

By Mr. HOLLINGSWORTH: Petition of M. B. Ross and 12 others, of Harrison County, Ohio, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KRONMILLER: Paper to accompany bill for relief of Robert K. Lowry—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James M. Stephens—to the Committee on Military Affairs.

By Mr. LINDBERGH: Resolution of the Grand Council, Royal Arcanum, of Minnesota, approving and recommending for passage House bill 17543, permitting fraternal benefit societies to issue periodicals not less than quarterly and circulate them at second-class rates—to the Committee on the Post-Office and Post-Roads.

By Mr. McDERMOTT: Petition of Local No. 1, Commercial Telegraphers' Union, of Chicago, Ill., favoring House bill 11193 and Senate bill 6155, amending laws relative to American seamen—to the Committee on the Merchant Marine and Fisheries.

Also, petition favoring House bill 15441, the eight-hour bill—to the Committee on Labor.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Dora A. Gray—to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: Petition of Larimer County Medical Society and Columbine Grange, No. 153, of Littleton, Colo., for a national bureau of health—to the Committee on Interstate and Foreign Commerce.

Also, petition of Elizabeth Commandery, No. 247, Knights of St. John, and Ladies of the Maccabees of the World, of Florence, La Jara, and Idaho Springs, Colo., for an amendment to post-office bill, House bill 21321—to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE of Pennsylvania: Petition of South Dakota Dairymen's and Butter Makers' Association, against repeal of the Grout law and the Burleson and Simmons bills—to the Committee on Agriculture.

Also, petition of American Newspaper Publishers' Association, favoring House bill 13214, to encourage commerce between United States and Canada—to the Committee on Interstate and Foreign Commerce.

Also, petition of Madison County (N. Y.) Pomona Grange, Patrons of Husbandry, for legislation to secure an adequate supply of intelligent farm laborers through the national bureau of distribution—to the Committee on Labor.

By Mr. MORGAN of Oklahoma: Petition of Ladies of the Maccabees of the World, of El Reno, Okla., for amendment of House bill 21321, favorable to fraternal publications as to postal rates—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of members of Local Union No. 591, International Brotherhood of Electrical Workers of America, of Stockton; Local Union No. 806, of Pacific Grove, and Local Union No. 855, of Coalinga, United Brotherhood of Carpenters and Joiners of America, all in the State of California, against federal interference with the city of San Francisco in obtaining a water supply—to the Committee on the Public Lands.

Also, petition of citizens of California, favoring Senate bill 6931, making an appropriation of \$500,000 for extension of the work of the Office of Public Roads—to the Committee on Agriculture.

Also, petition of State Board of Health of California, for a national bureau of health—to the Committee on Interstate and Foreign Commerce.

Also, petition of General Charles King Camp, No. 35, Department of California, United Spanish War Veterans, for an appropriation to raise the wreck of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of Nelson A. Miles Camp, No. 10, Department of California, favoring House bill 18169—to the Committee on Military Affairs.

By Mr. NICHOLLS: Petition of citizens of Scranton, Pa., for House bill 22066, boiler-inspection bill—to the Committee on Interstate and Foreign Commerce.

By Mr. NYE: Petition of Grand Council of Minnesota, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Paper to accompany bill for relief of George W. Dinehart—to the Committee on Invalid Pensions.

By Mr. REID: Paper to accompany bill for relief of Money E. Stout—to the Committee on War Claims.

Also, petitions of Brotherhood of Locomotive Engineers; American Federation of Labor; Brotherhood of Railway Trainmen; Brotherhood of Locomotive Firemen and Enginemen; and Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, for federal supervision of locomotive boilers—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: Petition of Marlin A. Haynes Camp, No. 34, Sons of Veterans, of New Hampshire, against a display of any insignia in the United States calculated to foster a spirit of disloyalty—to the Committee on Military Affairs.

By Mr. SULZER: Petition of Chamber of Commerce of Rochester, N. Y., welcoming a spirit of conference and mutual good will in railroad legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York City, against any change in the so-called long-and-short-haul clause as contained in section 4 of the present law, entitled "An act to regulate commerce"—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of Methodist Episcopal Church South of Beaufort, N. C.—to the Committee on War Claims.

By Mr. WANGER: Petitions of A. L. Goodwin, secretary of Renovo Division, No. 110, Order of Railway Telegraphers, and F. F. Cowly and 7 other telegraph operators in the vicinity of Mortimer, Ohio, in favor of House bill 22237—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Pennsylvania: Petition of Alpha Grange, No. 1099, Patrons of Husbandry, for Senate bill 5842, governing traffic in oleomargarine—to the Committee on Agriculture.

Also, paper to accompany bill for relief of John A. Hart—to the Committee on Military Affairs.

Also, petition of C. F. Garrison and others, favoring Senate bill 6931, appropriating \$500,000 for extension of the Office of Public Roads—to the Committee on Agriculture.

SENATE.

WEDNESDAY, May 4, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved.

THE BETHLEHEM STEEL COMPANY.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, which will be read.

The Secretary read the communication, as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, May 3, 1910.

Hon. JAMES S. SHERMAN,
President of the Senate, Washington, D. C.

SIR: Some weeks since, because of conditions reported as existing in connection with a strike at the plant of the Bethlehem Steel Company, South Bethlehem, Pa., I directed the Commissioner of Labor to make an investigation of the causes of the strike and of the wages and working conditions at that plant. An investigation was thereupon immediately undertaken, and the report covering conditions of employment in the establishment has just been completed.

This report I now have the honor to transmit herewith, in compliance with the Senate resolution of April 19, 1910, directing "That the Bureau of Labor advise the Senate of the conditions leading up to the strike of employees of the Bethlehem Steel Company, Bethlehem, Pa., and the causes which led to that strike, and whether or not the employees of the machine shops of this company were required to work on Sunday, and whether the work of the mechanics and machinists was put upon the seven-day basis."

Respectfully,
CHARLES NAGEL, Secretary.

The VICE-PRESIDENT. The communication and accompanying papers will be referred to the Committee on Education and Labor and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13915) to establish in the Department of the Interior a bureau of mines, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HUFF, Mr. HOWELL of Utah, and Mr. BARTLETT of Nevada managers at the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

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

S. 1025. An act to authorize commissions to issue in the cases of officers of the army retired with increased rank;

S. 7360. An act to give the consent of Congress to the building of a bridge by the cities of Marinette, Wis., and Menominee, Mich., over the Menominee River;

S. 7673. An act to authorize the construction of a bridge across Town Creek, North Carolina;

H. R. 9197. An act for the relief of Reed B. Granger:

S. J. Res. 89. Joint resolution providing for certain printing and binding for the International Bureau of American Republics;

S. J. Res. 92. Joint resolution disapproving certain laws of the territorial legislative assembly of New Mexico; and

S. J. Res. 93. Joint resolution disapproving certain laws of the territorial legislative assembly of New Mexico.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Board of Trade of Pittsburgh, Pa., praying that investigations and inquiries be made into the causes of mine explosions and the more efficient use of mineral resources, which was ordered to lie on the table.

Mr. OLIVER presented a petition of Local Grange No. 1130, Patrons of Husbandry, of Jefferson, Pa., praying for the enactment of legislation to prohibit the fraudulent sales of oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Everett, Pa., and a petition of Local Grange, Patrons of Husbandry, of Elk Lake, Pa., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Journeymen Barbers' Union, No. 270, American Federation of Labor, of Plymouth, Pa., remonstrating against the enactment of legislation to revoke the rights of the city of San Francisco to the drainage basin of the Tuolumne River, in California, for a water supply for its homes and industries, which was referred to the Committee on the Geological Survey.

He also presented a petition of the congregation of the Covenant Church, of Mercer, Pa., praying for the adoption of an amendment to the Constitution recognizing the Deity, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Scranton, Pa., and a petition of sundry citizens of Galetton, Pa., praying for the passage of the so-called "boiler-inspection bill," which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Pennsylvania State Society of the Sons of the American Revolution, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented petitions of sundry members of the Ladies of the Maccabees of the World, of St. Petersburg, Sheffield, Irvine, Mount Alton, East Brady, Russell, and Corry, all in the State of Pennsylvania, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of sundry members of the Ladies of the Maccabees of the World, of Reddick, Ill., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Carpenters' District Council, American Federation of Labor, of Rock Island, Ill., and a memorial of Local Union No. 196, Amalgamated Steel Metal Workers, of Mount Carmel, Ill., remonstrating against the enactment of legislation to revoke the rights of the city of San Francisco to the drainage basin of the Tuolumne River in California for a water supply for its homes and industries, which were referred to the Committee on the Geological Survey.

Mr. GAMBLE. I present resolutions adopted by the South Dakota Dairymen's and Buttermakers' Association, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

To the honorable the President, the Senate, and the House of Representatives of the United States:

Whereas the present law, enacted by Congress on May 9, 1902, and commonly known as the Grout law, which imposes a 10-cent internal-revenue tax on oleomargarine when colored, we believe to be a just law, and should be retained upon our statutes; and

Whereas there has been introduced in Congress a bill known as the Burleson bill (H. R. 13842) and the Simmons bill (S. 5428), and are now before the Committee on Agriculture of the Sixty-first Congress, the import of which is to repeal the Grout law and substitute in lieu thereof the above-mentioned bill; and

Whereas the proposed law would work an injustice to the dairy interests of South Dakota as well as the Nation at large, in that it removes all taxes from oleomargarine and offers no adequate protection to the dairy interests or consumers of their products; and

Whereas we believe the color distinction, as defined by the Grout law, is the only feasible means of protecting the dairy interests and the consuming public: Now, therefore, be it

Resolution by the South Dakota Dairymen's and Butter Makers' Association in convention assembled at Watertown, S. Dak., on this 29th day of March, 1910. That we protest against the repeal of the Grout law and the enactment into law of the Burleson and Simmons bills; and be it further

Resolved, That we urge upon Congress, now assembled, to defeat the passage of the Burleson bill (H. R. 13842) and the Simmons bill (S. 5428), and also urge the Senators and Representatives from South Dakota to use all honorable means to prevent the repeal of the Grout law and the passage of the aforesaid Simmons and Burleson bills; and be it further

Resolved, That the Secretary of this association be instructed to forward a copy of this preamble and resolutions to each Senator and Representative of the Sixty-first Congress; and be it further

Resolved, That the secretary of this association request our Congressmen from South Dakota to introduce this preamble and resolution in the House of Representatives, with a request that unanimous consent be given to have same printed in the CONGRESSIONAL RECORD.

The above resolutions, as duly adopted at the said annual convention, were introduced by the committee on resolutions, composed of C. H. Winn, A. P. Ryger, and C. Larsen.

SOUTH DAKOTA DAIRYMEN'S AND BUTTER MAKERS' ASSOCIATION.

I hereby certify that the above is a true copy of resolutions adopted at the annual convention of the South Dakota Dairymen's and Butter Makers' Association, held at Watertown, S. Dak., on March 29 and 30, 1910, and of the whole of said resolutions, and that such resolutions stand unrevoked at this date.

A. P. RYGER, *Secretary.*

BROOKINGS, S. DAK., April 5, 1910.

Mr. FLINT presented a petition of Sierra Council, No. 1842, Royal Arcanum, and of sundry members of the Ladies of the Maccabees of the World, of Pasadena and Artesia, all in the State of California, praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Bakersfield, Cal., remonstrating against the enactment of legislation withdrawing oil lands from entry located prior to September 27, 1909, which was referred to the Committee on Public Lands.

He also presented a petition of Nelson A. Miles Camp, No. 10, Department of California, United Spanish War Veterans, of Los Angeles, Cal., and a petition of Charles King Camp, No. 35, Department of California, United Spanish War Veterans, of Napa, Cal., praying for the enactment of legislation granting badges and medals to all soldiers who served in the Spanish war, the Philippine insurrection, and the Chinese campaign, which were referred to the Committee on Military Affairs.

He also presented a petition of Nelson A. Miles Camp, No. 10, Department of California, United Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation providing for the raising of the wreck of the battle ship *Maine* and the interment of those entombed therein, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the state board of health of California, remonstrating against the enactment of legislation to establish a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BRADLEY presented a memorial of Newport Lodge, No. 5, Amalgamated Association of Iron and Steel Workers of North America, of Newport, Ky., remonstrating against the enactment of legislation granting government contracts to corporations denying to their employees the right to organize for better working conditions, which was referred to the Committee on Education and Labor.

Mr. WETMORE presented a petition of the Central Labor Union, American Federation of Labor, of Newport, R. I., and a petition of the Pattern Makers' Association of Providence, R. I., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of Conanicut Grange, No. 1, Patrons of Husbandry, of Jamestown, R. I., and a petition of sundry citizens of East Greenwich, R. I., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Conanicut Grange, No. 1, Patrons of Husbandry, of Jamestown, R. I., and a petition of the congregation of the Roger Williams Baptist Church, of Providence, R. I., praying for the enactment of legislation to establish a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

Mr. PAGE presented a petition of sundry citizens of Windham, Vt., and a petition of sundry citizens of Richford, Vt., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were referred to the Committee on Agriculture and Forestry.

Mr. PILES presented a memorial of Osceola Grange, No. 271, Patrons of Husbandry, of Enumclaw, Wash., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. DOLLIVER presented a petition of sundry members of the Ladies of the Maccabees of the World, of Iowa City, Iowa, and a petition of sundry members of the Ladies of the Maccabees of the World, of Webster City, Iowa, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Marion County Medical Society, of Knoxville, Iowa, and a petition of the Commercial Club of Muscatine, Iowa, praying for the enactment of legislation to establish a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of sundry citizens of New Hampton, Iowa, remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Keokuk Chapter of the National Society, Daughters of the American Revolution, of Keokuk, Iowa, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Iowa, Ohio, Michigan, Colorado, Missouri, California, Illinois, Massachusetts, Nebraska, and Utah, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

He also presented a petition of Local Union No. 2645, United Mine Workers of America, of Ottumwa, Iowa, praying for the enactment of legislation to create a bureau of mines in the Department of the Interior, which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union, American Federation of Labor, of Waterloo, Iowa, remonstrating against the enactment of legislation to revoke the rights of the city of San Francisco to the drainage basin of the Tuolumne River, in California, for a water supply for its homes and industries, which was referred to the Committee on the Geological Survey.

He also presented a petition of Dubuque Nest, No. 133, American Order of Owls, of Dubuque, Iowa, and a petition of Hustler Camp, No. 3300, Modern Woodmen of America, of Dubuque, Iowa, praying for the enactment of legislation granting pensions to all government employees in the classified civil service, which were referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of Council Bluffs, Missouri Valley, Des Moines, and Marengo, all in the State of Iowa, praying for the passage of the so-called "boiler-inspection bill," which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 625), accompanied by the bill (S. 8086) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and certain widows and dependent relatives of such soldiers and sailors; which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

- S. 4444. Thomas O'Neal, alias Benjamin F. Gorum;
- S. 4732. Edward Dexter Le Compte;
- S. 4908. John S. Thayer;
- S. 5285. Julia Weber;
- S. 5508. Charles P. Harris;
- S. 7141. Fred M. Mason;
- S. 7348. Porter Washington;
- S. 7388. Frank Schroepel;
- S. 7509. Alexander Heisen;
- S. 7675. Cullen W. Edenfield;
- S. 7727. Albert Gay;
- S. 7728. Theodore W. Moeller;
- S. 7762. George W. Boyett; and
- S. 7912. Elizabeth V. McKeever.

Mr. SCOTT, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions,

submitted a report (No. 626), accompanied by the bill (S. 8087) 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; which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

- S. 7238. Thomas B. Hickenlooper;
- S. 7274. Martha Patterson;
- S. 7312. Elma C. Townsend;
- S. 7315. Sidney P. Madeira;
- S. 7318. Alonzo Pickle;
- S. 7319. Frances A. Fox;
- S. 7331. George M. E. Barnes;
- S. 7368. Martin Moore;
- S. 7375. William Moore;
- S. 7382. James C. Twyman;
- S. 7386. Jennie B. French;
- S. 7390. John A. Harvey;
- S. 7402. Adelbert Dolliver;
- S. 7404. August F. Girkie;
- S. 7414. Mary A. Prather;
- S. 7417. Samuel M. Boone;
- S. 7423. Julia E. Welles;
- S. 7425. Jane Thompson;
- S. 7437. Charles I. Rogers;
- S. 7440. Michael McAndrews;
- S. 7448. Matilda Kerns;
- S. 7488. Benjamin Holley;
- S. 7492. Henry C. Carbee;
- S. 7505. Jacob Casebere;
- S. 7511. Robert M. van Gilder;
- S. 7512. Hugh A. Smith;
- S. 7519. Simon R. Marston;
- S. 7520. Alice V. Daily;
- S. 7535. Francis H. Foss;
- S. 7537. Edward L. Curtis;
- S. 7543. Henry F. Green;
- S. 7547. Walter M. Flanders;
- S. 7548. Harriet F. Huston;
- S. 7550. James W. Cox;
- S. 7551. George H. Stillman;
- S. 7561. James W. Nauslar;
- S. 7572. Robert C. Bitner;
- S. 7573. Charles H. Mendenhall;
- S. 7599. John P. Kendrick;
- S. 7600. Charles W. Lolley;
- S. 7601. John E. Lapham;
- S. 7607. Henry Abbott;
- S. 7618. Frank Nealy;
- S. 7622. Mary Welsh;
- S. 7625. Mary C. Fisher;
- S. 7641. Milton E. Bourne;
- S. 7667. Daniel Kalusy;
- S. 7678. George Martin, alias Jonas M. Phelps;
- S. 7684. Henry C. Hitchcock;
- S. 7685. William F. Greeley;
- S. 7696. Isaac A. Mills;
- S. 7705. Edwin D. Haynes;
- S. 7714. William A. Van Aiston;
- S. 7720. Henry L. Cushing;
- S. 7722. Joseph Burkart;
- S. 7734. Hugh A. Hawkins;
- S. 7741. Gilbert W. Potter;
- S. 7755. Eli Musgrave;
- S. 7792. Arthur W. Russell;
- S. 7849. Robert B. Dickie;
- S. 7854. Erastus C. Johnston;
- S. 7913. William Drury; and
- S. 7927. William W. Henry.

Mr. GAMBLE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 187) providing for the erection of a public building in the city of Rapid City, S. Dak., reported it with an amendment and submitted a report (No. 627) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (H. R. 18285) to authorize the construction of a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa, reported it without amendment.

Mr. JONES, from the Committee on Public Lands, to whom was referred the bill (H. R. 10584) providing for the adjustment of the claims of the States and Territories to lands within national forests, reported it with amendments and submitted a report (No. 629) thereon.

Mr. GORE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5504) to provide

for the erection of a public building at Chickasha, Okla., reported it with amendments and submitted a report (No. 630) thereon.

Mr. HUGHES, from the Committee on Public Lands, to whom was referred the bill (H. R. 22549) granting public lands to certain cities and towns in the State of Colorado for public-park purposes, reported it with an amendment and submitted a report (No. 631) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 3828) for the relief of the registers and receivers of the United States land office in the State of Kansas, reported it with amendments and submitted a report (No. 632) thereon.

USELESS PAPERS IN THE POST-OFFICE DEPARTMENT.

Mr. SIMMONS, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following report (No. 628), which was considered by unanimous consent and agreed to:

The joint select committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files, and papers therein described, and we find and report that the files and papers described in the report of the Postmaster-General in House document No. 739, Sixty-first Congress, second session, dated February 28, 1910, are not needed in the transaction of the current business of such departments and bureaus and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

F. M. SIMMONS,
J. H. GALLINGER,
Members on the part of the Senate.

ARTHUR L. BATES,
J. FRED. C. TALBOTT,
Members on the part of the House.

BATTLE SHIP "MAINE."

Mr. HALE. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 23012) providing for the raising of the U. S. battle ship *Maine*, in Habana Harbor, and to provide for the interment of the bodies therein, and I submit a report (No. 633) thereon. I wish to state that the bill has been postponed by my enforced absence; and if there is no objection, I should like to have it passed.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War and the Chief of Engineers to provide with all convenient speed for the raising or the removal of the wreck of the U. S. battle ship *Maine* from the harbor of Habana, Cuba, and for the proper interment of the bodies therein, in Arlington Cemetery; and the Secretary of War is authorized and directed to remove the mast of the wreck of the battle ship *Maine* and place the same upon a proper foundation in Arlington National Cemetery, at or near the spot where the bodies of those who died through such wreck are interred. But the consent in proper form of the Republic of Cuba shall be first obtained. The bill proposes to appropriate \$100,000 on account of the work authorized by it.

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

ISLAND END RIVER CHANNEL, MASSACHUSETTS.

Mr. GALLINGER. From the Committee on Naval Affairs, I report back favorably with an amendment the bill (S. 7981) authorizing the connecting of a channel with Island End River, in Chelsea, Mass., and I submit a report (No. 624) thereon. I call the attention of the senior Senator from Massachusetts [Mr. LODGE] to the bill.

Mr. LODGE. I ask for the present consideration of the bill. The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill which has just been read?

Mr. BURTON. Mr. President, I should like to ask several questions about the bill. In the first place, I understand that the work is to be done by a private corporation, without any expense to the Government.

Mr. LODGE. Absolutely.

Mr. BURTON. And the work is to be under the supervision or is to be approved by the Chief of Engineers.

Mr. LODGE. The committee changed it to the Secretary of the Navy, but I think it ought to be the Chief of Engineers.

Mr. GALLINGER. The change was made upon the request of the Secretary of the Navy, and as the hospital grounds are in his charge the committee thought it was a proper change to make; that is, so far as the protection of the bank is concerned; that is all.

Mr. LODGE. All that necessitates the bill is that a corner has to be cut off from the naval hospital grounds in order to complete the channel.

Mr. PERKINS. It is all set out in the report of the committee.

Mr. BURTON. As I understood the reading of the bill, the work is to be approved by the Secretary of War.

Mr. GALLINGER. It is to be approved by him.

Mr. BURTON. That is the provision of the bill?

Mr. LODGE. Yes; the work is to be done under the direction of the engineers, and is to be approved by the Secretary of War.

Mr. GALLINGER. The value of the ground to be granted, I understand, is only \$30 or \$40; at high tide it is under water and it is a marsh at low tide. It has no value.

Mr. BURTON. I take it the report is from the Committee on Naval Affairs because of that fact—that it is a part of the hospital grounds.

Mr. GALLINGER. It is.

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

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

The amendment was, on page 2, line 5, after the words "of the," to strike out the words "Chief of Engineers," and in lieu to insert "Secretary of the Navy," so as to make the bill read:

Be it enacted, etc. That the New England Gas and Coke Company is hereby authorized to dredge and remove all that part of the United States Naval Hospital grounds, at Chelsea, Mass., comprising about 7,500 square feet, more or less, situated at the northwest extremity of said grounds, lying within the lines of the protected channel to be dredged and established by said company in continuation of the Island End River across the peninsula formed by the bend in said river at the head thereof: *Provided*, That the dredging of said channel be approved and authorized by the Secretary of War; that the said channel opposite the hospital grounds fronting thereon shall be dredged to a depth of 20 feet below mean low water, and a width of not less than 150 feet at that depth; and that the said water front of the hospital grounds shall be stayed and protected in such manner as shall, in the judgment of the Secretary of the Navy, be sufficient for its preservation: *And provided further*, That the United States shall be at no expense on account of the work herein authorized; and that when said channel shall be dredged and finished it shall be, and forever remain, a public water highway.

The amendment was agreed to.

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

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

BILLS INTRODUCED.

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

By Mr. BEVERIDGE:

A bill (S. 8088) for the relief of the legal representatives of Gallus Kerchner, deceased; to the Committee on Claims.

A bill (S. 8089) granting an increase of pension to James A. Berry (with an accompanying paper); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 8090) to provide for the purchase of a site and the erection of a public building thereon at Narragansett Pier, in the State of Rhode Island; to the Committee on Public Buildings and Grounds.

By Mr. SHIVELY:

A bill (S. 8091) to increase the limit of cost for purchase of a site and erection of a post-office building at Wabash, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. GORE:

A bill (S. 8092) for the relief of Elizabeth McLaughlin, heir to William Hurley (with an accompanying paper); to the Committee on Claims.

A bill (S. 8093) providing for the approval by Congress of contracts affecting the money and property of the Five Civilized Tribes of Indians; to the Committee on Indian Affairs.

By Mr. PENROSE:

A bill (S. 8094) to provide for the return of undelivered letters, and for other purposes; to the Committee on Post-Offices and Post-Roads.

By Mr. McENERY:

A bill (S. 8095) for the relief of the heirs of the late George S. Kausler; and

A bill (S. 8096) for the relief of the heirs of the late Pierce Butler; to the Committee on Claims.

By Mr. SCOTT:

A bill (S. 8097) granting an increase of pension to James Eades (with an accompanying paper);

A bill (S. 8098) granting an increase of pension to James M. Owen; and

A bill (S. 8099) granting an increase of pension to William A. Byus (with accompanying papers; to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 8100) granting an increase of pension to Jerome Schamp; to the Committee on Pensions.

ELIZABETH G. MARTIN.

Mr. CURTIS submitted an amendment proposing to appropriate \$5,000 for the relief of Mrs. Elizabeth G. Martin in connection with the death of her husband, James P. Martin, at Paraíso, Isthmus of Panama, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

MANUFACTURE AND SALE OF DRUGS.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (S. 6810) imposing a tax upon and regulating the production, manufacture, and distribution of certain habit-forming drugs, which was referred to the Committee on Finance and ordered to be printed.

AIDS TO NAVIGATION.

Mr. PILES submitted three amendments intended to be proposed by him to the bill (H. R. 24877) to authorize additional aids to navigation in the Light-House Establishment, and to provide for a bureau of light-houses in the Department of Commerce and Labor, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

BUREAU OF MINES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13915) to establish in the Department of the Interior a bureau of mines and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. DICK, Mr. NIXON, and Mr. JOHNSTON the conferees on the part of the Senate.

HEIRS OF HENRY HYER, ETC.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (H. R. 20306) to perfect the title to certain land to the heirs of Henry Hyer and his wife, Julia Hyer, deceased, and other persons.

Mr. SMOOT. I have no desire to enter an objection to the consideration of this bill, but after it is disposed of I should like to move to take up the calendar under Rule VIII.

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

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill called up by the Senator from Florida?

Mr. KEAN. Is there a report in connection with the bill?

Mr. FLETCHER. There is a report.

Mr. KEAN. I think the Senate is entitled to have some explanation of the bill.

The VICE-PRESIDENT. Does the Senator from New Jersey desire to have the report read or to have the Senator from Florida explain the bill?

Mr. KEAN. Either one or the other.

Mr. FLETCHER. Mr. President, this is a bill which passed the House and came to the Senate and was referred to the Committee on Public Lands and reported by that committee favorably. The report is No. 963, and recites the facts in connection with the measure.

