible valor of these men, who not only stood loyally to the cause of the Union, but went into battle with the regular troops, which saved the old Commonwealth to the Union [applause]; and when we consider what might have been the effect on adjacent territory, and even on the cause of the Union itself, but for these men and what they did, I would like to see some gentleman rise on this floor and give a good reason why they and those in other States who rendered similar service should not be given title to pension if it can be shown that they rendered such service for the same length of time which entitles those who happened to be mustered into the service to be placed upon the pension rolls. But more than that can be shown for some of these organizations.

Mr. CLINE. Mr. Chairman, will the gentleman yield to me for an inquiry just there, a very brief one?

Mr. LANGLEY. Yes.

Mr. CLINE. I understand from the gentleman's argument, to which I am not raising any objection, that he is in favor of pensioning militiamen who served and incurred injuries in the service, and put them on the same footing with the regularly mustered soldier.

Mr. LANGLEY. I am contending that they ought to have a pension if they rendered the character of service I have described.

Mr. CLINE. Take, for instance, the militiamen of Indiana. They did not serve, if I remember correctly, outside of their own State. Would the gentleman not be in favor of extending these same rights to the militiamen of Indiana who served in their own State and yet under the state organization?

Mr. LANGLEY. If they cooperated with the armed military forces of the United States, I would. The bill which I have proposed and which is now pending before the Committee on Invalid Pensions is limited to that class who cooperated with the armed forces of the United States and rendered valuable service in the suppression of the rebellion.

Mr. CLINE. I want to understand the gentleman's position, whether he makes it a necessary element to secure a pension for those men who have engaged with the regular military forces?

Mr. LANGLEY. Oh, yes; I think so, or, at least, who cooperated with them, because otherwise we would have to include the large body of state militia who really did not render any appreciable service in the suppression of the rebellion, and some of them none at all.

The Frankfort, Paducah, and Sandy Valley battalions, which constituted the Capitol Guard Regiment, were organized for the purpose of aiding and assisting the federal troops. They were raised by order of the governor of Kentucky, under the sanction of an order dated July 11, 1864, and signed by Edwin M. Stanton, Secretary of War. Other Kentucky battalions, such as the Threeforks, North Cumberland, and Frankfort battalions, were raised under the act of the Kentucky legislature of July 26, 1864, entitled "An act empowering the governor to raise a force for the defense of the State," while still other organizations were raised under the militia laws of the State. Most of these organizations rendered the same character of service in the State of Kentucky, and some of them outside of it, as was required of the United States troops. So important did the Federal Government regard their services that a claim against the United States for reimbursement of the expenses incurred in raising these organizations was allowed and paid by the United States Government to the amount of \$3,504,466.77, which was a greater amount than was paid to any other State, except Missouri, New York, and Illinois.

Kentucky, of course, had other state military organizations that did not render any considerable service to the Union cause, their operations and service being purely local; but the men to whom I am referring served the Union cause for a considerable time, some of them for several months and some for at least a year. They underwent all of the hardships and privations of war. They not only cooperated with the forces of the United States, but were subject to the orders of United States officers.

Gen. John M. Palmer, afterwards governor of Illinois and United States Senator from that State, was department commander of Kentucky, and a good many years ago, when the question of pensioning these men was up in Congress, he made this statement:

The Kentucky state troops, as a rule, were under my command in the Department of Kentucky, and I treated them as troops subject to my command. Some of the organizations performed valuable service and ought to be provided for by the pension laws.

I desire to add, for the information of the House, that about eighteen years ago the Committee on Invalid Pensions reported favorably a bill extending the provisions of the act of June 27, 1890, to these men, but this bill failed of passage. The committee in its report used certain language which I commend to the consideration of that distinguished body of men now presided over by my friend from New Hampshire, who, I am glad to observe, is honoring me with his presence and attention. The report said:

Having directly sanctioned the organization of some of these troops and having accepted the services of all of them, they having been subject to the orders of the commander of the Department of Kentucky, and having reimbursed Kentucky for all expenses incurred in their organization and maintenance, it seems that the General Government, so far as its military, executive, and ministerial officials had power so to do, have regarded the organizations mentioned in the bill as if they had been mustered into the United States service for all practical purposes. And that being true, it would be fair dealing to place them, as far as this bill can do so, upon an equal footing with the same class of troops furnished by the States of Missouri and Pennsylvania, which have been placed under the provisions of the pension laws.

I concur in the suggestions contained in the Senate document to which I have already referred and which are expressed in the following language:

It would seem that if any legislation of this character is enacted, such legislation should be extended to include all such troops, instead of giving a pensionable status to some particular company or organization.

That, Mr. Chairman, is what should have been done long ago, instead of covering the subject by piecemeal, as Congress has done, by yielding from time to time to the pressure in behalf of particular organizations which, however deserving, are no more so than those Kentucky troops and the troops of other States who rendered a like service to the Union cause.

It has been contended that these men should not be given a pension because they declined the opportunity which they had to get into the service of the United States; but that contention is based upon an erroneous statement of facts. Repeating what I said a while ago, it is a matter of history that some of these organizations sought in vain to get mustered into the service of the United States. Kentucky's quota had been filled before many of them had an opportunity to be mustered in. Most of them went into the state service with the understanding that they were to be mustered into the service of the United States, and I know personally that many of them from my own section of the State thought that they were mustered in, and were never disabused of that impression until long after the war, when they applied for admission to the pension roll.

I have had many of them tell me that it was a bitter disappointment to them when they found that they could not be mustered in. Moreover, I say that such a contention is an unwarranted reflection upon those brave and loyal mountaineers who rallied so gloriously to the defense of the Union cause and who did so much for its preservation. At the time the bill for the relief of the Kentucky Militia, to which I have referred, was favorably reported by the Committee on Invalid Pensions, it was estimated that only about 2,500 of them would be given a pensionable status by the provisions of the bill, and I doubt very much if half that number survives to-day.

Mr. SULLOWAY. How many are there in Kentucky?

Mr. LANGLEY. Two thousand five hundred in Kentucky at that time, but not nearly so many now. The amount of money that Kentucky soldiers would get in a year under a bill of this kind would not equal what is expended on the erection of a single lock and dam on a river. It would hardly build a turret of a first-class battle ship. It would not equal the amount of money that is paid every day in the construction of the Panama Canal to foreigners, who hardly know the American flag when they see it, and have not the remotest conception of what it stands for. And yet gentlemen who vote, day after day, for these expenditures raise the cry of too much pension appropriation when it is proposed to give this scant and tardy recognition to men who rendered such vital services in the preservation of the Union.

I am speaking more particularly of the Kentucky troops, because I am more familiar with their history. But I agree with the Senate Committee on Pensions that we ought not to single out certain organizations in giving this relief, but that we ought to pass a bill which will apply to all the militiamen of all the States that rendered this character of service. The bill which I have proposed, and which I prepared after a most thorough investigation of the whole question, merely provides that where it is shown that a militia soldier rendered valuable service in the suppression of the rebellion, and was disabled while so serving, he shall be entitled to pension because of that disability, and his widow and dependents to pension in the event of his death from that disability; and that where he rendered such service for a period of ninety days or more he and his widow

and dependents shall have the same title to pension as is now given in the cases of regular soldiers who rendered similar service and who happened to be mustered into the service of the United States. And mark my prediction: This Congress may not pass such a bill, but if the question is properly agitated—and it will be—the sense of justice of the American people will compel their Representatives in Congress to pass it sooner or later. [Applause.] The sad fact about it is, however, that these old militiamen are fast falling before the scythe of Time, just as are the old pensioners, and unless you do justice to them soon, it will be too late.

I was in earnest when I introduced the bill in their behalf, and I am just as earnest about it now as I was then. I am only one of nearly 400 Members of Congress, but whatever power that one vote and voice can wield, I proposed to wield in their behalf so long as I remain here.

With the permission of the committee, I will insert here a copy of my bill, reintroduced in this Congress:

A bill (H. R. 13461) to extend the provisions of the pension laws to officers and enlisted men of state military organizations who rendered military service to the Union during the war of the rebellion, and to their widows, minor children, and dependent parents.

