

By Mr. PRAY: Petition of 25 citizens of Livingston, Mont., favoring the passage of Senate bill 6702 and House bill 22066, relating to federal supervision of locomotive boilers—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American National Bank, of Helena, Mont., favoring House bill 25335, relative to bills of lading—to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: Petition of citizens of Florida, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of members of the Trinity Methodist Men's Club, of New Haven, Conn., favoring the bill to establish a department of health—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petitions of Mathoy Brothers & Co., Downtown Merchants' Association, Deitsch Brothers, American Watch Company, G. Sidenberg & Co., B. E. Severns, and the Autopiano Company, all of New York City, and the Rotary Club and M. L. Perasso, of San Francisco, Cal., favoring the selection of the city of San Francisco for holding the proposed Panama exposition—to the Committee on Industrial Arts and Expositions.

By Mr. SWASEY: Petition of Nobleboro Grange, No. 369, Patrons of Husbandry, of Maine, for Senate bill 6931, making appropriation of \$500,000 for extension of the work of the Office of Public Roads in the United States Department of Agriculture—to the Committee on Agriculture.

By Mr. TILSON: Petition of board of education of the city of Waterbury, for an appropriation for extension of field work of the United States Board of Education—to the Committee on Education.

By Mr. VREELAND: Petition of Ladies of the Maccabees of the World, of Humphrey, N. Y., praying for certain amendments to House bill 21321—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, May 27, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

LAWS OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying document (H. Doc. No. 933), referred to the Committee on Pacific Islands and Porto Rico:

THE WHITE HOUSE,
Washington, May 25, 1910.

SIR: As required by section 19 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I have the honor to transmit herewith a copy of the journal of the executive council of Porto Rico for the session beginning January 10 and ending March 10, 1910.

Very respectfully,

WM. H. TAFT.

The PRESIDENT OF THE SENATE.

CLAIM OF JACOB A. PAULK.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Jacob A. Paulk, administrator of estate of Jonathan Paulk, deceased, and Jacob A. Paulk, in his own right *v.* United States (S. Doc. No. 568), which with the accompanying paper was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. R. McKenney, its enrolling clerk, announced that the House had passed 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.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 22549) granting lands to certain cities and towns in the State of Colorado for public-park purposes.

ENROLLED BILLS SIGNED.

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

S. 7056. An act to extend the time for construction and beginning of construction of its line of railway in Alaska by the Alaska Short Line Railway and Navigation Company;

H. R. 9304. An act granting certain lands in the Coconino National Forest, in Arizona, for observatory purposes;

H. R. 18359. An act for the relief of Thomas Cluney; and

H. R. 21904. An act to authorize the allotment and survey of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of the West Virginia Independent Telephone Association, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission so as to empower them to establish and regulate rates and service of all telephone companies doing interstate business, which was referred to the Committee on Interstate Commerce.

Mr. BURROWS presented a petition of Local Grange, Patrons of Husbandry, of Metamora, Mich., and a petition of Local Grange, Patrons of Husbandry, of Wixom, Mich., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented a petition of Local Grange, Patrons of Husbandry, of Bronson, Mich., praying for the establishment of a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BRANDEGEE presented a petition of Local Grange, Patrons of Husbandry, of Groton, Conn., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. GAMBLE presented the memorial of R. F. Pettigrew and sundry other citizens of South Dakota, remonstrating against the establishment of a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of sundry citizens of Deadwood, S. Dak., praying for the passage of the so-called "boiler-inspection bill," which was referred to the Committee on Interstate Commerce.

Mr. OLIVER presented a petition of Local Branch No. 10, Glass Bottle Blowers' Association, of Royersford, Pa., and a petition of Local Union No. 130, Journeymen Tailors' Union, of New Castle, Pa., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Justitia Grange, No. 434, of Pennsylvania, and the petition of sundry citizens of Towanda, Pa., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 555, International Association of Machinists, of Washington, Pa., remonstrating against the enactment of legislation to revoke the rights of the city of San Francisco, Cal., to use the drainage of the Tuolumne River 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 congregations of sundry churches of Carbondale, Pa., praying for the enactment of legislation to prohibit the interstate transmission of race gambling bets, which was referred to the Committee on the Judiciary.

He also presented a communication from Charles West, vice-president of the American Union Telephone Company, of Philadelphia, Pa., transmitting resolutions adopted by the Independent Telephone Associations of Kansas and Missouri, relative to the adoption of an amendment to the interstate-commerce law, giving the Interstate Commerce Commission jurisdiction over telephone companies, which was referred to the Committee on Interstate Commerce.

Mr. DICK presented petitions of Local Grange No. 121, of Westland; of Williams Grange, of Tuppers Plains; of Local Grange No. 1406, of Rimer; of Clinton Grange, No. 387, of Mount Vernon; of Local Grange No. 1580, of Burton, all of the Patrons of Husbandry; of the Windsor Brick Company, the Athens Brick Company, of Athens; the Nelsonville Brick Com-

pany, of Nelsonville; and the Newburgh Brick and Clay Company, of Cleveland, all in the State of Ohio, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Newark, Cleveland, and Collinwood, all in the State of Ohio, praying for the passage of the so-called "boiler-inspection bill," which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry members of the Ladies of the Maccabees of the World of Sharon Center, Huntington, Youngstown, Waynesburg, Richwood, and Sylvania, all in the State of Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of John A. Logan, Jr., Camp, No. 17; of Columbia Camp, No. 2; of Federal Camp, No. 44; and of Pekin Camp, No. 25, all of the Department of Illinois, United Spanish War Veterans, in the State of Ohio, praying for the enactment of legislation granting travel pay to soldiers who served beyond the term of their enlistment in the Philippine insurrection, which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Ohio, remonstrating against the establishment of a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of sundry citizens of East Liverpool, Ohio, praying for the adoption of an amendment to the Constitution of the United States which shall enable women to vote, which was referred to the Committee on Woman Suffrage.

Mr. BURNHAM presented a petition of the New Hampshire Medical Society, praying for the establishment of a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. CURTIS presented a petition of sundry citizens of Hoyt, Kans., praying for the enactment of legislation prohibiting the interstate transmission of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 298, Brotherhood of Locomotive Firemen and Enginemen, of Kansas City, Kans., praying for the passage of the so-called "boiler-inspection bill," which was referred to the Committee on Interstate Commerce.

LUDWELL M'KAY AND OTHERS.

Mr. BURNHAM, from the Committee on Claims, reported the following resolution (S. Res. 246), which was considered by unanimous consent and agreed to.

Senate resolution 246.

Resolved, That the bills for the relief of Ludwell McKay and others (S. 6029), Rice E. Buckner and others (S. 6282), Mary J. James (S. 7769), Harvey Floyd and others (S. 8263), and E. M. Buchanan and others (S. 8433), now pending in the Senate, with the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. BURKETT:

A bill (S. 8439) granting an increase of pension to James W. Warfield; to the Committee on Pensions.

By Mr. DOLLIVER:

A bill (S. 8440) granting an increase of pension to Eli Nelson; and

A bill (S. 8441) granting an increase of pension to Andrew Pea; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 8442) granting an increase of pension to John F. Grayum (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 8443) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909; to the Committee on Finance.

By Mr. GAMBLE:

A bill (S. 8444) granting an increase of pension to John T. Edwards (with an accompanying paper); to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 8445) to provide for the purchase of a site and the erection of a public building thereon at Delavan, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. BURROWS:

A bill (S. 8446) granting an increase of pension to Michael O'Brien (with an accompanying paper);

A bill (S. 8447) granting an increase of pension to James J. Boyd (with an accompanying paper); and

A bill (S. 8448) granting an increase of pension to Oliver Yake (with an accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 8449) to naturalize Merle Carlyle Yokom (with an accompanying paper);

A bill (S. 8450) to naturalize Frank Herrig (with an accompanying paper);

A bill (S. 8451) to naturalize Rutherford Merrill Yokom (with an accompanying paper);

A bill (S. 8452) to naturalize Arton Emery Yokom (with an accompanying paper); and

A bill (S. 8453) to naturalize Frank L. Shuter (with accompanying papers); to the Committee on Immigration.

By Mr. DICK:

A bill (S. 8454) for the relief of Margaret Maloney; to the Committee on Claims.

By Mr. CRANE:

A bill (S. 8455) granting an increase of pension to Mary M. Arnold; to the Committee on Pensions.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 104) for the celebration of the completion of the Panama Canal and the holding of an exposition at Washington; to the Committee on Industrial Expositions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CURTIS submitted an amendment proposing to appropriate \$100,000 to enable the Interstate Commerce Commission to ascertain the physical valuation of all the railroads of the United States engaged in interstate commerce, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Interstate Commerce and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate \$40,000 to continue the construction of the penitentiary at McNeil Island, Washington, 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.

ALLEGED ABUSE OF FRANKING PRIVILEGE.

Mr. STONE. Mr. President, some ten days or more ago I offered a resolution (S. Res. 233) relating to a book which had been prepared, as I understood, by the American Protective Association of New York, which was being sent out under frank. The resolution directed the Committee on Post-Offices and Post-Roads to inquire and report whether the matter was frankable. It was referred to that committee, under the assurance of its chairman, who I am sorry to hear is ill, that it would be promptly reported. An amended resolution (S. Res. 235), amended by the committee was reported by the Senator from Montana [Mr. CARTER], and I was given an assurance that a report on the merits of the resolution would be made at a very early day.

I intended this morning, as I had on one or two previous occasions, to ask the Senator from Montana regarding the resolution, as he seems to have it in hand. He does not appear to be here this morning. Nevertheless, I wish to propound the inquiry to any other member of that committee, if there be any here, what disposition the committee has made of the resolution or what progress it is making with it. If it is to be reported at all, it ought to be done somewhat speedily, or there will be no object in reporting it.

Mr. BURROWS. Mr. President, in response to the inquiry of the Senator from Missouri, I desire to state that the chairman of the committee has been, as I presume the Senator is aware, seriously ill—and he is now—but he is expected back early in the coming week. There has been, therefore, no meeting of the committee on that or any other question. As soon as he returns I have no doubt the resolution will be taken up.

Mr. STONE. I hope that it will be taken up by the committee soon, and that we shall have some report upon it.

Mr. SMOOT. Mr. President, I desire the attention of the Senate for a few moments to present a few facts with reference to the present condition of the farmers of our country as compared with their condition in the year 1896.

ADVANCE IN FARM PRODUCTS.

While the prices of practically all commodities have shown some advance during the past few years, the products of the

farm show a much greater advance than do the prices of the products of mines and factories.

Farm land itself has advanced in value rapidly and everything produced on the farm has also advanced materially. The financial condition of the grain raiser of the Northwest, the general farmer of the Middle West, the cotton planter of the South, is better than ever before. Instead of having to market the grain as soon as harvested and the cotton as soon as picked the producer is now in position to hold his crop and market it to the best possible advantage. Financially the farmer has become independent. The rural free delivery and the telephone have placed him in touch with the world, and he is as familiar with current events as is the city dweller.

The average prices of the principal farm products in March, 1910, and in March, 1896, show in a striking manner the farmer's condition at the present time as compared with his condition in 1896. All prices used in the following tables are taken from Bulletin No. 39 and Bulletin No. 87 of the United States Bureau of Labor.

The table which follows shows the average price in March, 1910, and in March, 1896, and also the advance since March, 1896.

Average price in March, 1910, and in March, 1896, and the advance since March, 1896.

Product.	1910, March.	1896, March.	Advance since March, 1896.	
			Actual advance.	Per cent.
Corn, per bushel.	\$0.6245	\$0.2859	\$0.3386	118.4
Wheat, per bushel.	1.187	.631	.556	88.1
Cotton, per pound.	.1504	.07825	.07215	92.2
Oats, per bushel.	.4474	.1927	.2547	132.2
Rye, per bushel.	.7910	.3643	.4267	117.1
Barley, per bushel.	.6931	.3056	.3875	126.8
Hay, timothy, per ton.	17.05	11.40	5.65	49.5
Hops, per pound.	.33	.074	.255	340.0
Potatoes, per bushel.	.3213	.1850	.1363	73.7
Flaxseed, per bushel.	2.145	.885	1.260	142.4
Cattle, choice to extra steers, per 100 pounds.	8.19	4.25	3.94	92.7
Hogs, heavy, per 100 pounds.	10.615	3.9025	6.7125	172.0
Butter, dairy, per pound.	.3115	.1980	.1135	57.3
Eggs, per dozen.	.2570	.1240	.1330	107.3

The price of these farm products practically doubled.

Corn advanced 118.4 per cent.

Wheat advanced 88.1 per cent.

Cotton advanced 92.2 per cent.

Oats advanced 132.2 per cent.

Rye advanced 117.1 per cent.

Barley advanced 126.8 per cent.

Hay advanced 49.5 per cent.

Hops advanced 340 per cent.

Potatoes advanced 73.7 per cent.

Flaxseed advanced 142.4 per cent.

Fat cattle advanced 92.7 per cent.

Fat hogs advanced 172 per cent.

Dairy butter advanced 57.3 per cent.

Eggs advanced 107.3 per cent.

EXCHANGE VALUES OF FARM PRODUCTS.