There are parties in possession of the land in question, and they and their ancestors have been in possession of it for seventy-five years. Some little question has now been raised in reference to the possible interest of the Government in the property. In 1826 Congress passed an act disclaiming any interest in the property, but there seems to have been some necessity for further action. The bill simply amounts to a disclaimer on the part of the Government of any interest in the

property. These parties, as I said, the present owners and their ancestors, have been in possession for seventy-five years. It is a unanimous report by the committee. The bill has passed the House, and I can see no possible objection to it.

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

Mr. BURKETT. I should like to ask if there is a printed report with the bill.

Mr. FLETCHER. There is a report, as I have just stated, Report No. 963, by the House committee.

Mr. GALLINGER. It is a House report.

The VICE-PRESIDENT. The bill was reported without a written report.

Mr. BURKETT. It seems to me that we ought to have a printed report before we consider it. I think the bill ought to go over until we can have the report before us.

Mr. FLETCHER. There was no Senate committee report, I understand, except simply a favorable report. There was no printed report. There is a printed House report, which I will be glad to submit to the Senator.

Mr. SMOOT. I wish to say to the Senator from Nebraska [Mr. BURKETT] that the bill has a unanimous report from the Committee on Public Lands of the Senate. There was no member of the committee who objected in any way to it; and there is no reason why the bill should not pass. As the Senator from Florida [Mr. FLETCHER] states, there is a printed House report on the bill, which is so plain on its face that I suppose the Senator reporting the bill from the Senate committee did not think it was necessary to make a report.

Mr. BURKETT. Mr. President, that is the reason I should like at least to see a report, to ascertain what was before the Senate committee. If there was not any more before the Senate committee when they considered the bill than there is now before the Senate when we are considering it, I am not surprised that there was no objection to the bill.

Mr. FLETCHER. There was a printed House report before the Senate committee.

Mr. BURKETT. And perhaps not much consideration was given to the bill. It seems to me we ought not to have a bill taken up by unanimous consent and passed when there is not even a report accompanying it through which we can glance. I am frank to say that I do not know anything about this bill, except that it is to quiet title, or something of that kind. On account of the confusion in the Chamber, I could not very well hear what the Senator from Florida said. I think, Mr. President, that the bill had better go over for a while. I object to its present consideration.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill. The calendar under Rule VIII is in order.

Mr. FLETCHER. If the Senator from Nebraska will allow me, I wish to make this statement. I have asked for unanimous consent to take up the bill on account of my engagements with a special committee. I shall have to be out of the Senate on Thursday, Friday, and Saturday. The bill involves a matter of no consequence to anyone except the parties in possession of the land, and they have been in possession of it for seventy-five years.

Mr. BURKETT. Mr. President, I ask that the bill go over for the present until I can examine the House report.

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

ORDER OF BUSINESS.

Mr. CLARK of Wyoming. Mr. President—

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. The calendar under Rule VIII is in order.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator demand the regular order?

Mr. PENROSE. Mr. President—

The VICE-PRESIDENT. The Chair desires to ask if the regular order has been asked for.

Mr. GALLINGER. It has been asked for.

The VICE-PRESIDENT. Did the Senator ask for the regular order?

Mr. GALLINGER. I ask for the regular order.

The VICE-PRESIDENT. The Senator from New Hampshire asks for the regular order, which is the calendar.

Mr. GALLINGER. I withhold the demand if the Senator from Pennsylvania has something to submit.

The VICE-PRESIDENT. The Chair first recognizes the Senator from Wyoming.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of Order of Business No. 473, being the bill (H. R. 16367) to repeal section 860 of the Revised Statutes.

Mr. BRISTOW. I desire to state that the Senator from Utah—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas, who desires to make a statement?

Mr. CLARK of Wyoming. I do.

Mr. BRISTOW. The Senator from Utah [Mr. SMOOT] asked that we proceed to the calendar.

The VICE-PRESIDENT. The Senator from Kansas is in error. The Senator from Utah gave notice that, after the disposition of the bill for the consideration of which unanimous consent was asked by the Senator from Florida [Mr. FLETCHER], he would demand the regular order, but he has not done so.

Mr. BRISTOW. It seems to me as though we ought to proceed with the calendar. There are a great many Senators here who are interested in bills on the calendar.

The VICE-PRESIDENT. Does the Senator from Kansas demand the regular order?

Mr. BRISTOW. I do.

The VICE-PRESIDENT. The Senator from Kansas demands the regular order, which is the calendar under Rule VIII. The Secretary will state the first bill on the calendar.

BILLS PASSED OVER.

Mr. GALLINGER. Mr. President, I ask that all the bills on the first page of the calendar under Rule VIII go over.

Mr. KEAN. I hope the Senator from New Hampshire will not do that. I think the Senator from Maine [Mr. FRYE] is interested in Order of Business No. 414, Senate bill 7021.

Mr. GALLINGER. Very well. Then, let the first seven bills on the calendar go over.

The VICE-PRESIDENT. Being objected to, the bills on the calendar, Senate bill 3724, Senate bill 1630, House bill 12316, Senate bill 5715, House joint resolution 116, Senate bill 6737, and House bill 18166 will go over.

RADIO COMMUNICATION ON OCEAN STEAMERS.

The bill (S. 7021) to require apparatus and operators for radio communication on certain ocean steamers was announced as next in order on the calendar.

Mr. SMOOT. Let that bill go over, Mr. President.

Mr. FRYE. Why so?

Mr. SMOOT. A Senator asked me, if he were not present at the time when the bill came up, to request that it go over.

Mr. FRYE. It can not be this bill. It must be the bill for regulating wireless telegraphy. There is no possible objection to this bill, which has once before passed the Senate. It is unanimously reported by the Committee on Commerce, and it has been very carefully considered.

Mr. SMOOT. I have no interest in the bill at all, nor any objection to it, except that I forget now who it was, but a Senator asked me if he were not present to request that the bill go over. I withdraw the objection, however.

Mr. FRYE. That must be a mistake, because it is not possible that anyone can have any objection to this bill.

The VICE-PRESIDENT. The Secretary will report the next bill on the calendar.

Mr. FRYE. No objection was made to the consideration of this bill, Mr. President.

Mr. SMOOT. I withdraw the objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That from and after the 1st day of July, 1911, it shall be unlawful for any ocean-going steamer of the United States, or of any foreign country, carrying passengers and carrying 50 or more persons, including passengers and crew, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio-communication, in good working order, in charge of a person skilled in the use of such apparatus, which apparatus shall be capable of transmitting and receiving messages over a distance of at least 100 miles, night or day: *Provided*, That the provisions of this act shall not apply to steamers plying only between ports less than 200 miles apart.

SEC. 2. That for the purpose of this act apparatus for radio-communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages relating to the safety of the vessel or those on board, the ship's position, weather, and information to aid navigation, with shore or ship stations using other systems of radio-communication.

SEC. 3. That the master or other person being in charge of any such vessel which leaves or attempts to leave any port of the United States in violation of any of the provisions of this act shall, upon conviction, be fined in a sum not less than \$1,000 nor more than \$5,000, and any such fine shall be a lien upon such vessel, and such vessel may be libeled therefor in any district court of the United States within the jurisdiction of which such vessel shall arrive or depart, and the leav-

ing or attempting to leave each and every port of the United States shall constitute a separate offense.

SEC. 4. That the Secretary of Commerce and Labor shall make such regulations as may be necessary to secure the proper execution of this act by collectors of customs and other officers of the Government.

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

BILLS PASSED OVER.

The bill (H. R. 20370) authorizing the widening of First street NE., in the District of Columbia, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The VICE-PRESIDENT. The bill will go over.

Mr. SCOTT. I hope that bill will not go over, Mr. President.

Mr. GALLINGER. Possibly the Senator is not familiar with the status of the bill. I will talk with him about it. An amendment has been proposed that, I think, we may not want to put into the bill.

Mr. SCOTT. All right.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 3528) to reimburse depositors of the Freedman's Savings and Trust Company was announced as next in order.

Mr. JOHNSTON. I ask that that bill go over.

The VICE-PRESIDENT. At the request of the Senator from Alabama the bill goes over.

The bill (S. 7132) for the relief of the estate of Frederick P. Gray was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 6031) to provide for an experiment in the improvement of certain highways by the Secretary of Agriculture, in cooperation with the Postmaster-General, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that that bill be transferred to Rule IX.

The VICE-PRESIDENT. Is there objection to the transfer of the bill to the calendar under Rule IX? The Chair hears none, and that order is entered.

The bill (H. R. 18403) to repeal a portion of section 429 of the Revised Statutes of the United States was announced as next in order.

Mr. WETMORE. I ask that the bill go over for the present.

The VICE-PRESIDENT. The bill will go over.

DURHAM W. STEVENS.

The bill (S. 5537) for the relief of Durham W. Stevens was considered as in Committee of the Whole. It proposes to pay to the legal representatives of Durham W. Stevens, deceased, \$1,983.06, to be taken and receipted for in full satisfaction of his claim for services as chargé d'affaires ad interim at Tokyo from October 25, 1878, to May 21, 1879.

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

MERRITT & CHAPMAN DERRICK AND WRECKING COMPANY.

The bill (S. 3904) for the relief of the Merritt & Chapman Wrecking Company was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

Mr. KEAN. Before the bill goes over, I should like to propose an amendment to the title.

The VICE-PRESIDENT. Does the Senator from Utah withdraw his request that the bill go over?

Mr. KEAN. I should like to have the title amended by putting in the words "Derrick and" after the name "Chapman," so that it will read "Merritt & Chapman Derrick and Wrecking Company."

Mr. GALLINGER. The same amendment should be made in the body of the bill.

Mr. KEAN. And also in the body of the bill.

Mr. SMOOT. I have no objection to that, Mr. President.

The VICE-PRESIDENT. Without objection, the amendment suggested by the Senator from New Jersey will be agreed to, after which the bill will go over.

The SECRETARY. After the word "Chapman," in the title of the bill, it is proposed to insert the words "Derrick and," and also in the body of the bill wherever the name occurs.

The VICE-PRESIDENT. The bill goes over.

REPEAL OF IMMUNITY STATUTE.

The bill (H. R. 16367) to repeal section 860 of the Revised Statutes was considered as in Committee of the Whole.

Mr. PENROSE. What is section 860 of the Revised Statutes?

Mr. BURKETT. What is the character of the section proposed to be repealed?

Mr. CLARK of Wyoming. The bill proposes to repeal the so-called immunity statute, which was passed some years ago for what was supposed to be a definite purpose. It has actually and absolutely failed under the construction of the courts, but still affords immunity and constitutes a cloud upon the due administration of justice.

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

ESTATE OF JOHN H. FITZHUGH.

The bill (H. R. 18249) for the relief of the estate of John H. Fitzhugh, deceased, was considered as in Committee of the Whole.

Mr. KEAN. Is there a report with that bill?

The VICE-PRESIDENT. There is a report.

Mr. GALLINGER. Mr. President, I should like to ask the Senator reporting the bill, or some other Senator, how it happens that many of these claims were paid by the confederate government? If they were claims against the United States Government, why should any of them have been paid by the confederate government? The suggestion in the report is:

Many of this class of claims were paid, in whole or in part, by the confederate states government; but the confederate records (mutilated) now in the office of the Auditor for the Post-Office Department, do not show, so far as they go, any payment to Mr. Fitzhugh on account of his contract with the United States.

Mr. LODGE. This claim is only for services from March, 1860, to March, 1861.

Mr. OVERMAN. Part of the claim is for services from 1855 to 1859.

Mr. LODGE. The date of the service is March 31, 1860, to March 31, 1861, which was prior to the war.

Mr. OVERMAN. And the report also states:

In addition to the above there is a balance of \$186.04 in his favor for services performed on route No. 4959, Virginia, during the contract term 1855 to 1859.

I will say to the Senator that this claim has not been paid and the Treasury reports that the money due this man is there.

Mr. GALLINGER. I think the paragraph I read is an unfortunate paragraph.

Mr. OVERMAN. Yes.

Mr. GALLINGER. If the services were rendered as early as is stated, I do not think the suggestion which is contained in the report ought to have been made.

Mr. OVERMAN. It has no business there.

Mr. GALLINGER. The statement is made in the letter of the Assistant Secretary of the Treasury, I will say. I do not object to the bill, Mr. President.

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

JOHN W. THOMAS.

The bill (H. R. 21079) for the relief of John W. Thomas was announced as next in order.

Mr. JOHNSTON. Let that bill go over.

The VICE-PRESIDENT. The bill will go over.

Mr. BROWN. I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

The VICE-PRESIDENT. The question is on the motion of the Senator from Nebraska that the Senate proceed to the consideration of the bill, the objection of the Senator from Alabama to the contrary notwithstanding.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John W. Thomas, now a resident of Wisconsin, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, on the 4th of September, 1865, but that no pension shall accrue prior to the passage of this act.

Mr. KEAN. Let us have the report in that case read, Mr. President.

Mr. OVERMAN. Let the majority report be read, and also the views of the minority.

The VICE-PRESIDENT. The reading of the report has been called for. The Secretary will read as requested.

The Secretary proceeded to read the report submitted by Mr. BROWN on April 5, 1910.

Mr. LODGE. I ask, if there be no objection, that the reading of the affidavits be omitted and that the views of the minority be read. We have heard the report of the majority, and I ask that the views of the minority be read.

The VICE-PRESIDENT. Without objection, that course will be pursued. The Chair hears no objection.

The report in full is as follows:

The Committee on Military Affairs, which has had under consideration the bill (H. R. 21079) for the relief of John W. Thomas, hereby reports the same to the Senate favorably, and recommends that it be passed without amendment.

This soldier was mustered into service February 14, 1865, as a private in Company H. One hundred and fifty-third Indiana Volunteer Infantry, to serve one year. After the close of the war his command was ordered to Louisville, Ky., to be mustered out. While awaiting formal discharge from the service he received word from his wife that their child was very ill and could not recover, and on June 23, 1865, he absented himself without leave, and hastened to his Indiana home, just across the river from Louisville, where he remained until the child died and was buried. He then returned to his command, for it is shown by the records of the War Department that he was admitted to the post hospital, Taylor Barracks, Louisville, Ky., on July 9, 1865, and remained there until pronounced again fit for duty, July 15, 1865. There is nothing of record in the War Department to show that the soldier formally rejoined his command after this latter date, but he is recorded as having been dropped from the company records as a deserter August 12, 1865, a little less than three weeks before the company was mustered out of service.

While there is nothing before your committee in the nature of a direct statement by the soldier that he rejoined his command and performed military duty until the muster out September 4, 1865, nevertheless, the captain and second lieutenant, as well as many other comrades of his company, testify that he did return and did do regular duty until the regiment was mustered out, but his name having been stricken from the company records, of course he was not mustered out and honorably discharged with the other members of the company. A former neighbor testified that he saw the soldier when he was at home and accompanied him on his return to his command and went with him to his company.

While it is true that from a standpoint of strict military discipline the soldier should not have left his command without permission, yet the urgency of the call to his dying child's bedside seems to your committee a proper excuse for his failure to obtain the proper authority to leave. And since the war was over, it is not so difficult to excuse the soldier's fault as it would be if he had deserted in time of war or in the face of the enemy. Therefore your committee favors the passage of this act, which will give the soldier a pensionable status.

The official record of the War Department and various affidavits in support of this case are made a part of this report, as follows:

CASE OF JOHN W. THOMAS, LATE OF COMPANY H, ONE HUNDRED AND FIFTY-THIRD REGIMENT INDIANA VOLUNTEER INFANTRY.

It is shown by the records that John W. Thomas was enrolled and mustered into service February 14, 1865, as a private in Company H, One hundred and fifty-third Indiana Infantry Volunteers, to serve one year. He appears to have been present with the company until June 23, 1865, when he absented himself without leave. While absent without leave he was admitted, July 9, 1865, to post hospital, Taylor Barracks, Louisville, Ky., with debility, and was returned to (i. e., pronounced fit for) duty July 15, 1865. He never, however, rejoined his command, and thereby became a deserter on July 15, 1865, and he was dropped as such from the records of his company on August 12, 1865. His company remained in service until September 4, 1865. The records also show that he deserted June 23, 1865, at Louisville, Ky.

Applying to this department for removal of the charge of desertion, John W. Thomas, of Rockton, Wis., testified May 4, 1891, as follows:

"That he served faithfully until on or about the 20th day of August, 1865, when, without any intention of desertion, he left the regiment under the following circumstances: My wife and child were very sick, writing me to come to them, which I did, intending to return very soon, but was taken sick myself and was wholly unable to travel until after my regiment was mustered out of the military service and the members had gone to their respective homes."

He again testified, on October 20, 1897, declaring as follows:

"That he served faithfully until on or about the 12th day of August, 1865, when, without any intention of deserting, he left the regiment under the following circumstances: I went south with the regiment and was with them until we went north to Louisville, Ky., about the 12th of August, 1865. When my wife wrote to me that our little boy was very sick and thought he could not get well, I went home without the proper authority. I was there a few days and took sick myself, and about that time the regiment was mustered out."

On June 17, 1908, Thomas T. Whiteker, aged 69, a resident of Howard County, Ind., testified as follows:

"He was in same company and regiment with John W. Thomas, late member Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and knows that he absented himself from the company and regiment for about ten days on account of sickness and death of his child, and that he returned to the company and regiment and was a faithful soldier the remainder of his service at the close of war."

On June 19, 1908, the following-named persons, all of Howard County, Ind., testified:

H. H. Stewart, or Harrison Stewart, as follows: "John W. Thomas was a member of his company and was a good and faithful soldier; that after the war was about over and while the regiment was laying at Louisville, Ky., said Thomas received a letter from home informing him of sickness of his child; that he went home without leave and remained away until after he had buried his child, about ten days; he then returned to the company and remained with the regiment until it was mustered out; but being absent without leave, he was unable to get a discharge."

Henry B. Stewart, as follows: "John W. Thomas was a member of his company and was a faithful soldier and done his duty well up to the time he was called home on account of sickness, and he went home without leave and stayed a few days until after the funeral of his son, then he returned to the company and remained until we were mustered out, but for the above incident he was not discharged."

Lucien W. Coffman, aged 64, as follows: "He is well acquainted with John W. Thomas, both being members of Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and knows that while the regiment was laying at Louisville, Ky., said Thomas was absent a few days, and I understand that he went home in Indiana and buried a child of his, and returned to the company and remained with the regiment until it was mustered out of the service at close of the war."

W. A. Graham, aged 63, as follows: "He was in Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and was well acquainted with John W. Thomas, and knows that when his child was sick while at Louisville, Ky., said Thomas went home and buried his child, then returned to the company and remained until the regiment was mustered out; that he served faithfully all the time, except when he left as above stated."

Patrick Maher, as follows: "He was a member of Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and knows that John W. Thomas was with the company nearly all the time, but does not know of his being absent without leave, but knows that he was with company at close of the war."

(The records show that Harrison Stewart served as captain and Henry B. Stewart as second lieutenant of Company H, One hundred and fifty-third Indiana Infantry; that Thomas T. Whitaker served as a sergeant in that company, and that Lucien W. Coffman, William A. Graham, and Patrick Maher served as privates in the same company.)

The application for removal of the charge of desertion in this case has been repeatedly denied, and now stands denied, on the ground that the soldier did not serve six months prior to May 1, 1865, and that it appears from his own statements that he was not prevented from completing his term of enlistment by disability incurred in the line of duty, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
The Adjutant-General.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
January 13, 1910.

The SECRETARY OF WAR.

In the matter of the application of John W. Thomas, late a private in Company H, One hundred and fifty-third Indiana Volunteer Infantry, to be relieved from the charge of desertion.

Harrison Stewart, aged 71 years, whose residence and post-office address is Kokomo, Ind., being first duly sworn, deposes and says: I was captain of Company H, One hundred and fifty-third Indiana Volunteer Infantry, and was in the immediate command of said company during the month of July, 1865, and until said company was mustered out of the military service of the United States in September following: that I never ordered the above-named John W. Thomas to be reported as a deserter; that I did not regard him as a deserter; that he was so reported by the orderly sergeant of my company without my order and without my knowledge; that John W. Thomas was absent without leave a few days in July, 1865; that he returned to duty as soon as his child's sickness (on account of which he left his command) terminated; that upon his return he went on duty as usual and continued to do duty regularly until the command was mustered out; that I have no interest in this application, am not concerned in its prosecution, and am not related to the applicant.

HARRISON STEWART.

STATE OF INDIANA, County of Howard, ss:

Subscribed and sworn to before me this 11th day of September, A. D. 1908, after having been read and fully explained to affiant, who is known to me and who is a man of good repute entitled to full credit.

[SEAL.]

H. M. SAELORS,
Notary Public.

My commission expires January 22, 1909.

In the matter of the application of John W. Thomas, late a private of Capt. Harry Stewart's Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, to be relieved from the charge of desertion.

Henry B. Stewart, aged 65 years, whose post-office and residence is at the city of Kokomo, in the State of Indiana, being first duly sworn, deposes and says: I was a second lieutenant of Company H, One hundred and fifty-third Indiana Infantry; that I was well acquainted with the above-named applicant; that he was a good soldier; that because of the sickness and death of his child he absented himself from his command without leave about July 10, 1865; that he returned to duty immediately after his child's burial, and continued to do duty regularly till the regiment was mustered out of service; that he was not regarded as a deserter by me; that I did not know he was so reported till years after the close of the war; that I have no interest in this application or its prosecution and am not related to the applicant.

HENRY B. STEWART.

STATE OF INDIANA, County of Howard, ss:

Subscribed and sworn to before me this 11th day of September, 1908, after being read and fully explained to affiant, whom I certify to be a man of good repute entitled to credit.

[SEAL.]

H. M. SAELORS,
Notary Public.

My commission expires January 22, 1909.

STATE OF INDIANA, County of _____, ss:

In the matter of the application of John W. Thomas, late of Company H One hundred and fifty-third Indiana Volunteer Infantry, to be relieved from the charge of desertion.

Personally came before me, a notary public in and for the county and State above written, George W. Freeman, aged 66 years, whose residence is at the Indiana State Soldiers' Home, La Fayette, Ind., and whose post-office address is the same; who, being first duly sworn, deposes and says: I am personally well acquainted with the above-named soldier, John W. Thomas, and have been for the forty-five years last past; that I resided at Galveston, Cass County, Ind., in the year 1865; that in July of that year John W. Thomas, the above-named soldier, who was my neighbor, came to his home, as he told me at the time, from his command at Louisville, Ky., without a furlough or other permission; that he told me he had come home because his child was sick; that I know of my own knowledge that his child was sick, and that it died; that immediately after his child's funeral he returned to his command at Louisville, Ky.; that I accompanied him on his return and went with him to his company; that from the statements he made to me at the time, from the circumstances of his bereavement, and

from my intimate knowledge of the man and his character I am positive he had no intention of deserting; that I am in no way related to the aforesigned John W. Thomas; that I have no interest in his application, and am not concerned in its prosecution.

GEORGE W. FREEMAN.

Subscribed and sworn to before me on this 10th day of May, A. D. 1909.

[SEAL.]

ROBERT PRASS, Clerk Circuit Court.

ONTARIO, WIS., February 6, 1909.

We, the undersigned comrades of James Williams Post, No. 158, Department of Wisconsin, Grand Army of the Republic, respectfully ask your honorable body, the Congress of the United States, to grant John W. Thomas an honorable discharge. John W. Thomas served in Company H, One hundred and fifty-third Indiana. We, the undersigned, have been acquainted with John W. Thomas several years, and know him to be a good man and an honorable citizen.

Eli Boldon, post commander; Perry Walker, C. V. commander; C. E. Haskell, J. V. commander; G. W. Delop, surgeon; W. R. Parish, officer of the day; John Wallace, officer of the guard; N. W. Baldwin, chaplain; T. B. Marsden, adjutant; Allen Welcher, quartermaster; Joseph Landon, sergeant-major; W. J. Downing, Q. M. sergeant; D. Whitinger, John B. Paine, Freeman Brown, Michael Masterson, W. A. Trotter, S. Sloggy, Geo. H. Schermerhorn, David S. Keys, Van S. Bennett.

The Secretary read the views of the minority, as follows:

The members of the committee whose signatures appear below do not concur with the majority of the committee in the recommendation that the bill (H. R. 21079) be passed without amendment, but recommend instead that the bill be indefinitely postponed for the following reasons:

The record of the War Department shows that Thomas enlisted February 24, 1865, and deserted June 23, 1865, and never returned to his regiment thereafter. Thomas himself in a statement made May 4, 1891, says that he served faithfully until August 20, 1865, when he was informed of the illness of a child and went home without leave; was taken sick and was "wholly unable to travel" until his regiment was mustered out. Again, on October 20, 1867, he testified that he served until August 12, 1865, went home without leave, took sick, and about that time his regiment was mustered out.

His captain, on September 11, 1908, forty-three years after the event, swears that Thomas left without permission for "a few days, in July, 1865," returned as soon as his child's sickness terminated, and remained with his command until it was mustered out. He further says that the orderly sergeant, without his order or knowledge, reported Thomas as a deserter. It is strange that the captain did not know of this report, as ordinarily such reports pass through the hands of the captains before transmission to the War Department.

Former Second Lieutenant Stewart, of the same company and regiment, also made affidavit, on September 11, 1908, that "because of the sickness and death of his child" Thomas left without permission about July 10, 1865, but returned to duty "immediately after his child's burial" and continued to do duty with his company until mustered out.

Two or three other witnesses testified to the same effect. The value of such testimony is apparent when we see that the captain and second lieutenant both testified that Thomas left because of his child's illness and returned after its death, and then remained until mustered out, whilst Thomas himself says that he never returned and "was wholly unable to travel" until after his regiment was mustered out. The captain says he was absent a few days; Thomas says he was absent more than a month. The captain and second lieutenant say that Thomas left about July 10, 1865; the War Department record shows that he deserted June 23, 1865; and Thomas says he left about August 12, 1865.

There is no evidence that Thomas ever saw any war. He seems to have been located in Kentucky, and to have lain around the camps four months, and now he wants a special act of Congress passed, so that he may apply for and receive a pension for this valuable service. All the witnesses agree that he did desert. Thomas says he never returned. Other witnesses profess to know that he served faithfully after returning.

N. B. SCOTT.
LEE S. OVERMAN.
J. B. FRAZIER.
JOS. F. JOHNSTON.

The bill was reported to the Senate without amendment.

Mr. SCOTT. Mr. President, it would certainly set a very bad precedent to pass this bill. I have been on the Military Committee almost continuously since I have been in the Senate, and if this man has a good case, then we have certainly very often done great injustice to men who had much better cases.