Whereas the officers and enlisted men of military organizations of certain States who, while cooperating with the armed forces of the United States, under the command of United States officers, rendered actual and valuable service to the cause of the Union during the war of the rebellion and aided in its suppression; and

Whereas such officers and enlisted men and their widows, minor children, and dependent parents are barred from the benefits of the pension laws solely for the reason that such officers and enlisted men were never actually enrolled and mustered into the service of the United States: Therefore

Be it enacted, etc., That any officer or enlisted man of a state military organization who, during the war of the rebellion, cooperated with the armed forces of the United States, under the command of United States officers, and rendered actual and valuable service in the suppression of the rebellion, and who is disabled by reason of injury received or disease contracted in the line of duty while rendering such service, and the widow, minor children, and dependent parents of any such officer or enlisted man dying of such injury or disease, shall be entitled to the benefits of the provisions of the pension laws embodied in Title IV of the Revised Statutes of the United States.

Sec. 2. That the provisions of the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," and of the amendments thereto, be, and the same are hereby, extended to the officers and enlisted men of the state military organizations referred to in section 1 of this act who rendered service of the character therein set forth for a period of ninety days or more, and to their widows, minor children, and dependent parents.

Sec. 3. That the provisions of the act approved February 6, 1907, entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico," be, and the same are hereby, extended to the officers and enlisted men referred to in section 1 of this act who rendered service of the character set forth therein for a period of ninety days or more.

Sec. 4. That the Secretary of the Interior shall prescribe rules and regulations governing the character of evidence necessary to prove the service herein set forth: *Provided*, That a certificate of the adjutant-general of the State to which the militia organizations belonged, showing the date of discharge therefrom, shall be accepted in lieu of the honorable discharge required by the provisions of the acts referred to in sections 2 and 3 of this act: *And provided further*, That the provisions of sections 2 and 3 of this act shall not apply to the case of any officer or enlisted man in which the evidence discloses any fact that would have barred him from an honorable discharge had he been in the military service of the United States at the date of his discharge from such state military organization.

This bill is still pending before the Committee on Invalid Pensions. I have discussed it many times with the distinguished chairman and other members of the committee, but, of course, as all of you who are interested in the measure know, the majority of that committee as at present constituted is opposed to it. I have, however, succeeded in having the bill referred to The Adjutant-General, United States Army, for a report as to what the records of his office show with regard to the organizations in question, and for an approximate estimate of the number of survivors who rendered service in the suppression of the rebellion for a period of ninety days or more, and the probable increase in the annual pension appropriation that would result from the passage of the bill. The reply of that official contains some interesting information, and I ask unanimous consent to insert it in the RECORD as a part of my remarks.

The CHAIRMAN. The Chair hears no objection.

The letter is as follows:

WAR DEPARTMENT,  
THE ADJUTANT-GENERAL'S OFFICE,  
Washington, February 25, 1910.

Hon. C. A. SULLOWAY,  
Chairman Committee on Invalid Pensions,  
House of Representatives.

DEAR SIR: Referring to the bill (H. R. 13461), received by your reference on the 23d instant, proposing to extend the provisions of title 4 of the Revised Statutes of the United States to the cases of officers and enlisted men of the military organizations of certain States "who, while cooperating with the armed forces of the United States, under the command of United States officers, rendered actual and valuable service to the cause of the Union during the war of the rebellion and aided in its suppression;" and to extend the provisions of the acts



of June 27, 1890, and February 6, 1907, to the cases of the members of state military organizations who rendered the service indicated for a period of ninety days or more, and answering your request for a statement as to what the records on file in this office show with regard to the service of the organizations of the character set forth in that bill; for an approximate estimate of the number of survivors of those military organizations who rendered service for a period of ninety days or more; and for the probable increase in the annual pension appropriation that would result from the passage of the bill, I beg leave to advise you as follows:

It is understood that the forces referred to in the pending bill (H. R. 13461) are the militia and the home guards and other irregular organizations which, though not mustered into the service of the United States, served in cooperation with the United States forces, under the command of United States officers, at various times during the war, notably in the Antietam and Gettysburg campaigns in the East, the Kirby Smith raid in Kentucky, the Morgan raid in Indiana and Ohio, and the Price raid in Missouri.

The troops of the classes referred to, not having been mustered into the service of the United States, there are no rolls or other records on file in the War Department from which their number can be ascertained, but a conservative estimate, based upon reports of adjutants-general of States and other official sources of information, places the number of such troops called into active service in some of the States, under United States officers, for various periods of time, as follows: Indiana, 50,000; Kansas, 16,000; Kentucky, 8,700; Missouri, 70,000; New Jersey, 750; Ohio, 72,500; Pennsylvania, 45,000; Vermont, 2,200; West Virginia, 5,000; total, 270,150.

This total (270,150) does not include the local troops, whose numbers can not be stated even approximately, called into service in the State of Tennessee at different times during the progress of the war, or the troops from other States not specifically mentioned, that may have rendered service that would give them a pensionable status under the proposed legislation. The number of such troops is not known, but, if known, it would, no doubt, add considerably to the aggregate stated above.

As the total number of members of military organizations that would be affected by the proposed legislation is unknown, an estimate of the total number of surviving members of those organizations can not be made. However, assuming that the ages and other conditions of the 270,150 men accounted for above were the same as those of the men who were regularly mustered into the service and served in the armies of the United States during the civil war, it is estimated that the survivors of that 270,150 men on June 30, 1910, will number approximately 76,434 men.

Because of the fact that there are no rolls or other records of these militia organizations on file in the War Department, that department can not ascertain from its records whether the service of any individual member of any of those organizations is such as would entitle him to the benefits of the proposed legislation. The official records may, and in many cases undoubtedly do, show that a particular organization served under the conditions stated in the bill under consideration, but there is no means of ascertaining from the records of the War Department whether any particular member was or was not present with his organization during all or any part of its service under these conditions. Such information, if obtainable from any records, must necessarily be obtained from the place where the records of the organizations are filed, probably the offices of the adjutants-general of the States concerned.

For the same reason data concerning the periods of service of the members of the organizations in question can not be obtained from the records of the War Department. In many cases the members of those organizations were not actively on duty during the entire period of service shown by the records of the War Department. In other cases, as in that of the Pennsylvania militia called out in 1862 and again in 1863, militia organizations served for comparatively short periods at different times, but it is impossible to determine from the records of the War Department whether or not some of the men served in these organizations at different times a sufficient length of time to give them a total of ninety days' or more service. Consequently, it is impossible to make any estimate of the number of men who were members of the militia organizations of the class described in the bill under consideration, and who had ninety days or more of active service so as to bring them within the provisions of sections 2 and 3 of that bill.

In this connection it is thought proper to remark that Senate Document No. 378, Sixty-first Congress, second session, contains a history, prepared by the Committee on Pensions of the Senate, of "certain federal troops which, by reason of short or disputed service, have no pensionable status, and state militia which were actively engaged in the civil war for different periods of time, but which were never mustered into the service, and which, therefore, have no pensionable status." You may be interested in that publication in connection with the bill now under consideration in your committee.

Very respectfully,

F. C. AINSWORTH,  
The Adjutant-General.

Mr. LANGLEY. I contend that, on the whole, this report confirms, in all essential particulars, the contentions I have made on this question ever since I have been a Member of the House, not only as to the character of service that these men rendered, but likewise as to the practicability of proving that service by records and other competent evidence. Of course, reliance would have to be had upon state reports for much of this record evidence, but with the record in the War Department of the fact of the co-operation of the organizations with the federal forces, which the Adjutant-General concedes to exist, it will not be contended, I take it, that this state-record evidence would not be entirely competent and satisfactory. Not only that, but parole testimony as to the fact of service by a soldier who belonged to one of these organizations ought to be just as competent and satisfactory to prove the service of that soldier as is such testimony in proving title to pension under existing law. The estimate of the Adjutant-General of the number of survivors of those organizations who rendered some service of the character described in the bill appears rather large, it is true, but I insist, as I have heretofore, that only a comparatively small percentage of them rendered the character of service required by this bill.

A large percentage of those who rendered such service have since died, and the number who would be benefited by the bill is further reduced by the fact that many of those who belonged to these state organizations afterwards enlisted and were regularly mustered into the service of the United States and are, therefore, pensionable under the existing law. Some authorities have estimated that from 40 to 50 per cent of them afterwards went into the regular service through an independent enlistment.

Consequently the passage of my bill would not result in such a large increase in the pension appropriation as some gentlemen seem to think; and even if it did result in a large increase in that appropriation, I would still be in favor of it, because this Government owes it to these men for the service they have rendered it.