The *real* value of any article is its exchange value. The real worth of farm products is measured by their value when compared with the value of articles which the farmer desires to purchase. No compilation of retail prices for 1910 and 1896 are available, but the retail price of any commodity follows, in a general way, the wholesale price. Without retail prices it is impossible to measure the exact purchasing power of farm products, but the proportionate change in purchasing power is practically the same when wholesale prices are used as when retail prices are used. Ten bushels of corn equaled in value 70 pounds of Rio coffee in March, 1910, and 21 pounds in March, 1896. Ten bushels of corn equaled in value 16 gallons of New Orleans molasses in March, 1910, and 8 gallons in March, 1896. Ten bushels of corn equaled in value 131 pounds of sugar in March, 1910, and 59 pounds in March, 1896. Ten bushels of corn equaled in value 80 yards of brown sheetings in March, 1910, and 51 yards in March, 1896. Ten bushels of corn equaled in value 16 yards of cashmere all-wool dress goods in March, 1910, and 14 yards in March, 1896. Ten bushels of corn equaled in value 35 bushels of anthracite stove coal in March, 1910, and 22 bushels in March, 1896. Ten bushels of corn equaled in value 53 gallons of refined petroleum in March, 1910, and 25 gallons in March, 1896. Ten bushels of corn equaled in value 337 pounds of wire nails in March, 1910, and 95 pounds in March, 1896. Ten bushels of corn equaled in value 1,040 brick in March, 1910, and 519 in March, 1896. Ten bushels of corn equaled in value 4 barrels of Portland cement in March, 1910, and 1 barrel in March, 1896.

The tables which follow show the value in March, 1910, and in March, 1896, of corn, wheat, cotton, oats, rye, barley, hay, hops, potatoes, flaxseed, fat cattle, fat hogs, dairy butter, and eggs.

Value of 10 bushels of corn in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds...	70	21
Molasses: New Orleans, open kettle.	Gallons...	16	8
Rice: Domestic, choice.	Pounds...	112	55
Salt: American.	Barrels...	7	4
Sugar: Granulated.	Pounds...	131	59
Tea: Formosa, fine.	Pounds...	26	11
Carpets: Brussels.	Yards...	5	3
Carpets: Ingrain.	Yards...	11	7
Cotton flannel, 24 yards to the pound.	Yards...	69	43
Gingham: Amoskeag.	Yards...	89	55
Sheetings: Bleached, Pepperell, 10/4.	Yards...	22	15
Sheetings: Brown, 4/4, Pepperell.	Yards...	80	51
Shirtings: Bleached, 4/4, Fruit of the Loom.	Yards...	62	38
Shoes: Men's vic kid, Goodyear welt.	Pairs...	2	b 1
Suitings: Clay worsted, diagonal, 12-ounce.	Yards...	4	3
Coal: Anthracite stove.	Bushels...	35	22
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels...	58	31
Petroleum: Refined, 150° w. w.	Gallons...	53	25
Barb wire: Galvanized.	Pounds...	268	146
Nails: Wire, 8-penny.	Pounds...	337	95
Brick: Common, domestic.	Bricks...	1,040	519
Cement: Portland, domestic.	Barrels...	4	1
Lime: Common.	Barrels...	6	3
Oak, white: Plain.	Feet...	113	78
Shingles: Cypress.	M...	1.6	1.14
Spruce.	Feet...	249	200

^a With \$1.04 remaining.

^b With \$0.60 remaining.

Value of 10 bushels of wheat in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds...	134	47
Molasses: New Orleans, open kettle.	Gallons...	32	19
Rice: Domestic, choice.	Pounds...	213	123
Salt: American.	Barrels...	13	9
Sugar: Granulated.	Pounds...	249	132
Tea: Formosa, fine.	Pounds...	49	25
Carpets: Brussels.	Yards...	9	6
Carpets: Ingrain.	Yards...	22	15
Cotton flannel, 24 yards to the pound.	Yards...	131	97
Gingham: Amoskeag.	Yards...	169	123
Sheetings: Bleached, 10/4, Pepperell.	Yards...	42	35
Sheetings: Brown, 4/4, Pepperell.	Yards...	153	114
Shirtings: Bleached, 4/4, Fruit of the Loom.	Yards...	118	85
Shoes: Men's vic kid, Goodyear welt.	Pairs...	4	b 2
Suitings: Clay worsted diagonal, 12-ounce.	Yards...	9	8
Coal: Anthracite, stove.	Bushels...	67	49
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels...	110	69
Petroleum: Refined, 150° w. w.	Gallons...	101	57
Barb wire: Galvanized.	Pounds...	509	323
Nails: Wire, 8-penny.	Pounds...	641	210
Brick: Common, domestic.	Bricks...	1,978	1,147
Cement: Portland, domestic.	Barrels...	8	3
Lime: Common.	Barrels...	11	7
Oak: White, plain.	Feet...	215	174
Shingles: Cypress.	M...	3	24
Spruce.	Feet...	474	442

^a With \$1.47 remaining.

^b With \$1.81 remaining.

Value of a bale of cotton (500 pounds) in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds...	853	293
Molasses: New Orleans, open kettle.	Gallons...	203	118
Rice: Domestic, choice.	Pounds...	1,352	762
Salt: American.	Barrels...	86	55
Sugar: Granulated.	Pounds...	1,580	818
Tea: Formosa, fine.	Pounds...	313	156
Carpets: Brussels.	Yards...	62	41
Carpets: Ingrain.	Yards...	142	95
Cotton flannel, 24 yards to the pound.	Yards...	835	601
Gingham: Amoskeag.	Yards...	1,074	762
Sheetings: Bleached 10/4 Pepperell.	Yards...	268	217
Sheetings: Brown 4/4 Pepperell.	Yards...	970	711
Shirtings: Bleached 4/4 Fruit of the Loom.	Yards...	752	531
Shoes: Men's vic kid, Goodyear welt.	Pairs...	28	17
Suitings: Clay worsted diagonal, 12-ounce.	Yards...	57	52
Coal: Anthracite, stove.	Bushels...	425	307
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels...	702	429
Petroleum: Refined 150° w. w.	Gallons...	640	355
Barb wire: Galvanized.	Pounds...	3,227	2,006
Nails: Wire, 8-penny.	Pounds...	4,064	1,304
Brick: Common, domestic.	Bricks...	12,533	7,113
Cement: Portland, domestic.	Barrels...	52	19
Lime: Common.	Barrels...	71	43
Oak, white: Plain.	Feet...	1,367	1,079
Shingles: Cypress.	M...	19	15
Spruce.	Feet...	3,008	2,745

Value of 20 bushels of oats in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds.	101	28
Molasses: New Orleans, open kettle.	Gallons.	24	11
Rice: Domestic, choice.	Pounds.	160	75
Salt: American.	Barrels.	10	5
Sugar: Granulated.	Pounds.	188	80
Tea: Formosa, fine.	Pounds.	37	15
Carpets: Brussels.	Yards.	7	4
Carpets: Ingrain.	Yards.	16	9
Cotton flannel: 24 yards to the pound.	Yards.	99	59
Gingham: Amoskeag.	Yards.	127	75
Sheetings: Bleached, 10/4 Pepperell.	Yards.	31	21
Sheetings: Brown, 4/4 Pepperell.	Yards.	115	70
Shirtings: Bleached, 4/4 Fruit of the Loom.	Yards.	89	52
Shoes: Men's vici kid, Goodyear welt.	Pairs.	4	1
Suitings: Clay worsted diagonal, 12-ounce.	Yards.	6	5
Coal: Anthracite stove.	Bushels.	50	30
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels.	83	42
Petroleum: Refined, 150° w. w.	Gallons.	76	35
Barb wire: Galvanized.	Pounds.	384	197
Nails: Wire, 8-penny.	Pounds.	483	128
Brick: Common, domestic.	Bricks.	1,491	700
Cement: Portland, domestic.	Barrels.	6	1.9
Lime: Common.	Barrels.	8	4
Oak, white: Plain.	Feet.	162	106
Shingles: Cypress.	M.	2.3	1.5
Spruce.	Feet.	357	270

* With \$1.14 remaining.

* With \$1.60 remaining.

Value of 20 bushels of rye in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds.	179	54
Molasses: New Orleans, open kettle.	Gallons.	42	22
Rice: Domestic, choice.	Pounds.	284	142
Salt: American.	Barrels.	18	10
Sugar: Granulated.	Pounds.	330	152
Tea: Formosa, fine.	Pounds.	65	29
Carpets: Brussels.	Yards.	13	7
Carpets: Ingrain.	Yards.	29	17
Cotton flannel: 24 yards to the pound.	Yards.	175	112
Gingham: Amoskeag.	Yards.	226	142
Sheetings: Bleached 10/4 Pepperell.	Yards.	56	40
Sheetings: Brown 4/4 Pepperell.	Yards.	204	132
Shirtings: Bleached 4/4 Fruit of the Loom.	Yards.	188	98
Shoes: Men's vici kid, Goodyear welt.	Pairs.	6	3
Suitings: Clay worsted diagonal, 12-ounce.	Yards.	12	9
Coal: Anthracite stove.	Bushels.	89	57
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels.	147	80
Petroleum: Refined 150° w. w.	Gallons.	134	66
Barb wire: Galvanized.	Pounds.	678	373
Nails: Wire, 8-penny.	Pounds.	855	242
Brick: Common, domestic.	Bricks.	2,636	1,324
Cement: Portland, domestic.	Barrels.	11	3
Lime: Common.	Barrels.	15	8
Oak, white: Plain.	Feet.	287	200
Shingles: Cypress.	M.	4.1	2.9
Spruce.	Feet.	632	511

Value of 20 bushels of barley in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds.	157	45
Molasses: New Orleans, open kettle.	Gallons.	37	18
Rice: Domestic, choice.	Pounds.	249	119
Salt: American.	Barrels.	15	8
Sugar: Granulated.	Pounds.	291	127
Tea: Formosa, fine.	Pounds.	57	24
Carpets: Brussels.	Yards.	11	6
Carpets: Ingrain.	Yards.	26	14
Cotton flannel: 24 yards to the pound.	Yards.	154	94
Gingham: Amoskeag.	Yards.	198	119
Sheetings: Bleached 10/4, Pepperell.	Yards.	49	33
Sheetings: Brown 4/4, Pepperell.	Yards.	178	111
Shirtings: Bleached 4/4, Fruit of the Loom.	Yards.	138	83
Shoes: Men's vici kid, Goodyear welt.	Pairs.	4	2
Suitings: Clay worsted diagonal, 12-ounce.	Yards.	10	8
Coal: Anthracite stove.	Bushels.	78	48
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels.	129	67
Petroleum: Refined 150° w. w.	Gallons.	117	55
Barb wire: Galvanized.	Pounds.	594	313
Nails: Wire, 8-penny.	Pounds.	749	203
Brick: Common, domestic.	Bricks.	2,310	1,111
Cement: Portland, domestic.	Barrels.	9	3
Lime: Common.	Barrels.	13	6
Oak, white: Plain.	Feet.	252	168
Shingles: Cypress.	M.	3.60	2.44
Spruce.	Feet.	554	428

* With \$0.86 remaining.

* With \$1.61 remaining.

Value of 1 ton of timothy hay in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds.	193	85
Molasses: New Orleans, open kettle.	Gallons.	46	34
Rice: Domestic, choice.	Pounds.	306	222
Salt: American.	Barrels.	19	16
Sugar: Granulated.	Pounds.	358	238
Tea: Formosa, fine.	Pounds.	71	45
Carpets: Brussels.	Yards.	14	12
Carpets: Ingrain.	Yards.	32	27
Cotton flannel: 24 yards to the pound.	Yards.	189	175
Gingham: Amoskeag.	Yards.	243	222
Sheetings: Bleached 10/4 Pepperell.	Yards.	60	63
Sheetings: Brown 4/4 Pepperell.	Yards.	220	207
Shirtings: Bleached 4/4 Fruit of the Loom.	Yards.	170	154
Shoes: Men's vici kid, Goodyear welt.	Pairs.	6	5
Suitings: Clay worsted diagonal, 12-ounce.	Yards.	13	15
Coal: Anthracite stove.	Bushels.	96	89
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels.	159	125
Petroleum: Refined 150° w. w.	Gallons.	145	103
Barb wire: Galvanized.	Pounds.	731	584
Nails: Wire, 8-penny.	Pounds.	921	380
Brick: Common domestic.	Bricks.	2,841	2,072
Cement: Portland, domestic.	Barrels.	11	5.7
Lime: Common.	Barrels.	16	12
Oak: White, plain.	Feet.	310	314
Shingles: Cypress.	M.	4.4	4.5
Spruce.	Feet.	682	800

* With \$1.45 remaining.

* With \$0.15 remaining.

Value of 100 pounds of hops in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds.	374	56
Molasses: New Orleans, open kettle.	Gallons.	89	22
Rice: Domestic, choice.	Pounds.	593	146
Salt: American.	Barrels.	37	10
Sugar: Granulated.	Pounds.	693	156
Tea: Formosa, fine.	Pounds.	137	30
Carpets: Brussels.	Yards.	27	8
Carpets: Ingrain.	Yards.	62	18
Cotton flannel: 24 yards to the pound.	Yards.	866	115
Gingham: Amoskeag.	Yards.	471	146
Sheetings: Bleached 10/4 Pepperell.	Yards.	425	136
Sheetings: Brown 4/4 Pepperell.	Yards.	330	101
Shirtings: Bleached 4/4 Fruit of the Loom.	Yards.	12	5
Shoes: Men's vici kid, Goodyear welt.	Pairs.	25	10
Suitings: Clay worsted diagonal, 12-ounce.	Yards.	186	59
Coal: Anthracite stove.	Bushels.	308	82
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Gallons.	280	68
Petroleum: Refined 150° v. w.	Pounds.	1,416	384
Barb wire: Galvanized.	Pounds.	1,783	250
Nails: Wire, 8-penny.	Pounds.	5,500	1,363
Brick: Common, domestic.	Bricks.	23	31
Cement: Portland, domestic.	Barrels.	31	8
Lime: Common.	Barrels.	600	206
Oak: White, plain.	Feet.	8.5	3.0
Shingles: cypress.	M.	8.5	2.0
Spruce.	Feet.	1,320	526

* With \$1.80 remaining.