This man himself makes two affidavits, which do not correspond; he contradicts himself, and I hope the Senate, before passing the bill, will consider what it is leading to. It is supposed that this man wants the bill passed so that he can get into the soldiers' home. I have no objection to that. But if you pass the bill, you make him pensionable, and you will make hundreds, and I believe I would not exaggerate to say thousands, pensionable whom the committee in the past has turned down. I do not want to delay the Senate at all.

Mr. BROWN. I regret very much that there should be any opposition to the passage of this bill. I have not been on the Military Committee so long as has my friend the Senator from West Virginia. During my service on that committee I have had occasion to give consideration to a number of cases of this kind, and I am candid enough to say to the Senate that there never has been a bill reported by that committee to restore men who volunteered to serve in the army so full of merit as this one.

There may be some objections urged as to the general policy of passing any kind of legislation of this kind, but the Senate

has frequently settled that question by passing measures of this kind wherever the circumstances warranted it.

This is a case where a young boy enlisted in 1865, when there was difficulty in getting men. The country had been rather well exhausted. He answered the call and was enlisted. He served from January, the date of his enlistment, with his company. It was but a short time until the war practically was over, and there was nothing for his company or for him to do except to obey orders and stay with his company. This he did, Mr. President, according to the testimony here, until he heard from home. He was located at Louisville; his little family was in Indiana. His only child, an infant, was reported by his wife to be fatally sick. Without stopping to get leave from his officers he went home to attend that child and to bury it.

Those are the circumstances under which he left the service. He returned to the service, and there can be no doubt about it, if the testimony of his officers is to have any weight with the Senate.

I want to read from just one witness as to whether or not he returned; and this is the testimony of the captain of his company:

Harrison Stewart, aged 71 years, whose residence and post-office address is Kokomo, Ind., being first duly sworn, deposes and says: I was captain of Company H, One hundred and fifty-third Indiana Volunteer Infantry, and was in the immediate command of said company during the month of July, 1865, and until said company was mustered out of the military service of the United States in September following; that I never ordered the above-named John W. Thomas to be reported as a deserter; that I did not regard him as a deserter; that he was so reported by the orderly sergeant of my company without my order and without my knowledge; that John W. Thomas was absent without leave a few days in July, 1865; that he returned to duty as soon as his child's sickness (on account of which he left his command) terminated; that upon his return he went on duty as usual and continued to do duty regularly until the command was mustered out; that I have no interest in this application, am not concerned in its prosecution, and am not related to the applicant.

That affidavit is corroborated by the testimony of the first Lieutenant of the company. It is corroborated by the uncontradicted testimony of one of the men, who now lives in Indiana, who went back to the company with this boy after he had buried his child.

It is idle to stand before the Senate and argue that there is no testimony here that he returned to his company. He did return to his company.

Mr. LODGE. He himself says he did not.

Mr. BROWN. The fragment of his statement which was quoted says he was not there when it was mustered out.

Mr. FRAZIER. Mr. President—

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

Mr. BROWN. In just a moment. From the views of the minority let me read one sentence.

Mr. FRAZIER. Will the Senator allow me to ask him a question?

Mr. BROWN. In just a moment, if the Senator will allow me. The views of the minority read as follows:

The record of the War Department shows that Thomas enlisted February 24, 1865, and deserted June 23, 1865, and never returned to his regiment thereafter.

Yet here is the War Department record, and I read from that:

While absent without leave he was admitted July 9, 1865, to post hospital, Taylor Barracks, Louisville, Ky., with debility, and was returned to (i. e., pronounced fit for) duty July 15, 1865.

So the views of the minority on what the record of the War Department shows are disputed by the record itself, which I have quoted.

Mr. GALLINGER. Will the Senator read the concluding paragraph of General Ainsworth's statement on page 3?

Mr. BROWN. Yes; I will, but first I will yield to the Senator from Tennessee.

Mr. FRAZIER. If this man really returned to his regiment and was there when the regiment was mustered out, why was he not honorably discharged with the other soldiers that were mustered out at that time?

Mr. BROWN. I do not know.

Mr. FRAZIER. The War Department records show that he never did return. His own affidavit shows he never returned. The record shows he never did return and was a deserter.

Mr. BROWN. The record shows he was not there when the company was mustered out in September, but that he returned to the regiment there is no dispute by anybody. His officers are competent witnesses; and who disputes them? The records of the War Department show he was back there in July and in the hospital sick. His testimony was that he returned sick, was taken sick, and was not there when they were mustered out.

The Senator from New Hampshire asked me to read from the record.

Mr. GALLINGER. Yes; the concluding part of General Ainsworth's letter.

Mr. BROWN. General Ainsworth, after giving the record of this soldier, which I have read, concludes:

The application for removal of the charge of desertion in this case has been repeatedly denied, and now stands denied, on the ground that the soldier did not serve six months prior to May 1, 1865.

How could he? He did not enlist until January.

Mr. GALLINGER. Read the rest of it.

Mr. BROWN. I will.

And that it appears from his own statements that he was not prevented from completing his term of enlistment by disability incurred in the line of duty, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

That is the concluding paragraph.

It goes without saying that there is no existing law under which this man can be restored to a pensionable status. The War Department could do nothing else on the face of the record. It is the province of Congress though, to do what present law does not provide, if the circumstances warrant it.

I undertake to say that during my short service in the Senate there never has been a case presented where Congress ought to extend relief so much as the one at bar.

I sincerely hope the report of the committee will be adopted by the Senate, and that the bill will be passed.

Mr. JOHNSTON. Mr. President, the Senator from Nebraska says the records of the War Department show the beneficiary returned to his company. I am going to read from the report of the majority what the record shows:

He never, however, rejoined his command, and thereby became a deserter on July 15, 1865, and he was dropped as such from the records of his company on August 12, 1865. His company remained in service until September 4, 1865. The records also show that he deserted June 23, 1865, at Louisville, Ky.

Now, Thomas himself—and he ought to know—says:

My wife and child were very sick, writing me to come to them, which I did, intending to return very soon, but was taken sick myself and was wholly unable to travel until after my regiment was mustered out of the military service and the members had gone to their respective homes.

That is what he swears to. Here are the captain and lieutenant of his company, forty-three years after the event happened, swearing that he was absent only a few days and returned, and that they did not know that he had been reported as a deserter. If he had returned, he would have been mustered out with his company. So it is perfectly clear he never did return. He himself swears he did not, and there is no evidence in the world that he ever rendered any service whatever to the country. He not only did not return, but he never was engaged in any service of value to his country.

Mr. CLARK of Wyoming. Will the Senator from Alabama allow an interruption?

Mr. JOHNSTON. Certainly.

Mr. CLARK of Wyoming. I should like to know what consideration the Senator from Alabama gives to the hospital record which was cited by the Senator from Nebraska?

Mr. JOHNSTON. I say he never returned to his company, and that is what the War Department record shows and what he himself swears to.

Mr. CLARK of Wyoming. I understood the Senator to state that he never returned from his home.

Mr. JOHNSTON. No; he never returned to his company, I said, and I stated his own language here exactly, that he never returned at all after he left his company.

Mr. BROWN. If the company had been in the hospital, the Senator's position would be that he returned to his company, but because he returned to the hospital, having been sick and having been put there by the military authorities, and his company being outside of the hospital, the argument of the Senator is that he did not return to his company.

Mr. JOHNSTON. I knew the confederates had been pretty effective, but I never heard of their putting a whole company in the hospital at one time and the survivors getting back and finding all their company in hospital.

I am quite ready to vote for a pension for any faithful, gallant, veteran federal soldier, but I am not willing to have these deserters put upon the rolls and draw a pension from the Government for services that they never rendered.

Mr. BROWN. Mr. President, just a word. It seems to me the charge that this young boy was a deserter comes with very poor authority from any Senator in the United States when the officers under whose command he was, every one of them to a man, regarded him as anything else but a deserter.

Mr. JOHNSTON. All the officers say he returned to his company and was mustered out, but the records of the department show that that is not true. I will not charge the officers with

swearing falsely, but it appears that forty-three years after the war they want to help out this man. Evidently he was a boy in the Senator's imagination.

Mr. OVERMAN. Mr. President, I want to say that we have often passed bills for relief where men have done fighting, where they have rendered service to the Government; but we have never yet passed a bill to relieve a man who never did any fighting, who was only about three months in the army, and where the records show that he never returned to it.

The VICE-PRESIDENT. The question is, Shall the bill be ordered to a third reading? [Putting the question.]

Mr. GALLINGER. I call for a division.

Mr. BROWN. I call for the yeas and nays.

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

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. Not knowing how he would vote, I withhold my vote.

Mr. MONEY (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. This is not a political question, but I do not know how the Senator from Wyoming would vote. So I withhold my vote.

Mr. SHIVELY (when his name was called). I have a general pair with the Senator from Ohio [Mr. DICK], and I withhold my vote.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the Chamber and the city. He has a general pair with the senior Senator from Mississippi [Mr. MONEY].

The roll call was concluded.

Mr. ELKINS. I have a general pair with the Senator from Texas [Mr. BAILEY]. I do not know how he would vote, and I withhold my vote.

Mr. BRADLEY. I have a general pair for the day with the Senator from Tennessee [Mr. TAYLOR].

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were here, I would vote "nay."

Mr. OVERMAN. I desire to announce that the junior Senator from Louisiana [Mr. FOSTER] was called from the Chamber by important business.

Mr. JOHNSTON. I desire to announce that the senior Senator from Maryland [Mr. RAYNER] is paired with the Senator from Delaware [Mr. RICHARDSON].

The result was announced—yeas 15, nays 33, as follows:

YEAS—15.

Borah	Clapp	Curtis	Gamble
Bourne	Clark, Wyo.	Dixon	Stephenson
Brown	Crawford	Dolliver	Warner
Bulkeley	Cummins	du Pont	

NAYS—33.

Bacon	Davis	Jones	Piles
Brandegree	Depew	Kean	Purcell
Bristow	Fletcher	Lodge	Scott
Burnham	Frazier	Martin	Smoot
Burrows	Gallinger	Overman	Stone
Burton	Gore	Page	Wetmore
Carter	Guggenheim	Paynter	
Clarke, Ark.	Hughes	Penrose	
Clay	Johnston	Perkins	

NOT VOTING—44.

Aldrich	Daniel	McCumber	Root
Bailey	Dick	McEnery	Shively
Bankhead	Dillingham	Money	Simmons
Beveridge	Elkins	Nelson	Smith, Md.
Bradley	Flint	Newlands	Smith, Mich.
Briggs	Foster	Nixon	Smith, S. C.
Burkett	Frye	Oliver	Sutherland
Chamberlain	Hale	Owen	Tallafarro
Crane	Heyburn	Percy	Taylor
Culberson	La Follette	Rayner	Tilliman
Cullom	Lorimer	Richardson	Warren

So the Senate refused to order the bill to a third reading.

Mr. BROWN. I ask unanimous consent that the vote just had be reconsidered for the purpose of moving the recommitment of the bill to the Committee on Military Affairs. It is my purpose when the bill goes to that committee that it may be considered and amended so as to allow this man the right of entry to the Soldiers' Home. I presume there will be no objection to it.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent to reconsider the vote by which the Senate refused to order the bill to a third reading, and that the bill be recommitted to the Committee on Military Affairs. Is there objection?

Mr. FRAZIER. Mr. President, I think I will have to object to that. This case is a very bad one. If it had any merit whatever, I would not object; but this man never smelt gun-

powder during the civil war, according to his own statement, and he is on the records as a deserter, without any excuse.

The VICE-PRESIDENT. The Senator from Tennessee objects.

WARREN E. DAY.

Mr. GALLINGER. Let the next bill on the calendar be read.

The VICE-PRESIDENT. The Secretary will announce the next bill on the calendar.

The bill (S. 1257) for the relief of Dr. Warren E. Day was announced as next in order on the calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, in line 6, before the word "hundred," to strike out "six" and insert "two," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Dr. Warren E. Day, out of any moneys in the Treasury not otherwise appropriated, the sum of \$1,200, being for professional services rendered and medicine furnished the Hualapai Indians in Arizona Territory, under the orders and approval of the Commissioner of Indian Affairs, during the years 1883 and 1884.

The amendment was agreed to.

Mr. GALLINGER. I move to strike out the word "Doctor," in line 4, before the name "Warren E. Day."

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of Warren E. Day."

NATURALIZATION OF ALIENS.

The bill (S. 4020) to provide for the naturalization of aliens who have served or shall hereafter serve for one enlistment of four years in the United States Navy or Marine Corps or for four years in the naval auxiliary service was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments, on page 1, line 9, after the word "service," to insert "or who has served or may hereafter serve four years in the Revenue-Cutter Service and who has received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment;" on page 2, line 8, after the word "sources," to insert the words "or, in the case of an alien who has served in the Revenue-Cutter Service, by competent proof from the Revenue-Cutter Service;" and in line 12, after the word "service," to insert the words "or Revenue-Cutter Service," so as to make the bill read:

Be it enacted, etc., That any alien of the age of 21 years and upward who has served or may hereafter serve for one enlistment of four years in the United States Navy or Marine Corps and who has received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, or who has completed four years of honorable service in the naval auxiliary service, or who has served or may hereafter serve four years in the Revenue-Cutter Service and who has received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such and without proof of residence on shore, and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof from naval sources, or, in the case of an alien who has served in the Revenue-Cutter Service, by competent proof from the Revenue-Cutter Service of such service: *Provided*, That an honorable discharge from the Navy, Marine Corps, or the naval auxiliary service, or the Revenue-Cutter Service, or an ordinary discharge with recommendation for reenlistment, shall be accepted as proof of good moral character: *Provided further*, That any court which now has or may hereafter be given jurisdiction to naturalize aliens as citizens of the United States may immediately naturalize any alien applying under and furnishing the proof prescribed by the foregoing provisions.

The amendments were agreed to.

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

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

Mr. KEAN. I desire to ask the Senator from California [Mr. PERKINS] a question. Is the bill absolutely confined to enlisted men?

Mr. PERKINS. It is.

The title was amended so as to read: "A bill to provide for the naturalization of aliens who have served or shall hereafter serve for one enlistment of four years in the United States Navy or Marine Corps, or for four years in the naval auxiliary service, or in the Revenue-Cutter Service."

PENSION APPROPRIATION BILL.

Mr. SCOTT. I move to take up House bill 20578, the pension appropriation bill.

Mr. GORE. Mr. President, before the Senate proceeds with the appropriation bill I should like to ask what the next number

on the calendar is? I will state to the Senator from West Virginia that I think it is a bill that I desire to ask to have recommitted, and as it is the next one on call—

Mr. SCOTT. I will say to the Senator that this is the general appropriation bill for the payment of pensions, carrying \$155,000,000.

The VICE-PRESIDENT. It is a privileged motion.

Mr. GORE. I understand that. I wish to prefer a request.

The VICE-PRESIDENT. The next bill on the calendar is Senate bill 1013, for the relief of David W. Stockstill.

Mr. GORE. That is not the bill. I thought it was the bill for the relief of the heirs of George S. Thebo.

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

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider 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, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 10, to strike out:

For salary of one agent for the payment of pensions, \$4,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to strike out:

For clerk hire, and other services, \$390,000, or so much thereof as may be necessary: *Provided*, That the amount of clerk hire, and other services paid shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to insert:

For salaries of agents for the payment of pensions, at \$4,000 each, \$72,000, or so much thereof as may be necessary.

The next amendment was, on page 2, after line 20, to insert:

For clerk hire and other services, in the pension agencies, \$400,000, or so much thereof as may be necessary: *Provided*, That the amount of clerk hire and other services for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

For rent, New York agency, \$4,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert:

For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes, \$1,500.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. STONE. Mr. President, I should like to ask the Senator from West Virginia a question. I notice that the appropriation this year in this bill is approximately \$5,000,000 less than the last pension appropriation bill carried. Is that correct?

Mr. SCOTT. It is.

Mr. STONE. Will the Senator from West Virginia tell the Senate what is the cause of that decrease?

Mr. SCOTT. Mr. President, the Senator from Missouri can probably form an opinion as well as myself. I presume it is caused by the rapid death rate in the ranks of the old soldiers. That makes a decrease in the amount of money required for them. There are fewer of them.

Mr. STONE. Has there been a gradual decrease in the amount of the appropriation carried in the pension appropriation bills for several years past, or is this exceptional?

Mr. SCOTT. I will say to the Senator from Missouri that there would have been a gradual decrease but for the fact the law was changed granting pensions to widows and in other ways, which still kept up the amount of appropriation necessary to pay pensions, and, besides, there were the special pension bills which Congress is in the habit of passing. In that way the amount has been kept up; but the appropriations will decrease very rapidly in the future.

I am told that 31,000 of the old soldiers died last year. I am about to call up some pension bills this morning that we reported. I have had to strike many names from the list on account of death. Oftentimes before we get a pension bill through the Senate and the other House the applicant for the pension will be dead.

Mr. STONE. Can the Senator from West Virginia tell off-hand approximately the number of soldiers and sailors—I mean those who actually served in the army and navy—who are pensioners at this time?

Mr. SCOTT. I have not the report here.

Mr. SMOOT. The report accompanying this bill will show that.

Mr. SCOTT. I had not thought that these questions would be propounded, and I have not the report with me.

Mr. BULKELEY. About 500,000.

Mr. SCOTT. In round numbers, about 500,000.

Mr. STONE. I suggest that it might be advisable to print the report in the Record without reading.

Mr. SMOOT. On page 4 of the report the Senator from Missouri will find a table showing the number of pensioners on the roll, the annual value of pensions, the disbursements on account of pensions, the total number of applications filed. The table shows that in the year 1908 there were 951,687 pensioners on the roll; that in 1909 there were only 946,194, showing a decrease in number. This year I understand there were something like 31,000 less.

Mr. STONE. That is of all classes of pensioners?

Mr. SMOOT. That is of all classes of pensioners of all the wars.

Mr. STONE. Does the report show the number of men who served as soldiers and sailors who are on the pension rolls?

Mr. SMOOT. It shows it all. It is stated on page 6 of the report.

Mr. SCOTT. Mr. President, I would suggest to the Senator from Missouri that we have printed in the Record the report accompanying this bill. It contains very valuable information, but it is too long to read at this time.

Mr. STONE. I do not ask to have the report read, but I think the information should appear.

The VICE-PRESIDENT. Is there objection to printing in the Record the report accompanying the bill?

MR. KEAN. I think that ought to be done.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

The report referred to is as follows:

Mr. SCOTT, from the Committee on Pensions, submitted the following report, to accompany H. R. 20578:

The Committee on Pensions, to whom was referred 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, have examined the same and report the bill favorably with a recommendation that it do pass when amended as follows:

On page 2 strike out all of lines 10, 11, 12, 13, 14, 15, and 16, inclusive, and insert in lieu thereof the following:

"For salaries of agents for the payment of pensions, at \$4,000 each, \$72,000, or so much thereof as may be necessary.

"For clerk hire and other services in the pension agencies, \$400,000, or so much thereof as may be necessary: *Provided*, That the amount of clerk hire and other services for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

"For rent, New York agency, \$4,500, or so much thereof as may be necessary.

"For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes, \$1,500."

The amendment proposed in this bill is to provide for the payment of the salaries of agents and clerks in the various pension agencies throughout the United States as they now exist.

When the bill passed the House, the House provided for the salary of one agent for the payment of pensions only. When the bill was reported to the House, it contained a provision authorizing and directing the Commissioner of Pensions to arrange the pensioners in three groups, as he might think proper, and from time to time to change any pensioner from one group to another, and provided that in case of the absence of the agent the commissioner might appoint the chief clerk or some other clerk to temporarily act as such agent, and also provided for the designation of certain clerks to sign pension vouchers. All these provisions were stricken out of the bill on the floor of the House of Representatives on a point of order that it was new legislation in an appropriation bill, and the bill passed providing only for the salary of one agent, but making no provision for changing the pensioners in the various groups as provided by existing law, and it is doubtful, if the bill as passed by the House became a law, whether the agencies could be consolidated into one agency.

The following letter from the Secretary of the Interior clearly sets out the facts in connection therewith:

DEPARTMENT OF THE INTERIOR,
Washington, April 23, 1910.

SIR: In compliance with your telephonic request of to-day, asking for a statement relative to the power of the President under existing laws to abolish 17 of the 18 pension agencies now in existence, which statement is desired for use at a meeting of the Senate Committee on Pensions to be held on Monday, the 25th instant, in connection with the consideration of the House bill which provides for a reduction in the number of pension agencies, I have the honor to advise you that, in my opinion, the President is not empowered, under existing laws, to abolish 17 of the 18 pension agencies at which payments of pension are made throughout the United States.

Under section 4780 of the Revised Statutes, the President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interest and convenience of the pensioners require; and under the authority thus given President Hayes, by executive order of May 7, 1877, reduced the number of pension agencies from 58 to 18. In 1879 the number was reduced to 17 by the discontinuance of the New Orleans (La.) agency. In 1882 the St. Louis (Mo.) agency was removed to Topeka, Kans., and a new agency established at Augusta, Me. Since 1882 there has been no change in the number

of agencies nor in the location thereof except the Syracuse (N. Y.) agency was moved January 9, 1888, to Buffalo, N. Y., by executive order.

If this section of the Revised Statutes had not been limited or modified by subsequent legislation, the President might have authority to reduce the number of pension agencies to one, if, in his judgment, such reduction was required by the "public interests and the convenience of the pensioners." It happens, however, that by the act of March 3, 1891 (26 Stat. L. 1082), the Secretary of the Interior was authorized and directed to arrange the various agencies for the payment of pensions in three groups, the first group to make their quarterly payments of pensions on January 4, April 4, July 4, and October 4 of each year; the second group to make their quarterly payments of pensions on February 4, May 4, August 4, and November 4 of each year; and the third group to make their quarterly payments of pensions on March 4, June 4, September 4, and December 4 of each year.

While the act referred to gives the Secretary of the Interior the authority to change any agency from one group to another as he may deem convenient for the transaction of public business, it does not give him the authority to reduce the number of pension agencies to such an extent that, of the number remaining, there would be less than three groups of agencies, as provided for in said act. The act of 1891 is regarded as a limitation placed upon the powers conferred upon the Executive by section 4780 of the Revised Statutes. The act of March 3, 1891, has never been amended, modified, or repealed, and, in my opinion, the President could not, under the law, reduce the number of existing agencies to a number less than could be placed in three groups.

The provision of the act of March 4, 1907 (34 Stat. L. 1406, 1407), that nothing therein contained should be so construed "as interfering with or limiting the right or power of the President, under existing law, in respect to reduction or consolidation of existing pension agencies," must be interpreted in the light of the fact that the act of March 3, 1891, and section 4780 of the Revised Statutes, were, on March 4, 1907, as they still are, the "existing law" in respect to reduction and consolidation of pension agencies.

In connection with the subject-matter under discussion, I have the honor to invite your attention to House Document 352, Sixtieth Congress, first session, and House Document 1480, Sixtieth Congress, second session, which documents contain considerable data relative thereto.

It is also proper to add that, under existing law, to wit, the act of June 30, 1890 (26 Stat. L. 188), the pension agent is authorized to designate "a clerk to sign the name of the pension agent to official checks," the designation to be approved by the Secretary of the Interior. There are 18 clerks now employed at the several agencies, one at each agency, who have been designated as provided in said statute. Only one clerk may be thus authorized to sign the pension checks bearing the name of any one pension agent, and in the event that the number of agencies should be reduced by legislation it is suggested that provision be made for the designation of a sufficient number of clerks at each agency, or at one agency should the provisions of the House bill be concurred in by the Senate, to sign the official pension checks issued in payment of pensions.

Very respectfully,

R. A. BALLINGER, Secretary.

The CHAIRMAN OF THE COMMITTEE ON PENSIONS,
United States Senate.

The bill as it passed the House also contained a new provision, section 2, which authorizes the rural free-delivery carriers of the United States to administer oaths required to be made by pensioners and their witnesses in the execution of their vouchers and to collect therefor a fee not to exceed 25 cents, to be paid by the pensioner. The reason for such new legislation is that owing to the extension of rural free-delivery routes throughout the country a great many fourth-class post-offices have been abolished, and the fourth-class postmasters were authorized by law to execute the pension vouchers. By the abolishment of them the pensioners are put to a great inconvenience, in many instances having to go many miles in order to be sworn to their vouchers. The enactment of this provision will simplify matters and allow them to make necessary oath before the rural carrier.

This bill carries an appropriation of \$155,000,000 for the payment of invalid and other pensions. This is a decrease over last year of \$5,000,000, and it is estimated by your committee that if no new pension legislation is enacted the decrease next year will be considerably greater, owing to the great mortality due to age of pensioners now on the roll.

The report of the Committee on Appropriations of the House of Representatives on this bill is hereto appended and made a part of this report.

[House Report No. 422, Sixty-first Congress, second session.]

The Committee on Appropriations, in presenting the bill making appropriations for the payment of invalid and other pensions for the fiscal year 1911, submit the following in explanation thereof:

The estimates on which the bill is based will be found on page 277 of the Book of Estimates for 1911 and amount to \$155,558,000.

The accompanying bill appropriates \$155,674,000.