I have heard satirical references made to the service rendered by these militiamen, but no sincere man would indulge in that with respect to these men in the border States if they were as familiar as I am with the history of their arduous and heroic service to the Union cause.

It is true that the present law recognizes their service in a slight degree, since it contains the grim provision that they may have monuments erected over their graves. If that monument is intended to in any sense represent the gratitude that this Government owes to them, then it should not be the modest little marble slab which is now provided.

I would like to see over the grave of every old soldier, whether he was mustered into the service of the United States or not, a monument imposing enough to properly symbolize the service he rendered the country, and for that matter I would like to see the same tribute of respect paid to the confederate dead. We could not in a more appropriate manner illustrate the spirit of reunion and fraternity which now cements all sections of our country. [Applause.]

Mr. FOCHT. Does the gentleman undertake to say that it is his purpose or desire to have a monument erected over the grave of every confederate soldier?

Mr. LANGLEY. I would most heartily favor a proposition of that kind.

Mr. FOCHT. When there are not even tombstones that high over Union soldiers?

Mr. LANGLEY. Oh, the gentleman has misunderstood me. I mean that I would like to see the same token of respect now shown to Union soldiers shown also to the confederate dead.

Mr. FOCHT. The gentleman would not discriminate?

Mr. LANGLEY. I think they ought to be treated equally in that respect.

Mr. TAYLOR of Colorado. Mr. Chairman, I will ask the gentleman to yield for a minute.

Mr. LANGLEY. I yield to the gentleman.

Mr. TAYLOR of Colorado. Has the gentleman shown in any of his remarks a comparison that takes into account the decrease in the purchasing power of the amount of pension received to-day and that received a few years ago to show that instead of a man getting really \$12 or \$18 or \$20, as he did originally, the purchasing power of the amount of money that he is getting as compared to what it was is very much less, and while the purchasing power of the pension is steadily growing less, the ability to support himself is also getting less all the time?

Mr. LANGLEY. Of course I recognize that as an additional argument in favor of increasing pensions. I think the gentleman's point is well taken.

Mr. TAYLOR of Colorado. I am simply asking the gentleman if he has systematically shown that in his remarks.

Mr. LANGLEY. I have not, because that point has already been amplified in previous discussions of the pension question on this floor. I concede, however, that that is a valid argument in favor of a more liberal pension law, and another reason why such action should not be longer delayed.

Mr. SULLOWAY. Will the gentleman allow me a word there?

Mr. LANGLEY. I would gladly yield to the gentleman, even if I had only one minute left, because I am interested, and the soldiers and their friends are interested, in anything the gentleman may have to say on this subject.

Mr. SULLOWAY. I understood the gentleman to say that, figuring the pensioners on the roll to-day at a dollar a day, it would take about \$60,000,000. I want to say, as a matter of fact, the figures which I have in the committee room show that it would take between \$107,000,000 and \$108,000,000, added to the present pensions appropriation—

Mr. TAYLOR of Colorado. What of it—

Mr. SULLOWAY (continuing). And 25 per cent of the revenues of the Government are now dispensed in pensions.

Mr. LANGLEY. In reply to the suggestion of the gentleman from New Hampshire, I will say that I stated early in my remarks that we are now paying for pensions an amount equivalent to practically one-fourth of the annual revenues. I said, further, that it was estimated that it would cost from \$60,000,000 to \$70,000,000 to increase the pensions of all the old soldiers to \$1 a day, and I said, further, that even if it increased it to \$100,000,000 I would still favor it.

Mr. ANDERSON. Mr. Chairman, I would like to ask the gentleman if it is not a fact that General SHERWOOD made the statement that his bill in the amended form—that is, where the soldier would require the frequent or periodical attendance of another person—if his statement did not make it clear that it would not take to exceed \$17,000,000?

Mr. LANGLEY. While I have talked with General SHERWOOD at various times about his bill, I do not recall just what his last estimate was; but I will say to the gentleman that I would welcome an opportunity to vote for even that much increase, although I think it ought to be more. As I said a while ago, any bill that will make the law more liberal to the old soldiers, and the young soldiers, too, for that matter, than the present law will receive my hearty support.

Mr. ANDERSON. As far as I am personally concerned, I am in favor of General SHERWOOD's dollar-a-day bill, and since he has amended it I believe this House can ill afford to turn it down. I understand General SHERWOOD went to the Pension Bureau and got statistics showing his bill would not take to exceed \$17,000,000 in its amended form.

Mr. LANGLEY. I am not aware of just what the estimate was, but I was under the impression that the Commissioner of Pensions estimated that the so-called dollar-a-day bill, like the one I have introduced, would not exceed \$69,000,000 or \$70,000,000 annually; certainly not as much as the gentleman from New Hampshire has suggested.

Mr. ANDERSON. I might further add that in addition to my being in favor of General SHERWOOD's dollar-a-day bill, as a member of the Invalid Pension Committee I would be glad to have an opportunity to vote for it in committee and fight for its passage in the House. I think Mr. SULLOWAY, the chairman, is going to give us that privilege soon, and, as I have said, I think General SHERWOOD's statement that it would not take to exceed \$17,000,000 in its amended form is correct.

I want to say to my friend from Kentucky that as a member of the Committee on Invalid Pensions I have observed his activity in support of more liberal pension legislation, and especially the interest he has taken in the movement to pension soldiers at the rate of a dollar a day, and I am heartily with him on that proposition.

Mr. LANGLEY. I am glad to hear that statement, and I hope the gentleman will join with me and others in trying to get the committee to also report some bill for the relief of these militiamen who helped to suppress the rebellion.

Mr. ANDERSON. I have not investigated this question thoroughly, but after having talked the matter over with you personally heretofore, and after listening to your argument here to-day, I am convinced that your contention that these militiamen who aided in the suppression of the rebellion and rendered valuable service to the Union cause ought to be pensioned, and, as I understand it, you are to be given another hearing at an early date, and I will be glad to cooperate with you with a view to have the militiamen secure a pension. And if my colleague from Kentucky will yield to me a moment further, I desire to say that I am in favor of an amendment to the act of June 27, 1890, as amended by the act of April, 1908, providing for widows of soldiers whom they had married subsequent to 1890. The denial by Congress of pensions to widows of our soldiers whom they had married and cared for during their declining years, and consequently required greater care and attention than ever before, is not only a miscarriage of justice and right, but is a wrong that should be speedily righted.

There are splendid, good, and noble women who since 1890 have married and were helpful and devoted wives of honorably discharged soldiers and are entitled to every possible consideration by way of pension legislation.

If the date of marriage, in my opinion, would be brought down or extended to the year 1900 it would afford relief to widows who at this time are unable to provide for themselves.

Mr. LANGLEY. I am glad my friend from Ohio has brought up this question of an amendment to the act referred to relative to widows' pensions. I agree with him that there are many widows who married the soldier since June 27, 1890, who are just as deserving of pensions as are those who married before that date, and I am not only in favor of bringing the date down to the year 1900, but I have a bill pending before his committee bringing the date down to the present time. If I can not get a

bill of that kind passed, then I am in favor of bringing it down even to 1900, since, as the gentleman suggests, even that would relieve many deserving cases.

Mr. Chairman, I am of course glad to have these interruptions from Members, because it evinces their interest in a subject in which I am also deeply interested, and it shows, moreover, that those who have introduced these bills to which I have referred did not do so perfunctorily, but are anxious to aid in doing something more for the soldiers. Consequently, I repeat, I am glad the interruptions occurred, even though they have resulted in carrying me away from the line of argument I was pursuing. The facts which have been developed by this colloquy fully repay me for the time it has taken from that allotted me for my speech.

I did not quite finish with the subject of pensioning the state militiamen, although I think I have clearly shown already that Congress has delayed too long the legislation for their relief to which their services entitle them. I have had occasion to examine the records in the cases of a number of men who were regularly mustered into the service of the United States and who received an honorable discharge therefrom, and who, therefore, have a pensionable status under existing law. It is not my purpose, as I have already said, to question the title to pension of anyone who is now receiving it. Ninety days' service has been fixed as the minimum amount of service that will give a pensionable status to regularly enlisted men under the present law, except, of course, where the pension is for disability shown to have been of service origin. I have no fault to find with that limit, except that I would like to see it even smaller than that, because I know, of my own personal knowledge, of many cases where the service was much less than ninety days in which there ought to be a pension granted. The point I have been seeking to make is that, assuming that these men, many of whom rendered less than one hundred days' service and oftentimes without ever going out of their State, are entitled to all the pension they are getting and even to more than they are getting, then certainly a pension ought not to be denied to these state militiamen, many of whom frequently served outside of their State and who rendered service for a longer period and, in many instances, of greater value in the suppression of the rebellion.