* With \$0.75 remaining.

Value of 20 bushels of potatoes in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds.	72	27
Molasses: New Orleans, open kettle.	Gallons.	17	11
Rice: Domestic, choice.	Pounds.	115	72
Salt: American.	Barrels.	7	5
Sugar: Granulated.	Pounds.	135	77
Tea: Formosa, fine.	Pounds.	26	14
Carpets: Brussels.	Yards.	5	4
Carpets: Ingrain.	Yards.	12	9
Cotton flannel: 24 yards to the pound.	Yards.	71	56
Gingham: Amoskeag.	Yards.	91	72
Sheetings: Bleached 10/4 Pepperell.	Yards.	22	20
Sheetings: Brown 4/4 Pepperell.	Yards.	82	67
Shirtings: Bleached 4/4 Fruit of the Loom.	Yards.	64	50
Shoes: Men's vici kid, Goodyear welt.	Pairs.	2	1
Suitings: Clay worsted diagonal, 12-ounce.	Yards.	4	4
Coal: Anthracite stove.	Bushels.	36	29
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Gallons.	60	40
Petroleum: Refined 150° w. w.	Gallons.	54	33
Barbwire: Galvanized.	Pounds.	275	189
Nails: Wire, 8-penny.	Pounds.	347	123
Brick: Common, domestic.	Bricks.	1,071	672
Cement: Portland, domestic.	Barrels.	4	14
Lime: Common.	Barrels.	6	4
Oak: White, plain.	Feet.	116	102
Shingles: Cypress.	M.	1.6	1.4
Spruce.	Feet.	257	259

* With \$1.22 remaining.

* With \$1.45 remaining.

Value of 10 bushels of flaxseed in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds.	243	66
Molasses: New Orleans, open kettle.	Gallons.	57	26
Rice: Domestic, choice.	Pounds.	385	172
Salt: American.	Barrels.	24	12
Sugar: Granulated.	Pounds.	450	185
Tea: Formosa, fine.	Pounds.	89	137
Carpets: Brussels.	Yards.	17	9
Carpets: Ingrain.	Yards.	40	21
Cotton flannel: 2½ yards to the pound.	Yards.	238	136
Gingham: Amoskeag.	Yards.	306	172
Sheetings: Bleached, 10/4 Pepperell.	Yards.	76	49
Sheetings: Brown, 4/4 Pepperell.	Yards.	276	160
Shirtings: Bleached, 4/4 Fruit of the Loom.	Yards.	214	120
Shoes: Men's vic kid, Goodyear welt.	Pairs.	6	3
Suitings: Clay worsted diagonal, 12-ounce.	Yards.	16	11
Coal: Anthracite stove.	Bushels.	121	69
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels.	200	97
Petroleum: Refined 150° w. w.	Gallons.	182	80
Barb wire: Galvanized.	Pounds.	920	453
Nails: Wire, 8-penny.	Pounds.	1,159	295
Brick: Common, domestic.	Bricks.	3,575	1,609
Cement: Portland, domestic.	Barrels.	15	42
Lime: Common.	Barrels.	20	9
Oak: White, plain.	Feet.	390	244
Shingles: Cypress.	M.	5.5	3.5
Spruce.	Feet.	858	621

^a With \$0.65 remaining.

^b With \$2.10 remaining.

Value of a 1,200-pound choice to extra steer in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds.	1,115	383
Molasses: New Orleans, open kettle.	Gallons.	265	154
Rice: Domestic, choice.	Pounds.	1,767	994
Salt: American.	Barrels.	112	72
Sugar: Granulated.	Pounds.	2,065	1,067
Tea: Formosa, fine.	Pounds.	409	204
Carpets: Brussels.	Yards.	81	54
Carpets: Ingrain.	Yards.	186	125
Cotton flannel: 2½ yards to the pound.	Yards.	1,092	784
Gingham: Amoskeag.	Yards.	1,404	994
Sheetings: Bleached 10/4 Pepperell.	Yards.	351	283
Sheetings: Brown 4/4 Pepperell.	Yards.	1,268	927
Shirtings: Bleached 4/4 Fruit of the Loom.	Yards.	982	692
Shoes: Men's vic kid, Goodyear welt.	Pairs.	37	22
Suitings: Clay worsted diagonal, 12-ounce.	Yards.	75	67
Coal: Anthracite stone.	Bushels.	555	401
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels.	917	560
Petroleum: Refined 150° w. w.	Gallons.	836	463
Barb wire: Galvanized.	Pounds.	4,218	2,615
Nails: Wire, 8-penny.	Pounds.	5,312	1,700
Brick: Common, domestic.	Bricks.	16,380	9,272
Cement: Portland, domestic.	Barrels.	88	25
Lime: Common.	Barrels.	94	56
Oak: White, plain.	Feet.	1,786	1,406
Shingles: Cypress.	M.	25	20
Spruce.	Feet.	3,931	3,578

Value of a 300-pound hog in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds.	361	87
Molasses: New Orleans, open kettle.	Gallons.	86	35
Rice: Domestic, choice.	Pounds.	572	228
Salt: American.	Barrels.	36	16
Sugar: Granulated.	Pounds.	669	244
Tea: Formosa, fine.	Pounds.	132	46
Carpets: Brussels.	Yards.	26	12
Carpets: Ingrain.	Yards.	60	28
Cotton flannel: 2½ yards to the pound.	Yards.	353	180
Gingham: Amoskeag.	Yards.	454	228
Sheetings: Bleached, 10/4, Pepperell.	Yards.	113	65
Sheetings: Brown, 4/4, Pepperell.	Yards.	410	212
Shirtings: Bleached, 4/4, Fruit of the Loom.	Yards.	318	159
Shoes: Men's vic kid, Goodyear welt.	Pairs.	12	5
Suitings: Clay worsted diagonal, 12-ounce.	Yards.	24	15
Coal: Anthracite stone.	Bushels.	180	92
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels.	297	128
Petroleum: Refined 150° w. w.	Gallons.	271	106
Barb wire: Galvanized.	Pounds.	1,366	600
Nails: Wire, 8-penny.	Pounds.	1,721	390
Brick: Common, domestic.	Bricks.	5,307	2,127
Cement: Portland, domestic.	Barrels.	22	5
Lime: Common.	Barrels.	30	13
Oak: White, plain.	Feet.	579	322
Shingles: Cypress.	M.	8	4.5
Spruce.	Feet.	1,273	821

Value of 20 pounds of dairy butter in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee, Rio, No. 7.	Pounds.	70	29
Molasses, New Orleans, open kettle.	Gallons.	16	12
Rice, domestic, choice.	Pounds.	112	77
Salt, American.	Barrels.	7	5
Sugar, granulated.	Pounds.	130	82
Tea, Formosa, fine.	Pounds.	25	15
Carpets: Brussels.	Yards.	5	4
Carpets, ingrain.	Yards.	11	9
Cotton flannel: 2½ yards to the pound.	Yards.	69	60
Gingham: Amoskeag.	Yards.	89	77
Sheetings: Bleached 10/4 Pepperell.	Yards.	22	22
Sheetings: Brown 4/4 Pepperell.	Yards.	80	72
Shirtings: Bleached 4/4 Fruit of the Loom.	Yards.	62	53
Shoes: Men's vic kid, Goodyear welt.	Pairs.	2	1
Suitings: Clay worsted diagonal, 12-ounce.	Yards.	4	5
Coal: Anthracite, stove.	Bushels.	35	31
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels.	58	43
Petroleum: Refined 150° w. w.	Gallons.	53	36
Barb wire: Galvanized.	Pounds.	267	203
Nails: Wire, 8-penny.	Pounds.	336	132
Brick: Common, domestic.	Bricks.	1,038	720
Cement: Portland, domestic.	Barrels.	41	1.9
Lime: Common.	Barrels.	5	4
Oak: White, plain.	Feet.	113	1.9
Shingles: Cypress.	M.	1.6	1.5
Spruce.	Feet.	249	277

^a With \$1.03 remaining.

^b With \$1.71 remaining.

Value of a case of eggs (30 dozen) in March, 1910, and in March, 1896, when measured by the wholesale prices of the following staple articles.

Article.	Unit.	1910, March.	1896, March.
Coffee: Rio, No. 7.	Pounds.	87	27
Molasses: New Orleans, open kettle.	Gallons.	20	11
Rice: Domestic, choice.	Pounds.	138	72
Salt: American.	Barrels.	8	5
Sugar: Granulated.	Pounds.	162	77
Tea: Formosa, fine.	Pounds.	32	14
Carpet: Brussels.	Yards.	6	3
Carpet: Ingrain.	Yards.	14	9
Cotton flannel: 2½ yards to the pound.	Yards.	85	57
Gingham: Amoskeag.	Yards.	110	72
Sheetings: Bleached 10/4 Pepperell.	Yards.	27	20
Sheetings: Brown 4/4 Pepperell.	Yards.	99	67
Shirtings: Bleached 4/4 Fruit of the Loom.	Yards.	77	50
Shoes: Men's vic kid, Goodyear welt.	Pairs.	2	1
Suitings: Clay Worsted Diagonal, 12-ounce.	Yards.	5	4
Coal: Anthracite, stove.	Bushels.	43	29
Coal: Bituminous, Georges Creek (N. Y. Harbor).	Bushels.	71	40
Petroleum: Refined 150° w. w.	Gallons.	65	33
Barb wire: Galvanized.	Pounds.	330	190
Nails: Wire, 8-penny.	Pounds.	416	124
Brick: Common, domestic.	Bricks.	1,285	676
Cement: Portland, domestic.	Barrels.	5	1
Lime: Common.	Barrels.	7	4
Oak: White, plain.	Feet.	140	102
Shingles: Cypress.	M.	2.0	1.4
Spruce.	Feet.	308	261

^a With \$2.51 remaining.

^b With \$1.47 remaining.

Senators will notice that I have taken the principal articles produced by the farmer and measured their value by the prices of the staple articles required by him.

The American people are to be congratulated upon their existing economic system under which our present fortunate condition, as compared with that of any other nation in the world, has been attained.

COURT OF COMMERCE, ETC.

Mr. ELKINS. I move that the Senate proceed to the consideration of Senate bill 6737, the unfinished business.

The motion was agreed to, and 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. DOLLIVER. Mr. President, I desire to offer an amendment to come in after section 11 of the bill.

The VICE-PRESIDENT. The Secretary will read the amendment.

Mr. DOLLIVER. I would be very glad to have the attention of the Senate to the reading of the amendment.

The VICE-PRESIDENT. The Senate will please be in order.

The SECRETARY. After section 11 of the bill insert the following sections:

Sec. 12. That for the purpose of this act the following words and phrases shall be deemed to have the meaning specified in this section:

"Stock" shall mean any share or shares of capital stock in any such corporation, whether common, preferred, or otherwise classified.

"Evidences of funded indebtedness" shall mean any bonds, debentures, coupons, notes, or other evidences of indebtedness payable at any time after twelve months from date thereof.

The term "securities" shall include both stock and evidences of indebtedness as hereinabove defined.

SEC. 13. That no corporation subject to the provisions of this act shall, after the passage of this act, engage in interstate commerce unless its securities are issued in compliance with the terms thereof. No such corporation shall issue any share of stock unless at least the par value thereof has first been paid in cash into its treasury or unless it is issued in exchange for property or securities at not to exceed their true and actual value, equal in amount to at least the par value of such stock: *Provided*, That it shall be lawful for such corporation to pay a commission to any person, if necessary as a consideration to his subscribing or agreeing to subscribe for any shares or procuring or agreeing to procure subscriptions for any shares, but no such commission shall be paid unless expressly authorized by the Interstate Commerce Commission as necessary and in the public interest.

SEC. 14. That no such corporation shall issue any evidences of funded indebtedness which shall have a date of maturity exceeding fifty years from date of issue, or which shall bear interest at a rate exceeding 6 per cent per annum. And in no case shall such a corporation sell its evidences of funded indebtedness at a discount such that, taking into consideration the rate of interest and the date of maturity thereof, the net return to the investor thereon shall exceed 7 per cent per annum. The amount of such evidences of indebtedness which may hereafter be issued by any corporation shall not, together with evidences of funded indebtedness previously issued, at any time exceed, in all, the capital stock of the corporation actually paid in at the time: *Provided, however*, That any such corporation which at the time of the passage of this act shall have evidences of funded indebtedness outstanding in excess of its capital stock may refund any part of such funded indebtedness in the future by issuing not to exceed an equal amount of evidences of funded indebtedness.

SEC. 15. That no such corporation shall issue any stock or evidences of funded indebtedness, nor apply the proceeds thereof, except for the following purposes, to wit:

First. For the acquisition or construction of property to be used in the operation of its business: *Provided*, That where any securities of such corporation are issued for the purpose of raising money to defray the expenses of the construction of any permanent line for transportation which can not be made profitable over a lengthened period, the company may pay interest on so much of the cost thereof as is hereinafter specified out of the proceeds of its stock, charging the same as part of the cost of construction. But no such interest shall be paid out of the proceeds of stock unless the same shall have been expressly authorized by the Interstate Commerce Commission as necessary for the purpose of enabling such construction to be made, and the Interstate Commerce Commission shall determine for what period of time interest may be paid in this manner, and such period shall in no case extend beyond the close of the half year during which the construction shall have actually been completed.