The following statement gives, by appropriate title of expenditure, the amounts appropriated for 1910, the estimates for 1911, and the amounts recommended in the accompanying bill for 1911:

Title of expenditure.	Appropriations for 1910.	Estimates for 1911.	Recommended for 1911.
Payment of pensions.	\$160,000,000	\$155,000,000	\$155,000,000
Fees of examining surgeons.	400,000	350,000	250,000
Salaries of agents.	72,000	72,000	4,000
Clerk hire at agencies.	400,000	400,000	300,000
Stationery and other necessary expenses.	30,000	30,000	30,000
Rent.	4,500	4,500	—
Examination of pension agencies.	1,500	1,500	—
Total.	160,908,000	155,858,000	155,674,000

The following table, taken from the report of the Commissioner of Pensions, shows the amounts paid by the Government in pensions to soldiers, sailors, and marines, their widows, minor children, and de-

pendent relatives, on account of military and naval service since the foundation of the Republic:

War of the Revolution (estimate)	\$70,000,000.00
War of 1812 (service pension)	45,757,396.84
Indian wars (service pension)	9,995,609.47
War with Mexico (service pension)	42,492,784.07
Civil war	3,686,461,840.35
With Spain and insurrection in the Philippine Islands	26,383,805.21
Regular establishment	15,507,028.02
Unclassified	16,484,049.77

Total disbursements for pensions 3,913,082,513.73

The following table, also compiled from the annual reports of the Commissioner of Pensions, shows the number of pensioners on the roll, the annual value of pensions, the disbursements on account of pensions, the number of original applications filed, and the number of original claims allowed each fiscal year from 1879 to 1909, inclusive:

Fiscal year.	Number of pensioners on the roll.	Annual value of pensions.	Disbursements on account of pensions.	Total number of applications filed.	Total number of claims allowed.
1879	242,755	\$25,493,742.15	\$33,664,428.92	57,118	81,346
1880	250,802	25,917,906.60	56,889,229.08	141,468	19,545
1881	268,830	23,769,967.46	50,533,405.35	31,116	27,394
1882	285,697	29,341,101.62	54,313,172.05	40,939	27,664
1883	306,658	32,245,192.48	60,427,573.81	48,776	38,182
1884	322,756	34,456,600.35	57,912,387.47	41,785	34,192
1885	345,125	38,990,985.28	65,171,987.12	40,918	35,767
1886	365,783	44,708,027.44	64,091,142.90	49,995	40,857
1887	406,007	52,824,641.22	73,752,997.08	72,465	55,194
1888	452,557	56,707,220.02	78,950,501.67	75,726	60,252
1889	489,725	64,246,552.36	88,842,720.58	81,220	51,921
1890	537,944	72,052,143.48	106,094,250.39	105,044	68,637
1891	676,160	89,247,200.20	117,812,690.50	86,941	156,486
1892	876,068	116,879,887.24	139,394,147.11	246,638	224,047
1893	966,012	130,510,179.34	156,906,637.94	119,361	121,630
1894	969,544	130,120,863.00	139,986,728.17	57,141	39,085
1895	970,524	130,043,365.00	139,907,788.78	45,361	39,185
1896	970,678	129,485,587.00	138,215,174.98	42,244	40,374
1897	976,014	129,795,428.00	139,949,717.35	50,585	52,648
1898	998,714	130,968,465.00	144,651,879.80	48,732	52,648
1899	991,519	131,617,961.00	138,355,052.95	53,881	37,077
1900	996,529	131,534,544.00	138,462,130.65	51,964	40,645
1901	997,735	131,568,216.00	138,531,453.84	58,373	44,888
1902	999,446	132,152,800.00	137,504,267.90	47,965	40,173
1903	996,545	133,029,030.00	137,759,653.71	52,325	40,136
1904	994,762	134,130,203.00	141,093,571.00	55,794	44,296
1905	998,441	135,745,295.00	141,142,861.33	52,841	50,927
1906	985,971	136,237,749.00	130,000,288.25	37,212	34,974
1907	987,371	140,359,880.60	138,156,412.46	43,619	29,945
1908	951,687	159,495,701.00	153,063,086.27	46,619	37,691
1909	946,194	160,682,870.32	161,973,703.50	35,789	45,086

Full amount of fees paid to attorneys \$321,237.86

At the close of the year there remained unpaid 8,273 cases of all classes, on which the first payments due amounted to 401,559.82

Average value of first payments in original cases 79.32

Average value of first payments in original regular-establishment cases 109.38

Average value of first payments in original act February 6, 1907, cases 44.02

Average value of first payments in original general-law cases 238.35

Average value of first payments in original act June 27, 1890, cases 180.93

Average value of first payments in original act of April 19, 1908, cases 60.98

Average value of first payments in original war with Spain cases 243.17

Average value of first payments in increase and reissue cases 33.75

Average value of first payments in all cases 52.07

REFERENCES.

Navy pension fund.—Section 4755 of the Revised Statutes provides that navy pensions shall be paid out of the "navy pension fund," upon an appropriation by Congress, so far as the same may be sufficient.

The naval pension fund at present amounts to \$14,000,000, bearing interest at the rate of 3 per cent per annum, and is created under the provisions of sections 4751 and 4752 of the Revised Statutes.

The payments on account of navy pensions during the fiscal year 1909 aggregated \$5,337,014.48.

Pension agents.—The compensation of pension agents is fixed by the act of June 14, 1878 (Supplement to the Revised Statutes, pp. 347 and 348), by the act of July 4, 1888, and by the act of March 3, 1885 (Stat. L. vol. 23, pp. 99 and 362).

LAWS AUTHORIZING APPOINTMENT OF AGENTS FOR PAYMENT OF PENSIONS AND FIXING THEIR COMPENSATION.

[Rev. Stat. sec. 4780.]

The President is authorized to establish agencies for the payment of pensions whenever in his judgment the public interests and the convenience of the pensioners require, but the number of pension agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall have not exceeded the sum of \$500,000.

[Act March 3, 1885 (Stat. L. vol. 23, p. 362).]

That from and after June 30, 1885, the salary and emoluments of agents for the payment of pensions shall be \$4,000, and no more, per annum; and of the fees provided by law for vouchers prepared and paid only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available.

The bill provides for the payment of the salary of one pension agent at \$4,000.

EXTRACTS FROM REPORT OF COMMISSIONER OF PENSIONS, 1909.

Average value of each pension for the last five years.

[Page 4.]

	1909.	1908.	1907.	1906.	1905.
Average annual value of each pension	\$169.82	\$167.59	\$145.60	\$138.18	\$136.96
Regular establishment	181.77	173.76	173.12	173.35	174.19
General law, civil war	219.96	215.30	204.20	191.43	187.51
Act of June 27, 1890	135.55	130.75	112.32	114.33	113.20
War with Spain	126.88	126.87	127.19	127.33	127.90
Act of February 6, 1907	169.40	167.70	170.09		
Act of April 19, 1908	145.42	145.10			

Interest on the navy pension fund and the amounts paid for navy pensions for the past five years.

[Page 6.]

Fiscal year.	Interest.	Navy pensions.
1909	\$371,345	\$5,337,014
1908	360,409	4,924,350
1907	361,405	4,248,712
1906	363,619	4,204,004
1905	370,952	4,197,166

Number of pensioners and disbursements at each pension agency, fiscal year 1909.

[Page 26.]

Agency.	Number of pensioners June 30, 1909.	Total disbursed, fiscal year 1909.
Augusta	16,455	\$2,902,336.30
Boston	58,400	9,566,222.74
Buffalo	42,873	7,145,296.66
Chicago	73,851	12,643,084.86
Columbus	93,397	16,579,083.81
Concord	15,358	2,853,996.41
Des Moines	52,618	9,045,739.80
Detroit	39,438	7,044,588.87
Indianapolis	58,830	11,029,459.84
Knoxville	62,349	10,235,775.00
Louisville	25,639	4,388,430.24
Milwaukee	48,150	8,374,749.14
New York	53,458	8,888,397.42
Philadelphia	56,310	9,303,660.29
Pittsburg	43,195	7,374,500.98
San Francisco	44,130	7,193,967.18
Topeka	108,879	18,669,850.74
Washington	52,864	9,350,194.53
Total	946,194	162,629,334.81

Number of pensioners in each State and Territory, each insular possession, and each foreign country on the roll June 30, 1909, and the amounts paid therein during the fiscal year 1909.

[Page 29.]

State or country.	Number.	Amount.
UNITED STATES.		
Alabama	8,783	\$612,351.82
Alaska	90	14,378.21
Arizona	835	148,871.28
Arkansas	10,621	1,769,369.25
California	28,314	4,618,506.30
Colorado	9,201	1,356,321.12
Connecticut	11,774	1,877,593.51
Delaware	2,679	458,606.37
District of Columbia	8,660	1,499,295.17
Florida	3,813	629,510.33
Georgia	3,492	561,077.12
Idaho	2,293	392,709.47
Illinois	66,402	11,310,829.63
Indiana	57,042	10,639,725.45
Iowa	33,558	5,753,679.86
Kansas	37,387	6,923,773.31
Kentucky	25,163	4,319,134.34
Louisiana	6,394	951,102.88
Maine	17,273	8,113,525.52
Maryland	12,617	2,164,269.99
Massachusetts	40,008	6,629,747.21
Michigan	39,793	7,072,608.63
Minnesota	15,438	2,652,045.48
Mississippi	4,709	760,604.19
Missouri	48,413	8,743,758.53
Montana	2,255	366,632.71
Nebraska	15,578	2,650,461.22
Nevada	458	72,861.67
New Hampshire	7,655	1,366,183.34
New Jersey	21,572	3,484,507.05
New Mexico	2,257	351,629.76
New York	83,394	13,942,140.61
North Carolina	4,062	668,913.66
North Dakota	2,251	403,087.00
Ohio	92,507	16,376,313.45
Oklahoma	13,639	1,851,374.28
Oregon	7,881	1,280,781.60
Pennsylvania	92,066	15,353,874.43
Rhode Island	5,329	837,540.75

Number of pensioners, etc.—Continued.		
State or country.	Number.	Amount.
UNITED STATES—continued.		
South Carolina	1,996	\$295,031.60
South Dakota	5,833	946,188.44
Tennessee	18,645	3,165,214.29
Texas	8,972	1,370,479.54
Utah	1,053	175,231.90
Vermont	7,698	1,470,119.47
Virginia	8,738	1,507,788.79
Washington	11,017	1,780,413.57
West Virginia	12,056	2,077,806.50
Wisconsin	23,739	4,065,105.08
Wyoming	982	160,009.95
Total	941,000	160,993,044.11
INSULAR POSSESSIONS.		
Hawaii	74	11,913.33
Philippines	41	9,967.20
Porto Rico	32	5,066.83
Total	147	26,947.36
FOREIGN COUNTRIES.		
Algeria	1	144.00
Argentina	12	2,050.57
Australia	72	12,360.37
Austria-Hungary	33	5,670.80
Azores	5	840.13
Bahamas	4	672.20
Belgium	18	3,085.33
Bermuda	8	1,365.03
Bolivia	1	180.27
Brazil	4	576.00
Canada	2,631	451,540.53
Cape Verde Islands	1	96.00
Chile	10	1,692.30
China	17	2,908.70
Comoro Islands	1	90.00
Costa Rica	5	850.17
Cuba	54	9,273.03
Danish West Indies	4	645.30
Denmark	35	6,000.05
Dominican Republic	1	180.00
Dutch West Indies	3	360.00
England	371	63,685.73
Egypt	2	324.00
France	57	9,782.90
Germany	580	99,540.40
Greece	8	1,370.04
Guatemala	3	492.80
Haiti	1	180.00
Honduras	2	277.70
Hongkong	3	336.40
India	7	1,200.37
Ireland	460	78,951.80
Isle of Man	2	144.00
Isle of Pines	6	920.00
Italy	42	7,208.47
Jamaica	7	1,196.00
Japan	20	3,430.60
Korea	1	144.00
Liberia	10	1,700.30
Madeira	6	1,176.00
Malta	2	288.00
Mexico	160	27,461.70
Netherlands	11	1,800.93
Newfoundland	4	576.00
New Zealand	10	1,708.40
Nicaragua	4	480.00
Norway	57	9,780.90
Panama	12	2,047.40
Paraguay	1	240.00
Peru	10	1,712.80
Portugal	3	284.00
Russia	14	2,400.80
Samoa	1	144.00
Scotland	91	14,920.30
Seychelles Islands	1	108.03
South Africa	6	1,029.80
Spain	1	144.00
St. Helena	1	144.00
St. Martin	1	108.00
Sweden	55	8,440.60
Switzerland	61	10,470.40
Turkey	11	1,790.63
Uruguay	3	624.00
Wales	19	3,260.90
Total	5,047	863,607.88
SUMMARY.		
Pensioners		
Payments		
Pensioners residing in States and Territories and payments to them	941,000	\$160,993,044.11
Pensioners residing in insular possessions and payments to them	147	26,947.36
Pensioners residing in foreign countries and payments to them	5,047	863,607.88
Total	946,194	161,883,599.35
Payments by Treasury Department (Treasury settlements)		
Total payments on account of army and navy pensions for the fiscal year		90,104.42
Total payments on account of army and navy pensions for the fiscal year		161,973,703.77

Agencies, dates of payment, and districts.

[Page 36.]

AUGUSTA, ME.

Quarterly payments March 4, June 4, September 4, and December 4. *District.*—The State of Maine. Navy pensioners in this district are paid at Boston, Mass.

BOSTON, MASS.

Quarterly payments March 4, June 4, September 4, and December 4. *District.*—The States of Connecticut, Massachusetts, and Rhode Island, and all navy pensioners residing in this and the Augusta and Concord districts.

BUFFALO, N. Y.

Quarterly payments January 4, April 4, July 4, and October 4. *District.*—The counties in the State of New York not in the New York City district. All navy pensioners in the State are paid at New York City.

CHICAGO, ILL.

Quarterly payments January 4, April 4, July 4, and October 4. *District.*—The State of Illinois, and all navy pensioners residing in this and the Columbus, Des Moines, Detroit, Indianapolis, Louisville, Milwaukee, and Topeka districts.

COLUMBUS, OHIO.

Quarterly payments March 4, June 4, September 4, and December 4. *District.*—The State of Ohio. Navy pensioners in this district are paid at Chicago.

CONCORD, N. H.

Quarterly payments January 4, April 4, July 4, and October 4. *District.*—The States of New Hampshire and Vermont. Navy pensioners in this district are paid at Boston.

DES MOINES, IOWA.

Quarterly payments January 4, April 4, July 4, and October 4. *District.*—The States of Iowa and Nebraska. Navy pensioners in this district are paid at Chicago.

DETROIT, MICH.

Quarterly payments March 4, June 4, September 4, and December 4. *District.*—The State of Michigan. Navy pensioners in this district are paid at Chicago.

INDIANAPOLIS, IND.

Quarterly payments February 4, May 4, August 4, and November 4. *District.*—The State of Indiana. Navy pensioners in this district are paid at Chicago.

KNOXVILLE, TENN.

Quarterly payments February 4, May 4, August 4, and November 4. *District.*—The States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. Navy pensioners in this district are paid at Washington, D. C.

LOUISVILLE, KY.

Quarterly payments February 4, May 4, August 4, and November 4. *District.*—The State of Kentucky. Navy pensioners in this district are paid at Chicago.

MILWAUKEE, WIS.

Quarterly payments January 4, April 4, July 4, and October 4. *District.*—The States of Minnesota, North Dakota, South Dakota, and Wisconsin. Navy pensioners in this district are paid at Chicago.

NEW YORK CITY, N. Y.

Quarterly payments February 4, May 4, August 4, and November 4. *District.*—The following counties in the State of New York: Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester; the following counties in the State of New Jersey: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren; all navy pensioners in the State of New York, and all pensioners residing in the Island of Porto Rico.

PHILADELPHIA, PA.

Quarterly payments February 4, May 4, August 4, and November 4. *District.*—The following counties in the State of Pennsylvania: Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, Wyoming, and York; the following counties in the State of New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem, and all navy pensioners in the State of Pennsylvania.

PITTSBURG, PA.

Quarterly payments January 4, April 4, July 4, and October 4. *District.*—The counties in the State of Pennsylvania not in the Philadelphia district. All navy pensioners in the State are paid at Philadelphia.

SAN FRANCISCO, CAL.

Quarterly payments March 4, June 4, September 4, and December 4. *District.*—The States of California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; the Territories of Alaska, Arizona, and Hawaii; the Philippines, Guam, and the Samoan Islands belonging to the United States; including all navy pensioners.

TOPEKA, KANS.

Quarterly payments February 4, May 4, August 4, and November 4. *District.*—The States of Colorado, Kansas, Missouri, and Oklahoma, and the Territory of New Mexico. Navy pensioners in this district are paid at Chicago.

WASHINGTON, D. C.

Quarterly payments March 4, June 4, September 4, and December 4. *District.*—The States of Delaware, Maryland, Virginia, and West Virginia; the District of Columbia; all pensioners residing in foreign countries, and all navy pensioners residing in this and the Knoxville districts.

[Extract from hearings on pension bill.]

Memorandum showing the number of pensioners on the rolls of each agency and the average cost per pensioner at each agency, including the salary of the pension agent and the amounts paid in clerk hire and for stationery and other necessary expenses, during the fiscal year 1909.

	Number of pensioners.	Average cost per pensioner.
Augusta	16,718	\$0.73
Boston	58,499	.51
Buffalo	49,536	.64
Chicago	78,851	.51
Columbus	93,969	.52
Concord	15,633	.80
Des Moines	52,618	.55
Detroit	39,964	.60
Indianapolis	59,504	.54
Knoxville	63,030	.52
Louisville	28,143	.66
Milwaukee	48,241	.54
New York City	53,458	.65
Philadelphia	57,302	.53
Pittsburg	43,602	.59
San Francisco	44,130	.64
Topeka	100,579	.49
Washington	57,834	.58

In the expenses of the Buffalo, Chicago, Columbus, Indianapolis, Philadelphia, San Francisco, Topeka, and Washington agencies is included the cost of the installation of an addressing machine used in addressing envelopes each quarter to each pensioner and in the preparation of the vouchers for each pensioner. The cost of these machines varied from \$1,753.50 to \$4,617, according to the number of pensioners on the rolls of the agency. The installation of the addressing machine renders the cost per pensioner for the payment of pensions during the last fiscal year higher than it would otherwise have been. The cost, however, will not be repeated, and the installation of the machines is resulting in a saving of \$35,000 to \$60,000 per annum in clerk hire.

New York is the only pension agency occupying rented quarters. In computing the average cost at this agency the amount paid in rent is necessarily included, which is \$4,500 per annum.

The number of pensioners given at the Washington agency includes 4,637 examining surgeons, as all the examining surgeons for pensions are paid by the Washington agency. As payments to these examining surgeons are made quarterly, it is believed that their number should be added to the number of pensioners at this agency in computing the average cost per pensioner. The amount paid for postage on mail addressed to pensioners residing in foreign countries was \$500. This was paid by the Washington agency and is an item of expense not existing at any other agency.

Memorandum—fiscal year 1909.

	Agent's salary.	Clerk hire.	Rent.	Contingent expenses.	Total.
Augusta	\$4,000.00	\$8,148.33	—	\$339.11	\$12,487.44
Boston	4,000.00	23,244.00	—	1,134.84	28,378.84
Buffalo	4,000.00	20,012.50	—	2,536.31	26,548.81
Chicago	4,000.00	29,323.00	—	2,077.66	35,400.73
Columbus	4,000.00	36,829.54	—	4,928.90	45,758.44
Concord	4,000.00	7,954.34	—	116.35	12,070.69
Des Moines	4,000.00	22,909.33	—	364.57	27,273.90
Detroit	4,000.00	17,999.33	—	589.54	22,598.87
Indianapolis	4,000.00	23,457.00	—	2,937.84	30,391.84
Knoxville	4,000.00	26,362.16	—	353.77	30,715.93
Louisville	4,000.00	12,197.33	—	181.89	16,383.22
Milwaukee	4,000.00	20,210.50	—	462.28	24,672.73
New York City	4,000.00	23,994.75	\$1,500.00	659.92	33,153.67
Philadelphia	4,000.00	24,588.83	—	2,834.91	31,403.77
Pittsburg	4,000.00	19,870.00	—	409.81	24,279.81
San Francisco	4,000.00	20,257.17	—	2,662.49	23,949.66
Topeka	4,000.00	40,504.83	—	4,581.91	49,389.74
Washington	4,000.00	26,400.00	—	3,292.26	33,692.26

In estimating the cost per pensioner at each agency there has been added the sum of 3 cents for each pensioner paid. This represents the cost (per pensioner) of the envelopes and vouchers used during the year, which supplies are furnished the agencies through the department.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DAVID W. STOCKSTILL.

Mr. PURCELL. Mr. President, I ask unanimous consent—

Mr. KEAN. Let us go on with the calendar, Mr. President.

The VICE-PRESIDENT. The regular order is demanded, and the Secretary will state the next bill on the calendar.

The bill (S. 1013) for the relief of David W. Stockstill was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE-PRESIDENT. The bill will go over.

JOSHUA E. CARLTON.

The bill (H. R. 9751) to amend and correct war records so as to muster in and muster out of service in the United States Army Joshua E. Carlton, of Charleston, Tenn., and to grant to him an honorable discharge, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the pension laws Joshua E. Carlton shall hereafter be held and considered to have served in Company C, Sixth Regiment Tennessee Mounted Infantry, under the name Jesse Carlton, from the 2d day of September, 1864, to the 30th day of June, 1865, when he was honorably discharged: *Provided*, That no pension shall accrue prior to the approval of this act.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Joshua E. Carlton."

JAMES O'BRIEN.

The bill (H. R. 20658) for the relief of James O'Brien, was considered as in Committee of the Whole. It provides that in the administration of the pension laws James O'Brien shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in Company D, Tenth Regiment United States Infantry, on the 7th of January, 1866; but that no pension shall accrue prior to the passage of this act.

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

THOMAS CLUNNEY.

The bill (H. R. 18359) for the relief of Thomas Cluney was considered as in Committee of the Whole. The bill was reported from the Committee on Military Affairs with an amendment, in line 6, before the word "captain," to insert the article "a," so as to make the bill read:

Be it enacted, etc. That in the administration of the pension laws Thomas Cluney shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a captain of the Forty-ninth Regiment New York Infantry on the 24th day of May, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

LAFAYETTE L. M'KNIGHT.

The joint resolution (H. J. Res. 98) for the relief of Lafayette L. McKnight was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Military Affairs with an amendment, in line 5, after the word "States," to strike out the word "over" and to insert the word "throughout," so as to make the joint resolution read:

House joint resolution 98.

Resolved, etc. That the Commissioner of Pensions is authorized and directed to consider Lafayette L. McKnight to have been in the military service of the United States throughout the period specified in an act approved February 9, 1909, entitled "An act for the relief of Lafayette L. McKnight."

The amendment was agreed to.

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

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

LEGAL REPRESENTATIVES OF NAPOLEON B. GIDDINGS.

The bill (S. 6583) for the relief of the legal representatives of Napoleon B. Giddings was announced as next in order.

Mr. KEAN. Mr. President, unless some member of the Committee on Military Affairs desires to explain the bill, I shall ask that it go over. The amount proposed to be paid by the bill seems to be an indefinite one.

Mr. WARNER. The bill is substantially the same bill that has heretofore passed the Senate several times.

Mr. KEAN. That may all be, Mr. President, but I ask some explanation of the bill.

Mr. WARNER. The powder for which payment is to be made was taken from the owner by an army officer. The intent of the bill is to leave to the Secretary of War to ascertain the value of the powder and to pay the legal representatives of the owner such amount as may be found just.

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Is there objection to the present consideration of the bill?

Mr. KEAN. I should like to have the report read. I have a vivid recollection of this bill. I think it used to be before the Committee on Claims, if I am not mistaken.

Mr. WARNER. I did not hear the Senator.

Mr. KEAN. I say, I have some recollection that this bill used to be before the Committee on Claims. It now comes from the Committee on Military Affairs, and I merely want to ascertain whether it is the same bill.

The PRESIDING OFFICER. Does the Senator from New Jersey desire to have the report of the committee read?

Mr. KEAN. I should like to have the report read.

The PRESIDING OFFICER. The Secretary will read the report, as requested.

The Secretary proceeded to read the report submitted by Mr. WARNER from the Committee on Military Affairs April 7, 1910.

Mr. KEAN. Mr. President, I think there is no use of wasting the time of the Senate in reading the report. Let the bill go over.

The PRESIDING OFFICER. At the request of the Senator from New Jersey the bill goes over.

CROW TRIBE OF INDIANS IN MONTANA.

The bill (S. 6995) for the division of the lands and funds of the Crow tribe of Indians in the State of Montana, and for other purposes, was announced as next in order.

The Secretary proceeded to read the bill.

Mr. STONE. Mr. President, what was done with the bill just ahead of the bill which the Secretary is now reading?

The PRESIDING OFFICER. It went over under objection.

Mr. STONE. I object to this bill.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

Mr. DIXON. Mr. President, I hope the Senator from Missouri will not object to this bill, at least until it has been read.

Mr. STONE. I ask that it go over until to-morrow without prejudice.

Mr. DIXON. I want to say to the Senator that I have no objection to the bill going over if he will allow it to be read. I very much hoped to have it considered and passed to-day on account of the close approach to the end of the session and the great difficulty of getting consideration in the other House. We have labored for two years, I think, more conscientiously and patiently on this bill than on any other bill the Committee on Indian Affairs has considered.

Mr. STONE. Mr. President, I know something about this bill, and I do not think it ought to be considered now in the short time left before the railroad bill will be laid before the Senate, at 2 o'clock. Let it go over to-day. That will leave it close to the top of the calendar and afford ample time for its consideration.

Mr. CARTER. Permit me to suggest—

Mr. STONE. I hope it will not be insisted upon that the bill be taken up for consideration or for any other purpose to-day. I must insist upon my objection to its present consideration.

The PRESIDING OFFICER. The Senator from Missouri objects to the present consideration of the bill.

Mr. DIXON. Mr. President, I want the Senator from Missouri to thoroughly understand, read, digest, and know about the bill, but this is the first time we have called the calendar in three weeks. The bill has been waiting for two years. I do not want to move its consideration at this time, notwithstanding the objection of the Senator from Missouri; but will not the Senator permit it to be read, so that hereafter when it is called up the reading will not take up the time of the Senate?

Mr. STONE. I should like to oblige the Senator from Montana in any reasonable request that he makes, but I must, under the circumstances, adhere to the objection I have made. I hope he will not make the motion he indicates, but that he will let the bill go over under the objection without prejudice.

Mr. DIXON. I want to say to the Senator that if he will permit the bill to be read at this time I will not object to having it go over. I merely desire now that the bill may be read.

Mr. STONE. I prefer not to do that.

The PRESIDING OFFICER. Objection is made, and the bill goes over. The Secretary will state the next bill on the calendar.

JAMES OVENS.

The bill (H. R. 16684) for the relief of James Ovens, was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch

thereof, James Ovens shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a sergeant of Company E, Seventy-third Regiment New York Volunteer Infantry, on the 20th of April, 1863; but that no pension shall accrue prior to the passage of this act.

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

"POPULAR" VERSUS "DELEGATED" GOVERNMENT.

Mr. BOURNE. I desire to give notice that at the conclusion of the morning business to-morrow I shall address the Senate on "popular" versus "delegated" government and the effect it has on legislation.

BULL SNAKE AND OLD COYOTE.

The bill (S. 4726) for the relief of Bull Snake and Old Coyote, Crow Indians, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, in line 6, after the word "pay," to strike out "each of them" and insert "them each."

The amendment was agreed to.

The next amendment was, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of Bull Snake and Old Coyote, Crow Indians, and pay them each a pension at the rate of \$12 per month from the date of the passage of this act.

Mr. DIXON. I do not like to go against the report of the committee, but in this case I think these two old Indians should have the full \$20 per month. I think the amendment went through the committee pro forma.

A similar bill passed the Senate once before and was favorably reported in the House.

The truth is Old Coyote and Bull Snake, these two Crow Indians, were wounded in battle with General Crook on the Rosebud Reservation fighting the Sioux thirty-four years ago this coming June 15. When Crook was hemmed in by the Sioux on the Rosebud he sent couriers to the Crows for help. They sent 120 of their young men and these two Indians. Old Bull Snake's leg was shattered in the fight by a musket ball. Old Coyote's shoulder blade was shattered. For thirty-four years these old men have dragged over the country without pension, without reward of any kind from the Government. Both of them are old men at this time, and I do think \$20 a month under these circumstances is certainly a pitiful allowance for this great Government to render to these two old men who were shot in battle under these circumstances.