The following extract from a letter received by me from a member of one of these Kentucky organizations will serve to indicate the valuable service rendered by these troops to the cause of the Union:

My patriotism and desire to enlist in the Union cause were very strong, but I stayed with my parents until I was of age, having two brothers already in the Union Army. I was mustered into the service the day I was 21 years old. I rode my own horse, for which I was promised pay, but never got it. I rode him for about three months, and many others did the same thing. During this time we captured more than enough horses to mount the remainder of our company, and also captured a great many men, with their equipments. We were on the scout day and night during the winter, and experienced many hardships, as the country was then full of bushwhackers, who were robbing the mails and government stores, plundering people's houses, taking their horses, firing on steamboats, and killing men who had returned from the Union Army. They sometimes crossed the Ohio River into Illinois and Indiana to commit these depredations. We went after them wherever we were called, and we soon put a stop to these depredations. We were cordially greeted everywhere we went by the good citizens who sympathized with the South, as they dreaded the guerrillas on account of their mean deeds.

When peace was in sight our horses were turned over to a United States officer—Colonel Glenn, I believe, was then commanding the post at Henderson, Ky.—and sold, and the proceeds went to the Government. We were in camp all the time during our service, except when we were on duty. We were not simply "enrolled militia," like they had in some of the other States, who stayed home and worked on their farms and in their shops. We were sworn into the service by a United States officer and sworn to obey the orders of the President of the United States. We were under United States officers and were mustered in by them.

I made application for a pension in 1890, under the act of June 27, 1890, but it was rejected on the ground that I was not in the regular service, although we really were. The United States has long since paid the State of Kentucky for the expenses of our organization and equipment, and we rendered valuable service to the Union cause under the command of United States officers, many of us engaging in battle along with them, and yet we are "left out in the cold," although many of our neighbors who served on the other side are drawing pensions from the State in which I now live. I am totally disabled from earning a support by labor and have no adequate means of support, and it does seem to me that it is the duty of Congress to grant me a pension.

Let me appeal to you again, gentlemen, in behalf of these men—militiamen and all. Let us get together and work unitedly. Let us not only erect a suitable monument over the graves of our soldier dead but let us do our utmost to get proper recognition of the services of those who are yet living, and while they can live to enjoy it. If we will do this, I am sure we will have the gratification of seeing at least some of these proposed laws written upon our statute books at no distant day. We must do it soon, however, or the opportunity to do it will have passed.



Mr. CLINE. I would like to ask the gentleman if he is in favor of the straight dollar-a-day bill?

Mr. LANGLEY. Yes; I am in favor of the straight dollar-a-day bill for all of the old soldiers. Of course in cases where they are already getting more than that, or are entitled to more under existing law, I would not interfere with that.

Now, Mr. Chairman, I hope gentlemen will desist from interrupting me further, as I have not very much time left and there are two or three other questions that I am particularly anxious to discuss before I take my seat.

Included in the synopsis of bills to which I have already referred are several introduced by me, each of which I would like to discuss if I had the time. There is one of them, however, to which I desire to call especial attention, and that is H. R. 13451, which I introduced in the Sixtieth Congress and again in the present Congress, and which proposes to amend the provisions of existing law so that soldiers of the Spanish-American war who are now disabled shall be entitled to pension without proving that their present disability was contracted in the service and line of duty, and the widows and minor children of soldiers of that war without proving that the death of the soldier was due to his service.

These soldiers of the Spanish-American war rendered service, as a rule, far away from their homes and under circumstances which make it difficult to prove the incurrence of disability in the service and line of duty, especially in view of the fact that in many cases it is now impossible for them to locate the comrades with whom they served. Many of them were in the far-away Philippines and among strangers, which renders it impossible for them to prove origin of disability. I know many deserving cases where it is utterly impossible for the claimant to furnish the evidence required by the Pension Bureau as to origin, and I think the time has arrived when Congress ought to grant pension without requiring such evidence.

There is still another class of men who rendered very important service to the Union cause during the civil war, and who, like the state militiamen, have been ignored in pension legislation thus far enacted. I refer to the wagoners and teamsters, who are held to have been civilian employees, because they were not mustered into the service of the United States, and therefore are denied a pension. I know of cases where these men rendered the most arduous service for even two and three years, undergoing almost indescribable hardships. Oftentimes their service was more important and more exacting than the duties of members of the organization to which they were attached. I have in mind one case now. There is an old man by the name of Press Hazlett in my district, who rendered service of this character and incurred disability while so serving, and who is now totally disabled. I have endeavored, but without success, to get a special bill passed granting him a pension. He can not get relief under the general law because it is held that he was not in the service of the United States, and for the same reason it seems impossible to get a special bill passed for his relief. I know of a number of other cases of a similar character.

These men ought to be placed upon the pension rolls. Several bills have been introduced for that purpose, and I hope that I may be able while I am in Congress to aid in the passage of some bill for their relief.

There are other amendments that I think should be made to the pension laws, and which I would like to discuss, but my limited time prevents.

I wish to refer now to one or two other matters, and then I will not trespass further upon the time of the committee. When it is shown that a pensioner, or a person entitled to pension, is totally disabled and without means of support, and he is unable to prove that his disability is due to the service, so as to entitle him to a rate of pension adequate to that disability under the general law, a special act is sometimes passed increasing his pension. But there are so many thousands of requests for the passage of such bills that only a few can be passed at a session for a congressional district. The result is that Members of Congress and the committee are compelled to discriminate between cases equally deserving, increasing the pension in one case and leaving many others without such recognition. While I have, of course, taken advantage of that practice by getting as many of such special acts passed as possible for my district, and have endeavored to give preference to the cases of the most needy and deserving, so far as I have been advised and could control it. I insist that the principle underlying the practice is wrong, and that the only thing Congress can justly and properly do is to pass a general law which will apply to all of such cases. If gentlemen are unwilling to pass now the regular "dollar-a-day" proposition, applying to all of the old soldiers, then here is a compromise

ground upon which we can all consistently stand and not hurt the Treasury, either.

I have introduced a measure of that kind, and I call upon all of you to join in passing such a law, thus relieving us of the present embarrassing and unjust practice. I will insert here a copy of this bill:

A bill (H. R. 22633) granting increase of pension to soldiers and sailors of the late civil war in certain cases.

*Be it enacted, etc.*, That all persons who served ninety days or more in the military or naval service of the United States during the late civil war and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which disables them in such a degree as to require the frequent and periodical or the regular and constant aid and attendance of another person, and who are without resources or means of support except the pension they are receiving or may be entitled to receive, shall be allowed a pension of \$1 per day.

Sec. 2. The provisions of this act shall extend to all officers and enlisted men who are receiving pension, or who may be entitled to receive pension, under the acts of June 27, 1890; February 15, 1895; and February 6, 1907, and the joint resolutions of July 1, 1902, and June 28, 1906, and pension thereunder shall commence from the date of the filing of the application in the Pension Bureau after the passage of this act, upon the making of due proof of the facts according to such rules and regulations as the Secretary of the Interior may provide: *Provided*, That nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting a claim and receiving a pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period.

Sec. 3. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than \$5, which sum shall be payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding \$500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

There is another practice which is being inaugurated here, and which is, to my mind, equally objectionable. I refer to the passage of bills in a few cases where there is a charge of desertion resting against the soldier, which bills provide, in effect, that this charge shall not be a bar to pension. I contend that the present law governing the removal of charges of desertion is entirely too rigid. Scores of cases have been brought to my personal attention in which it is perfectly manifest that the soldier did not intend to desert, and yet the War Department persistently refuses to remove the charge. In some of these cases it appears that the soldier, after having properly absented himself from his command, became disabled from causes not due to the service, and was unable, on that account, to return. In other cases it appears that he was cut off by the enemy, so that it was quite impossible for him to return. I have even heard of one or two of these cases where the soldier, while on furlough, was captured and placed in a confederate prison, and it was then, of course, impossible for him to return.