Second. For the improvement of the property employed in such operation.

Third. For the refunding, whether by the issue of evidences of funded indebtedness or by the issue of stock of the evidences of funded indebtedness of the corporation previously issued: *Provided*, That in no case shall the amount of securities outstanding be increased by such refunding.

Fourth. Corporations themselves engaged in the actual operation of transportation, may, subject to the limitations in section 6, issue stock or evidences of funded indebtedness in exchange for the securities of other corporations owning or operating transportation, or may apply the proceeds of the sale of either stock or evidences of funded indebtedness to the purchase of such securities: *Provided*, That no such corporation shall hereafter acquire or hold any of the securities of any other corporation which operates a parallel or competing line, nor shall any such corporation hereafter acquire any of the securities of any other corporation whose lines are not directly connected with the lines of the purchasing corporation.

Fifth. That no corporation legally organized for the purpose of holding the securities of other corporations subject to this act shall hereafter acquire or hold securities of any corporation owning or operating a line parallel to or competing with the line or lines of any other corporation in which it also holds securities; nor shall any such holding corporation hereafter acquire the securities of any corporation whose lines are not directly connected with those of some other corporation in which it already holds securities.

SEC. 16. That no corporation subject to the provisions of this act shall issue its securities in exchange for the property or securities of any other such corporation, or shall purchase the property or securities of any other such corporation at a rate or price in excess of the true and reasonable value of the property or securities so acquired.

SEC. 17. That a corporation subject to the provisions of this act shall issue only such amount of stock and evidences of funded indebtedness as may be reasonably necessary for the purpose for which such issue has been authorized; and no such corporation shall apply the proceeds of any such stock or evidences of funded indebtedness to any other purpose than that for which they were authorized.

SEC. 18. That before any corporation subject to this act shall issue any securities it shall make application therefor to the Interstate Commerce Commission. Such application shall show the amount and character of the securities which it proposes to issue, the purpose for which the same are to be issued or to which the proceeds thereof are to be applied, and the necessity for such issue; it shall state whether it is proposed to issue the same in exchange for cash or for property or securities; and if the same are to be issued in exchange for existing property or securities, or if the proceeds thereof are to be applied to the acquisition of existing property or securities, the report shall contain full information as to the location and character of such property, or the location and character of the property represented by such securities, together with satisfactory evidence as to the actual, tangible, and physical value thereof, and shall show, in case the property is that of an existing company, or in the case of the securities of an existing company, what part of the value of such property or securities is represented by the investment of surplus earnings of such company subsequent to the passage of this act; and if such securities are to be issued in exchange for or if the proceeds thereof are to be used for the construction or acquisition of property not then existing, the report shall contain a full description of such proposed construction or acquisition, together with reasonable evidence as to the probable cost thereof. Such report shall also state what, if any, rate of commission it is proposed to

pay for securing the sale of any shares of stock, and at what, if any, discount it is proposed to sell any such shares.

SEC. 19. That the Interstate Commerce Commission shall thereupon inquire fully into the matter, taking such testimony as it may deem needful and giving all parties interested a full opportunity to be heard. As soon as practicable the commission shall render a decision as to whether the proposed issue of securities is in conformity to this act. Such decision shall be in writing, shall assign the reason therefor, and shall specify the respective amounts of stock or evidences of funded indebtedness which are authorized to issue for the respective purposes to which the same or the proceeds thereof are to be applied, in order that such issue may conform to the requirements of this act.

SEC. 20. That, for the purpose of better fulfilling the duties imposed upon it by law, under this act or under any other act, the Interstate Commerce Commission may make a determination of the actual, tangible, and physical value of the property of any transportation company subject to this act; and for this purpose it shall have power to require from such company a report setting forth, in such detail as the commission may prescribe, the cost and value of its property; and the commission shall employ expert engineers and accountants to examine the statements in such application, or to examine the property and accounts of such corporation; and it shall be the duty of such company to furnish such engineers and accountants full access to the property and to the accounts of the company bearing on such cost and value.

SEC. 21. That every annual or periodical balance sheet of any such corporation which shall hereafter, in accordance with law, be filed with the Interstate Commerce Commission, shall distinguish securities issued under the provisions of this act from securities previously issued, and shall indicate as to each class of securities issued under the terms of this act the amount issued for cash, the amount of premiums or of discount, if any, thereon, the amount of commission, if any, allowed on sales of stock, and the amount issued in exchange for property and for securities, respectively. The Interstate Commerce Commission shall prescribe such forms of accounts to such corporations and require from them reports in such form as will disclose clearly the disposition of securities issued under the terms of this act and the application of the proceeds thereof. Every company subject to the provisions of this act shall, in its annual balance sheets, or other balance sheets hereafter submitted to the Interstate Commerce Commission, distinguish among its assets the amount of such assets acquired by the investment of surplus earnings subsequent to the passage of this act; and every such company which shall hereafter acquire the property or the securities of any other such company shall, in its annual balance sheets, show what part of the value of the property or securities so acquired represents the investment, subsequent to the passage of this act, of surplus earnings of the company whose property or securities are acquired.

SEC. 22. That if any corporation subject to this act shall issue securities without the approval of the Interstate Commerce Commission, as herein provided, such securities shall be illegal, fraudulent, and void, and any official of any such corporation signing or directing the issue of such illegal securities, or any official of such corporation directing the application of the proceeds of the sale of any securities herein authorized to any other purpose except that for which the same were authorized, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction in a court of the United States of competent jurisdiction, to a fine of not less than \$5,000 nor more than \$20,000 and imprisonment for a term not exceeding three years.

MR. DOLLIVER. Mr. President, it is not my purpose to occupy very many minutes of the Senate's attention at this stage in this controversy. I have less strength to speak than the Senate has patience to listen, and the two things taken together will greatly abridge what I have to say.

I regret very much that the most important subjects with which the original committee bill attempted to deal have been allowed to be washed overboard in the stress and storm of the discussion which has taken place here in the last few months. It does not require a very wise man to perceive that there were two questions involved in this bill, overshadowing all others in such a measure as to make themselves characteristic of the bill. Both of them represent old contentions of the railway world; both of them attempted to give legality to practices now more or less under suspicion—the practice of making traffic agreements, which has encountered more than one adverse decision of our Supreme Court, and the practice of consolidating competing railway lines, which has already more than once engaged the attention of the Department of Justice; once in the case of the New England railways in a suit which has been dismissed, as I understand, on account of action taken by the legislature of Massachusetts; and the other in a suit against the Southern Pacific Railway, seeking to dissolve a combination with the Central and Union Pacific and other lines, commonly known as the Harriman system.

For a great many years the railways have sought to legalize these traffic agreements and to escape the legal condemnation which attaches to the consolidation of competing roads. Both of these subjects were in this bill; and, in my judgment, it was the duty of the Senate to amend the bill in line with a sound public policy rather than to abandon altogether the sections involved, simply because they were not so drawn as to stand the fire of criticism in this Chamber.

I had occasion the other day to say that section 7 ought to have remained in the bill with the amendment offered by the Senator from South Dakota [Mr. CRAWFORD] and the additional amendment offered by my colleague [Mr. CUMMINS] for the minority of the committee. With those two amendments section 7 would have been a step forward in railway control in the United States; but rather than accept amendments which were in harmony with sound principles and in strict accord with the

platform of the majority party in Congress, the committee chose rather to welcome—I may say, even to negotiate for—a motion to strike out the section altogether. If nothing was to have been done to amend this section, it was a good thing to strike it out. I know that there are some of us in the Senate who have been subjected to more or less captious criticism because we did not like that particular provision of the proposed law.

But I find that we are in excellent company. I have in my hand an extract from a letter written only three days ago by the venerable Senator Edmunds, author of the antitrust act of 1890, in so far as anyone can be said to be author of it, in which he uses these significant words, which I desire to address to the attention of my Republican colleagues:

I most earnestly wish that our party will fulfill its obligations to obey our platform of the last election in respect to the antitrust law. To do that you will see, if you carefully read it on that subject, that it can not pass the seventh section of the proposed railroad bill in any form that it has yet been presented in by our party leaders, and that if passed in that form it will be a distinct and barefaced violation of its declarations, which were that the interstate-commerce law should be amended so as to authorize, with the approval of the Interstate Commerce Commission, railway operators to make traffic arrangements, but preserving the principle of keeping up competition and only authorizing arrangements that should not be in restraint of trade.

Section 7 has departed from this bill, and now we have by a unanimous vote of the Senate, save one, dispensed with those additional sections which undertook to scrutinize the capitalization of these corporations and to regulate the consolidation of competing lines.

I repeat that it would have been better and more consonant with the dignity and industry of the Senate if we had taken up these provisions and reshaped them in conformity with a wise public policy and in conformity with the platform of the majority party.

For one I could not consent to allow these sections to go out without at least presenting an affirmative proposition in respect to the capitalization of these corporations and in respect to the prevailing system of consolidating competitive lines.

That object I have tried to accomplish in the amendment which has just been read. I recognize the fact that it involves very profound legal questions. I claim to have gone to the bottom of them, but I have no disposition at this time to take anybody else down to the bottom of them with me. I hold that as a question of law it is almost axiomatic that such an injury as has been inflicted upon the American people by fictitious stock and bond issues of railway corporations and by the restraint of trade which follows railway consolidations must, somewhere in our Government, have an available remedy without encountering the Constitution.

I find the power to deal with these evils in three distinct quarters. In the first place, these fictitious capitalizations tend to weaken the credit and burden the operation of these railroads, which are the instrumentalities of interstate commerce, and I hold that the power of this Government to preserve free from injury and abuse the instrumentalities of interstate commerce gives the right to scrutinize capital issues in order to preserve the health and vitality of corporations concerned.

I hold also that in so far as the payment of interest on bonds and dividends on stock enters into the question of just and reasonable rates, the power of Congress over the rates involves also power over the volume of the securities. If the volume of the securities in any sense measures the right of a railroad to exact fares and charges, and we have no control whatever over the volume of securities, then we have no actual control whatever over the rate making, as exercised by the railroad companies; an absurd conclusion which I think a good constitutional lawyer ought to avoid.

Besides that, this amendment is so framed as to introduce another phase of constitutional interpretation, which I think is altogether favorable to the exercise of this power. I believe it lies with the National Government to set the terms upon which a corporation shall engage in interstate commerce. I have never heard any answer made to an argument delivered in the last Congress, I think, by the honorable Senator from Indiana [Mr. BEVERIDGE] on another subject, in which the decisions of courts almost without number were arrayed in favor of the proposition that the power of Congress is ample to keep out of the channels of interstate commerce and to prevent the participation in interstate commerce of such corporations and such articles of merchandise as, in the judgment of the National Government, ought to be denied that privilege.

And so this amendment is drawn with the view to prevent from engaging in interstate commerce corporations which do not subject themselves to its provisions as to the issue of their stocks and bonds; and it is also drawn on the theory that we

have a direct jurisdiction, arising out of the power to regulate commerce, to preserve the integrity of the instrumentalities of commerce, and in our exercise of the power to regulate rates, to determine also the volume of securities, which, after all, the Supreme Court has decided is one of the elements that enter into the calculation of a reasonable railway rate.

What are the provisions of this amendment? I will state them briefly. The amendment sets up a standard of legal validity for stock and bond issues. It lays down affirmatively the terms upon which these issues shall be made. It lays down affirmatively the use to which the funds raised by the issue of securities may be lawfully applied. In the issue of securities it does not confine the corporation altogether to the par value of the shares or of the bonds. It recognizes the fact that exigencies of business sometimes require commissions to be paid either to individuals or to underwriting syndicates for the purpose of floating issues of stock and of bonds, and it leaves it in the discretion of the Interstate Commerce Commission within certain limits to determine what commission shall be allowed for the sale or flotation of the securities and what discount, if any, shall be allowed in the sale of these evidences of funded indebtedness.

In that respect this amendment may not be technically complete, because I have been able to find very few men who knew anything about the mechanism through which railroad bond and stock transactions are conducted in the United States; but in drawing the amendment I had the counsel of great railroad builders, one man in particular, who has laid down more miles of American railway track than any other American and whose counsel was of practical value in determining some of these questions. Notwithstanding all the advice I was able to get, I do not have the presumption to claim that I have mastered all the problems incident to the flotation of railway securities; but I have laid down a general principle that, except where the discretion of a government authority examining into the case decides otherwise, the treasury of a railroad should show actual money for the stock issued and for the bonds floated. If we could secure that result, one of the most damaging features of overcapitalization would be avoided.

The amendment provides that there shall be no investment by one railroad in the securities of a competing railroad line; that these competing lines shall neither hold nor acquire one another's securities, either directly or through holding companies, a proposition which, in my judgment, is very essential to sound railroad finance in the years that are immediately before us, because the most startling revelations have come to light in respect to the fictitious capitalization of railways for the purpose of acquiring influence and control in competing lines.

I believe that an official report of June, 1906, issued by the Interstate Commerce Commission, shows that the capital stock of the railway systems of the United States is distributed on some principle or other—I do not exactly know what—among all the competing lines, so that as a rule it may be said that every great railway system owns what amounts to a directing influence in every competing railway system. Of the \$8,894,000,000 representing the total outstanding stock of the roads, \$4,114,000,000, or 40 per cent, was held by the railways themselves, according to the report.

The thing the American public are complaining about is not that the American railway system has been unified, but that the process of harmonizing it has fastened upon the market place intolerable burdens to be borne by us and by our descendants.