If they had been ordinary soldiers they would have been drawing a pension for thirty years. For the few remaining years of their lives I do not think \$20 is too much, and I hope the amendment of the committee to cut it to \$12 will not prevail. I think the Pension Committee (I see present one of its members, the Senator from Kansas [Mr. CURTIS]) will probably not insist upon the amendment. I think it was written up pro forma.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment of the committee was disagreed to.

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

Mr. SMOOT. Mr. President, I should like to ask a question. In what shape is this bill now? Does the rejection of the amendment change the amount from \$12 to \$20?

Mr. KEAN. Yes; that has been done by disagreeing to the amendment of the committee.

Mr. SMOOT. The only thing I want to call the Senate's attention to is that if it were only these two cases there would be no objection, but that is not the only effect the raise will have. There are a great many others who will want the \$20 just the same as these two old Indians.

Mr. BULKELEY. If the others are just as deserving as these two Indians, why not give it to them when the time comes?

Mr. SMOOT. I did not hear the statement of the Senator from Montana, as I was out of the Chamber; but I know that in the past the rule of the committee in reporting these bills has been to give the beneficiaries \$12 per month. At \$20 a month these Indians will have the same as the Mexican war veterans, and with \$20 a month they are drawing more than the Spanish-American war veterans.

Mr. PENROSE. These Indians were wounded.

Mr. KEAN. They were wounded.

Mr. SMOOT. That may be true, and it may be true as to a great many others.

Mr. KEAN. Nobody was wounded in the Spanish-American war.

Mr. DIXON. I want to say, in answer to the Senator from Utah, that if he had heard the statement I just made I do not believe he would have raised any objection. I myself have seen one of these old Indians. The Indian agent, the chief of the Crow tribe, who was an eyewitness to the shooting, and I think Major McLaughlin, the inspector in the Indian Office, have testified; anyway the claim is fortified by a dozen affidavits on behalf of the two old men.

Bull Snake has a leg that sticks out at right angles, on which he has hobbled around for thirty-four years. The other old fellow has an arm that is paralyzed and withered. They have gone since 1876 without any pension.

This is not the ordinary case where we put a widow or somebody on the pension rolls at the nominal sum of \$12 per month. In the omnibus bill that passes here every week there are hundreds of cases at \$24 and \$30 per month, and I doubt whether any one of them presents a more pitiful spectacle as to their present disability than the cases of Old Coyote and Bull Snake. They have had no pension whatever during all of these years. They are both old men, who have been wounded in battle, and the contingent that went with them undoubtedly saved Crook from annihilation in the Rosebud fight. They are the only two Indians out of the 120 who have asked for a pension; the only two that the Crows in council have especially brought to the attention of the Government; and under the peculiar circumstances and in view of the grievous wounds these two old men have borne all of their lives, I think the committee of the Senate is justified from every point of view in giving these two old men \$20 per month during their declining years.

Mr. SMOOT. If the facts are as stated by the Senator from Montana—and of course I accept his statement—I withdraw any further objection.

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

The title was amended so as to read: "A bill granting pensions to Bull Snake and Old Coyote, Crow Indians."

NOTICE OF ISSUANCE OF MONEY ORDERS.

Mr. PENROSE. There is on the calendar a bill introduced by me, at the request of the Postmaster-General, which will save the department about \$500,000 annually. The Postmaster-General is very anxious to have it acted on promptly, so that it may be promptly considered in the House. It is a very short bill, and I ask unanimous consent for its present consideration. It is the bill (S. 7994) to repeal section 4035 of the Revised Statutes, providing for the issuance of money-order notices, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the section referred to, providing that "the postmaster issuing a money order shall send a notice thereof by mail, without delay, to the postmaster on whom it is drawn," be hereby repealed.

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

RECEIPTS FOR REGISTERED MAIL.

Mr. PENROSE. I have another bill of only a few lines in length, introduced by me at the request of the Postmaster-General, which will save the department \$100,000 annually in the reduction of clerical work. It is the bill (S. 7995) to amend section 3928 of the Revised Statutes to provide for receipts for registered mail, and for other purposes; and I ask unanimous consent to have it now considered.

Mr. KEAN. Let the bill be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the section referred to so as to read as follows:

Sec. 3928. Whenever the sender shall so request, a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as *prima facie* evidence of such delivery.

Mr. SMITH of Michigan. The bill passed just before this one, as I understand, will save the Government about \$500,000 a year?

Mr. PENROSE. Yes, sir.

Mr. KEAN. And this one about \$100,000.

Mr. SMITH of Michigan. And this one about \$100,000. So they are in entire harmony with our spirit of retrenchment and reform.

Mr. PENROSE. This day's work is the best the Senate has done in a long time.

Mr. PAGE. I should like to ask the Senator to explain what change this bill makes.

Mr. PENROSE. I will ask the Secretary to read the letter of the Postmaster-General, which fully explains it.

The Secretary read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 29, 1910.

MY DEAR SENATOR: Section 3928 of the Revised Statutes reads as follows:

"A receipt shall be taken upon the delivery of any registered mail matter, showing to whom and when the same was delivered, which shall be returned to the sender, and received in the courts as prima facie evidence of such delivery."

This section necessitates the return to the sender in every instance, whether he desires it or not, of a receipt from the person receiving registered mail. The practice is to obtain such a receipt on a post card and mail it to the sender. The postmaster at the office of delivery obtains a separate receipt for his own records, which constitutes sufficient evidence of delivery. The sender's post-card receipt is therefore unnecessary for that purpose. As a matter of fact, the sender in many cases does not desire such a receipt, and to that extent an unwarranted expense is now imposed on the postal service. The department therefore urges the passage of the inclosed bill amending section 3928 to read as follows:

"Whenever the sender shall so request, a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery."

The effect of the amendment will be to permit the department to do away with the receipt when it is not desired by the sender of registered mail, continuing its use, however, in all cases where the sender so requests. It is estimated that the passage of the bill will enable the department, by abandoning the use of the receipt when it is not desired, to save about \$100,000 annually in the cost of conducting the registered-mail service.

Yours, very truly,

FRANK H. HITCHCOCK,
Postmaster-General.

Hon. BOIES PENROSE,

Chairman Committee on Post-Offices and Post-Roads,
United States Senate, Washington, D. C.

Mr. HEYBURN. I suppose that in registering matter it would be indicated upon the registered article whether or not the person desired the card; it probably would be stamped upon it; and if he desired it, of course he would get the card as at present, but in the absence of any request there would be none. Is that the purport of it?

Mr. PENROSE. That is it.

I think this legislation will relieve the business community of a good deal of unnecessary annoyance and incidentally save the Government \$100,000 a year. The Postmaster-General has been in touch with business communities about this legislation, and I think they entirely acquiesce in it.

Mr. HEYBURN. While it is desirable to save money, still one wants to be able to have a check as to the receipt of registered matter. Otherwise there is no use in registering.

Mr. PENROSE. I think there are ample safeguards now—the way the bill is framed.

Mr. HEYBURN. I think if the language is sufficient to authorize the department to send the receipt where that is stamped on the article or requested, it will be all right. Of course as to those who do not desire a receipt, no one is interested but themselves.

Mr. CARTER. If the Senator will yield for a moment, there are safeguards connected with the registry entirely independent of the receipt. The receipt forms some evidence of the fact that the consignee actually received the package, and that is evidence to the sender, when returned, but not the sole evidence, because, independent of the receipt, which is returned to the sender, the person receiving the registered package is required to receipt in the book of the postmaster.

Mr. HEYBURN. That is not available to the sender.

Mr. CARTER. But it is evidence available in case the sender desires at any time to prove that the package was actually delivered.

About the only cases in which a return receipt would be called for would be where service by mail is required under the statutes of a State or under the practice of the departments of the Government. I presume where the statute requires that a receipt shall be obtained for a registered letter or package the notice to that effect would go forward with the package and the return receipt would be sent to the sender.

Mr. HEYBURN. That is important. A practical application of the doctrine is one of daily occurrence. For instance, we send out maps of the United States. Since I have been in this body I have learned that if you want them to reach their destination you must register them. I did present an amendment here allowing them to be registered free. It did not pass. So, on every map that is sent out you have to pay 10 cents to register it. There is not one out of fifty that will reach its destination if not registered. I think anyone who has been sending them

out has had that experience. I think out of 100 I sent out at one time less than 10 of them reached their destination.

Mr. GALLINGER. I will ask the Senator from Idaho where the maps go.

Mr. HEYBURN. They go to any secondhand bookstore—

Mr. GALLINGER. Who abstracts them? It can not be that our civil service—

Mr. HEYBURN. I am no detective.

Mr. GALLINGER. It can not be that our civil-service clerks take them. Can that be possible?

Mr. HEYBURN. The fact is sufficient for me, and I protect myself from the result by paying 10 cents to register each one.

Mr. BULKELEY. Mr. President, I think in justice to the Post-Office Department, after the statement I have listened to by the Senator from Idaho, I should say that I have had quite as much experience in mailing maps as has had any other Senator, and I have never had a single complaint, without registering them, that the maps had not been delivered. I universally receive an acknowledgment of their receipt from the recipient. I do not know what the conditions may be in Idaho, but in Connecticut the post-office service is satisfactory.

Mr. HEYBURN. The levity with respect to Idaho has no application and is not pertinent. The maps are sent from Washington, and I am speaking of a general proposition. If the Senator has been so fortunate as to have all of his maps, which he has sent unregistered, delivered, he is an exception, probably, to the rule. I am speaking from facts and from records. Whenever a map is sent out by me a record is kept of it in our committee room, and we know whether it has been received, because the correspondent generally advises us of that fact. Of course, Connecticut is not very far away. They probably might send the maps over by somebody who happened to be going.

Mr. BULKELEY. That remark was not intended as a reflection upon the State of Idaho, but there has been a reflection on the service of the Post-Office Department, and I know of no reason why the service should not be just as good in Idaho as in Connecticut, and the criticism as tending to apply to the general service of the department, so far as concerns my State, I think is absolutely incorrect.

Mr. HEYBURN. I should like to understand the motive that would prompt the Senator from Connecticut to attack an assertion that is based upon fact simply because the people of Connecticut seem to have better mail facilities than somebody else. I can not see the purpose to which his remarks are directed.

Mr. BULKELEY. I refer to the service of the Post-Office Department, which I think in general is quite acceptable to the people of Connecticut, and if it is particularly unserviceable to the people of Idaho, I am very sorry.

Mr. HEYBURN. There is nothing in that levity either. The proposition that I was stating was a fact, and it makes no difference who is affected by it; it does not change the fact. I stated a fact and nothing else.

Mr. BULKELEY. I have no doubt, Mr. President, that the Senator from Idaho has contributed 10 cents for each map he sent out. I take that statement as absolutely correct, and I presume the Post-Office Department has.

Mr. HEYBURN. What is the point in that now? Let us see, because I am not inclined to stand here as to a point about ridiculing—

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

The SECRETARY. A bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

Mr. ELKINS. The unfinished business is before the Senate. I believe the Senator—

Mr. PAYNTER. I wish to offer an amendment to the bill.

Mr. ELKINS. I yield to the Senator from Kentucky.

The VICE-PRESIDENT. One moment. The Chair has not recognized anyone. The Chair feels constrained to recognize the Senator from Idaho [Mr. HEYBURN], if he asks for the floor.

Mr. HEYBURN. I shall ask for it when the unfinished business is laid aside. The bill which the Senator from Pennsylvania has in charge is not under consideration now.

The VICE-PRESIDENT. No; the unfinished business is now before the Senate.

Mr. HEYBURN. Yes; it is subject to the unfinished business.

Mr. PENROSE. I ask that the unfinished business be laid aside for a few minutes.

Mr. ELKINS. Very well; let the unfinished business be laid aside temporarily.

Mr. KEAN. That is, if the bill which has been up does not take too much time.

The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent to temporarily lay aside the unfinished business, in order to conclude the bill which was pending at 2 o'clock. Is there objection? The Chair hears none.

Mr. PENROSE. I ask the Senate to continue the consideration of the bill (S. 7995) to amend section 3928 of the Revised Statutes to provide for receipts for registered mail, and for other purposes.

The VICE-PRESIDENT. The bill is before the Senate, and the Senator from Idaho is entitled to the floor.

Mr. HEYBURN. Mr. President, I have but a word to say. I do not propose to allow such suggestions as have been made, pointed at my remarks, to pass unnoticed. This is not a giggling school. If it is merely made to create mirth—

Mr. BULKELEY. We have a pretty good exhibition of it from Idaho.

The VICE-PRESIDENT. The Senator from Idaho has the floor.

Mr. HEYBURN. If it is to create mirth, it is without point. I made no attack upon the post-office service of the United States. I perhaps have as much interest in it as the Senator from Connecticut, and I am perhaps as capable of judging as to its efficiency. I do not need to have any schoolmaster tactics applied when I am addressing the Chair on a question in the Senate, whether it be for the purpose of creating mirth among a little coterie around him or otherwise. I just suggest at this time that the Senator confine himself to the discussion, if he desires to indulge in it, and not to attempt any mirth that bears with it the suggestion of an intent to be insulting.

Mr. GALLINGER. Mr. President—

Mr. BULKELEY. Mr. President, I ventured the suggestion that outside of the State of Idaho the post-office service was reasonably satisfactory to the people of the country.

Mr. HEYBURN. Mr. President, the Senator is encroaching very close upon a violation of the rule of the Senate. There is a rule here which refers to the manner in which a Senator shall speak of a State represented by another. I think the Senator is getting pretty close to that margin. It was intended to be a contemptuous remark on the part of the Senator, and I warn him to desist from it.

Mr. BULKELEY. I think the Senator from Idaho is approaching more closely to a violation of the rule than I ever have done. I venture to say, although my service here has been somewhat shorter than his, that I am quite as familiar with the rule and quite as familiar with epithets which gentlemen use in ordinary courtesy. I am not here representing my State to be criticised by the Senator from Idaho, or any other State, for any statement that I make in regard to the transactions of my people with the Post-Office Department of the country.

Mr. HEYBURN. I did not refer to the Senator's State—

The VICE-PRESIDENT. The Senator from Connecticut has the floor.

Mr. HEYBURN. But I referred to the Senator.

Mr. BULKELEY. Oh, I want to give the Senator full license. I yield.

Mr. HEYBURN. That is all I want to say on that subject.

Mr. BULKELEY. Now, if the Senator from Idaho in his generosity to his people chooses to pay 10 cents for each map that he sends out, I do not think the country or anybody else will object; and if he does not get reasonable service from the post-office without that payment he has a just cause of complaint.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Will the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BULKELEY. I yield.

Mr. GALLINGER. I think the Senator from Idaho has taken this matter altogether too seriously.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I think I will make my statement first.

The VICE-PRESIDENT. The Senator declines to yield at the present time.

Mr. GALLINGER. The Senator from Idaho did suggest that out of 100 maps 90 of them escaped in some way from the mails of the United States. The men who handle those maps are officials of the United States and they are under the civil service of the United States, and while the Senator did not mean it in that way, it was a very serious allegation to make.

Mr. President, I have sent out hundreds and hundreds and hundreds of maps, and I never heard of one being taken from the mails. I have had acknowledgments. I have asked for acknowledgments, and the acknowledgments have always come. So I think the Senator has been unfortunate in sending his maps out.

There may be some conspiracy to rob the mails—I do not know how that may be—at some point between here and Idaho; but I can not believe that 90 per cent of the maps that are sent out by Senators are taken from the mails. That must be a mistake. I do not wonder that the Senator from Connecticut said that it did not occur in his State. As I said, it does not occur in my State, and I again say that I think the Senator has taken it too seriously and has made a retort that I think, perhaps, the Senator will reconsider.

Mr. HEYBURN. Mr. President—

Mr. GALLINGER. I yield to the Senator from Idaho.

Mr. HEYBURN. I think I have not taken it too seriously. I made no statement as to the proportion of maps sent by the Senator from New Hampshire or the Senator from Connecticut that were lost in the mails at all. The statement that I made is one that called for no defense from a Senator from any other State or any other Senator. I do not know of any special prerogative here of any Senator to become the defender of the Civil Service Commission or of the Post-Office Department. That is as much my function as it is that of any Senator on the floor. I am not responsible for facts. The statement that I made was one justified, and it was personal to no one but myself.

Mr. GALLINGER. Mr. President, that is the Senator's privilege and prerogative, of course. We all agree that he has equal rights on this floor. Yet I think it is the privilege and prerogative of any Senator to come to the defense of any department of the Government when its agents are accused of malfeasance in office. That is precisely what occurred when the Senator made the statement that 90 per cent of the maps sent to the State of Idaho were taken from the mails. They could only have been taken from the mails either by men who held up the train or else by the officers of the Government, one or the other.

Mr. HEYBURN. Mr. President, of course the Senator does not mean to say that I made the statement that 90 per cent of all the maps sent to Idaho did not reach there. I spoke of one lot. Since that time I have not had difficulty, because I have registered them. That is a fair statement.

Mr. GALLINGER. The Senator did state that 90 per cent unregistered were taken from the mails.

Mr. HEYBURN. No; but of that lot.

Mr. GALLINGER. Yes; of that lot. Very well; possibly that was so. But it does not happen in other portions of the country; and for that reason I say we have a right, notwithstanding the Senator thinks we have not any right, to animadvert upon this matter. We have a right to suggest that in other sections of the country the Post-Office Department performs its functions more properly than it seems to have done in the case the Senator from Idaho cites.

Mr. HEYBURN. Mr. President, the Senate at a former session agreed to a provision in a bill, if I remember rightly, authorizing the free registration of the maps of the United States, and it went out in conference. That is my recollection of it. The chairman of the committee indicates that that is a correct statement. At that time these facts were stated, and they were then entirely in concurrence. There was no effort here to attack the Senator introducing the measure, and I introduced it because it might be a reflection upon somebody connected with the department. I am not interested in that. A fact is a fact, and each party must take his own responsibility about it.

Now, the difficulty arose in this case, if a difficulty exists, with the manner and the general mirth and merriment that followed the reference to the State of Idaho and to my reference to the State of Idaho. It was not respectful. It was disrespectful in the extreme. It may be taken for granted that when I am made the victim of such an attempt it will not go unnoticed at any time.

Mr. BULKELEY. I have had no disposition to add anything or say anything or intimate anything that was in anywise disagreeable to any Senator, and I shall not do that. All I did intend to say and all I did say was that I thought the Senator from Idaho had been unfortunate in his dealings with the Post-Office Department in the incident that he called to our attention. I did not question the accuracy of it; but it occurred to me it might be a local matter that could easily be adjusted; that it was not happening all over the country; that if it was, it

would be a reflection on the Post-Office Department that would certainly call for attention on the part of Congress.

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

Mr. PENROSE. In order to complete the record on these two bills I ask unanimous consent to have inserted in the Record the report of the committee on Senate bill 7994 containing a letter from the Postmaster-General, with the statute relating to the issuance of money orders.

The VICE-PRESIDENT. Without objection, the request will be complied with.

The report referred to is as follows:

[Senate Report No. 623, Sixty-first Congress, second session.]

AMENDING STATUTES RELATING TO MONEY ORDERS.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, submitted the following report, to accompany S. 7994:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 7994) to repeal section 4035 of the Revised Statutes, providing for the issuance of money-order notices, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Post-Office Department, as will appear by the following letter:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 29, 1910.

MY DEAR SENATOR: The department earnestly recommends the passage of the inclosed bill repealing section 4035 of the Revised Statutes, reading as follows:

"The postmaster issuing a money order shall send a notice thereof by mail, without delay, to the postmaster on whom it is drawn."

When that section was enacted the money order was not protected by the safeguards now employed to prevent "raising" the amount, nor did it contain the names of the remitter and the payee. These particulars were stated in the advice, which served to identify the person presenting the order for payment and to insure the correctness of the amount claimed.

Since the passage of the law requiring the advice it has been found preferable to insert the names of the remitter and payee in the money order itself, and that is now the practice. It is also the practice to require personal identification of the payee, to print the forms on watermarked and tinted safety paper in order to prevent erasures, and to use marginal indentions showing in round numbers the amount for which the order is drawn. Thus the advice is no longer of any value for the purpose originally intended. It is estimated that by abandoning its use the department can save annually about a half million dollars in the expenses of the money-order service. It is hoped that Congress will make possible this important saving by the speedy passage of the bill.

Yours, very truly,

FRANK H. HITCHCOCK,
Postmaster-General.

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate, Washington, D. C.

COURT OF COMMERCE, ETC.

Mr. KEAN. Now, I hope we may proceed with the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

Mr. PAYNTER. I offer an amendment to the bill, which I ask to have printed, and that it also be printed in the RECORD.

There being no objection, the amendment was ordered to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. PAYNTER to the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, yel., insert the following:

"That section 4 of the act entitled 'An act to regulate commerce,' approved February 4, 1887, be amended so as to read as follows:

"SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however,* That the Interstate Commerce Commission may from its knowledge, or from information, or upon application, ascertain that the circumstances and conditions of the longer haul are dissimilar to the circumstances and conditions of the shorter haul, whether they result from competition by water or rail; then it may authorize a common carrier to charge less for the longer than for the shorter distances for the transportation of passengers or property; but in no event shall the authority be granted unless the commission is satisfied the carrier is charging reasonable rates for the transportation of property and passengers for the shorter distances; and the commission on reasonable notice to the carrier may revoke its orders granting the authority: *Provided further,* That upon application to the commission such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act: *And provided further,* That section 4 of an act entitled "An act to regulate commerce," approved February 4, 1887, shall remain in force for six months after this act takes effect, at which time this amendment to said section 4 shall go into effect."

Mr. SIMMONS obtained the floor.

Mr. STONE. If the Senator from North Carolina will yield, I desire to make the point of no quorum.

The VICE-PRESIDENT. The Senator from Missouri makes the point that there is no quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clarke, Ark.	Frazier	Page
Borah	Clay	Frye	Paynter
Bourne	Crane	Gallinger	Penrose
Brandegee	Crawford	Gamble	Perkins
Briggs	Cullom	Guggenheim	Piles
Bristow	Cummins	Heyburn	Purcell
Brown	Curtis	Hughes	Scott
Bulkeley	Davis	Johnston	Simmons
Burkett	Depew	Jones	Smith, Mich.
Burnham	Dillingham	Kean	Smoot
Burrows	Dixon	McEnery	Stephenson
Burton	Dolliver	Martin	Stone
Carter	Elkins	Money	Sutherland
Chamberlain	Fletcher	Nelson	Warner
Clapp	Flint	Oliver	Wetmore
Clark, Wyo.	Foster	Overman	

The VICE-PRESIDENT. Sixty-three Senators have answered to the roll call. A quorum of the Senate is present.

Mr. ELKINS. Before the Senator from North Carolina proceeds—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from West Virginia?

Mr. SIMMONS. Certainly.

Mr. ELKINS. I ask unanimous consent that the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, be printed showing the amendments agreed to in small capitals, the matter stricken out in linetype, the pending amendment in italics, and all amendments intended to be proposed to sections not stricken out in the bill opposite the sections to which they relate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and the order is entered.

Mr. SIMMONS. Mr. President, I shall discuss in what I have to say to-day certain features pertaining to the enforcement of our antitrust laws in connection with section 7 of the bill under discussion, also the prosecutions recently instituted by the Department of Justice against the cotton spinners of the South on account of certain contracts for the purchase of cotton for future delivery, as well as the investigation now going on before a committee of the Senate with respect to the prices of commodities. That the continuity of my remarks may not be broken, I will ask that I be allowed to proceed without interruption.

Mr. President, the antitrust law of 1890 is a law of general application. It applies equally to every contract, combination, or conspiracy in restraint of trade. There are no exceptions to it.

Not only have the courts sustained the constitutionality of this statute when assailed, but our experience growing out of the meager attempts that have been made to enforce it has shown it to be sufficiently thoroughgoing and comprehensive to cover every kind of agreement and conspiracy in restraint of trade.

In the face of this law, so clear in its import and meaning, so all-embracing in its prohibitions, denunciations, and punishments, so beneficial in its purposes toward the people, sustained by the courts, and shown by experience sufficient to meet every case of unlawful conspiracy against trade, in the open daylight, with scarcely any attempt at concealment, within the knowledge of everybody, the consolidation of our railroads and the monopolization of our industries has gone on with ever accelerating speed until the laws of competition and of supply and demand have been practically suspended as to everything capable of being monopolized.

Why has this law, so admirably framed to accomplish the wise and laudable purposes of its enactment, failed to suppress or even to arrest the march of monopoly?

There can be but one answer to this question; and that answer is, because it has not been enforced.

Mr. President, of course there have been attempts at enforcement, and quite a number of suits brought, and favorable decisions secured. But, Mr. President, the number of these prosecutions, compared with the number of violations, have been so few that it is safe to say that for every prosecuted violation there have been hundreds, yea, thousands, of unprosecuted violations, though the violations and the offenders were known of everybody.

Moreover, when the prosecutions have been successful the punishment has been inadequate, and the Department of Justice has seemed to assume that having secured a favorable decision its duty was at an end and that everybody would take notice and obey the law as interpreted.

Had this law, far and away the most important in our remedial code in its effect upon the opportunities, the earning, and the welfare, and the happiness of the people, been enforced with the vigor, energy, and thoroughness which has characterized the enforcement of our other remedial and criminal laws, monopolies and trusts such as now curse the land would have been practically impossible.

Why has this law, which, if adequately enforced, would stand as the palladium of our commercial independence and freedom, been enforced with such little vigor and thoroughness? Certainly it has not been because the violations have been stealthy or the violators unknown. Certainly it has not been because of any inadequacy of the courts or the machinery provided for its enforcement, or of men and money to ferret out violation and collect and marshal the facts necessary to prosecute offenders, and certainly it has not been because the Government is too weak to enforce obedience to it or because public sentiment has not been behind it.

I will not now undertake to discuss why this great remedial statute has not been duly enforced further than to observe that it has been charged that the connection between certain Republican legislation and illegal combinations and conspiracies which it condemns and denounces is of such a character as might make it embarrassing to that party to enforce it with that thoroughness necessary to secure obedience and observance.

Mr. President, the benefits and profits which accrue to the violators of these antitrust laws are very great. To secure the observance of and obedience to such laws it is obviously necessary that they be enforced vigorously, energetically, and thoroughly, and that punishments upon conviction be such as will restrain and deter others, either engaged or tempted to engage, in their violation. We have an illustration of the effect of an insufficient and half-hearted enforcement of a law which it is highly profitable to violate in the inadequate enforcement of some of our state liquor laws. Experience has shown if prosecutions under these prohibition laws are few compared with violations and the punishment inadequate the rewards of successful violation are so great that many men who might otherwise respect and observe them are disposed to take their chances, with the result that violations are encouraged rather than discouraged, while the authority of the law is gradually undermined and its purpose defeated.