In all of such cases, the soldier's absence being unexplained, he was marked a deserter; and when he now attempts, by showing the actual facts; to get that charge removed, he is confronted with the provisions of existing law, which require that before the charge can be removed he must not only prove that he was prevented by physical disability from returning, but that such disability was contracted in the service and line of duty. The law ought to be amended so that wherever it can be shown that there was no intention to desert, but that the soldier's absence from his command was due to any reasonable cause, then the charge of desertion shall be expunged. To undertake to give relief in individual cases by special acts will inevitably result in discrimination in favor of some and against others equally deserving.

I know it is urged in opposition to any proposition of this character that the records of the War Department ought to stand as they were made. I shall not argue that they ought to be changed indiscriminately, because, in view of the circumstances under which they were made, they are entitled to great weight as evidence, but at the same time I think this disposition to adhere so rigidly to them results in doing injustice in a great many cases. Whenever it is shown by undisputed testimony that a charge of desertion was incorrectly made against a soldier, that charge ought to be removed; and where it is shown by the same character of testimony that a soldier rendered service and the records of the War Department fail to show that fact, they should be amended so as to show it.

I have in mind now the case of a soldier in my district who rendered service in a Kentucky regiment for nearly two years, but the record fails to show it. His name is Wesley Row. In March, 1864, when he was only 15 years of age, he applied to

Colonel Gallup, of the Fourteenth Kentucky Infantry, for enlistment. On account of his age and size, Colonel Gallup refused to allow him to take the oath, but told him that he could go along with the regiment, which he did. He went with it from Kentucky to Tennessee, Alabama, and Georgia, and performed the regular duties of a soldier, carrying dispatches for the colonel commanding the regiment, and performing other military duties. He was engaged in several battles and skirmishes with the enemy, and his service was the same as if he had been actually enlisted as a member of the command. All of these facts are shown by testimony the credibility of which can not be questioned. He can not get a pension because his name is not borne upon the records of the War Department. The Committee on Invalid Pensions will not report a special bill granting him a pension, because he has no "military status," as the committee puts it. I have introduced a bill seeking to give him that status, but, apparently, it is not possible to get this relief for him, although I shall not cease my efforts in his behalf, because if ever there was a soldier who deserves a pension this man does.

There is another question to which I desire to briefly call attention. It is the question of pensioning Union soldiers who had a prior confederate service, such as members of the First, Second, Third, Fourth, Fifth, and Sixth United States Infantries, and the First Independent Company, which organizations rendered what is commonly referred to as frontier service. In discussing this question in the Sixtieth Congress I used this language:

It is a matter of history, with which gentlemen of the House are doubtless familiar, that most of the men of which these organizations were made up were deserters and refugees from the confederate army and prisoners of war who had taken the oath of allegiance to the United States; that they enrolled themselves in the Union Army with the understanding that they were not to be sent to fight their former comrades in arms, among whom the great majority of them doubtless had relatives and friends; and that they were accordingly sent out for service on the frontier, although the records of the War Department show that a great many of them rendered other than frontier service after their enlistment in the Union Army. A number of these men were granted pensions pursuant to the construction which the Commissioner of Pensions placed upon the act of June 27, 1890, but this construction was afterwards reversed by the Assistant Secretary of the Interior, and, as a result, those who had been pensioned under the commissioner's ruling were dropped from the rolls.

While these men did not take part directly in the suppression of the rebellion, they did render service in the United States Army during the war of the rebellion, and a character of service which, under the liberal construction that usually governs the administration of the pension laws, should be regarded as service in the suppression of the rebellion. If they had not rendered this frontier service, it would have been necessary to withdraw other regiments from the field for that purpose. I have had occasion to talk recently with several members of these regiments who reside in my district, and they have given me in detail the character of service they rendered, such as performing garrison duty, building forts, checking or suppressing Indian uprisings, guarding government trains and wagons and telegraph lines, protecting the property of citizens and of the Government, and performing escort duty, protecting other Union troops in that locality, and so forth. Much of this service was just as essential to the success of the plans of the Union Army as was the service rendered by those operating directly against the enemy.

I do not think it just to exclude such cases from the provisions of the pension laws, and if the department has correctly interpreted the language of the present law, which I seriously doubt, the law should be amended.

I am glad to learn that my contention that the law was erroneously construed has been acceded to, and that justice, tardy though it be, is at last to be done these men.

It remains now for Congress to do what I think should have been done long ago, and that is to wipe out the remaining blot upon our system of pension laws by repealing the provision in the joint resolution of July 1, 1902, which denies a pension in the cases of Union soldiers who had a prior confederate service and who did not enlist in the Union service until January 1, 1865. On that point I want to repeat what I said two years ago:

There is no difference between the case of a former confederate soldier who afterwards entered the Union service on December 31, 1864, and the one who did not do so until after January 1, 1865. There is no point at which the line can be justly drawn. These men not only risked their lives upon the battlefield and endured all the hardships of army service to aid the Union cause, but they took the additional risk of being subjected to extreme cruelty and even of being executed in the event of their capture by their former comrades in arms. The ban of disloyalty because of having voluntarily engaged in or aided and abetted the rebellion has been removed from every other class of our citizens.

The men who fought in the Mexican war and afterwards on the side of the confederacy have been given a pensionable status, and the same has been done for those who served in the Indian wars and in the war with Spain. Then, why retain the limitation fixed by the joint resolution of July 1, 1902? Doubtless it will be contended that it should be retained for the reason that those who enlisted in the Union Army after January 1, 1865, did so because they saw the confederate cause was lost. But is it just that we should thus judge their motives? Besides, as a matter of fact, we know that there are hundreds of cases in which this was not true; and we know, too, that in States like Kentucky, Tennessee, Missouri, and North Carolina there were many men who were seeking an opportunity long before January 1, 1865, to get

from the confederate into the federal lines, so as to enlist in the Union Army, but who, by reason of conditions surrounding them, did not succeed in doing so until after that date. These facts, Mr. Chairman, emphasize the injustice of the principle upon which section 4716 of the Revised Statutes was based, and I, for one, am in favor of purging our pension laws entirely of any provision which creates a bar to pension on that account.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. Will the gentleman from Ohio yield me five minutes more?

Mr. KEIFER. I have not the time, as I have promised it to others.

Mr. LANGLEY. Well, give me one minute more.

Mr. KEIFER. Yes.

Mr. LANGLEY. I am sorry that so much of my time has been consumed by interruptions, although I am gratified at the interest gentlemen have taken in the discussion of this most absorbing question.

I introduced in the last Congress, and have reintroduced in this Congress, a bill, which I hope will pass, proposing to repeal this last remaining provision of law making prior confederate service a bar to pension, which, so long as it exists, tends to show that Congress is not keeping pace with the patriotic sentiment of fraternity and reunion which is now in the hearts of all the people. [Loud applause.]

Mr. KEIFER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. PRINCE, 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. 20578, the pension appropriation bill, and had come to no resolution thereon.

#### LAWTON AND FORT SILL ELECTRIC RAILWAY COMPANY.

The SPEAKER pro tempore laid before the House the bill (H. R. 19628) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. FERRIS. Mr. Speaker, I move that the House do concur in the Senate amendments.

The motion was agreed to.

The title was amended to read as follows: "An act to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway and telegraph, telephone, and trolley lines through the Fort Sill Military Reservation, and for other purposes."

#### LEAVE OF ABSENCE.

Mr. WOODYARD, by unanimous consent, was granted leave of absence for four days on account of important business.

#### RELIEF OF HOMESTEAD SETTLERS.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to submit a conference report for printing in the RECORD on the bill (H. R. 10321) for the relief of homestead settlers under the act of February 20, 1904.

The conference report (No. 794) and statement are as follows:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10321) having met, after full and free conference have agreed to recommend and to recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agreed to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

"SEC. 1. That two years' additional time for paying the installments due or to become due is hereby given to the purchasers of homestead lands sold pursuant to the provisions of an act entitled 'An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation in the State of Minnesota,' approved February twentieth, nineteen hundred and four; and no homestead entries under said act shall be canceled for nonpayment of installments of the purchase price until the expiration of the two additional years above named."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and



agree to the same with an amendment as follows: "Change section three to section four;" and the Senate agree to the same.