I have in my hand—

Mr. HEYBURN. Will the Senator from Iowa permit me?

Mr. DOLLIVER. With pleasure.

Mr. HEYBURN. The Senator has spoken of one railroad company owning and controlling another. Is there any case in which a railroad company owns a control of the stock of another company? Is it not a matter of some strong individual identified with the company owning the stock?

Mr. DOLLIVER. This report of the Interstate Commerce Commission on the Intercorporate Relationships of Railways indicates that each of the great railway systems hold a substantial part of the stock of the roads which were once their rivals.

Mr. HEYBURN. But are they not referring to the fact that those in control of the stock of the road own the stock of another road?

Mr. DOLLIVER. I think not. The report is entitled "Intercorporate Relationships of Railways in the United States."

Mr. HEYBURN. Does the Senator recall any case in which a court has been asked to pass upon the legality of that?

Mr. DOLLIVER. We had a case pending in the matter of the consolidation of the New England railway systems, and

we were rapidly approaching a decision upon it when the Government dismissed the suit.

Mr. HEYBURN. I do not intend to interrupt the Senator at any length, but that is an interesting problem as to the power. I am under the impression that a railroad company authorized to build and operate a line of road from Chicago to Seattle could not, under its charter, own, operate, and control a railway from Omaha to Santa Fe; and if the question were tested in the court I am of the opinion that the court would hold that it was ultra vires.

Mr. DOLLIVER. Undoubtedly, if the question were tested in court, very interesting revelations would be made. But we are not certain that they will be, and unless my understanding is greatly at fault this original bill was drawn so as to give affirmative legality to those transactions which had heretofore occurred and to open the pathway to complete the consolidation of the American railway system. It is important to the people of the United States to know what that is to cost them and their children. It would surprise almost anybody to hear that in these recent years every additional mile of railway has cost the American people not \$50,000, as we used to think a mile of railroad cost, but between \$200,000 and \$300,000. The truth is the figures are so startling as to be almost incredible.

I made the statement on a previous occasion here that since the year 1900 railway gross liabilities have been increased in such a fashion that we have had added to those liabilities \$3,500,000,000 without any additional railroad facilities of any sort to show for it.

The American people are willing to build railroads and pay for them. They have built all of the railroads in the United States. They have furnished the money to take up the stock; they have furnished the money to buy the bonds; and they have had the satisfaction of securing a fairly serviceable railway system.

Mr. HEYBURN. One more suggestion. Are we not in need of litigation rather than of legislation?

Mr. DOLLIVER. I trust the Senator from Idaho will not press me to the point of uttering an untimely criticism of the legal machinery connected with the Government.

I think what we need first of all is adequate legal machinery. It is almost pitiful to walk into the Department of Justice and find a few overworked lawyers, devoted to their tasks, undertaking the impossible job of inquiring into these abuses that have grown up here in violation of our laws. It is almost as pitiful as it is to walk into the traffic department of the Interstate Commerce Commission's office and find a few overworked clerks, with hardly time enough to file, much less to read, the reports which the law requires to be daily poured upon the attention of the commission.

I agree with the Senator from Wisconsin that we will never have either an effective administration of the railway laws or an effective administration of the criminal laws of the United States by the Department of Justice until we have equipped these great departments of our Government with facilities adequate to carry on the increasing work which is pressing upon their attention.

When I said that since 1900 the gross liabilities of our American railway system, not represented by any additional mileage or depots or facilities, amounted to \$3,500,000,000, I received a good many communications saying that I was in error; that such a thing was incredible.

I have caused a careful examination to be made, using the statistics furnished by the Interstate Commerce Commission and supplemented by the statistics furnished by Mr. Poore in his Manual of the Railways of the United States, showing how the liabilities of these corporations have outrun their assets in these latter years; and I repeat the statement I made on a former occasion that, without Congress even knowing, without Congress even taking interest enough in the subject to give credence to a statement in respect to it, since 1900 this process of issuing securities by corporations to buy the stocks of other corporations, with other influences that have been at work, has increased the gross liabilities of the railways of the United States until we and our children are bound to pay an everlasting interest upon a sum more than the national debt at the end of the civil war, in dividends and in returns upon bonds, for which we have had no tangible addition to the facilities of interstate commerce in the United States.

I hold in my hand a little book called "An American Transportation System," recently published by Putnam's Sons, from which I desire to transcribe into our RECORD statistical statements showing the exact truth of what I say.

Mr. HALE. Who is the author?

Mr. DOLLIVER. The author is Mr. George A. Rankin, who appears to be a very intelligent critic, not without sympathy

for the troubles and embarrassments under which the American railway system has labored in these latter years. I want the Senate to listen. Here are five separate statistical calculations, all going to show how rapidly the liabilities of our railways have grown beyond the increase of their actual assets.

Calculation No. 1, based on the alleged "cost of roads" as shown by the consolidated balance sheets of the railroads.

(See United States Statistics of Railways, 1892, p. 68; 1900, p. 96; 1906, p. 105. Comparative for the periods to 1892, 1892-1900, 1900-1906.)

[From An American Transportation System, by George A. Rankin.]

	MILEAGE COVERED.	
Balance sheet, 1892.	143, 516	
Balance sheet, 1900 (increase over 1892, 37,921 miles)	181, 437	
Balance sheet, 1906 (increase over 1900, 26,873 miles)	208, 310	

COST OF ROADS.

1892	\$8, 078, 516, 736
1900 (increase over 1892, \$1,596,435,635)	9, 674, 952, 371
1906 (increase over 1900, \$1,913,970,050)	11, 588, 922, 421

Cost of total mileage prior to 1892: \$8,078,516,736 ÷ 143,516 (miles) = \$56,290 per mile.

Cost of mileage acquired, 1892-1900: \$1,596,435,635 ÷ 37,921 (miles acquired) = \$42,098 per mile.

Cost of mileage acquired, 1900-1906: \$1,913,970,050 ÷ 26,873 (miles acquired) = \$71,222 per mile.

Per mile.

Increased cost of third period over first..... \$14, 930

Increased cost of third period over second..... 29, 124

Calculation No. 2, based on alleged "cost of road and equipment" accounts, as shown by the consolidated balance sheets of the railroads as they appear in the United States Statistics of Railways.

(Comparative for the periods to 1892, 1892-1900, 1900-1906. The mileage covered is the same as in calculation No. 1.)

COST OF ROADS AND EQUIPMENT.

1892	\$8, 564, 394, 830
1900 (increase over 1892, \$1,698,918,570)	10, 263, 313, 400
1906 (increase over 1900, \$2,156,974,538)	12, 420, 287, 938

Cost of road and equipment to 1892: \$8,564,394,830 ÷ 143,516 (miles) = \$59,675 per mile.

Cost of road and equipment acquired, 1892-1900: \$1,698,918,570 ÷ 37,921 (miles acquired) = \$44,801 per mile.

Cost of road and equipment acquired, 1900-1906: \$2,156,974,538 ÷ 26,873 (miles acquired) = \$80,263 per mile.

Per mile.

Increased cost of third period over first..... \$20, 590

Increased cost of third period over second..... 35, 464

Calculation No. 3, based on the amount of railway "stocks and bonds" issued as shown by the United States Statistics of Railways and Poor's Manual.

(Comparative for the periods to 1890, 1890-1900, 1900-1906.)

MILEAGE COVERED (UNITED STATES STATISTICS OF RAILWAYS).

1890	156, 402
1900 (increase over 1890, 30,474 miles)	186, 876
1906 (increase over 1900, 27,596 miles)	214, 472

STOCKS AND BONDS ISSUED.

1890	\$8, 984, 234, 616
1900 (increase over 1890, \$2,506,800,344)	11, 491, 034, 960
1906 (increase over 1900, \$3,079,386,518)	14, 570, 421, 478

Stocks and bonds, 1890: \$8,984,234,616 ÷ 156,402 (miles) = \$57,443 per mile.

Increase in stocks and bonds, 1890-1900: \$2,506,800,344 ÷ 30,474 (miles acquired) = \$82,260 per mile.

Increase in stocks and bonds, 1900-1906: \$3,079,386,518 ÷ 27,596 (miles acquired) = \$111,588 per mile.

MILEAGE COVERED (POOR'S MANUAL).

1890	163, 359
1900 (increase over 1890, 28,802 miles)	192, 161
1906 (increase over 1900, 26,272 miles)	218, 433

Stocks and bonds, 1890: \$9,645,696,585 ÷ 163,359 (miles) = \$59,046 per mile.

Increase in stocks and bonds, 1890-1900: \$1,917,242,419 ÷ 28,802 (miles acquired) = \$66,566 per mile.

Increase in stocks and bonds, 1900-1906: \$3,394,577,760 ÷ 26,272 (miles acquired) = \$129,208 per mile.

Per mile.

Increase stocks and bonds, third period over first (United States Statistics of Railways)..... \$54, 145

Increase stocks and bonds, third period over second..... 29, 328

Same, third period over first (Poor's Manual)..... 70, 152

Same, third period over second (Poor's Manual)..... 62, 642

Calculation No. 4, based on the total issues of stocks, bonds, and miscellaneous obligations commonly taken to constitute railway capital and the approximate cost of our railways.

(Comparative for the periods to 1890, 1890-1900, 1900-1906. Mileage involved (United States Statistics of Railways) same as calculation No. 3.)

STOCKS, BONDS, AND MISCELLANEOUS OBLIGATIONS.

1890	\$9, 437, 343, 420
1900 (increase over 1890, \$2,648,479,410)	12, 085, 822, 830
1906 (increase over 1900, \$3,585,575,812)	15, 671, 398, 642

Stocks, bonds, and miscellaneous obligations, 1890: \$9,437,343,420 ÷ 156,402 (miles) = \$60,340 per mile.

Increase in same, 1890-1900: \$2,648,479,410 ÷ 30,474 (miles acquired) = \$86,909 per mile.

Increase in same, 1900-1906: \$3,585,575,812 ÷ 27,592 (miles acquired) = \$129,049 per mile.

MILEAGE INVOLVED (POOR'S MANUAL).

1890	163, 359
1900 (increase over 1890, 28,802)	192, 161
1906 (increase over 1890, 26,272)	218, 433

STOCKS, BONDS, AND MISCELLANEOUS OBLIGATIONS.		
1890	\$10,020,925,215	
1900 (increase over 1890, \$1,870,977,124)	11,891,902,339	
1906 (increase over 1900, \$3,701,646,618)	15,593,548,951	
Stocks, bonds, and miscellaneous obligations, 1890: \$10,020,925,215 + 163,359 (miles) = \$61,343 per mile.		
Increase in same, 1890-1900: \$1,870,977,124 ÷ 28,802 (miles acquired) = \$64,959 per mile.		
Increase in same, 1900-1906: \$3,701,646,618 ÷ 26,272 (miles acquired) = \$140,897 per mile.		

Per mile.

Increased stocks, bonds, and miscellaneous obligations, third period over first (United States Statistics of Railways)	\$69,609
Same, third period over second	43,040
Same, according to Poor, third period over first	79,554
Same, according to Poor, third period over second	75,938

Calculation No. 5, based on the gross liabilities of the railways as shown by their consolidated balance sheets as they appear in the United States Statistics of Railways.

(Comparative for the periods to 1892, 1892-1900, 1900-1906. Mileage covered the same as in calculation No. 1.)

GROSS LIABILITIES.

1892	\$10,955,466,145
1900 (increase over 1892, \$2,038,220,475)	12,993,686,620
1906 (increase over 1900, \$4,634,406,280)	17,628,092,900
Gross liabilities 1892: \$10,955,466,145 ÷ 143,516 (miles) = \$76,336 per mile.	
Increased gross liabilities 1892-1900: \$2,038,220,475 ÷ 37,921 (miles acquired) = \$53,749 per mile.	
Increased gross liabilities 1900-1906: \$4,634,406,280 ÷ 26,873 (miles acquired) = \$172,455 per mile.	

Per mile.

Increase of gross liabilities third period over first	\$96,119
Increase of gross liabilities third period over second	118,706

I ask the Senate to note the author's summary of these figures:

For those who have not the care or patience to follow the foregoing calculations in detail, I will state the conclusions which may be drawn from them. It is with no little hesitation that I premise the statement of these conclusions by the remark that from the best information which I have been able to obtain the actual cost of the building and equipment of the railways in the United States has not exceeded an average of \$30,000 per mile. Concerning this matter, I cite the following quotation from the United States Statistics of Railways, 1900, page 54.

Then he furnishes a corroboration of that statement made by the Interstate Commerce Commission:

The aggregate amount of railway securities reported by the carriers as outstanding on June 30, 1900, was \$11,491,034,960, being an increase as compared with the previous year of \$457,080,062. If this increase be added to the increase in railway securities during the years ending June 30, 1899 and 1898, it appears that the increase in railway securities during the three years previous to June 30, 1900, was \$856,026,886. Confining comment to the year covered by this report, it is pertinent to notice that the increase of \$457,080,062 in railway securities is synchronous with an increase in mileage of 4,051.12 miles. It can hardly be claimed that the issue of securities for the construction of this new mileage would exceed \$120,000,000, which would leave an increase of \$337,080,062 to be expended in some other manner. Whether facts of this sort be regarded in their bearing upon the adjustment of rates or as a question of equity in the conduct of a quasi public business, they certainly present a problem in which the public has a legitimate interest.

This quotation (the italics are mine) is inserted for what it shows, to wit, that the Interstate Commerce Commission, which is responsible for the statistical report, believed in 1900 that the actual cost of the mileage acquired in that year did not exceed \$30,000 per mile, while the securities issued exceeded \$113,000 per mile.