Such, in a large measure, has been the effect of the insufficient and half-hearted enforcement of the Sherman antitrust law.

But, Mr. President, probably the greatest weakness which has developed in connection with the enforcement of our antitrust laws in securing its observance has grown out of the partiality and discrimination shown in singling out certain offenders for prosecution and others for exemption. I might give many instances illustrating the insufficiency and the partiality which have characterized the Government's efforts in the enforcement of this law. Probably the most striking is the Standard Oil Company.

This corporation, of all the trusts, is the oldest and biggest, as well as the most powerful and oppressive. Its illegal operations have been the most flagrant and defiant, and yet no prosecution was begun to stay its spoliation or dissolve it until sixteen years after the passage of the Sherman antitrust law, and the prosecution then begun was begun under the compulsion of an aroused and awakened public sentiment which would brook no further delay.

Another illustration more pertinent to the measure now under discussion is the position of the Government with reference to the joint traffic agreements between railroads, culminating in the provision of the bill now under discussion for their exemption from this law.

That I may make myself clear with respect to this matter it will be necessary to give some of the history of the attitude of the Government with respect to these illegal agreements between railroads.

Quite a number of years ago the Interstate Commerce Commission decided that these agreements between railroads were in violation of the Sherman antitrust law, and suits were brought to determine that question, with the result that the Supreme Court, in the Trans-Missouri and the Joint Traffic Associations cases, decided that these agreements did violate that law, and were therefore unlawful.

What, I ask, has been the sequel? Have the railroads ceased and desisted from these adjudged violations? The Interstate

Commerce Commission says they have not. It says these infractions of the law by these great and powerful corporations are as rampant and as flagrant now as before these decisions. Here is what the commission says about this matter in a report made by it and quoted by former President Roosevelt in a message to him to Congress. I quote from this report. It says:

The decision of the United States Supreme Court in the Trans-Missouri and the Joint Traffic Association cases—

Being the cases I have just referred to as deciding that these agreements between the railroads were in violation of the Sherman antitrust law—

has produced no practical effect on the railway operations of the country. Such associations, in fact, exist now as they did before the decisions, with the same general effect.

Here we have a clear, unequivocal statement by the tribunal created to regulate the conduct of the railroads that during the years which have elapsed since the rendition of these decisions the railroads have openly and with little concealment persisted in the course which they condemned and enjoined.

Now, Mr. President, what has the Government, through the Department of Justice, done during all these intervening years to force obedience to these decrees of the court or to punish those who have contumaciously disobeyed them? I answer, practically nothing, except to shut its eyes and fold its arms while the law of the land and the decree of its highest court was defied, overridden, and trampled underfoot by these great corporations.

What is the excuse given by those responsible for it for this failure to enforce the antitrust law as construed in these decisions against the railroads? It is this, that in their opinion if the law had been enforced it might have disturbed the transportation business of the country and perhaps been harmful to public interest.

This excuse, properly interpreted, means that in the opinion of the executive branch of the Government this law as applied to joint traffic agreements between the railroads is a bad law, and therefore it has not been enforced. Mr. President, I state as my deliberate opinion that in a government constituted as ours, where the legislative and judicial departments are separate, where the legislative branch is charged with making the laws and the executive branch charged with enforcing and administering them, the assumption by the executive department of the Government of the right to determine whether a law is wise or expedient, and to enforce or refuse to enforce it because of such consideration, is nothing short of usurpation and anarchy. Yet, sir, that is just what the executive branch of the Government, through the Department of Justice, has assumed to do with reference to these illegal traffic agreements.

If the Department of Justice had performed its duty with respect to the enforcement of this law, and compelled the railroads to conform to it as construed by the courts, it might have been demonstrated that the law was unwise, and in that event it is to be assumed Congress would have speedily repealed or modified it; or, on the other hand, its enforcement might have shown it to be a wise and just law, and we would not have presented to us the spectacle of the Department of Justice, by refusing or failing to enforce this law against one class of offenders, contributing to the undermining of its authority and rendering its enforcement against other and less powerful violators more difficult and less effective.

Mr. President, the railroads are not alone in wanting exemption from our antitrust laws. Organized labor wants to be exempted from them also, and for substantially the same reasons as influence the railroads. These organizations declare that under the decisions of the court holding them liable to this law they are unable to effectively carry out the purpose of their organization, which is to maintain wages and secure a proper observance by employers of their rights.

There is no provision in this bill nor any other now being pressed in the Senate for the exemption of organized labor from this law, but if we shall exempt the railroads we will have to meet this demand of organized labor. The great trusts and combinations which have monopolized many of the products of the country, including the necessities of life, have for years chafed under this law. Like the railroads in the matter of traffic agreements, they have violated it with more or less impunity, but it has been a sword of Damocles which has sometimes fallen. They have contended, and still contend, that these consolidations and combinations were natural evolutions of modern business conditions; that they were necessary to prevent cut-throat competition, and to secure that economy in production necessary to enable us to meet foreign competition at home and in the markets of the world. If we relax this law with reference to the railroads, it is only a question of time until these great corporations will be at the doors of Congress asking that they be relaxed in their favor also.

The Sherman antitrust law is the best antitrust law ever written, and, properly enforced, its benefits to the people would be inestimable. There is no sentiment, in my judgment, in this country for the relaxation of this law in behalf of anybody or any interest, but there is an aroused public sentiment with respect to it which I believe will compel in the future a more efficient enforcement and administration of it.

COTTON CONTRACTS.

Another instance of the partiality shown by the Government in the prosecution of offenders against the antitrust law and of its failure to enforce this law, if the ruling of the department with respect to the matter in question is correct, has been brought to the attention of the Senate by the resolution of the Senator from South Carolina [Mr. SMITH] in regard to certain investigations and prosecutions instituted by the Government on account of certain contracts for the purchase of cotton for future delivery.

In the Washington Times of April 27 there is what purports to be an authorized statement by the Attorney-General with reference to these prosecutions. It reads as follows:

There have been at various occasions charges that the Department of Justice had no ground for proceedings against the bull pool on the New York Cotton Exchange and that the bear end of the market had instigated the grand jury proceedings. To this Mr. Wickersham has consistently replied that if a conspiracy existed among certain brokers to boost the price of cotton it was a matter which interfered with interstate commerce and was subject to prosecution.

Mr. President, if an agreement between the bulls to boost the price of cotton is a conspiracy in restraint of trade, an agreement between the bears to suppress the price of cotton is also a conspiracy in restraint of trade.

Concerted efforts to boost prices on the one side and to depress that price on the other side is what the "bulls" and "bears" who make up the membership of these exchanges are there for; that is their daily business, and that is what has been going on in these exchanges ever since the Sherman antitrust law was adopted in 1890. The leaders of the opposing forces in these contests over prices are well known, not only to the members of the exchange, but to the general public, and the lines which separate them are as well defined and marked as are those which separate opposing armies on the field of battle.

There may be no written or oral agreement between the members representing, respectively, these two contending factions of the exchanges—one seeking to enhance and the other seeking to depress the price of future contracts—but there is always an understanding, tacit it may be, but well defined in its import and purpose and as effective in its accomplishment as an expressed agreement. There is no difference, therefore, in law with respect to this matter between a written or oral agreement and a tacit understanding followed by concert of action. If one is in restraint of trade, so is the other.

The Attorney-General, in the statement attributed to him, which I have just read, may be taken, therefore, as entertaining the opinion that every bull or bear movement, whether the result of an expressed contract or tacit understanding followed by an overt act toward its accomplishment, is a conspiracy in restraint of trade.

If these bull and bear movements to boost or depress prices are conspiracies in restraint of trade, we have another instance of the failure of the Department of Justice to enforce the Sherman antitrust law against its daily and hourly violation on all the exchanges of the land, in full view of all the people, and often to their great injury. For twenty long years these violations have been particularly flagrant.

If these contracts are conspiracies in restraint of trade, as the Attorney-General now contends, why has there been no attempt to enforce the law against them until the southern spinners put the bears in a hole by demanding delivery of what they had bought; and, particularly, why has the present head of the Department of Justice, who comes from the great city which is the situs of these condemned transactions, waited for two years before instituting proceedings to bring these alleged offenders to the bar of justice?

If it is the purpose of the Attorney-General, as has been charged and as his course in this matter so far revealed seems to indicate, to confine his prosecutions to the bull operators, while taking no action against the bears, we have another instance of the partial manner in which this law is enforced. Another instance of the Department of Justice assuming to decide when the law shall be enforced and when not, which violation shall be punished and which pardoned, who shall be prosecuted and who shall not be prosecuted, which is an offensive violation and which is an innocuous violation of the law.

Mr. President, I have no sympathy with gambling contracts in cotton or any other commodity; neither have the cotton pro-

ducers and spinners of the South. I do not regard such transactions, nor do they, as contracts at all, but mere bets or wagers. If there is a law upon the statute books which will reach and suppress these bets on the future price of products, no one will applaud the Attorney-General for enforcing that law more than I will; and, if there is not such a law, I stand ready to support any bill which will accomplish that purpose.

But, Mr. President, I believe, and so do the cotton producers and spinners of the South, that exchanges, whether cotton or grain, where the buyer and seller meet and buy and sell for actual delivery upon the basis of market value, are not only helpful, but essential to the transaction of business as now organized and conducted in this country.

The cotton spinners of the South, as well as the cotton producers, sympathize with any legitimate movement against gambling contracts in futures, and, as far as that may be the object of the present prosecutions, they do not complain. What they do object to is misrepresentation of their connection with the contracts out of which this investigation arises, and especially do they object to the suggestion of the Attorney-General, as set forth in a statement which I shall read later, that prices of cotton are too high and that the Government should interfere for the purpose of curbing influences and movements tending to advance these prices in the interest of our foreign trade in this product.

Now, Mr. President, in order that the cotton producers and spinners may be put right in this matter, I want first to state their connection with the contracts under investigation, and the circumstances under which they purchased them. This may not be a matter of much interest to some Senators, but it is a matter of vital concern to the cotton spinners of the South, and, as they have been arraigned for their action in this behalf by the executive branch of the Government, acting through the Attorney-General, and great publicity has been given by the press to the charges against them, they are entitled to be heard in exoneration and in explanation of their conduct against misrepresentations affecting their character and business.

Some time ago there was organized a great farmers' movement, known as the Farmers' Union. It has spread all over the agricultural sections of the country. It is especially powerful in the South. It is powerful in the State which I have the honor in part to represent in this body. It has not gone into politics, but it is confining itself to questions pertaining to the vocation of the farmer. This great organization, now almost as great in numbers as the Farmers' Alliance in its palmiest days, is vigorously opposed to gambling in agricultural products, and in resolutions and otherwise have denounced these gambling contracts as immoral and highly injurious to the great interests which they represent. Through letters and petitions they have bombarded their representatives in the present Congress, asking and demanding effective legislation against them. The farmers of the cotton belt have been especially vigorous and insistent in their demand that gambling contracts in cotton shall be placed under the ban of the law.

Before I get through I think I shall be able to show that the contracts made by the spinners now under investigation with a view to prosecution and indictment were in no sense gambling contracts, but they were in every sense actual and real contracts, and were so understood and intended by them at the time they entered into them.

In the other branch of Congress during the present session bills have been introduced denying the use of the mails and of interstate telegraph and telephone service for the purpose of making or carrying out any contract for the purchase or sale of cotton without intending that such cotton shall be actually delivered. Upon that bill elaborate hearings were recently had before the Committee on Agriculture of the House. In those hearings it was demonstrated and established that New York has long since ceased to be a market for spot cotton, only two or three hundred thousand bales of cotton being actually bought there annually, while more than 100,000,000 bales for future delivery are annually sold on the cotton exchange of that city, with an average actual delivery of less than a hundred thousand bales, the other 99,900,000 bales representing mere fictitious transactions, which are liquidated on the margin basis.

Members of the New York Exchange who came before this committee in defense of the methods of that institution asserted that these were real transactions, because actual delivery was made when required, and they testified under oath, as I understand, that the exchange itself stood to see that delivery would be made if demanded.

Shortly after these hearings a bear's raid beat down the price of futures on the New York Exchange until May deliveries were selling for about a cent and a quarter—or, say, \$6 a bale—less

than spot cotton could be bought in the South. Spot cotton at that time was scarce and hard to get in the South, but the spinners had a sufficient supply to carry them into May, and therefore would not need the cotton represented in these contracts before the time fixed for delivery. It was apparent, therefore, if they could secure actual delivery on these contracts they would save \$6 per bale and have the use of the money, less the margin, in the meantime.

Now, Mr. President, the cotton spinners of the South knew of the movement of the farmers' union, to which I have before referred, against the gambling practices in these future-delivery contracts. They were in sympathy with that movement. They knew of the hearings before the Committee on Agriculture of the House, to which I have referred. They were present at these hearings, and not only testified to the baneful effects of these gambling transactions upon the producers of raw cotton, but of its demoralizing influence upon the price of the finished product. They heard there also the sworn testimony of the officials of the cotton exchange, to which I have referred, as to the responsibility of the exchange in seeing that actual delivery was made when demanded.

As a result of these hearings and the general discussion and agitation that had for some time been going on as to the disturbing and demoralizing effects of these speculative transactions upon both the raw and finished product, a deep-rooted opinion had grown up among the spinners that by buying futures when the price ranged below the price of spots and demanding and forcing actual delivery much could be accomplished in the way of placing these contracts for future delivery upon a basis of market value—a consummation of great importance to them in adjusting the price of the product of their mills to the cost of the raw material.

At this juncture Messrs. Brown, Haynes & Co., bull dealers on the New York Exchange, offered to sell these spinners contracts for May delivery, and assured them that there would be actual delivery, for about \$6 less than they could buy spot cotton in the South. Relying upon the assurance of Brown, Haynes & Co., responsible operators upon the New York Exchange, and the sworn statement of officials of the New York Exchange to which I have before referred, for the double purpose of getting cotton which they needed for actual use to run their mills cheaper than they could buy it elsewhere and at the same time to aid in a way which it seemed to them promised, if followed up, to be effective in breaking down the system of speculative and fictitious transactions in cotton futures which was handicapping and embarrassing them in their business, and in putting these exchanges upon a basis which would make these institutions an aid instead of a handicap to their business, some of these spinners purchased through Brown, Haynes & Co., contracts for about 150,000 bales of cotton to be delivered in May, and they are now insisting upon actual delivery of the cotton so bought according to the terms of the contract.

It is for this, Mr. President, that the cotton spinners of the South are now being investigated, with a view to indictment and punishment and held up to the contumely of the country as speculators in gambling transactions, when in fact and in truth their purpose was, and as the sequel has shown the effect of their action was, to impart to these transactions an element of reality.

How wisely the spinners calculated and to what extent their action has had the influence and effect hoped for the following extract from the Charlotte Observer, a leading newspaper of my State, shows:

THE REAL THING IN COTTON.

The bulls say that they have sold or will promptly sell nearly all their purchases to manufacturers. Whether this be done or not, it is evident that a big deal in spot cotton has gone almost to the finish without exerting any demoralizing influence whatever. Big deals in paper cotton do demoralize. Just at present the New York Cotton Exchange is on a spot, not a paper, basis. It would be well for all legitimate interests if this practice could continue.

I believe, Mr. President, if the cotton spinners of this country will cooperate upon the lines pursued by the southern spinners, now under investigation by the Government, it will be but a short time when every cotton exchange in this country, like New York is to-day, will be upon a basis of spot cotton and not of paper cotton.

On account of these contracts, so made and so sought to be enforced, as I said before, these spinners of the South are being investigated with a view to indictment. The Government has instituted no investigation or prosecution against the bears from whom this cotton was bought, but, on the contrary, it is stretching out its strong arm to aid them against the demand of these purchasers that there shall be actual delivery, and that the contract shall be treated as a real contract, as they had in-

tended and expected it to be treated and liquidated, and not as a gambling contract.

I submit, Mr. President, if the Government is to interfere with these contracts it should direct its energies and prosecutions against both of the parties to them and that there should be no discrimination against the party who stands for a real transaction and for the reform of a system against the influence and effects of which thousands of American citizens are asking for relief, in favor of the party who stands for a gambling transaction and the continuation of a vicious system.

PRICE OF COTTON NOT ABNORMAL.

Mr. President, of far more importance than these personal features of this transaction is the attitude of the Attorney-General with reference to present prices of cotton, one of our chief domestic products and our chief staple of export. The Attorney-General, if he is correctly reported, thinks the present price of cotton is abnormally high, and that the Government should lend its aid to beat down this price to what he regards as a normal level in the interest of our foreign trade in this product.

An Associated Press dispatch, sent out from Washington under date of March 26, represents the Attorney-General as believing that what he regards as an abnormal price for cotton is the result of speculations in this country, and that the future of American cotton abroad depends upon the ability of the Government to curb and restrain those influences which make for higher prices.

It reads as follows:

Unless abnormal speculation on cotton in the United States is stopped and the business taken out of the hands of stock gamblers, America will lose foreign trade in that staple amounting to millions of dollars each year. Efforts are now being made by the Government to curb this, and upon their success largely will depend the future of American cotton abroad.

Speaking of this Associated Press dispatch, the Charlotte Observer, a leading paper of my State, owned in large part by a man largely interested in the manufacture of cotton, says, under date of April 27:

This dispatch represents the Attorney-General to be attacking cotton prices, not really because of the bull pool—which is only the point selected as most vulnerable—but because he considers cotton prices like the present a national evil and thinks that the Government should use all its lawful powers against them whenever they come about. He, or some one else, has enunciated a most vicious policy.

Mr. President, the Attorney-General, if correctly represented in this dispatch, and certain other utterances attributed to him, has got this whole matter as to cotton prices wrong. I assert with the utmost confidence that the present price of cotton is not abnormally high.

Measured by the size of last year's crop and the scarcity of spots, cotton is not too high, nor is it above the level of other prices, fixed, as it is, by the law of supply and demand, and it is certainly not above the level of prices fixed by tariff protection and monopoly.

I am assured that the cotton spinners of the South do not regard these prices as excessive. I have a letter from a leading Southern spinner, a high official of the Cotton Manufacturers' Association of the South, written before the disastrous frost, in which the writer declares that the cotton spinners of that section regard 15 cents per pound—and that is a little above the price in most markets to-day—as a justifiable price under all the circumstances.

Moreover, the price of cotton is now fully a cent a pound below the high-water mark of last December, at which time I do not remember to have heard any protest from the Attorney-General. Nor do I remember to have heard any protest from the Attorney-General when, a month later, cotton dropped \$15 on the bale.

Now, what are the facts concerning the present supply and demand for cotton—the controlling factor in fixing the price of this product from year to year?

The present crop is the smallest we have made in the last ten years except one. That year's cotton sold in March and February at between 16 and 17½ cents a pound.

We raised about the same amount of cotton last year that we raised in 1903, the actual figures being 9,850,000 bales in 1903 and 10,250,000 in 1909. Since 1903 there has been an enormous increase in the number of spindles and in the world's demand for cotton, yet notwithstanding these facts the price of cotton is not as high to-day as in 1903. The crop of 1903, when the amount produced, as I have stated before, was about the same as that produced last year, sold in New York in February and March for from 16 to 17½ cents per pound, while now cotton is selling around 15 cents per pound. It is true that the price of last year's crop has ranged considerably higher than that of the year before, but, with a somewhat increased acreage, we raised about three millions and a half less cotton last year

than the year before. With an increase in acreage the cost to the farmer, excluding picking and ginning, of the 10,250,000 crop last year was as great as that of the 13,500,000 crop of the year before. If the farmer, with the same acreage, gets no more for his cotton per pound when he makes only two-thirds of a crop than when he makes a full crop, the result will necessarily be disastrous, because, as I said, it costs substantially the same to raise a short crop with the same acreage as it does to raise a full crop. Last year's crop was not much in excess of two-thirds of a full crop.

Considering this short crop and the ever-increasing demand for the finished product, with the great uncertainty of next year's crop, especially since the late disastrous frost, I claim that the price of cotton is not only not high, but is not high enough, and it should and will, in my judgment, range higher during the summer months. And the Attorney-General can not prevent it by judicial writs or proceedings, because it will come in response to natural law of trade.

During the last ten years there has been a great increase in the price of nearly everything in this country. Some of these increases have been the result of the operations of the law of supply and demand and some have been due to the tariff and monopolization. Of course there are other contributing causes, such as the increase in the volume of money, but the fundamental cause of these increases have been supply and demand as to certain commodities, and monopoly and tariff as to others.

The price of cotton, like that of most other agricultural products, is fixed by the law of supply and demand. In recent years the supply of most of our chief agricultural products, such as wheat, pork, beef, mutton, as well as cotton, as compared with the demand, has been short, and as a result we have had the same advance in the price of these products as in the price of cotton.

The number of hogs and sheep in the country to-day is about the same as it has been during the last nine years, and as a result the price of pork and mutton has almost doubled. The increase in the number of beef cattle has not kept pace with the increase in the demand, with the result that beef has greatly increased in price. The same is true with reference to corn, wheat, and many other agricultural products. Doubtless such devices as cold storage and combinations between the meat packers have to some extent advanced the prices of meat, and to the extent of these advances the prices of meats are artificial.

As confirming these statements, I invite the Senate's attention to the following with reference to production of cotton, hogs, cattle, sheep, and wheat:

Production of cotton in the United States.

	Bales.
1903	9,853,000
1904	13,438,000
1908	13,241,000
1909	10,250,000

Total aggregate values of cotton crops.

1903	\$576,000,000
1904	561,000,000
1908	580,000,000

Range of prices in New York.

	Cents.
1903	10.60 to 17.25
1904	7.35 to 11.40
1908	9.00 to 12.25
1909	around 15.00

Mr. President, so accurately does the price of cotton, as shown by these figures, respond to the supply and demand, there is but slight difference in the amount the farmer receives for a large or a small crop.

Number of sheep in the United States, 1901-1909.

1901	59,756,718
1902	62,039,091
1903	63,964,876
1909	56,084,000

Number of beef cattle in the United States other than milk cows, 1901-1909.

1901	45,500,213
1907	51,565,731
1909	49,397,000

Wheat raised in the United States, 1901-1908.

	Bushels.
1901	748,460,218
1903	637,821,835
1905	692,979,489
1908	664,602,600

In the cases of all these staple products of agriculture, with the exceptions I have stated as to meat products, the increase has been brought about as in the case of cotton, because the demand has increased out of all proportion to the increase in supply. Giving due weight to these conditions, I do not believe, despite the clamor in the cities and towns, that the prices of these staple products of the farm are higher than is justified by the law of supply and demand, to which they are

subject, nor are they above the level of the prices of other products, and are below those nurtured and protected by the tariff.

I therefore maintain, Mr. President, that there is as a general thing no just ground for complaint against present prices of our staple agricultural products, because the increases complained of are, in the main, in response to a natural law.

TARIFF AND MONOPOLY.

The high prices of which I complain, and of which I think the people rightfully complain, are those which without any reference to this natural law and without any reference to the cost of production, are high, either as the result of special laws in their favor, or of violations of the laws, or, as is frequently the case, both. The people have a right to complain of increases in prices due to these causes, because the increases are artificial and not responsive to those conditions which legitimately affect intrinsic value and fix and control prices.

Right here I want to say when I speak of the tariff as a prolific source of present high prices, I have reference to the Dingley tariff enacted in 1897 and reaffirmed in nearly all its essential provisions by the Payne-Aldrich bill passed during the last session of Congress. The slight changes made in the Dingley schedules by the Payne-Aldrich bill did not materially change the tariff and trust system as it existed under the Dingley enactment, except to make it slightly worse for the people.

It is a palpable evasion and a pitiable begging of the question for Republicans when the tariff is charged with the responsibility for the present high prices of protected articles to talk about the number of increases and decreases from the Dingley rates made in the so-called revision of 1909, and the effect of these slight decreases and increases on prices. Does not everybody know that the Dingley law, which for more than a decade has been advancing these prices toward their present apex, still lives wrapped in the broader folds of the Payne-Aldrich bill?

The Democratic charge, therefore, is that the present excessively high prices of these tariff-nurtured articles is the gradual evolution of the artificial stimulation they have received during the past decade from the Dingley law, recently accelerated by the bracing tonic injected into that law by the Payne-Aldrich bill.

Mr. President, the higher prices which we now pay for cotton and many other staple products of the farm rest upon a substantial basis affecting the intrinsic value of those products, while the higher prices which we are paying for tariff and monopoly protected products rest in a large part upon the illegitimate basis of privilege and special or discriminatory legislation.

I think I have shown that the complaint of the Attorney-General that the price of cotton is abnormally high is without foundation. I think I have also shown that this price is no higher than is justified by conditions and not above the level of current prices, and that the basis of its increase is much more meritorious than that of most of the prices of which the people complain.

EFFECT ON FOREIGN MARKET.

Having disposed of the contention of the Attorney-General with reference to the Government's interference in this matter upon the ground that the bull movement tended to raise the price of cotton to an abnormal level, I now come to his contention, if he is correctly represented, that the Government ought to interfere to curb the upward tendency of these prices in the interest of American cotton trade abroad. This is a position which, to my mind, is as startling—I had almost said as unpatriotic—and un-American, as it is untenable.

A few words in reply to the suggestion of the Attorney-General that the upward trend of the price of cotton should be curbed in the interest of our foreign trade in this product, and I will not longer trespass upon the patience of the Senate.

Either the Attorney-General has been deceived in this matter by those who are selfishly interested in depressing the price of cotton at home or he is ill advised as to the influence of the foreigner in determining the price of our cotton both here and abroad, and of the effect of high prices for cotton upon our national prosperity. Speculative transactions in this country may result in slight fluctuations in the value of spot cotton, but it is a well-known fact that in the last analysis the price of our cotton, like that of our wheat, both here and abroad, is fixed in Liverpool upon the basis chiefly of competition between foreign spinners, coupled with the foreign supply and demand, and with but little reference to competition or demand in this country. Here, as always, the price of the surplus which is sold abroad fixes the price of the whole product.

If, therefore, the foreigner at any time fixes the price of cotton at a high level, it is because, on account of foreign compe-

tition and demand, he can not help himself. The spinners of Europe make no cotton. They buy all they consume, and they buy most of it from us. And they buy as heavily and as freely when cotton is high as when it is low. Every dollar he pays for cotton imported from this country is a dollar taken from Europe and a dollar brought to America. While the foreigner, therefore, is interested in fixing the price of cotton as low as conditions will allow, the American producer and the American people are interested in his fixing it as high as conditions will allow. It is our chief article of export. We look to it to turn the balance of trade in our favor. We sell abroad about 4,000,000,000 pounds annually. Every time a cent a pound is added to the price of the crop it brings \$40,000,000 of foreign money to America. Every time a cent a pound is taken from the price of the crop it means the indirect loss of \$40,000,000 to America. The South is the first to receive the benefit, but it soon diffuses itself throughout the country, because the trade of one section of this great country of ours is so interdependent upon that of every other section that you can not increase the prosperity and purchasing power of one section without correspondingly increasing and enlarging the market for the products and thereby promoting the prosperity of every other section.