Amendment numbered —: That the House recede from its disagreement to the amendment of the Senate numbered —, and agree to the same with an amendment as follows: "Amend the title so as to read: 'An act for the relief of homestead settlers under the acts of February 20, 1904; June 5 and 28, 1906; March 2, 1907; and May 29, 1908;'" and the Senate agree to the same.

CHAS. H. BURKE,  
BIRD MCGUIRE,  
JNO. H. STEPHENS,  
*Managers on the part of the House.*

MOSES E. CLAPP,  
CHARLES CURTIS,  
ROBT. L. OWEN,  
*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10321) for the relief of homestead settlers under the act of February 20, 1904, submits the following statement in explanation of the effect of the action agreed upon and recommend the adoption of the same:

Amendment No. 1 of the Senate struck out section 1 of the bill. The agreement reinstates it in substantially the same form that it passed the House.

Amendment No. 4, upon which the House recedes, inserts as a new section section 4, which amends section 3 of the act of May 29, 1908, extending the terms of payment so that each installment is extended one year. The payment to be made within one year after entry to be made within two years after entry and each payment thereafter to become due one year later.

CHAS. H. BURKE,  
BIRD MCGUIRE,  
JNO. H. STEPHENS,  
*Managers on the part of the House.*

#### ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

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

H. R. 15384. An act making appropriation for the support of the army for the fiscal year ending June 30, 1911;

H. R. 19959. An act granting pensions and increase of pension to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 5269. An act for the relief of Alexander Everhart; and  
H. R. 12397. An act granting certain rights and privileges to the department of fisheries of the State of Pennsylvania.

The Speaker announced his signature to enrolled bill of the following title:

S. 6721. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6636. An act for the relief of assignees in good faith of entries of desert lands in Imperial County, Cal.—to the Committee on Private Land Claims.

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904—to the Committee on Interstate and Foreign Commerce.

#### ADJOURNMENT.

Mr. KEIFER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 57 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 Acting Secretary of the Treasury, transmitting an estimate of appropriation for rental of temporary quarters for government offices at Charleston, W. Va. (H. Doc.

No. 805)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of Commerce and Labor, transmitting a statement of travel of officers and employees of the Coast and Geodetic Survey during the year ended June 30, 1909 (H. Doc. No. 808)—to the Committee on Expenditures in Department of Commerce and Labor and ordered to be printed.

3. A letter from the Acting Secretary of the Navy, transmitting a reply to the inquiry of the House as to the status of naval vessels on the Great Lakes (H. Doc. No. 807)—to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Louis Benecke against The United States (H. Doc. No. 804)—to the Committee on War Claims and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WEEKS, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 22768) to provide for mail receptacles, reported the same without amendment, accompanied by a report (No. 795), 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. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 732) for the relief of the Merchants' Exchange National Bank of the City of New York, reported the same without amendment, accompanied by a report (No. 789), which said bill and report were referred to the Private Calendar.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 1084) for the relief of Thomas J. Irvin, reported the same without amendment, accompanied by a report (No. 790), which said bill and report were referred to the Private Calendar.

#### 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. DOUGLAS: A bill (H. R. 23251) for the purchase of a site and the erection thereon of a public building at Logan, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. SIMMONS: A bill (H. R. 23252) to provide for the introduction of foreign nursery stock by permit only and to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect—to the Committee on Agriculture.

By Mr. FOSTER of Vermont: A bill (H. R. 23253) granting the franking privilege to ex-Presidents of the United States and to the widows of ex-Presidents of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. CROW: A bill (H. R. 23254) to give a legal status to a submarine cable crossing the Mississippi River between Cairo, Ill., and Bird Point, Mo.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 23255) to authorize Butler and Stoddard counties, of Missouri, to construct a bridge across the St. Francis River at Fisk, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. STAFFORD (by request): A bill (H. R. 23256) granting a right of way to the Milwaukee, Sparta and Northwestern Railway Company, a subsidiary company of the Chicago and Northwestern Railway Company, across the military reservation (United States artillery target range and maneuver grounds) near Sparta, Monroe County, Wis.—to the Committee on Military Affairs.

By Mr. CRUMPACKER (by request): A bill (H. R. 23257) providing for the further distribution of the reports of the Supreme Court, and for other purposes—to the Committee on the Judiciary.

By Mr. PARSONS: A bill (H. R. 23258) permitting suits against the United States for damages caused by collisions

with vessels owned or employed by the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 23259) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau—to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. KELIHER: A bill (H. R. 23260) 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. BROUSSARD: A bill (H. R. 23261) to import wild and domestic animals into the United States—to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Resolution (H. Res. 504) to revise and amend the rules of the House—to the Committee on Rules.

By Mr. PARSONS: Joint resolution (H. J. Res. 177) requesting the Secretary of the Interior to inform the House whether he has any reports on the public-land laws of foreign countries, and so forth—to the Committee on Public Lands.

#### 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. ALLEN: A bill (H. R. 23262) granting an increase of pension to Francis E. Hayes—to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 23263) granting an increase of pension to William G. Shute—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 23264) granting an increase of pension to John N. Kirkendoll—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 23265) granting an increase of pension to Sanford Miller—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23266) granting an increase of pension to George Pyer—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 23267) granting a pension to Cora G. Baber—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 23268) granting an increase of pension to William R. McNew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23269) granting an increase of pension to Adam Shipley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23270) granting an increase of pension to William C. Tilley—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23271) granting an increase of pension to Horace K. Stille—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 23272) granting a pension to Emilie S. Buder—to the Committee on Pensions.

By Mr. COWLES: A bill (H. R. 23273) granting an increase of pension to Jesse Roark—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 23274) granting an increase of pension to William Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23275) granting an increase of pension to Edwin Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23276) granting an increase of pension to John Graves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23277) granting an increase of pension to James L. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23278) granting an increase of pension to James Heyburn—to the Committee on Pensions.

Also, a bill (H. R. 23279) granting a pension to Mrs. C. S. Jarboe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23280) to remove the charge of desertion against Elmer White—to the Committee on Military Affairs.

By Mr. CROW: A bill (H. R. 23281) granting an increase of pension to Henry Vasterling—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 23282) to correct the naval record of George R. Gray—to the Committee on Naval Affairs.

Also, a bill (H. R. 23283) granting an increase of pension to Benjamin A. Jobe—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 23284) granting a pension to Harriet E. Cantwell—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 23285) granting an increase of pension to John Day—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 23286) granting an increase of pension to Henry Rothermel—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 23287) granting a pension to Teresa Mindermann—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 23288) granting an increase of pension to Bartlett Wilson—to the Committee on Invalid Pensions.

By Mr. GILLET: A bill (H. R. 23289) in behalf of Leonard C. Hill—to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 23290) granting an increase of pension to Andrew Kimbrough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23291) granting an increase of pension to George W. Armor—to the Committee on Invalid Pensions.

By Mr. HITCHCOCK: A bill (H. R. 23292) granting an increase of pension to Joseph L. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23293) granting an increase of pension to Benjamin F. Sprecher—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 23294) granting an increase of pension to Elijah F. Hocker—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 23295) granting an increase of pension to Elwood M. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23296) granting an increase of pension to Lewis Miller—to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 23297) granting an increase of pension to Francis M. Fleck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23298) granting an increase of pension to Albert G. Painter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23299) granting a pension to Clara A. Cline—to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 23300) granting an increase of pension to E. J. Harshman—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23301) for the relief of William C. Creswell—to the Committee on War Claims.

Also, a bill (H. R. 23302) granting an increase of pension to Henry Nolley—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 23303) granting an increase of pension to Charles Hagen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23304) granting an increase of pension to Franklin Traver—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 23305) granting an increase of pension to Barnett Boyles—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 23306) granting an increase of pension to Charles W. Leavitt—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 23307) granting an increase of pension to Matthew R. Jones—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 23308) granting a pension to Mariah E. Orange—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 23309) granting a pension to Martha Ann Gillikin—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 23310) granting a pension to Edward Clay Miller—to the Committee on 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. ALLEN: Petition of Ami Whitney and 23 others, of Portland, Me., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petitions of business men of Harrison, Bridgton, Cornish, Westbrook, Saco, Springvale, and Brunswick, all in the State of Maine, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: Petition of Marine Firemen, Oilers, and Water Tenders' Benevolent Association of the Great Lakes, favoring House bill 11193 and Senate bill 6155—to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDERSON: Paper to accompany bill for relief of Samuel Kieffer—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Henry L. Stickel—to the Committee on Invalid Pensions.