Bearing in mind that we have nothing to do at present with the question of the actual cost of acquiring our railways, but only with the comparative alleged cost at different periods as this cost appears from the railway books, let us condense these calculations so that they may be at once taken in by the eye.

He thereupon condenses them, and I desire to print that condensed report.

1. Based on "cost of road" account:	Per mile.
Period prior to 1892	\$56,290
Period 1892-1900	42,098
Period 1900-1906	71,222
2. Based on "cost of road and equipment" account:	
Period prior to 1892	59,675
Period 1892-1900	44,801
Period 1900-1906	80,265
3. Based on "stocks and bonds" issued:	
Period prior to 1890 (U. S. Statistics of Rys.)	57,443
Period 1890-1900	82,260
Period 1900-1906	111,588
Same according to Poor's Manual:	
Period prior to 1890	59,046
Period 1890-1900	66,566
Period 1900-1906	129,208
4. Based on total issue stocks, bonds, and miscellaneous obligations:	
Period prior to 1890 (U. S. Statistics of Rys.)	60,340
Period 1890-1900	86,909
Period 1900-1906	129,949
Same according to Poor's Manual:	
Period prior to 1892	61,343
Period 1890-1900	64,959
Period 1900-1906	140,897
5. Based on total liabilities:	
Period prior to 1892	76,336
Period 1892-1900	53,749
Period 1900-1906	172,455

He then proceeds:

The first thing that strikes one in a glance at these figures is that no matter what method we employ for the measurement of the cost of our railways, the increased cost during the first six years of this century over all past records is something frightful. Let us employ only round figures.

If viewed from the simple standpoint of the alleged "cost of road," the increase over the preceding ten years was \$24,000 per mile, a sum nearly equal to the actual cost of railway construction.

If viewed from the standpoint of "cost of road and equipment," the increase was \$35,000 per mile.

If viewed from the standpoint of "stocks and bonds" issued, the increase, according to Poor, was \$63,000 per mile.

If viewed from the standpoint of "stocks, bonds, and miscellaneous obligations," the increase was, according to Poor, \$76,000 per mile over the preceding period.

If measured by the total liabilities, the excess was \$130,000 per mile; in other words, the gross liabilities per mile of line acquired in the first six years of this century were more than three times as great as the gross liabilities per mile of line in the eight years preceding 1900.

The second thing which strikes one in looking at these figures is that if the period 1890-1900 be taken as a period of economical railway acquisition, then the period prior to 1890 was one of extravagance, and the period following 1900 was one of gross extravagance.

He then adds:

The third striking observation that may be made is this: That if we had acquired our 27,000 miles of road in the period 1900-1906, as economically as we acquired our 40,000 miles in the period 1890-1900, this country would have been burdened with \$1,700,000,000 less railway "stocks and bonds," for which it received nothing; with \$2,050,000,000 less railway "stocks, bonds, and miscellaneous liabilities," for which it received nothing, and with \$3,510,000,000 less gross railway liabilities, for which it received nothing.

Finally, it is fairly apparent that some Mephistophelian influence has been at work during this century, loading our railway system and the country with billions of debts, for which neither the system nor the country has anything to show. That this is so will be obvious from one more comparison, which, at the expense of patience, I am compelled to make.

Since the only things which we know as railway facilities consist of railroad and equipment, as hereinbefore defined, we would naturally expect that in any thriving, economically, and honestly conducted railway system the cost of road and equipment would at different periods bear a fairly constant proportion to gross liabilities. Let us take our same periods and see how our railway system has been serving us, taking our data from the same balance sheets hereinbefore referred to.

1892, gross liabilities \$10,955,466,145

1892, cost of road and equipment 8,564,394,830

Excess of liabilities 2,391,071,315

1900, gross liabilities 12,993,686,620

1900, cost of road and equipment 10,263,313,400

Excess of liabilities 2,730,373,220

1906, gross liabilities 17,628,092,900

1906, cost of road and equipment 12,420,287,938

Excess of liabilities 5,207,804,962

Thus it will be seen that between the first period and the second the proportion of excess of liabilities was fairly constant, the breach between the two having widened by only about \$340,000,000 under the influence of the acquisition of nearly 38,000 miles of road. Between the second and third periods no such proportion is found, the breach widening to more than \$2,677,000,000 under the influence of the acquisition of less than 27,000 miles of road.

It would seem scarcely necessary to warn the reader against difference between thinking about the increasing cost of our railways, as railway people usually put it and as it has been above presented. The railway people usually say, "Oh, yes; the railway debt is increasing \$1,000 or \$2,000 a mile per year; but what does that amount to?" Well, I will show you what it amounts to by a very simple comparison taken from the figures of Poor's Manual, 1908, page clxxviii.

	Miles of railway.	Average per mile.	Total debt.
1906	218,433	\$71,388	\$15,500,548,957
1905	214,044	68,088	14,563,199,931
	4,389	3,350	1,090,349,020

Here you will see that an average increase of but \$3,350 per mile amounted to the enormous sum of \$1,030,349,026, and if you divide that sum by 4,389—the number of miles of road we acquired in 1905-6—you will see that each mile of road acquired cost the people of this country, not \$71,388, but \$234,757. If you prefer to take the years of 1906-7, you will see by the same authority that we acquired 5,948 miles of new road at a cost of \$907,844,112, or at the rate of \$152,629 per mile.

And yet is not this the twentieth century, the very Rooseveltian era, with its proclamations ad libitum against the "predatory rich," with its determination to put the bit into the mouth of hitherto uncontested wealth? And yet the greater part of the period prior to 1900 was supposed to have been specially characterized by all that was extravagant, reckless, and criminal in railway making; when the fountain, whence flowed watered stocks, was in its primal flow; and manipulation and stock jobbery were a recognized business. For the most part, in those days nobody imagined that the stock of a railroad corporation was anything but the legitimate profit of the promoter, or that roads should be built otherwise than out of their bonds. For was not that the era of the reign of Jay Gould and Jim Fisk, of the old Commodore, of Daniel Drew, and of Erie; the era of men and practices held up before our children as horrible examples? Yet with all their genius the old buccaneers were unable to stuff railroad capitalization more than \$60,000 per mile. How they must groan in their graves thinking what babes they were in the gentle stuffing art, knowing that

there are stuffers now in good health and with ever-increasing stuffing ability, who have stuffed railroad capitalization to \$234,757 per mile—over four times what the genius of the past could contrive.

WHY RAILWAY MILEAGE HAS INCREASED IN COST.

It is not for a simple novice like myself to say why this great increase in the cost of railway mileage appears. The broad fact which strikes me is this: That the cost to the country of acquiring its railway facilities prior to 1900 was dirt cheap, if what we are paying for them to-day is the right price. But while I confess my incompetency to solve this riddle, still this is an age of inquiry—an age of quite impudent inquiry—when men are questioning their gods, saying if we are compelled to pay the keep of the ghost we are entitled to know something about him and his heaven-descended keepers.

Therefore, mighty geniuses of railway finance, it shall not avail you to shroud yourselves in mystery, nor may you push us to one side as utter ignoramuses, nor answer us in generalities, for we demand to know why this increase and ever-increasing cost to us of our transportation facilities—to us and to our descendants who must foot the bills.

But I see you are irritated by my constant interjection into the argument of this phrase, "Cost to the country." Well, it will continue to be interjected into every line of the argument until you acknowledge, and the people see, either one of two things: That your liabilities are utterly dishonorable and may never be paid, or else that the American people must pay them. Will you say that you have borrowed this money from the people, intending to repudiate the payment of principal or interest or being indifferent thereto? If so, then I charge you with being a lot of criminals obtaining money under false pretenses. But, of course, you will say that you intend to pay both principal and interest when due. Then I ask, Whence will you get the money to make the payments? And your only answer is that you will collect it from the people in the form of fares and freights; that you will levy it, to all intents and purposes, as a tax. Can any legerdemain of reason, then, pervert the conclusion, (1) that the people must pay it, and (2) that every million of railway indebtedness upon which the railways must pay interest appreciably increases the tax you must levy; that when this indebtedness runs into billions, it must very greatly increase the tax; and that every dollar of the indebtedness which is fictitious is a dollar robbed from the people?

Will you say that this increased indebtedness has arisen because of the increased cost of maintaining your roads and their equipment? If so, I remind you that the cost of maintaining road and equipment is supposed to be paid out of income, and that you, who are the chief offenders, have not only so paid it, but have been pushed to it to conceal your income in maintenance charges.

Will you say that the roads have been better, safer, and more adequate? If safer, then why this showing? In 1900, all persons killed and injured, 58,185; in 1906, all persons killed and injured, 108,324. And if you speak of increased adequacy and efficiency, then I ask, When was transportation ever so paralyzed by inadequacy and inefficiency as in 1905-1907? And, besides, remember that you actually move the freight at the rate of 23 miles in twenty-four hours. Yes, you have more than doubled the cost of mileage, but have you doubled the safety and adequacy of the system?

Finally, will you say that this increase from \$62,000 per mile to \$140,000 or \$172,000 (whichever way you figure it) represents the increased cost of railway construction in the first six years of this century over the first sixty years of railroad construction? If you do, I will be obliged to say you are romancing. With the single exception of the price of labor, there has been no item which entered into railway construction in the past six years which was not relatively cheaper than for the period preceding 1900. For instance, you could have bought the best steel rails in the period since 1900 for an average of one-half the cost of poor rails in the whole railroad era before 1900, while the increase in the price of labor is more than offset by the efficiency of constructive appliances employed in recent years. Besides, such a conclusion is rendered impossible by your own figures. As above shown, your cost of road and equipment account is not within speaking distance of your liabilities.

In other words, about the year 1900 the plan of consolidating these railway systems began in earnest in the United States. The plan was a very simple one. They did not use their own money to buy one another's stocks. They issued their own stock and sold their own bonds to the American people, and with the money they bought the stocks of competing railway lines. In that way the railway system as it appears upon the map which hangs upon the wall yonder was built up. It did not cost the gentlemen who organized that system any money. Where they were not able to make an agreeable interchange of their stocks, for the stock of the companies which they desired to control, they sold to the American people new stocks and new bonds, and with our money bought the control of these railway systems; and by this process, without lessening to a dollar's extent the liabilities of the railway companies from which they purchased, they bought control, and increased by the million, by the hundred million, by the billion, the liabilities of the companies which they were engaged in absorbing, until to-day they have not only consolidated our railway system at our expense, but they have capitalized the proposition and left us and our children, world without end, to maintain the credit of these securities in our own markets and in the markets of the world.

I denounce the scheme as an intolerable fraud and a gigantic burden upon the people whose representatives ought to be alert for their protection.

Now, what does this amendment do? It makes unlawful the acquirement of securities of competing railway lines one by the other, and it goes a step further. It requires the securities which now enable one railway to control its competitor to be disposed of. It says it shall neither acquire nor hold such securities.

Some might think that was a very radical proposition, but it is not so radical as it looks on its face. It is not so radical

as to be out of harmony with the Republican platform; it is not so radical as to be out of harmony with the great speech on the railway problem which the President of the United States delivered in the capital of Iowa on the 20th day of last September, where he described these abuses, and proposed that the law should be so changed that one corporation should neither acquire nor hold the securities which give control of competitive lines.

It is not only from a political standpoint a conservative proposal, but if I could get the attention of the great leaders of railway finance I think I could secure now, as I was able to secure from some of them two years ago, when I first took up the consideration of these problems, their substantial acquiescence in the principles of this amendment.

The railways of the United States within a decade, if they keep up with the progress of business in the United States, will, according to the most expert testimony, have to invest at least \$10,000,000,000. Where are they to borrow it? Who is there in the world who will put actual money into a situation such as I have described? Already the complaint is made that investors are suspicious of the railroads. It is a misfortune to our people that it should be so, but it is not unreasonable that confidence should have been shaken. Who is there who will buy a railroad bond under circumstances such as prevail now in the railway management of the United States? Our own people have more than once shown a want of disposition to do it, and foreign investors have long since had an experience which renders them very doubtful as to the substance of our railway securities.

Where is the \$10,000,000,000 to come from that in the next ten years must be expended in order to modernize the transportation system of the United States, and, according to the testimony of Mr. James J. Hill, make it responsive to the growth and needs of the business of the American people? It will come from very humble investors in the United States, if the Government furnishes the investing world with some evidence that the securities are founded upon real assets.

It is a humiliation and a shame to our people that any wide-awake business man should look with distrust upon railway bonds, upon railway stocks, especially in the midst of such prosperity as the American people have now. If in the future every dollar's worth of stock issued should have the scrutiny of the Government and the approbation of the Interstate Commerce Commission before it is issued; if every evidence of funded indebtedness should be subjected to a friendly and rational control by public authority in the United States, what a change would occur in the stock markets and in the bond markets of the world.

If these securities were known to represent an honest administration of the railways; if every dollar of them was known to have behind it a corresponding dollar in tangible resources, how rapidly would the people of the United States identify themselves with our railway ownership. Trustees would invest the funds committed to their care; guardians of minor children would be free to buy these securities for their wards; everybody would have in the securities a confidence that they have not now and never can have until the Government of the United States discharges this most pressing of all its public duties.