Mr. President, in conclusion, that there may be no misunderstanding about my position with reference to the investigations instituted against the southern spinners, I will summarize it. I complain of the attitude of the Government in connection with these prosecutions for three reasons:

First. Because I claim that if purely speculative transactions in cotton futures are in restraint of trade and illegal, as contended by the Attorney-General, both parties to the contract, the bears as well as the bulls, are equally amenable to prosecution.

Second. Because I assert that the contracts made by the southern spinners were not speculative, because they were entered into with the intent and expressed understanding that they should be real transactions, accompanied by actual delivery of the cotton purchased, and I contend, under these circumstances, that these spinners would not be liable to prosecution, even if the contention of the Attorney-General with reference to purely speculative transactions is legally sound.

Third. Because, as I have shown, the contention of the Attorney-General that prices of cotton are abnormally high is not sustained by the facts, while his contention that the Government should interfere in this matter to suppress and restrain influences tending to enhance these prices in the interest of foreign trade in this American product is not only untenable, but, from the standpoint of American interest and prosperity, unpatriotic.

Mr. KEAN. I should like to ask if anyone is prepared to go on?

Mr. GALLINGER. Can we not vote?

Mr. KEAN. I do not think there are a sufficient number here at present to vote. Personally I should be very glad to have a vote.

The PRESIDING OFFICER (Mr. JONES in the chair). The question is on agreeing to the amendment submitted by the Senator from Idaho [Mr. HEYBURN].

Mr. KEAN. I should like to find out if anyone desires to speak on the amendment. I know that some Senators intimated their desire to speak on it, but I do not see them present. I therefore think we should have a call of the Senate, and I suggest the absence of a quorum.

Mr. STONE. There are Senators I know who desire to speak on the pending amendment.

Mr. KEAN. That is what I said. Senators intimated that they desired to speak on the long-and-short-haul clause. I did not see them present, and therefore I suggested the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Frazier	Overman
Borah	Clarke, Ark.	Frye	Page
Bourne	Clay	Gallinger	Paynter
Brandegee	Crane	Gore	Perkins
Briggs	Cullom	Heyburn	Piles
Brown	Curtis	Hughes	Purcell
Burkett	Davis	Johnston	Root
Burnham	Depew	Jones	Scott
Burrows	Dillingham	Kean	Smith, Mich.
Burton	Elkins	La Follette	Stephenson
Carter	Fletcher	McEnery	Stone
Chamberlain	Flint	Money	Sutherland
Clapp	Foster	Oliver	Warner

Mr. CLARK of Wyoming. I wish to announce that my colleague [Mr. WARREN] is necessarily absent from the city.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the Senator from Idaho.

Mr. ELKINS. There are a number of Senators who indicated to me that they want to speak on the pending amendment or on the bill, but I do not find anyone now ready to proceed. I should like to ask if there is any Senator who would like to discuss the amendment or the bill further this afternoon. I have been in hopes that we could fix on some time to vote. Mr. President, no one being ready to go on, I will ask that the bill be laid aside temporarily.

Mr. HEYBURN. Mr. President, it seems to me that the long-and-short-haul clause amendment has been presented very fully to the Senate.

Mr. KEAN. Yes; one side of it.

Mr. HEYBURN. There is only one side to it. [Laughter.] If no Senator seems inclined to discuss it further, it is in order to vote on it.

Mr. CARTER. I am informed that the senior Senator from Utah [Mr. Smoot] desires to speak in favor of the amendment, and that the senior Senator from Washington [Mr. PILES] desires to make some remarks after the conclusion of the remarks of the Senator from Utah. I was so informed by the senior Senator from Washington a few moments ago. Neither one of the Senators appears to be present at this time. I think it would be better to wait until they have had an opportunity to be heard.

Mr. HEYBURN. The senior Senator from Washington is not far away. Only a few moments since I was talking to him, and he said he might make a few remarks.

Mr. CARTER. I have the same authority. The senior Senator from Washington said he desired to make some remarks at the conclusion of the remarks of the Senator from Utah. He understood the Senator from Utah intended to present some observations in favor of the amendment.

Mr. PAYNTER. Mr. President, I wish to make a suggestion. I offered an amendment this morning, and it is now in the hands of the printer. It has also been ordered to be printed in the RECORD. I feel quite sure that the Senator from Idaho will agree to the amendment when he reads it. It is in the Printing Office now. I should like to have the Senator get the benefit of the suggestions it contains.

Mr. HEYBURN. I presume the amendment is on the table.

Mr. PAYNTER. It is in the hands of the printer.

Mr. HEYBURN. It must have been on the table first.

Mr. PAYNTER. Yes; it was submitted, and it went to the table.

Mr. HEYBURN. I do not desire to unduly press the amendment. I only desire to take advantage of the opportunity to make one more step forward with this legislation; that is all, as no Senator shows any inclination to discuss it further. The Senator from Utah would only speak in favor of it, and he would speak well in favor of it. Perhaps he may have concluded that the amendment is safe and that his points have been covered.

Mr. KEAN. I would suggest that the bill be laid aside and that we proceed with the calendar. I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. HEYBURN. I think a fortunate condition of circumstances exists. There is practically a full Senate here. It seems to me that the regular order of business should be proceeded with. If we are going to make any headway in this legislation, we had better begin to vote on some of the amendments. There is an amendment here in the regular, orderly procedure of business. Of course I will not urge a vote if any Senator desires to speak upon it.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. I do.

Mr. OVERMAN. I think probably several Senators will want to speak to-morrow on the subject. I think other speeches are to be made. I hope the Senator will not insist upon a vote at this time.

Mr. HEYBURN. I would not for a moment vote to shut out anyone who desires to speak. It was only in the absence of anyone willing to speak that I made the suggestion. I see that the Senator from Washington is on the floor.

Mr. PILES. I was just about to say that I thought of submitting some brief remarks on the subject, but I have not had an opportunity to read the speech of the Senator from Montana [Mr. DIXON]. It has not yet been published in the RECORD, and I did not want to say anything on the subject until I had read his remarks.

Mr. CLAPP. Will the Senator from Idaho yield to me?

Mr. HEYBURN. I yield.

Mr. CLAPP. I want to suggest that several amendments have been submitted, one offered by the Senator from Kentucky [Mr. PAYNTER], which is quite a long amendment, and they

have not been printed. They are difficult to readily grasp and comprehend until they can be seen in print. An order was entered to-day providing that the entire bill with the amendments which have been adopted and all pending amendments shall be printed, with the idea that possibly the afternoon would be taken up by Senators who desired to speak, or if not, with the calendar, so that to-morrow morning we could have a reprint of the bill before us with all the amendments. We need not necessarily lay aside the bill if any Senator is ready to speak on it, with a sort of a tacit understanding that we shall have the new print of the bill with all the amendments before us to-morrow.

Mr. HEYBURN. I would not urge that we proceed with the bill to the inconvenience of any Senator. I readily yield to the request to lay it aside if Senators say that they desire to discuss the pending amendment further. I only want to say that until the Senator from Kentucky and the Senator from Washington rose no Senators had indicated that they desired to speak. I withdraw any objection.

Mr. KEAN. Then I renew my request.

THE PRESIDING OFFICER. The Senator from New Jersey asks that the unfinished business be laid aside temporarily. Without objection it will be so ordered.

Mr. SCOTT. I wish, first, to call up the pension bills on the calendar.

Mr. KEAN. Very well.

GEORGE THOMPSON.

Mr. PURCELL. Mr. President, there are two private bills on the calendar that I should like to have considered at this time. I ask unanimous consent for the present consideration of the bill (S. 6894) for the relief of George Thompson.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Interior to allow George Thompson to make final proof of residence and cultivation before the register and receiver of the land office at Williston, N. Dak., on lots 1, 2, 3, 7, and 8, in section 5, township 152, range 103, in the State of North Dakota, and upon showing such residence and cultivation upon the premises for a period of five years, as is required by law in making final proofs upon homestead entries, and the payment of legal fees for such proof and filing, final receiver's receipt be issued to him and a patent therefor be delivered in accordance with the law relative to entry of agricultural lands. But the lands susceptible of irrigation shall be subject to such charges for construction, operation, and maintenance of the Buford-Trenton reclamation project as other lands in private ownership embraced in such project.

Mr. GALLINGER. I think the Senator calling up this bill should make a statement concerning it. I notice that the Secretary of the Interior has reported against the proposed legislation. There must be some very good reason why we should disregard the views of the Secretary, and I presume the Senator can state them. I have not had time to read the report.

Mr. PURCELL. Mr. President, this bill was introduced by my colleague [Mr. McCUMBER], and I shall state the facts as I understand them regarding the measure.

Some time in April, 1904, Mr. Thompson attempted to settle and make his home on the land in question. He was informed by the land officers that the Government had instituted proceedings to set aside an entry made by Miss Hardaway upon this land. He then tendered his filing to the land officers, and they received it, but held it in abeyance, as they called it. Afterwards the contest was disposed of adversely to the first claimant, and under the rule of the department it entitled Mr. Thompson to a preference right to file between the time of the filing of the contest and the disposition of the contest. The Reclamation Service withdrew the land from entry, and they now claim that this man can not make his final proof, because of the fact that the land has been withdrawn from entry.

Mr. Thompson moved on the land, made his settlement, built his home, and he has lived there for a number of years. He has, under the law, we contend, a preference right to file, and if he has a right to file we contend that he has a right to make final proof.

Mr. GALLINGER. I will ask the Senator how much land the bill proposes to give to this settler?

Mr. PURCELL. It is less than 160 acres. There are fractional lots, where the river cuts in.

Mr. GALLINGER. Upon that statement I think the bill ought to pass. He actually located on the land at one time?

Mr. PURCELL. Yes, sir.

Mr. GALLINGER. And is now on it?

Mr. PURCELL. He built his home on it, and he is there at this time.

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

CHARLES O. HANNA.

Mr. PURCELL. I ask for the consideration of the bill (S. 6895) for the relief of Charles O. Hanna.

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

The bill was reported from the Committee on Irrigation and Reclamation of Arid Lands with an amendment, on page 2, line 10, before the words "reclamation project," to strike out "Buford Trenton" and insert "Williston," so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, directed to allow Charles O. Hanna to make final proof of residence and cultivation before the register and receiver of the land office at Williston, N. Dak., on the southwest quarter of the northeast quarter and the southeast quarter of the northwest quarter of section 17, township 155 north, of range 100 west of the fifth principal meridian, in the State of North Dakota, and that upon showing such residence and cultivation upon said premises for a period of five years, as is required by law in making final proofs upon homestead entries, and the payment of legal fees for such proof and filing, final receiver's receipt be issued to him and a patent therefor be delivered in accordance with the law relative to entry of agricultural lands: *Provided*, That said lands susceptible of irrigation shall be subject to such charges for construction, operation, and maintenance of the Williston reclamation project as other lands in private ownership embraced in such project.

The amendment was agreed to.

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

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

Mr. KEAN. I trust that we may suspend the regular order, which is the calendar, for a few moments so that we may take up pension bills. The Senator from West Virginia [Mr. Scott], in charge of certain House pension bills, desires to call them up.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SCOTT. I ask the Senate to take up for consideration the bill (H. R. 23095) 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.

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

Mr. SCOTT. I move, on page 5, to strike out from line 22 to line 25, inclusive, the following words:

The name of Elisha S. Singer, late of Company C, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The motion is made to strike out the paragraph, for the reason that the beneficiary has died since the bill was reported.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

Mr. SCOTT. I ask the Senate to take up for consideration the bill (H. R. 23371) 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.

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

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 9, line 7, before the word "dollars," to strike out "one hundred" and insert "fifty," so as to make the clause read:

The name of John C. Caldwell, late brigadier-general, United States Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

Mr. CURTIS. I move to insert "seventy-five," so as to make the pension \$75 per month.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 20, to strike out:

The name of Sarah Rebecca Mowbray, widow of Clement T. Mowbray, late second lieutenant Company A, First Regiment Eastern Shore Maryland Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SCOTT. I ask the Senate to take up for consideration the bill (H. R. 23764) 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.

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

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

Mr. GALLINGER. Mr. President—

Mr. SCOTT. I have one more pension bill.

Mr. GALLINGER. I will yield to the Senator from West Virginia to call up another pension bill.

Mr. SCOTT. The Senator from New Hampshire yields for the purpose of enabling me to call up the last pension bill on the calendar. I now ask unanimous consent for the present consideration of Senate bill 8014.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8014) 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. It proposes to pension the following-named persons at the rates stated:

Christopher Camp, late of Company F, Seventh Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Salem Bruner, late of Company F, Twenty-eighth Regiment Iowa Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Jacob W. Kelley, late of Company K, One hundred and second Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Robert J. Foster, late of Company B, Twenty-sixth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William H. Scott, late of Company H, Eighth Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Henry C. Suess, late of Company B, Eightieth Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Francis M. Rickards, late of Company F, Seventieth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Simon B. Madden, late of Company H, Eightieth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Horace E. Russell, late of Company F, Eleventh Regiment New Hampshire Volunteer Infantry, and Battery E, Second Regiment United States Artillery, \$24 per month in lieu of that he is now receiving.

Jacob Ross, late of Company K, Fifteenth Regiment Pennsylvania Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Thomas McDonald, late of Company A, Tenth Regiment Kansas Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Anthony J. Sansoni, late first lieutenant Company G, Eighth Regiment California Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Louisa Thavis, widow of Augustus Thavis, late of Company A, Tenth Regiment Kansas Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

James W. Wilcoxson, late of Company I, One hundred and thirty-second Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John H. Burk, late of Company A, Fourth Regiment Missouri State Militia Volunteer Cavalry, and Company K, Thirteenth Regiment Missouri Veteran Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Henry A. Skeens, late of Company A, Thirty-ninth Regiment Kentucky Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

James Haley, late of Company B, Seventh Regiment Missouri Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Harriet H. Brady, widow of Thomas J. Brady, late brigadier-general, United States Volunteers, \$50 per month in lieu of that she is now receiving.

Frank E. Bickford, late of Company H, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Thomas Connelly, late of Company B, Second Regiment Minnesota Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Lewis A. Uhl, late first lieutenant Company C, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Annie M. Behney, widow of Edward Behney, late of Company C, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

William Anderson, late of Company L, Twelfth Regiment Ohio Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Nathaniel H. Kendrick, late of Company A, Sixteenth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Alexander Morrow, late first lieutenant Company B, Thirty-second Regiment Illinois Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John Love, late of Company F, One hundred and fourth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James M. Lankston, late of Company E, Tenth Regiment Illinois Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Albert Sarum, late of Company A, Tenth Regiment Illinois Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Hugh A. McDonald, late of Company M, Seventh Regiment Michigan Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Benjamin F. Kirk, late of Seventeenth Battery Indiana Volunteer Light Artillery, \$24 per month in lieu of that he is now receiving.

Thomas J. Howe, late of Company E, Eleventh Regiment Michigan Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Agnes H. V. Swetland, widow of William H. H. Swetland, late of Company B, Forty-fifth Regiment Illinois Volunteer Infantry, \$12 per month.

Emery C. Wilson, late of Company D, Eighth Regiment Massachusetts Militia Infantry, \$24 per month in lieu of that he is now receiving.

Julia Cranney, widow of Timothy Cranney, late first lieutenant Company C, One hundred and seventieth Regiment New York Volunteer Infantry, and Company D, Third Regiment United States Infantry, \$12 per month.

Milton P. Noel, late of Company B, Ninth Regiment Illinois Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Edwin Northrop, late of Battery H, First Regiment Rhode Island Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

Thomas S. Woodmansee, late of Company H, Second Regiment Rhode Island Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William C. Forsythe, late of Company K, Seventy-eighth Regiment Ohio Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William W. Blandin, late sergeant-major, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, \$24 per month in lieu of that he is now receiving.

William McDonald, late of Company D, Sixty-second Regiment, and Company K, Sixty-seventh Regiment, Ohio Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

James A. Smith, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charlotte A. E. Main, widow of Herschel Main, late passed assistant engineer and chief engineer, United States Navy, \$40 per month in lieu of that she is now receiving.

George E. Parker, late of Company E, Thirty-fourth Regiment, and Company D, One hundred and ninety-first Regiment, Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

John Smith, late of Company C, Thirtieth Regiment Wisconsin Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Abram H. Birdsall, late of Company E, Eighty-fourth Regiment Illinois Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Allen Stoner, late of Company E, First Regiment Pennsylvania Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

Ahimaaz E. Wood, late second lieutenant Company B, Fourth Regiment Minnesota Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William Tarrio, late of U. S. S. *Ohio*, *New Hampshire*, and *Passaic*, United States Navy, \$24 per month in lieu of that he is now receiving.

David H. Semon, late of Company I, Fifth Regiment Michigan Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

John F. Morris, late of Company C, Seventh Regiment Tennessee Volunteer Mounted Infantry, \$24 per month in lieu of that he is now receiving.

Michael Donley, late of Company H, Twenty-third Regiment Ohio Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

David W. C. McCloskey, late of Company G, First Regiment New York Volunteer Mounted Rifles, \$30 per month in lieu of all pension and other allowances he is now receiving.

Charles E. Krause, alias Charles Meyers, late of Company E, Fifth Regiment Connecticut Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Alonzo J. Rutter, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Melvin W. Murdock, late of Company A, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, \$20 per month in lieu of that he is now receiving.

Frederick Marti, late of Company A, Mississippi Marine Brigade Volunteer Cavalry, and Company B, Mississippi Marine Brigade Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Jesse L. Peilton, late of Company H, One hundredth Regiment Ohio Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Charles W. Hibbites, late of Company H, Third Regiment Illinois Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Thomas A. Thorne, late quartermaster U. S. S. *Lexington*, United States Navy, \$30 per month in lieu of that he is now receiving.

Ida L. Casey, widow of Joshua B. Casey, late of Company D, Fourteenth Regiment Vermont Volunteer Infantry, \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Florence L. Casey, helpless and dependent daughter of said Joshua B. Casey, the additional pension herein granted shall cease and determine.

Joseph B. Holesteine, late of Company M, Seventh Regiment West Virginia Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Emily L. Compton, widow of Charles E. Compton, late lieutenant-colonel Fifty-third Regiment United States Colored Volunteer Infantry and brigadier-general, United States Army, retired, \$30 per month in lieu of that she is now receiving.

John N. Wheeler, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, \$24 per month in lieu of that he is now receiving.

Sarah E. Leahy, widow of Eugene J. Leahy, late of the U. S. S. *North Carolina*, *Uncas*, and *Fort Jackson*, United States Navy, \$20 per month in lieu of that she is now receiving.

George W. Kinsel, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Ira Hess, late of Company C, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Charles W. Conser, late of Company D, Seventh Regiment Pennsylvania Reserve Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Isaac M. Scott, late of Company H, Forty-ninth Regiment Indiana Volunteer Infantry, and Lamb's Independent Company, Mounted Scouts, Indiana Volunteers, \$24 per month in lieu of that he is now receiving.

Carlos C. Shaw, late of Company E, Thirteenth Regiment Vermont Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Alfred G. Brann, late of Company F, Eleventh Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Richard C. Perkins, late first lieutenant Company G, Twenty-third Regiment Kentucky Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John W. Mass, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James Watson, late of Company E, First Regiment Rhode Island Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Georgia McDonald, widow of David McDonald, late acting third assistant engineer, ranking with midshipman, United States Navy, \$20 per month in lieu of that she is now receiving.

John C. Davis, late of Company H, Sixth Regiment Vermont Volunteer Infantry, and Troop M, First Regiment United States Cavalry, \$24 per month in lieu of that he is now receiving.

Alonzo H. Sherman, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles G. Bartlett, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Thomas Brown, late of Company B, Seventy-fifth Regiment Illinois Volunteer Infantry, and Twentieth Company, Second Battalion, Veteran Reserve Corps, \$24 per month in lieu of that he is now receiving.

Henry A. James, late of Company A, Eighty-seventh Regiment, and Company A, Forty-second Regiment, Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Hugh Curry, late of Company M, Twentieth Regiment Pennsylvania Volunteer Cavalry, and Company M, First Regiment Pennsylvania Provisional Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Charles Kaulen, late of Company B, Thirty-third Regiment Missouri Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Charles G. Vanness, late of Company F, One hundred and forty-eighth Regiment New York Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Robert H. Lowry, late of Companies B and M, First Regiment Pennsylvania Volunteer Cavalry, and Company I, Second Regiment Pennsylvania Provisional Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

William Henry Freeman, late of Company I, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Lawrence Jacobs, late of Company H, Twelfth Regiment, and Company L, Seventeenth Regiment, Illinois Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Annie Smith, widow of Charles C. Smith, late captain Company B, Thirteenth Regiment United States Infantry, \$20 per month in lieu of that she is now receiving.

John Nixon, late of Company K, Seventeenth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George Bollinger, late of Company A, Twelfth Regiment Maryland Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William H. Harris, late of Company H, Sixty-eighth Regiment Indiana Volunteer Infantry, \$20 per month in lieu of that he is now receiving.

Henrietta A. Barnes, widow of George B. Barnes, late of Company F, One hundred and eighty-sixth Regiment New York Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

William Wise, late of Company H, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Robert W. Dinsmore, late first lieutenant Company K, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

George D. Runk, late of Company A, Second Regiment Pennsylvania Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Augustus Wode, late of U. S. S. *North Carolina* and *Morning Light*, United States Navy, \$24 per month in lieu of that he is now receiving.

Henry B. Geissinger, late of Company C, Fifty-third Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Balsler Lutz, late of Company G, Sixth Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Thomas H. Mason, alias Williams, late of the United States Marine Corps, \$20 per month in lieu of that he is now receiving.

Benjamin N. Bradfield, late of First Battery Wisconsin Volunteer Light Artillery, \$24 per month in lieu of that he is now receiving.

George K. Steele, late second lieutenant Company H, Sixty-third Regiment United States Colored Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Samuel Dillon, late of Company C, Eightieth Regiment Illinois Volunteer Infantry, \$50 per month in lieu of that he is now receiving.

John Schoonover, late of Company E, Second Regiment West Virginia Volunteer Infantry, and Company E, Fifth Regiment West Virginia Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Lorenzo D. Anderson, late of Company I, Third Regiment West Virginia Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Aubrey Leavitt, late second Lieutenant Company E, Sixteenth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William A. Bartholomew, late second Lieutenant Company A, Fifty-ninth Regiment Indiana Volunteer Infantry, \$36 per month in lieu of that he is now receiving.

Thomas Neely, late of Company C, Sixth Regiment Pennsylvania Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Edward King, late of Company F, Ninth Regiment Rhode Island Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

George W. Shamel, late of Sixth Independent Battery, Ohio Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

Joseph A. Brinton, late of Company D, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John E. Moore, late of Company A, First Regiment New Hampshire Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Mary Le Etta Reed, helpless and dependent child of John B. Reed, late of Company C, Sixteenth Regiment Pennsylvania Volunteer Cavalry, \$12.

Gilbert Gross, late of Company C, Second Regiment Minnesota Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Martin Schelinski, late of Company E, Forty-fifth Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Edgar M. Connor, late of Company H, First Regiment Colorado Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William P. Delaney, late of Company B, One hundred and thirty-eighth Regiment Ohio Volunteer Infantry, and Company D, Fifty-fifth Regiment Kentucky Volunteer Mounted Infantry, \$24 per month in lieu of that he is now receiving.

Joseph D. Bradley, late of Company L, Third Regiment Tennessee Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Juretta R. McMillan, widow of Eli C. McMillan, late captain Company F, Sixth Regiment Indiana Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Jeremiah Hoover, late of Company F, Forty-eighth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Harvey W. Lounsberry, late of Company E, Thirty-third Regiment Iowa Volunteer Infantry, \$12.

John J. Myles, late of Company F, Third Regiment West Virginia Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Timothy J. Lucy, late of Companies K and C, Veteran Battalion, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Thomas B. Youtsey, late first lieutenant Company I, Thirty-seventh Regiment Kentucky Volunteer Mounted Infantry, \$30 per month in lieu of that he is now receiving.

Joseph E. Patterson, late of Company B, Fourth Regiment, and Company G, Third Regiment, Potomac Home Brigade, Maryland Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Elizabeth P. Boggis, widow of James H. Boggis, late captain Company H, Twenty-seventh Regiment Ohio Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

James T. Moody, late of Company C, Fifth Regiment Kentucky Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

T. W. Manion, late of Company O, Sixth Regiment West Virginia Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Mr. HEYBURN. On page 20, line 10, after the words "rate of," I move to strike out "twenty-four" and to insert "thirty."

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 20, line 10, after the words "rate of," it is proposed to strike out "twenty-four" and to insert "thirty," so as to read:

The name of Joseph A. Brinton, late of Company D, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. KEAN. I suppose additional proof is furnished which justifies that increase.

The amendment was agreed to.

Mr. SCOTT. I move to amend, on page 19, by striking out from line 12 to line 15, both inclusive.

The PRESIDING OFFICER. The amendment proposed by the Senator from West Virginia will be stated.

The SECRETARY. On page 19, after line 11, it is proposed to strike out from line 12 to line 15, both inclusive, as follows:

The name of Aubrey Leavitt, late second Lieutenant Company E, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

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

CITY AND SUBURBAN RAILWAY COMPANY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 23906) to authorize and direct certain extensions of the City and Suburban Railway Company of Washington, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, line 3, after the word "Railway," to strike out "Company;" and on page 2, line 5, after the word "Columbia," to strike out the following proviso:

Provided. That said streets along the route of said extension shall first be dedicated as public streets by the City and Suburban Railway Company of Washington to their full width between building lines in accordance with the recorded plans of street extension.