By Mr. ANTHONY: Petition of citizens of Oakland, Kans., for a law to regulate the interstate shipment of intoxicating liquor—to the Committee on Alcoholic Liquor Traffic.

By Mr. ASHBROOK: Petition of State School of Agriculture, of Morrisville, N. Y., urging creation of a national labor distribution bureau—to the Committee on Agriculture.

Also, petition of Periodical Publishers' Association of America, for Senate bill 6570, to codify and amend the post-office laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BARNHART: Petition of Manitou Chapter, Daughters of the American Revolution, of Rochester, Ind., favoring retention of Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. BOOHER: Petition of J. W. Farley, J. F. Copeland, and 35 other citizens of Farley, Mo., opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of Ruth Heald Cragin Chapter, Daughters of the American Revolution, of North Anson, Me., for retention of the Bureau of Information relative to immigration—to the Committee on Immigration and Naturalization.

Also, petition of John Daily Grange, No. 381, for a national public health bureau—to the Committee on Expenditures in the Interior Department.

Also, petitions of Merchants' Association and Board of Trade of Bath, Me., against jurisdiction of Interstate Commerce Commission over water transportation (S. 5706)—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: Petition of Order of Patrons of Husbandry, favoring Senate bill 5842, governing traffic in oleomargarine—to the Committee on Agriculture.

By Mr. CARY: Communication from the Periodical Publishers' Association of America, indorsing the enactment of Senate bill 6970, to codify and amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, communications from the American Humane Education Society, the Ohio State Humane Society, and the Massachusetts Society for the Prevention of Cruelty to Animals, protesting against House bill 22321, taking power from the society and placing it in the hands of the police of the District—to the Committee on the District of Columbia.

Also, communication from the Musical Industry Merchant Marine League, of New York City, favoring the promotion of a merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, communication from the Associated Fraternities of America, protesting against section 5 of House bill 21321—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of Manufacturers and Dealers' League of the City of New York, against publicity feature of the federal corporation tax—to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, against the Moon anti-injunction bill (H. R. 21334)—to the Committee on the Judiciary.

Also, petition of A. D. Adriance, favoring two battle ships—to the Committee on Naval Affairs.

Also, petition of John L. Allen, of New York City, for enumeration in census of nonresident citizenship ownership of property—to the Committee on the Census.

By Mr. COOPER of Pennsylvania: Petition of the Lumbermen's Exchange, against the Moon bill (H. R. 21334) relative to injunctions—to the Committee on the Judiciary.

By Mr. DALZELL: Paper to accompany bill for relief of Benjamin A. Jobe—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George R. Gray—to the Committee on Naval Affairs.

By Mr. DRAPER: Petition of labor unions of Troy, N. Y., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of board of trustees of the State School of Agriculture at Morrisville, N. Y., for legislation to promote an increased supply of intelligent farm laborers through the national bureau of distribution—to the Committee on Agriculture.

Also, petition of the Musical Industry Merchant Marine League of New York City, for legislation to promote the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Periodical Publishers' Association of America, for Senate bill 6970 (the Carter bill), to codify and amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIDSON: Petition of P. H. Sheridan Post and John W. Scott Post, Grand Army of the Republic, of Oshkosh, and Stevens Point Post, Grand Army of the Republic, all of

the State of Wisconsin, against retention of Lee statue in Statuary Hall—to the Committee on the Library.

Also, petition of J. F. Sawyer Post, Department of Wisconsin, Grand Army of the Republic, against discontinuance of pension agencies outside of Washington, D. C.—to the Committee on Invalid Pensions.

Also, petition of Farmers' Institute of Amherst, Wis., against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. DWIGHT: Petition of Tionghinoga Chapter, Daughters of the American Revolution, of Cortland, N. Y., against repeal of section 40 of the immigration act of 1907, and for retention of the Division of Information, etc.—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of Western Cannery Association, against the publicity feature of the corporation-tax law—to the Committee on Ways and Means.

By Mr. FINLEY: Petition of Daniel Morgan Chapter, 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. FLOYD of Arkansas: Paper to accompany bill for relief of Horatio M. Gaughey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John B. Heffley (H. R. 20740)—to the Committee on Military Affairs.

Also, papers to accompany House bill 20683, to abolish the Ozark National Forest—to the Committee on the Public Lands.

Also, petition of citizens of Franklin County, Ark., against extending the quarantine line of the tick law any farther south, and to take Franklin County out of the forest reservation—to the Committee on Agriculture.

By Mr. FOCHT: Petitions of Grange No. 914, of James Creek; Pomona Grange, No. 6, of Huntingdon County; Oliver Grange, of Newport; and Lemasters Grange, No. 1403, of Lemasters, all in the State of Pennsylvania, relative to the tax on oleomargarine (S. 5842)—to the Committee on Agriculture.

By Mr. FOWLER: Petitions of Elizabeth Council, No. 253; Summit Council, No. 783; and Watchung Council, No. 18, Knights of Columbus, all in the State of New Jersey, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Hobart Council, No. 40, Loyal Legion, of Summit, N. J., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of U. S. Grant Post, No. 117, Grand Army of the Republic, of Chatham, N. J., against retention of the Lee statue in Statuary Hall—to the Committee on the Library.

Also, petition of citizens of Springfield, N. J., for the Weeks forest bill—to the Committee on Agriculture.

By Mr. FULLER: Petition of Local Union No. 8367, American Federation of Labor, of La Salle, Ill., favoring the passage of bill (H. R. 15441) for eight-hour day on government work—to the Committee on Labor.

Also, petition of the Practical Farmer, of Philadelphia, Pa., favoring the establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany a bill for the relief of Charles C. Coons (H. R. 21013)—to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Petition of Marine Firemen, Oilers, and Water Tenders' Benevolent Association, of Chicago, Ill., for House bill 11193 and Senate bill 6155, to amend laws for benefit of American seamen—to the Committee on the Merchant Marine and Fisheries.

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

By Mr. HAYES: Papers to accompany House bill 19745, granting an increase of pension to John J. Carroll—to the Committee on Invalid Pensions.

Also, petition of J. B. Witt and 47 other citizens of Smithfield, Pa., protesting against the immigration of all Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petitions of A. J. Lunde and Paul Hanson, of San Francisco, Cal., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. HENRY of Connecticut: Petition of Martha Pitkin Walcott Chapter, Daughters of the American Revolution, of East Hartford and South Windsor, Conn., for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of Edward Breakiron and 36 others, of Smithfield, Pa., protesting against the immigration of all Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of San Francisco, Cal., against House bill 17356, for jurisdiction of Interstate Commerce Commission over water transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Langley-Michaels Company, for amendment of House bill 17438, relative to habit-forming drugs—to the Committee on Agriculture.

Also, petition of Chamber of Commerce of San Francisco, Cal., against the publicity feature of the corporation-tax law and for its elimination—to the Committee on Ways and Means.

Also, petition of the Allied Printing Trades Council, favoring Senate bill 1614 and House bill 3075, against government envelope printing—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Iron Trades Council of San Francisco, Cal., for eight-hour bill (H. R. 15441)—to the Committee on Labor.

Also, petition of Abraham Lincoln Council, No. 2, Junior Order United American Mechanics, favoring House bill 13404, the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of La Pueta del Ord Chapter, Daughters of the American Revolution, against repeal of section 40 of immigration law as provided in the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of C. L. Griffith, in favor of House bill 3654, federal children's bureau—to the Committee on Labor.

Also, petition of Merchant Marine League of California, for House bill 16362, for rebuilding of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Coffin-Redington Company, of San Francisco, Cal., for House bill 17438, relative to habit-forming drugs—to the Committee on Agriculture.

Also, petition of San Francisco Allied Printing Trades Council, against increase of postal rate on periodicals and for a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. KELIHER: Petition of State Board of Trade of Massachusetts, protesting against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts Board of Brotherhood of Locomotive Engineers, for Senate bill 6702, compelling common carriers to equip their engines with safe and suitable boilers and appurtenances thereto—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Russell Lowell Camp, No. 9, United Spanish War Veterans, against acceptance of the Lee statue with the figure in confederate uniform—to the Committee on the Library.