I look forward to that time. I have sometimes been accused of being radical and sometimes possibly may have deserved the accusation, for many things have occurred to irritate my mind as I have tried, without much help from any quarter, to pursue these studies; but I have had before me all these years one vision of the future of American business. I have had the dream that one day all fraudulent speculative enterprises will be eliminated from our industrial life. I have had the hope that our stock exchanges and our boards of trade will one day feel the touch of a new conscience that will ultimately reform the market places of the whole world; and I have looked forward to the day when prejudice against railway properties shall disappear from the hearts of our people, and when millions of them, where there are now only thousands, will have a direct interest as holders of their securities, interested in the welfare of the corporations and confident in the integrity of their administration, because over all shall be the faithful eye of a Government vigilant and fearless in the discharge of its responsibilities.

MR. ELKINS. Mr. President, I agree with the speech of the Senator from Iowa more than I do with his amendment. While his speech was admirable, I do not indorse everything he said; but I am sure I can not indorse his amendment. Every Senator here wishes to correct the evil of overcapitalization and watering stocks. It is a great abuse and should be corrected. The States can do most toward this end. There is

not a Senator here who would not be glad to do it if we knew just the best form or method in which it can be done.

Take section 12, stricken out the other day. The first 27 lines of that section were good, where they provided that hereafter one railroad should not buy stock in a competing road. This is good and right as a general proposition. But objections were made to other parts of the section. I heartily favor a provision in the law that a railroad should not own any stock or bonds in a competing railroad, and I think we can yet secure such a provision in the law.

The Senator from Iowa favored section 7 of the bill, which was stricken out. I did not, because section 7, as drawn, modified the antitrust law, and I voted to strike it out for that reason.

I voted to strike out sections 13, 14, and 15 because there have been expressed some doubts about whether they did not interfere with the rights of the States in the matter of the capitalization of railway companies, and I felt that probably the substance of these sections could be incorporated in a separate bill.

The amendment of the Senator from Iowa is open to a great many objections. In the first place, I think it would conflict with the laws of the States about issuing stock and bonds of railroad companies.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from West Virginia yield to the Senator from Nevada?

Mr. ELKINS. I can not; I want to get through in a minute.

Mr. NEWLANDS. I wish to ask the Senator a question upon the matter which he was just speaking upon, and that is, why it is that the Senator and his friends, who have been the supporters of this bill, abandoned those three sections providing for the control of the capitalization of corporations engaged in interstate commerce? Was it because they are opposed to the recommendation of the President that national action should be taken upon the subject?

Mr. ELKINS. Mr. President, I have already answered that. I said that the principle I favor absolutely, and so does every Senator. I think, in the first place, the question of the regulation of the issue of stock and bonds belongs to the States in the first instance.

Mr. NEWLANDS. The Senator says he is in favor of the principle. Is he in favor of the assertion of that principle by legislation?

Mr. ELKINS. Certainly.

Mr. NEWLANDS. Is he in favor of the assertion of that principle by national legislation?

Mr. ELKINS. Absolutely, so far as it can be legally done.

Mr. NEWLANDS. By national legislation?

Mr. ELKINS. So far as national legislation would be constitutional and not in conflict with the laws of the States.

Mr. NEWLANDS. I will ask the Senator, then, whether in his judgment under the Constitution Congress can control the capitalization of railroad companies engaged in interstate commerce that are incorporated under the laws of a single State?

Mr. ELKINS. That is a great question. I doubt whether Congress can impair the right of the States to issue stock and bonds, limit their issue, or say what price they should be sold for—stocks and bonds are not instrumentalities of commerce. I hope the Senator will excuse me for not answering further.

Mr. NEWLANDS. The Senator, who is a supporter of the administration measure which was recommended by the President in the line of reform, is abandoning the Executive in his position that the National Government can exercise this power and ought to exercise it.

Mr. KEAN. Mr. President, who has the floor?

Mr. ELKINS. The Senator is making a speech and not asking me a question.

There are a great many good things in the amendment of the Senator from Iowa, but there are serious objections. For instance, I think section 5 legalizes holding companies. For my part, I am against holding companies. I stand by the decision of the Supreme Court in the Northern Securities case. I do not think we should attempt under the interstate-commerce clause of the Constitution to regulate or legalize holding companies.

Mr. NEWLANDS. Mr. President, will the Senator—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Nevada?

Mr. ELKINS. I can not yield.

The PRESIDING OFFICER. The Senator from West Virginia declines to yield.

Mr. NEWLANDS. I merely wish to ask the Senator a question.

Mr. ELKINS. I can not yield for I want to conclude in a minute, if the Senator will allow me. I hope the Senator will excuse me.

Mr. NEWLANDS. The Senator declines, then, to give any information regarding the matter which he is discussing.

Mr. GALLINGER. Let us have order, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia is entitled to the floor and he declines to yield.

Mr. ELKINS. The amendment is too complicated to be understood on a hasty examination. It is ten pages long, and it is open not only to the objections I have stated, but others. For instance, it limits the earnings of securities to 6 or 7 per cent. This goes too far. No limitation should be placed on what property will earn.

Mr. DOLLIVER. Mr. President, will the Senator pardon me? The amendment which I have offered was introduced in the Sixtieth Congress, and it has been pending before the Committee on Interstate Commerce now for two years.

Mr. ELKINS. I have studied it, but I have not been able to understand it, and I do not believe the Senator himself understands all the different questions the amendment raises. The Senator practically said so in his speech.

Mr. DOLLIVER. I trust the Senator will not too greatly distrust my capacity to understand it.

Mr. ELKINS. Not at all. He knows more about what it accomplishes than I do; but the Senator said, about what I stated—that it is complicated and difficult to understand—and he had reached these conclusions under the greatest trials and difficulties to master the subject.

Mr. DOLLIVER. I did state to the Senate that I had the aid of great lawyers and of expert railway economists, and by their assistance I made my way through the wilderness in which the Senator from West Virginia naturally walks without any embarrassment or any need of assistance.

Mr. ELKINS. Mr. President, all of us have not railroad experts at our elbows, and especially just now, to advise what his amendment means.

Mr. DOLLIVER. I could have discharged all of the experts if I had had the help of the Senator from West Virginia.

Mr. ELKINS. I do not know about that. One thing I am sure about, I do not understand the Senator's amendment. I rose just to express some few objections that I have to the amendment of the Senator from Iowa.

Mr. CRAWFORD. Mr. President, I was disappointed when the Senate absolutely abandoned section 7, and I was disappointed when, on yesterday, it abandoned the sections of the bill dealing with the issue of stocks and bonds. I for one have not yet reached the conclusion that declarations made by great political parties in the great national conventions that convene in this country every four years—gatherings the like of which are found nowhere else in all the world—are to be treated lightly; are to be obeyed when they conform to the inclinations of individual gentlemen, and set aside carelessly, thoughtlessly, and flippantly when they interfere with the views of individuals.

It is perhaps true that in these great gatherings, whose delegates meet every four years from every nook and corner of this Republic, and by voluntary expression of principles and by voluntary expression of choice present to the people principles upon which they expect to win in the succeeding campaign, and by voluntary choice choose the great leaders whom they propose to the American people to fill these positions—it may be that in their councils there are men representing special interests and with axes to grind who sometimes secure expressions in the platform that are not in accordance with the public interest; but I contend that, as a rule, the declarations of great national political parties in their national conventions express the view of the average men who belong to the parties thus represented, and that the primal object in forming and expressing these platforms and these resolutions is to touch the popular heart and go to the great electorate of this country in the hope that the propositions so presented will appeal to the judgment and to the conscience of the majority of the American people.

Is there anywhere else on earth, under any flag or under any form of government, a gathering so inspiring, whatever its faults may be, a gathering so representative, whatever criticism may be presented against it, as these great voluntary gatherings that meet to declare the party platforms and to put forth the candidates for public office? It is an inspiration to every citizen in the Republic to attend one of those great gatherings and touch elbows with the men who meet there. You can not meet in one of those great organizations, whether you are a Democrat, whether you are a Republican, or whether you be-

long to some of the smaller parties, without having a pride in your country, in its institutions, and in this unique method of expressing itself in regard to candidates and upon questions of principle.

The Republican platform, upon which the candidates were presented to the country and which was put out as its expression of principle, declared in favor of making these traffic agreements subject to approval, and also said:

We favor such national legislation and supervision as will prevent the overissue of stocks and bonds in the future by interstate carriers.

We are here under a duty received in this manner from the convention of our party, and we are here with the express declaration of the President of the United States, representing that party, in favor of this legislation; and I, for one, protest against its abandonment, without the slightest justification of attempts to do a plain duty here.

If the sections presented have faults, let us remove the faults; if the sections upon these subjects need reconstruction, let us reconstruct them; but how are we to explain to the people of this country that we are too weak; that we are so lacking in constructive power and ability here that we are unable to do the things which we have received direct orders to perform?

I hope that, instead of treating the amendment indifferently and as having too many sections to take the time to read, we may investigate it section by section, with the purpose, and the determined purpose, of building up from it a law which will in good faith keep the pledge that has been made to the American people.

Mr. President, upon the question of charges, upon the question of capitalization, upon the question of traffic agreements, you have the three subjects—the three vital subjects, the three real subjects—in which the people of this country are interested. We may create commerce courts and we may provide that the shipper may elect which route he will take; we may put in a few provisions of that kind in this bill; but if we turn around and walk away without facing these vital parts of the bill, we can hardly say that we have done our duty in this legislation. I hope the amendment will be seriously considered.

Mr. BRISTOW. Mr. President, I desire to ask that the clipping, which I send to the desk, from the Wall Street Journal of May 26 be inserted in the Record. I will ask that the headlines be read; but not desiring to take any more of the time of the Senate than is necessary, I shall not ask that the entire article be read.

THE PRESIDING OFFICER. Without objection, the article will be printed in the Record without reading, and the headlines will be read by the Secretary, as requested by the Senator from Kansas.

Mr. BRISTOW. Before the headlines are read, I desire to say that the Union Pacific Railroad is bonded for about \$60,000 a mile and that it has a capital of about \$98,000 a mile, making a capitalized indebtedness of something over \$150,000 a mile, while its property could be reproduced as it is to-day for \$35,000 a mile.

THE SECRETARY. The following are the headlines from the Wall Street Journal of May 26, 1910:

UNION PACIFIC PROMISES YEAR'S SURPLUS OF 18.8 PER CENT FOR COMMON—COMPARES WITH 17.36 PER CENT LAST YEAR, PERCENTAGES BASED ON STOCK OUTSTANDING AT PRESENT TIME—INCREASE IN NET EARNINGS PROBABLY \$2,500,000—DECREASE FIXED CHARGES \$1,000,000—SURPLUS RAILROAD EARNINGS 10.8 PER CENT ON COMMON, OR \$2,000,000 ABOVE 10 PER CENT DIVIDEND DISBURSEMENT—OTHER INCOME SHOULD BRING SURPLUS AFTER DIVIDENDS TO ABOVE \$19,000,000.

The article following the headlines is as follows:

Union Pacific promises a year's surplus for the common stock of approximately 18.8 per cent. Further conversion of bonds may somewhat reduce this percentage, the estimate being based on the \$216,579,300 stock outstanding May 21. Last year's surplus for common dividends amounted to 17.36 per cent on the above stock, the estimate for the current year being a gain of \$1.44 for each share.

Of the estimated 18.8 per cent, net earnings from operation are expected to provide 10.8 per cent *v.* 9.18 per cent last year, and income from investments the remaining 8 per cent *v.* 8.18 per cent a year ago. In the fiscal year ended June 30, 1909, the Union Pacific surplus for common dividends was \$37,616,641. Of this amount railroad earnings yielded \$19,880,248 above fixed charges and preferred dividends, and other income \$17,736,393. In the current year the surplus of earnings over fixed charges and preferred dividend requirements is expected to be about \$3,500,000 more. As indicated, other income will probably be slightly less than last year.

Net earnings for nine months of the current year were \$31,090,253, a \$1,909,870 increase over the parallel period of 1909. March made a relatively poor showing, but the decrease of \$390,380 in net for the month was due almost entirely to washouts, which increased expenses so sharply as to more than offset the substantial gain of \$985,304 in gross earnings. As this upward tendency of gross should be considerably reflected in net for April, May, and June, it may reasonably be expected that the increase in net earnings for twelve months will reach \$2,500,000, making operating income for the year approximately \$40,750,000.

Fixed charges will show a decrease of about \$1,000,000 through retirement early in the latter half of 1909 of some \$30,000,000 con-

vertible bonds, and a further saving, placed at \$150,000, on \$6,675,200 additional of these bonds, which drew interest part of last year prior to conversion. On the other hand, there will be added, approximately, \$200,000 interest on \$3,000,000 refunding fours sold late in the fiscal year 1909, and \$8,402,235 sold during the current year. This would give a net decrease of some \$1,000,000 in fixed charges, making the amount about \$13,400,000.

Deducting fixed charges and the \$3,983,000 dividend requirement on \$99,569,300 preferred stock outstanding, there would remain a \$23,350,000 balance of railroad earnings, equal to 10.78 per cent on the outstanding common stock.

Income from investments will probably show a slight decrease because of sale during last year of Union Pacific's St. Paul common, Great Northern, and Northern Pacific holdings, and early in the current year of its \$10,000,000 Atchison preferred and \$5,000,000 of its Southern Pacific. Part or all of the interest on \$20,000,000 San Pedro bonds, amounting to \$800,000, may have been passed this year, owing to the fact that the property has been out of commission since the 1st of January.

Even so, the aggregate cut in income, amounting to \$1,800,000, has been partially offset by the purchase in January of 74,100 shares of Southern Pacific, the exercise about the first of the year of subscription rights to 35,713 shares of New York Central and 8,037 shares of Chicago and Northwestern, and the purchase of 12,000 additional shares of Illinois Central stock. These and other minor purchases and holdings on which income was not received last year, plus an increase of upward of \$1,000,000 in interest on loans, should reduce the decrease in "other income" to about \$400,000, making this item \$17,300,000 for the year, or 8 per cent on the common stock now outstanding.