So as to make the section read:

That the City and Suburban Railway of Washington be, and it is hereby, authorized and directed to remove its double tracks from Michigan avenue, and to restore the roadbed of the said Michigan avenue with macadam, to the satisfaction of the Commissioners of the District of Columbia, from the intersection thereof with Monroe street NE, eastwardly to the tracks of the Baltimore and Ohio Railroad and to extend its double tracks on Monroe street NE, eastwardly from said intersection and over the Monroe Street Bridge to Twelfth street NE; thence on Twelfth street northwardly to the Bunker Hill road; and thence northwardly, on such streets, avenues, or roads as may be designated by the Commissioners of the District of Columbia, to the boundary line of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 16, before the word "months," to strike out "six" and insert "nine;" in line 20, after the words "date of the," to strike out "passage of this act" and insert "opening and grading of the streets as designated;" in line 23, after the word "Railway," to strike out "Company;" in line 25, after the word "completion," to strike out "all the corporate rights, franchises, and privileges of said City and Suburban Railway Company of Washington in the District of Columbia shall immediately cease and determine" and insert "said company shall be liable to a fine of \$25 for each and every day during which such failure or neglect shall continue, which penalty may be recovered in the name of the District of Columbia by the Commissioners of the said District in any court of competent jurisdiction;" and, on page 3, line 14, after the word "Railway," to strike out "Company," so as to read:

That the removal of existing tracks east of the intersection of Monroe street and Michigan avenue and the extension of the new double track on Monroe street to Twelfth street NE, and on Twelfth street NE, from Monroe street to the Bunker Hill road shall be completed within nine months from the date of the passage of this act: and the construction of that portion of the extension herein authorized from the Bunker Hill road to the District line shall be commenced within one year from the date of the opening and grading of the streets as designated and completed within one year thereafter: and in default of the commencement or completion, by said City and Suburban Railway of Washington, of any extension herein authorized within the period herein set for such commencement or completion said company shall be liable to a fine of \$25 for each and every day during which such failure or neglect shall continue, which penalty may be recovered in the name of the District of Columbia by the Commissioners of the said District in any court of competent jurisdiction. And the cost of widening any roadway in which the tracks herein authorized shall be laid to sufficient width, in the opinion of the Commissioners of the District of Columbia, to reasonably accommodate

vehicular travel, including the relaying and readjustment of every public appurtenance, shall be paid by the City and Suburban Railway of Washington.

The amendment was agreed to.

The next amendment was, in section 3, on page 4, line 4, after the word "railway," to strike out "company," so as to make the section read:

SEC. 3. That the said City and Suburban Railway of Washington shall have, over and respecting the routes herein provided for, the same rights, powers and privileges, duties and obligations, as it has and hereafter may have by law over and respecting its present route, and shall be subject in respect thereto to all the other provisions of its charter and of law.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to strike out section 4, as follows:

SEC. 4. That said City and Suburban Railway Company of Washington shall not use the bridge herein authorized for its tracks until such company shall have paid to the Treasurer of the United States a sum equal to one-sixth of the total cost of said bridge, one-half thereof to be credited to the United States and the other half to the credit of the District of Columbia.

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to authorize and direct certain extensions of the City and Suburban Railway of Washington, and for other purposes."

HEIRS OF HENRY HYER AND OTHERS.

Mr. FLETCHER. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 20306) to perfect the title to certain land to the heirs of Henry Hyer and his wife Julia Hyer, deceased, and other persons.

Mr. KEAN. That bill has already been read. I have read the report on it, and I withdraw the objection I made to it this morning.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It confirms the title of the heirs of Henry Hyer and Julia Hyer, his wife, deceased, late of Pensacola, Fla., and of such person or persons as by will or otherwise, from, through, or under Henry Hyer may have claims thereto, to all that certain property in the city of Pensacola, Fla., particularly described as follows: That portion of lot 142, old city of Pensacola, Fla., situated at the southwest corner of Palafax and Intendencia streets lying within the following boundaries: Beginning at the northeast corner of said lot, thence running south 91 feet; thence westerly 80 feet to the western boundary of said lot; thence north along said western boundary 91 feet to the south line of Intendencia street; thence east along said south line of Intendencia street 80 feet to point of beginning; but the confirmation shall only extend to the relinquishment of any title which the United States may have to said land.

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

JOHN R. KISSINGER.

Mr. SHIVELY. I ask unanimous consent for the present consideration of the bill (S. 7252) granting an annuity to John R. Kissinger.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to place on the rolls of the War Department the name of John R. Kissinger, late of Company D, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and also late of the Hospital Corps, United States Army, and to pay to him for and during his natural life, in lieu of all pensions, the sum of \$125 per month, in special recognition of the eminent service rendered, suffering endured, and permanent disabilities contracted by him in the interest of humanity and science as a volunteer subject for experiment in the yellow fever hospital in Cuba, wherein was demonstrated on his own person the truth of the theory of the transmission and propagation of yellow fever infection by mosquitoes, and whereby were discovered the causes of such transmission and propagation, and the means and method of preventing such infection.

Mr. GALLINGER. Mr. President, I understand this man is a hopeless paralytic.

Mr. SHIVELY. The Senator's understanding is correct.

Mr. GALLINGER. And the opinion is advanced that his condition is due to experiments that were performed upon him?

Mr. SHIVELY. Not only the opinion, but the fact.

Mr. GALLINGER. He is one of the soldiers who submitted themselves to experiments by Doctor Lazear and one or two other physicians?

Mr. SHIVELY. Mr. President, Doctor Lazear was one of the physicians who performed the experiment on this soldier. Doctor Lazear is in his grave, the victim of the experiment, and his widow was granted an annuity of \$125 per month. Doctor Carroll helped conduct the experiments, and he is in his grave, the victim of the inoculation, and his widow receives an annuity from the Government of \$125 per month. Doctor Reed, also associated with Doctors Lazear and Carroll in conducting these experiments, is also dead. Mr. Kissinger, the gallant young soldier upon whose person the experiment was made, survives, but is a helpless physical wreck, a hopeless paralytic. The case is exceptional in the heroism of the soldier in submitting to the inoculation, in his awful suffering, in the hopelessness of his future in this world, and in the immeasurable contribution to medical science made through him.

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

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

PRINTING, BINDING, AND DISTRIBUTION OF DOCUMENTS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 7661) to amend section 54 of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, as amended by public resolution 36, approved June 30, 1902.

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

The Secretary read the bill, as follows:

Be it enacted, etc., That that part of section 54 of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents which reads as follows: "The remainder of said documents and reports shall be reserved by the Public Printer in unstitched form, and shall be held subject to be bound in the number provided by law, upon orders from the Vice-President, Senators, Representatives, Delegates, Secretary of the Senate, and Clerk of the House, in such binding as they shall select, except full morocco or calf; and when not called for and delivered within two years after printing shall be delivered in unbound form to the superintendent of documents for distribution," as amended by public resolution No. 36, approved June 30, 1902, is hereby repealed, to take effect at the close of the second session of the Sixty-first Congress, and the reserved documents and reports therein provided shall thereafter not be printed: *Provided*, That nothing herein shall operate to abridge in any way the right of the Vice-President, Senators, Representatives, Delegates, Resident Commissioners, Secretary of the Senate, and Clerk of the House to have bound in half morocco, or material not more expensive, one copy of every public document to which he may be entitled.

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

Mr. KEAN. I ask that the report accompanying the bill which has just been passed be printed in the RECORD.

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

The report referred to is as follows:

Mr. SMOOT, from the Committee on Printing, submitted the following report, to accompany S. 7661:

The Committee on Printing, to whom was referred the bill (S. 7661) to amend section 54 of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, as amended by public resolution No. 36, approved June 30, 1902, after careful consideration, beg to report same back to the Senate with the recommendation that it do pass.

The provisions of law sought to be repealed by this bill are at present prolific of great abuse and wasteful extravagance in the expenditure of the public money without a corresponding benefit to anyone. The law authorizes the printing and the holding in reserve of one copy of every public document and report to be bound upon orders of the Vice-President, Senators, Representatives, Delegates, Secretary of the Senate, and Clerk of the House. Under the edition system, however, only 300 copies of the total number authorized are now printed at one time for the congressional reserve. The remainder of these documents and reports not ordered bound within two years after printing by those entitled to them are turned over to the superintendent of documents, whose duty under the law it is to bind them in first grades of cloth for distribution to libraries.

The following statement shows the cost of binding upon orders of Senators and Representatives for the fiscal years 1904 to 1909, inclusive:

Year.	Reserve.	Document room.	Total.
1904	\$47,668.00	\$57,962.45	\$105,530.45
1905	46,076.75	45,750.25	91,827.00
1906	73,422.50	61,505.88	134,928.38
1907	124,380.35	62,385.16	187,374.51
1908	(a)	(a)	(a)
1909	474.70	55,287.87	55,762.57

* No reliable record on account of audit system.

A glance at the foregoing table clearly shows the result of stimulus for the binding of the congressional reserve during the Fifty-ninth Congress. The cost of reserve binding increased during the fiscal year

ended June 30, 1906, \$27,355.75 over the fiscal year 1905, and \$51,566.75 during the fiscal year ended June 30, 1907, over the fiscal year 1906 and \$80,912.60 over the fiscal year 1905. This unusual and forced demand for reserve binding resulted in a large accumulation of well-bound books which neither Senators nor Representatives could dispose of. Indeed, many Members of Congress claim to have had no knowledge of ever issuing orders for their reserve binding, yet they were flooded with hundreds of books bound in half morocco for which they had neither demand nor use. Many of these books have been returned directly to the Public Printer, others have been distributed throughout the country to private individuals, while still others have been forwarded to libraries. Practically all of these documents and reports which are sent to libraries find their way back in the course of a year to the superintendent of documents, for the reason that practically all of these libraries receive similar volumes directly from the Government Printing Office under the law.

A review of the foregoing table also discloses the fact that almost as much document-room binding is ordered by Senators and Representatives as reserve binding, and, indeed, eliminating the years when reserve binding was so violently stimulated by the trade, the document-room binding exceeds the reserve binding. For instance, during the fiscal year 1909 the total cost of binding amounted to \$55,762.57, while of this amount only \$474.70 was for reserve binding. This goes to show that during a normal state of affairs Senators and Representatives have bound only such copies of reports and documents for which they may have personal use, and undoubtedly the law so intended. When a Senator or Representative has use for a certain document or report which he desires bound for his permanent files, he seldom requests that the reserve copy be bound, on account of the delay incident thereto, but he secures a copy from one of the document rooms, which he transmits to the Public Printer for binding through the Secretary of the Senate or the Clerk of the House.

While the law contemplates the taking of any publication from the reserve from time to time to be bound upon the order of Senators and Representatives, it has, nevertheless, been the practice to hold the reserve until the end of a Congress in order to bind the reserve documents and reports into volumes corresponding to those which are forwarded under law to state and territorial libraries and designated depositories. Thus it will be seen that while the Government is paying for the storage of the unstitched reserve, Senators and Representatives are securing the binding of desired current publications obtained from the document rooms, and at the end of a Congress many blanket orders are issued for the full reserve, regardless of the purpose for which these expensively bound volumes are to serve. This results, therefore, in the binding of two copies of the same publication for the same Senator or Representative, while the law actually authorizes the binding of but one copy.

There are 2,345 documents and 1,600 reports of the Sixtieth Congress, and up to April 1, 1910, 1,187 documents, besides a large number of reports of the Sixty-first Congress, held in reserve for the Vice-President, every Senator, every Member, the Secretary of the Senate, and the Clerk of the House, subject to be bound upon their orders. There are now on file at the Government Printing Office 4 blanket orders from Senators, 78 blanket orders from Members of the House, and 1 blanket order from the Secretary of the Senate for the binding of the reserve for the Sixtieth Congress. Among the 78 Members of Congress who have thus issued blanket orders for this binding for the Sixtieth Congress, 15 have since died or left Congress. There are also on file at the Government Printing Office 1 blanket order from a Senator and 13 blanket orders from Members of the House for the binding of the reserve for the Sixty-first Congress to date. These blanket orders are being held until the reserve documents and reports shall have been grouped and bound in volumes in accordance with the subject-matter of the same.

With reference to the distribution of the reserve remainder, under the law, as above noted, it reverts to the superintendent of documents for binding in first grades of cloth for distribution to libraries. In answer to an inquiry of the Printing Investigating Commission, the superintendent of documents replied that the reversion of the congressional reserve serves no legitimate purpose, and that the binding thereof is purely an extravagance. Under date of March 26, 1910, he made this statement:

"Over two-thirds of the documents and reports published every year have departmental editions, from which editions the demand is supplied, leaving practically no demand at all for the copies which we may receive as a reserve remainder several years after their publication."

Not only does the superintendent of documents have no demand for the reserve remainder, but it is practically obsolete when he receives it, consisting, as it does, in a large part, of annual reports and other departmental editions.

Recognizing the waste attending the binding of the reserve remainder, the Joint Committee on Printing has several times exercised its general authority under the law to remedy any delay and neglect in the public printing and binding, and has directed the Public Printer to select such documents and reports from this remainder which would be absurd to bind for distribution to libraries, either because the libraries had already been supplied with the same publications or because they had already been superseded by more recent issues. Instead of being bound, these documents and reports have been condemned and sold as waste paper under directions of the Joint Committee on Printing. No longer ago than January 28, 1910, the Public Printer was authorized to dispose of, as waste paper, 112,044 pounds of congressional reserve publications, held over from the Fifty-eighth Congress, at nine-tenths of a cent a pound. The value of the paper alone used in the publications thus destroyed amounted to \$3,921.44, not taking into account the cost of printing, handling, storage, etc., which would amount to a number of thousand dollars, while the publications brought only \$1,008.39 as waste paper.

The repeal of the section of the provisions of law referred to in this bill will not impair or abridge the right of the Vice-President, any Senator, Representative, Delegate, Resident Commissioner, Secretary of the Senate, and Clerk of the House to have bound one copy of every public document and report to which he may be entitled under the law. It simply means that there shall not be printed nor bound—which has in the past resulted in so much extravagance and waste—the so-called congressional reserve; but that every Member of Congress desiring any public document or report bound for his use may secure the current publication from one of the document rooms or elsewhere and have it bound as his requirements demand.

The Printing Investigation Commission has given this subject most painstaking consideration and has earnestly recommended the passage of this bill. The facts set forth in this report seem to your committee to make it most urgent that the passage of this bill be accomplished at the present session of Congress.

STANDING ROCK INDIAN RESERVATION LANDS, SOUTH DAKOTA.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 3284) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.

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

The PRESIDING OFFICER. The Chair is informed that this bill, not including the amendments proposed, has previously been read. Without objection, the amendments proposed will be stated.

Mr. KEAN. May I ask the Senator from South Dakota a question?

Mr. GAMBLE. Certainly.

Mr. KEAN. Is this the bill that was withdrawn after it had been reported to the Senate, and had been read?

Mr. GAMBLE. The bill was favorably reported by the Committee on Indian Affairs; it was subsequently recommitted to the committee, and again reported.

Mr. KEAN. Before being recommitted to the committee was it read?

Mr. GAMBLE. No; my understanding is that it never was reached upon the calendar, and never has been read.

The PRESIDING OFFICER. Then the Chair was misinformed. The Secretary will read the bill.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. KEAN. Now, Mr. President, I think it is in order for the Senator from South Dakota to explain sections 7, 8, and 9 of the bill, if he can explain them or justify them.

Mr. GAMBLE. Mr. President, under the enabling act admitting into the Union the States of North Dakota, South Dakota, Montana, and Washington, as has been frequently explained here, it was provided that on the opening of any Indian reservation the title to sections 16 and 36 should then be transferred to the States for the benefit of the common schools. That is the obligation of the Government and the contract entered into in the enabling act; and since the admission of these States it has been the policy of the Government to pay the Indian tribes the price fixed for sections 16 and 36. As I have recited upon a former occasion, on the opening of the Sisseton Reservation, in the northeastern part of the State, \$2.50 per acre was paid by the Government to the Indians for the cession of the lands in sections 16 and 36, and \$3.50 was paid per acre on the opening of the Yankton Reservation in the same State. The same policy has been pursued in connection with the opening of Gregory County, a part of the Rosebud Reservation, for which \$2.50 per acre was paid. The same is true as to lands in Tripp County, in the Rosebud Reservation, and in two bills already passed during the present session for the opening of other lands in the Rosebud Reservation and in the Pine Ridge Reservation the same policy has been pursued.

I rather think that the Senator from New Jersey is entirely familiar with the provisions of section 7, section 8, and section 9. Section 9 provides for the appropriation to pay for the school lands conveyed to the State. Section 8 is recommended by the Department of the Interior in line with the decisions of the Supreme Court of the United States and in line with the policy followed in the opening of other reservations in South Dakota and other States.

Mr. GALLINGER. I did not quite understand the Senator in his statement concerning this reservation to the State. Where is that provided for?

Mr. GAMBLE. In the enabling act, authorizing the admission of the States of North and South Dakota, Montana, and Washington.

Mr. GALLINGER. Providing that whenever an Indian reservation is opened certain sections shall be reserved.

Mr. GAMBLE. That when title to an Indian reservation is extinguished, then, by direct conveyance, it went to the State, and the amount was to be paid by the Federal Government. It is an obligation of the Federal Government to the respective States.

Mr. GALLINGER. How many acres are there in sections 16 and 36?

Mr. GAMBLE. Seventy-two thousand in the two States.

Mr. GALLINGER. So that there is about \$160,000 to go to the States from the Public Treasury if this bill passes.

Mr. GAMBLE. Not to the States, but to the Indians.

Mr. GALLINGER. What about the States?

Mr. GAMBLE. The States secure the lands, to which the Government agreed in the admission of these States into the Union.

Mr. KEAN. What about the lieu lands?

Mr. GAMBLE. There are no lieu lands.

Mr. KEAN. I do not think I am ready to give South Dakota \$180,000 to-day. I object to this bill. I think they have had about \$800,000 this session from the opening of reservations.

The PRESIDING OFFICER. The Senator from New Jersey objects.

Mr. GAMBLE. I move that the Senate consider the bill, the objection notwithstanding. The bill has been read.

Mr. KEAN. That motion is not in order.

Mr. GALLINGER. We will not do that to-day.

Mr. KEAN. We will not do that to-day. It is not in order to-day.

Mr. GAMBLE. The bill has been read.

Mr. GALLINGER. The motion is in order, if there is a quorum.

Mr. KEAN. If there is a quorum.

Mr. GAMBLE. Upon suggestion I will withdraw the motion, but I will insist upon its being taken up at the proper time when reached on the calendar.

Mr. KEAN. I think the Senator from South Dakota ought to explain how many hundreds of thousands of dollars he has taken out of the Treasury of the United States for lands in South Dakota during the present year.

Mr. GAMBLE. I do not think there is any necessity for any explanation. None of this money goes to the treasury of either North or South Dakota, but it is an obligation of the Federal Government to these two States that the lands in sections 16 and 36 should be conveyed to these respective States for the benefit of the common schools.

I insist that we have followed this policy throughout all of these different bills opening various reservations in the several States. Similar bills have been passed through the present Congress.

I ask the Senator from New Jersey not to impede the passage of this bill. It is a matter of the utmost importance to that region of the State. Between five and six million acres are held in the northwestern part of our State in these Indian reservations and extending through into North Dakota. It has impeded the development of the whole northwestern section of our State. Railroads have been extended west to the coast; branches are reaching out from the main line opening this vast region; and the defeat of this bill or to deny it consideration at this time is a hardship upon the State and especially of that section of it and its people.

I ask the Senator, in justice to the State, to withdraw his objection.

Mr. KEAN. I think I shall have to insist upon my objection to-night. I desire to look it up further.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

LOUISIANA ORDINANCE OF SECESSION.

Mr. FOSTER. I ask unanimous consent for the present consideration of Senate concurrent resolution 16, authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession.

Mr. HEYBURN. I object to its present consideration.

The PRESIDING OFFICER. On objection of the Senator from Idaho, the concurrent resolution will go over.

FRANK DE L. CARRINGTON.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (S. 1119) to authorize the appointment of Frank de L. Carrington as major of infantry in the United States Army. It passed the Senate about two weeks ago and was returned for the purpose of making a correction.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 6, after the word "to," to strike out "the office of major of infantry in the United States Army, as of the same lineal and relative rank as that held by him at the date of the executive order dismissing him from the army. All laws and parts of laws in conflict herewith are hereby suspended for this purpose only" and insert "be a major on the retired list, United States Army, as of date of the approval of this act," so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby authorized to nominate, and, by and with the advice and consent of the Senate, to appoint Frank de L. Carrington, late a major of infantry in the United States Army, to be a major on the retired list, United States Army, as of date of the approval of this act.

Amend the title so as to read: "A bill to authorize the appointment of Frank de L. Carrington as a major on the retired list of the United States Army."

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to authorize the appointment of Frank de L. Carrington as a major on the retired list of the United States Army."

LAND IN LAWTON (OKLA.) LAND DISTRICT.

Mr. GORE. I ask unanimous consent for the consideration of the bill (H. R. 23422) to authorize the Secretary of the Interior to dispose of a fractional tract of land in the Lawton (Okla.) land district at appraised value.

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

HARLOWTON LAND DISTRICT, MONTANA.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 2778) to create an additional land district in the State of Montana, to be known as the Harlowton land district.

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

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

LANDS IN PETTIS COUNTY, MO.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 6059) to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns.

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

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

CRAWFORD CITY, NEBR.

Mr. BURKETT. I ask unanimous consent for the present consideration of the bill (S. 5319) to appropriate \$50,000 to the city of Crawford, in the State of Nebraska.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. Under objection, the bill will go over.

ROMAN CATHOLIC CHURCH, ZAMBOANGA, P. I.

Mr. DU PONT. I ask consent for the present consideration of the bill (H. R. 21636) to provide for the payment of the claim of the Roman Catholic Church of Zamboanga, in the Philippine Islands.

The PRESIDING OFFICER. The bill has been read.

Mr. DU PONT. It has been read.

Mr. HEYBURN. I think the consideration of that bill had better go over.

The PRESIDING OFFICER. Under objection, the bill will go over.

Subsequently,

Mr. GALLINGER obtained the floor.

Mr. DU PONT. Mr. President—

Mr. GALLINGER. I understand the Senator from Delaware desires to ask consideration for a bill to which the Senator from Idaho objected. The Senator from Idaho withdraws his objection, and I yield to the Senator from Delaware.

Mr. HEYBURN. I withdraw my objection to the present consideration of the bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$5,543.68 to the properly accredited representative of the Roman Catholic Church of Zamboanga, P. I., in full satisfaction of all claims for the value of a piece of property within the military reservation at Zamboanga taken by the United States Government for use in connection with the construction of non-commissioned officers' quarters.

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

MERCHANTS' NATIONAL BANK, POUGHKEEPSIE, N. Y.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 6935) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.

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

of the Treasury to redeem a certain duplicate United States bond issued in place of a certain United States bond for \$10,000 held by the Merchants' National Bank of Poughkeepsie, N. Y., and lost or destroyed on or about the 24th day of July, 1880.

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

ROAD ALONG ANACOSTIA RIVER.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 19038) to authorize the opening of a road along the Anacostia River in the District of Columbia.

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

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

ASSISTANT PAYMASTERS IN THE NAVY.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 825) providing for the promotion of assistant paymasters in the navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that assistant paymasters, after three years' service as such, shall, after passing the examinations required by law, be eligible to promotion to the grade of passed assistant paymaster.

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

DESIGNATION OF REAL ESTATE IN THE DISTRICT.

Mr. BURKETT. I ask unanimous consent to call up the bill (S. 6743) to amend an act entitled "An act to distinctively designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes," approved March 3, 1899.

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

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

JOSEPH S. OAKLEY.

Mr. KEAN. I ask unanimous consent to call up for immediate consideration the bill (H. R. 18848) for the relief of Joseph S. Oakley. It is a very brief bill, reported by my colleague.

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that in the administration of the pension laws and the laws governing the National Homes for Disabled Volunteer Soldiers, Joseph S. Oakley shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant of Company D, One hundred and twentieth Regiment New York Volunteer Infantry.

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

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, May 5, 1910, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 4, 1910.

CONSULS-GENERAL.

George E. Anderson to be consul-general at Hongkong, China. Richard Guenther to be consul-general at Cape Town, Cape of Good Hope.

Frank D. Hill to be consul-general at Frankfort, Germany.

CONSUL.

Frank W. Mahin to be consul at Amsterdam, Netherlands.

UNITED STATES MARSHALS.

John F. Mayes to be United States marshal for the western district of Arkansas.

Leo V. Youngworth to be United States marshal for the southern district of California.

UNITED STATES ATTORNEY.

Casey Todd to be United States attorney for the western district of Tennessee.

EXAMINER IN CHIEF IN THE PATENT OFFICE.

Fairfax Bayard to be an examiner in chief in the Patent Office.

RECEIVER OF PUBLIC MONEYS.

Charles T. Harte to be receiver of public moneys at Hailey, Idaho.

PROMOTIONS IN THE NAVY.

Commander Edward Lloyd, Jr., to be a captain.

Asst. Surg. John B. Kaufman to be a passed assistant surgeon in the navy.

Machinist Friedrich G. Sprengel to be a chief machinist in the navy.

POSTMASTERS.

ARKANSAS.

Harry S. Stuckert, at Bigelow, Ark.

CONNECTICUT.

George H. Smith, at Fairfield, Conn.

ILLINOIS.

Frank Rockwell, at St. Charles, Ill.

INDIANA.

Frank T. Singleton, at Martinsville, Ind.

KANSAS.

Michael Delaney, at Waterville, Kans.

MICHIGAN.

Oliver H. P. Green, at Orion, Mich.

MISSOURI.

Oswald M. Gilmer, at Maitland, Mo.

NEBRASKA.

John R. Hays, at Norfolk, Nebr.

William E. Morgan, at Greeley, Nebr.

OKLAHOMA.

L. D. Dickerson, at Purcell, Okla.

Jesse W. Kayser, at Chickasha, Okla.

Hanson P. Warfield, at Tishomingo, Okla.

Ulysses Grant Winn, at Ada, Okla.

TEXAS.

Charles F. Adams, at Jacksonville, Tex.

Fred H. Ligarde, at Laredo, Tex.

Morris Mills, at Somerville, Tex.

William Pilley, at Wills Point, Tex.

WEST VIRGINIA.

Horatio S. Whetsell, at Kingwood, W. Va.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 4, 1910.

The House met at 12 o'clock noon.

Prayer by Rev. John Hunter, D. D., Glasgow, Scotland.

CORRECTION.

The Journal of yesterday's proceedings was read.

Mr. COOPER of Pennsylvania. Mr. Speaker, I wish to correct the RECORD of yesterday, in which it appears that in the naming of the conferees on House joint resolution 191 Mr. SIMMONS is named instead of Mr. FINLEY.

The SPEAKER. The Chair is informed that the Journal is correct. The RECORD has to be corrected. Without objection, the Journal is approved, and the RECORD will be corrected.

There was no objection.

The SPEAKER. This being calendar Wednesday, the call rests upon the Committee on Indian Affairs.

CHIPPEWA INDIANS.

Mr. BURKE of South Dakota. Mr. Speaker I call up the bill H. R. 16032.

The SPEAKER. The gentleman from South Dakota calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16032) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan.

The bill was read at length.

Mr. PAYNE. Mr. Speaker, I make the point of order against this bill that it is improperly on the House Calendar; it should be on the Private Calendar, and hence it is not in order to be called up at this time.

The SPEAKER. The gentleman from New York makes the point of order that this bill should be on the Private Calendar, and is not in order to-day.