By Mr. LAMB: Petition of citizens of Richmond, Va., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LANGHAM: Petition of Periodical Publishers' Association of America, favoring Senate bill 6970, the Carter bill, to codify and revise the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Petition of Royal Arcanum, No. 94, of Medford, Mass., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts State Board of Trade, favoring postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts State Board of Trade, protesting against an increase of rates of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts clergymen and theological students, against further increase of the navy—to the Committee on Naval Affairs.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, favoring Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

By Mr. OLMSTED: Petition of Lebanon Chapter, Daughters of the American Revolution, of Lebanon, Pa., for retention of Division of Information of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of Henry Nalley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William C. Creswell—to the Committee on War Claims.

By Mr. PETERS: Petition of 200 citizens of Boston and vicinity, for a policy of governmental economy, especially as regards naval expenditures—to the Committee on Appropriations.

By Mr. ROTHERMEL: Petition of Berks County Chapter, Daughters of the American Revolution, of Reading, Pa., for retention of Division of Information in the Immigration Bureau—to the Committee on Labor.

By Mr. RUCKER of Colorado: Resolution, signed by William C. K. Berlin, commander, and Robert F. Silvers, adjutant, of General Joe Wheeler Camp, No. 9, Department of Colorado, United Spanish War Veterans, of Denver, Colo., requesting Congress to provide for the raising of the wreck of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, preamble and resolution, signed by James T. Whitehead, president, and B. J. Seger, secretary, of the North Platte Valley Water Users' Association, of Scottsbluff, Nebr., pertaining to changes in the homestead and reclamation laws—to the Committee on the Public Lands.

Also, resolution from Pike's Peak Grange, No. 163, of Franktown, Colo., protesting against any change in the tax upon oleomargarine—to the Committee on Agriculture.

By Mr. SABATH: Petition of Garment Workers' Union, Local No. 61, of Chicago, Ill., for House bill 11193, amending laws for benefit of American seamen—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Retail Merchants' Association of Illinois, favoring tax of 2 cents per pound on all oleomargarine—to the Committee on Agriculture.

By Mr. SCOTT: Petition of citizens of Blue Mound, Kans., against the transportation of intoxicating liquor into States and Territories not having laws authorizing the sale of such intoxicating liquor—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Siblow Chapter, Daughters of the American Revolution, of Banner Springs, Kans., for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Edgerton, Kans., against sale of liquor in public buildings or on government ships—to the Committee on Alcoholic Liquor Traffic.

Also, petition against selling liquor in Hawaii—to the Committee on the Territories.

By Mr. SIMMONS: Communication from F. A. Underwood, president of the Erie Railway Company, making statements as to railway-mail pay—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Iowa: Petition in opposition to the passage of the Johnston Sunday bill (S. 404)—to the Committee on the District of Columbia.

Also, petitions of citizens of Cass, Adair, and Guthrie counties, and other citizens of Iowa, for House bill 7521, to prohibit gambling in farm products—to the Committee on Agriculture.

By Mr. STEENERS: Petitions of Wright County Dairy-men and Butter Makers' Association and the Fertile Creamery Association, of Minnesota, against the proposed change in the tax on oleomargarine—to the Committee on Agriculture.

Also, petitions of Axel Johnson, N. E. Wold, N. F. Nelson, N. P. Boe, Erick J. Backlund, and others, of Roseau, Roseau County, Minn., against the proposed change in tax on oleomargarine—to the Committee on Agriculture.

Also, petitions of J. T. Bradley, Ole Johnson, Edwin Olson, Dr. H. H. Sibold, and others, and American Society of Equity, of Deer Creek, Minn., against the proposed change in the tax on oleomargarine—to the Committee on Agriculture.

By Mr. SULZER: Petition of the Polonia Benevolent Association, Branch No. 36, Polish National Alliance, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Samuel Cupples Envelope Company, of New York, 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 Marine Association of the Port of New York, favoring preparation of pilot charts by able seamen—to the Committee on Appropriations.

Also, petition of L. Bolton Bangs, of New York City, for the Weeks forest conservation bill—to the Committee on Agriculture.

Also, petition of National Casket Company, of New York, protesting against increase of tariff on raw material—to the Committee on Ways and Means.



Also, petition of adjutant-general of the State of New York, for House bill 22839, to promote instruction of the militia—to the Committee on Militia.

Also, petition of Manufacturers and Dealers' League of City and State of New York, against the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Associated Fraternities of America, of Detroit, Mich., against clause of House bill 21321, discriminating against advertisements in fraternal publications—to the Committee on the Post-Office and Post-Roads.

Also, petition of the State School of Agriculture, of Morrisville, N. Y., favoring enlargement of Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Agriculture.

Also, petition of Periodical Publishers' Association of America, for Senate bill 6070, known as the Carter bill, to codify and amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Maine Memorial Committee, United Spanish War Veterans, of New York City, for an appropriation to raise the Maine and give its victims interment in Arlington Cemetery—to the Committee on Naval Affairs.

By Mr. TAYLOR of Ohio: Petitions of Golden Hill Distilling Company, Washington Brewing Company, and other citizens of Columbus, Ohio, for repeal of tax on corporations—to the Committee on Ways and Means.

By Mr. TENER: Petition of United Mine Workers' Union No. 2050 and committee on labor, of Newcastle, Pa., for House bill 15441, favoring an eight-hour workday on work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of Martha Ann Gillikin—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: Petition of travel class of Bluffton, Ohio, against the use of Hetch Hetchy Valley as a water reservoir for San Francisco—to the Committee on the Public Lands.

By Mr. YOUNG of Michigan: Petition of citizens of the Twelfth Congressional District of Michigan, against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lewis Cass Chapter Daughters of the American Revolution, of Escanaba, Mich., for retention of Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Petition of Philadelphia Chamber of Commerce, for House bill 1491, for legalization of commercial samples as baggage in interstate traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. WASHBURN: Petition of citizens of Boston, Mass., for reduction of military and naval expenditures, etc.—to the Committee on Naval Affairs.

## SENATE.

TUESDAY, March 22, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

### THE FOREST SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, by direction of the President, and in response to a resolution of the Senate of February 9, 1910, a statement of the amount of money expended under the direction of the Forester of the department in the education of forest students, the institutions they attended, the names of such students, etc., which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed. (S. Doc. No. 443.)

### CLAIM OF WILLIAM F. SCHERFF.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of William F. Scherff, administrator of the estate of Anton Borchert, deceased, v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed. (S. Doc. No. 442.)

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 6229. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company; and

S. 7187. An act making appropriation for folding speeches and pamphlets for the Senate.

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

S. 6286. An act to authorize the Copper River and Northwestern Railway Company to construct a bridge across the Copper River, in the District of Alaska, and for other purposes; and

S. 6851. An act authorizing the village of Taylors Falls, Minn., and the village of St. Croix Falls, Wis., to construct a bridge across the St. Croix River.

The message further announced that the Senate had agreed to the amendments of the Senate to the bill (H. R. 19628) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19255) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1911; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSTER of Vermont, Mr. FASSETT, and Mr. HOWARD managers at the conference on the part of the House.

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

H. R. 89. An act to reorganize and enlist the members of the United States Naval Academy Band;

H. R. 9101. An act to grant title to certain public land to the city of Santa Cruz, in the State of California, to be used for street purposes;

H. R. 19285. An act to amend section 773 of the Revised Statutes;

H. R. 19287. An act to amend section 14 of an act to provide for the bringing of suits against the Government of the United States, approved March 3, 1887;

H. R. 20585. An act to repeal section 4902 and to amend section 4934 of the Revised Statutes, relating to caveats;

H. R. 20988. An act authorizing the Secretary of Commerce and Labor to construct a water main and electric cable across Galveston Channel to furnish water and light to the immigration station;

H. R. 21673. An act granting authority to the city of St. Francisville, Ill., to build a bridge across the Wabash River;

H. R. 22369. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907; and

H. R. 22459. An act to authorize the board of commissioners of Lake County, Ind., to construct and maintain a bridge across the Grand Calumet River, in the city of Hammond, Ind.

### ENROLLED BILLS SIGNED.

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

S. 6721. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota;

H. R. 5269. An act for the relief of Alexander Everhart;

H. R. 12397. An act granting certain rights and privileges to the department of fisheries of the State of Pennsylvania;

H. R. 15384. An act making appropriation for the support of the army for the fiscal year ending June 30, 1911;

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

H. R. 19959. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the other House on the diplomatic and consular appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of