Summed up in another form, after paying dividends amounting to \$25,600,000 Union Pacific promises to have a year's surplus income of \$19,000,000. Without its other income of over \$17,000,000 it could pay its 10 per cent dividend on \$216,000,000 common stock from actual railroad earnings and have a surplus of about \$2,000,000.

MR. NEWLANDS. Mr. President, I was greatly surprised yesterday at the turn which legislation took regarding the stock-control features of the pending bill, and I was so confused by it—for I do not profess to be much of a parliamentarian—that I abstained from voting. I subsequently endeavored to explain my failure to vote, but was denied the opportunity.

I was amazed, in looking over the Record, to find that the entire Senate was in substantial accord upon one proposition. By a vote of 68 to 1 the provisions of the bill relating to the issue of stocks and bonds was stricken from the bill. Individually, I believe in the power of the National Government to control the stock issues of state corporations engaged in interstate commerce, because I believe in the power of the Nation to regulate interstate commerce and all its instrumentalities; and I have been curious to know whether this apparently unanimous vote upon this proposition indicated either hostility to the principle itself of the control of the stock issues of state corporations or whether it indicated a doubt upon the part of many who believe in such control in the constitutional power of the Nation to exercise it.

I am inclined to think, upon reflection, that this enormous majority was made up of men of both views—by the union of those who are opposed to control of public-service corporations and who have persistently in Congress and out of Congress for years fought against any progressive legislation on that line, and those who honestly believe that corporations should be controlled, but who question the power of the Nation to exercise that control with reference to state corporations. If this be so, we have the unfortunate spectacle of a great national movement destroyed, although there may be a majority in Congress in favor of the exercise of this control as a principle, simply because they differ as to whether the State or the Nation should exercise the control.

I can not, for my part, understand how anyone can deny the power of the Nation to regulate the issues of state corporations engaged in interstate commerce. It matters not what the instrumentality is, it matters not where its birth is, it matters not where it was organized, the national power operates upon the instrumentality itself, whether that instrumentality be created by the Nation or by the State, and if the effect of the exaggerated issues of railroad stocks and bonds is to place a burden upon interstate commerce, the Nation has, in my judgment, clearly the right to exercise that power.

I have reason to believe that there are a few, and only a few, upon this side of the House that share this view; but if they do not share it, they stand against the platform of their own party, which has declared itself in national convention clearly and unequivocally upon the subject, just as the Republican party has declared itself. I say, further, that they differ from the great mass of Democrats in the country, who do not stand upon the narrow construction of the Constitution by a section of Democrats represented in this body, but who believe that the Nation has such power and that it is a sacred right of every State to see that the Nation exercises fully the powers granted by the States. It is a thing of which the States have a right to complain if the Nation fails to exercise righteously and in the interest of the people the power which they have given the National Government under the Constitution.

What does the Democratic platform say upon this subject?

We favor such legislation as will prohibit the railroads from engaging in business which brings them into competition with their shippers; also legislation preventing the overissue of stocks and bonds by interstate railroads.

What did they refer to when they spoke of interstate railroads? The railroads engaged in interstate commerce and incorporated under the laws of the States, as all the railroads of this country, with one or two exceptions, are. They were calling attention to this great evil that exists—the uncontrolled issue of stocks and bonds by state corporations and the uncontrolled methods under which the organizers of these corporations resort to the State of least restriction for the purpose of obtaining their corporate powers, with a view of placing burdens on the country in the shape of bonds and stocks, upon which the country must pay interest, for which no value whatever is received by the railroad corporations themselves.

Addressing themselves to that issue, which had been publicly discussed for years and upon which the public mind was unanimously made up, or almost unanimously, the great Democratic party, in convention assembled, issued its instructions to its representatives and declared in favor of legislation preventing the overissue of stocks and bonds by interstate railroads.

So far as I am concerned, I hope the Senators on this side of the House who propose to disobey that mandate of their party will give their reasons before the American people and before their party. There need be no fear that the Democratic party will take a backward step upon this proposition at its next convention. It will reiterate this declaration with increased force, and those who vote against their party platform upon this issue will have to meet the people upon their vote.

What does the Republican party platform declare?

We favor such national legislation and supervision as will prevent the overissue of stocks and bonds in the future by interstate carriers.

And so these two conventions, representing, upon issues which had been publicly discussed for years, almost the entire people of the country, declared themselves in favor of legislation upon this subject, and yet the indications are that the Senate of the United States will refuse to put upon the statute books any legislation whatever upon it, and it will be accomplished by the union of two classes of votes—the men who are against the reform and the men who, being in favor of the reform, confess their impotence under the Constitution to carry it out.

Mr. President, I regret that these three sections, 13, 14, and 15, were stricken from this bill. I was not in favor of them in their entirety. I believed they required amendments. I believed they would receive amendments, beneficial amendments, as other sections under this bill have received it under the aggressive action of the progressives of this body, led by those two great commonwealth builders, the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Iowa [Mr. CUMMINS]. I regret that similar methods were not resorted to regarding these sections.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Yes.

Mr. CUMMINS. I appreciate the compliment which the Senator from Nevada has bestowed upon me, and I desire to say that the plan which has been presented by my colleague is so much better than sections 13, 14, and 15 could possibly have been made, that we have believed it was wiser to attempt to substitute that plan for these sections than to amend the latter sections.

I think the Senator from Nevada will find upon examination that the legislation proposed in the amendment presented by my colleague is not only comprehensive in its detail, but that it will be thoroughgoing in its effect.

Mr. NEWLANDS. I am not prepared to give my views now as to the merits of the amendment proposed by the senior Senator from Iowa, but I think it would have been better tactics to have allowed this whole question to remain in its original status, namely, that the amendment of the Senator from Iowa should be presented as a substitute for sections 13, 14, and 15 without striking out those sections preliminarily.

In that event, had the Senator's amendment been lost, we would still have had the original sections as a basis for amendment; and my observation of the action of the members of the majority party in this body is that they will not willingly accept any amendment that bears the stamp of any progressive Republican in this body, and that they will defeat any amendment, however good it may be, which has authorship among the progressives; and that the success of the progressive Republicans has been in this, that their arguments have been so strong, they have been so supported by public opinion through-

out the country that they have forced the majority of their own party to finally accept modifications of this original bill which have been beneficial to the country.

What I fear and what I believe will be the case is that the Dolliver amendment will be lost, and then we will have no original sections upon which to fall back, with innumerable amendments of exclusion and addition, which in the end would force action by the majority Members.

I believe that President Taft is entirely sincere in the movement he has inaugurated for progressive action. I believe no man can read his message upon interstate commerce without being convinced that he has at heart great reforms in the regulation of interstate commerce, and that wherever he has erred, either through his own action or the advice of others, it has been an error of judgment and not of conscience or of the heart, and I believe that the majority of the Republican party in both Houses are against his programme of reform; that they would gladly see it defeated; and that the progressive element in the Republican party is in the minority in both Houses.

What I fear is that the action of the progressive Republicans and the action of Democrats who propose to stand against their party platform upon this particular, has created a situation which makes it impossible for us to avail ourselves even of the wise suggestions of the administration contained in sections 13, 14, and 15. This is what I fear; and so I regret that this comes up as an additional section instead of as originally proposed as a substitute for sections 13, 14, and 15, leaving those sections still in the bill subject to amendment, provided the amendment of the Senator from Iowa [Mr. DOLLIVER] is beaten.

Mr. President, I asked the chairman of the committee some questions which he doubtless found embarrassing, for he refused to answer, and he doubtless found them embarrassing because the majority of the majority party in this body has abandoned the President in his determination to aid in reform regarding these exaggerated issues of stocks and bonds. They gladly availed themselves of this amendment to betray the President.

They have been professedly for the presidential programme, not because they wanted it, but because they feared unless it was adopted a more radical programme would be adopted, and they have seized the President's programme as a means of defense against the dreaded radicalism of the progressive Republicans, and not because they believe in the reforms called for in the President's message.

The whole history of Congress, the history of the Senate, ever since the question of the regulation of interstate commerce came up before it, demonstrates this. Instead of acting in a large and free way, as almost all the States have done in the matter of regulating purely state commerce, creating state commissions with full power over rates and classifications and every detail of traffic arrangements, Congress has been reluctant to give any power to the commission created by the Nation for the purpose of regulating interstate commerce, yielding to popular demand only enough to enable it to deceive the people.

And so for twenty-five years we have been legislating upon this subject and not as yet have we upon the statute books any legislation which gives the Interstate Commerce Commission over interstate commerce the same power that is possessed by almost every State of the Union over purely state commerce.

That refusal has been made by the party which is now dominant, and which during the most of this period has been in absolute power. They would gladly defeat the President's programme to-day if they could, and they yield to it simply to prevent legislation upon this question, within the national jurisdiction, as full and comprehensive and adequate as that which has been enacted by each State within state jurisdiction.

Mr. President, we have been lost almost in the complexity of this debate and in the complexity of the various questions that have been considered. I trust that at some time the Senate of the United States will turn to a simple solution of the railway question, and that will be the incorporation by the National Government of the great corporations that are engaged in interstate transportation; that it will not permit an individual State to create the great instrumentalities that are to do business in other States and throughout the Union; that it will not permit those States to go on as they have been, allowing such corporations exaggerated issues of stocks and bonds, and practically freeing them from all restraint; that the Nation, realizing that interstate transportation constitutes over two-thirds of the transportation of the country, will insist upon it that the instrumentalities for engaging in that jurisdiction shall be created by the Nation itself.

I have been for a long time urging in this body that such a corporation law should be passed. One can be framed that will be absolutely regardful of the rights of the States, preserving to them their control over purely state commerce, so they can regulate a national instrumentality, engaged in interstate commerce, so far as state commerce is concerned, just as the Nation can regulate a state instrumentality so far as interstate commerce is concerned, leaving, I say, to the States the power to control these national corporations as to purely state commerce, leaving them their police control, leaving them their control of taxation over the physical property of these corporations, but giving to the Nation the control in the first instance of these issues of bonds and of stocks, and then providing for a limitation upon dividends of from 6 to 8 per cent, that limitation operating automatically toward a reduction of rates as the business of the railroads increases—either to a reduction of rates or to a betterment and improvement of the roads, or to an increase of wages, all of them beneficial to the masses of the people, the rights of the capital employed being protected by the allowance of a dividend of from 6 to 8 per cent.

If we should enter upon such a course, a course the wisdom of which history verifies, we would substitute for the interference of these great regulating bodies of the various States the interference of state legislatures, the management by the national commission of innumerable details, a control which in itself, in the end, would accomplish everything that can be accomplished by the intrusive action of regulating tribunals, for if you can control the capitalization and can limit the dividends automatically, as I have stated, increase of traffic and business will tend either toward a reduction of rates or the improvement of the roads, or the increase of wages.

We should provide also in such a bill that 1 per cent of the gross receipts—amounting to-day to \$2,500,000,000; say \$25,000,000 annually—should be put into an accident and insurance fund for the protection of employees, that fund to be invested under the direction of the Interstate Commerce Commission, to be expended in payments to those who have been incapacitated either by accident or old age.

Thus we would bring about a humanitarian system of control of the employees of a railroad that would do away with the dissatisfaction which now exists; do away with the demands for legislation regarding employers' liability bills, and so forth; do away with the litigation between the employees and the railroads, and substitute a charge of \$25,000,000 annually for a protective fund to the employees, frankly imposed upon the traffic of the country as an operating charge of the railroads themselves. Thus we would have a system which would gradually and progressively result in a reduction of rates, which would insure the improvement of the roads, which would insure satisfactory wages to the employees, and which would insure humanitarian treatment of them when they were disabled by accident or old age.

The national system, taking hold of ten or twelve great railway trunk lines running from coast to coast and from the Lakes to the Gulf, embracing from fifteen to twenty thousand miles each, parallel lines with their branches, each line in competition with the other, through its branches running into common territory would secure the highest efficiency of that service, because upon good service would depend the business of a railroad engaged in competitive business of that kind, and insure a gradual and progressive reduction in the rates, only such a reduction as would be warranted by an increase of business.

This is no new theory. When the Union Pacific Railroad Company was incorporated Congress at that time imposed a limitation of dividends of 10 per cent. It is true it was disregarded. Those railroads controlled the action of Congress instead of Congress controlling them; and the result of the endless confusion has been that the Union Pacific Railroad has drifted out of the control imposed upon it by the original organic law.

A limitation of 8 per cent was imposed upon the New York and New Haven Railroad, one of the best-managed railroads, if not the best-managed railroad, in the country. The result was that that railroad, unable to declare all its profits as dividends, expended them largely upon the betterment of the road until it secured two, three, and four tracks, and the administration of the railroad has been perfected year after year. It is true that unwise legislation has since been indulged. That railroad system has become the controlling factor in the legislation of the State of Connecticut, and is becoming the controlling factor in the legislation of Massachusetts; its purpose being, as I believe, to be relieved of the restraints imposed upon it by its original organic law.

We hear talk of the overissues of stocks and bonds; we hear charges of exaggerated monopoly, the purchase by that system

of all the electric railways pretty nearly in Connecticut and Massachusetts, a process—so far as Massachusetts is concerned—which was condemned by the supreme court of that State; and finally we have the merger of that system with the Boston and Maine system in New England, two systems merged in one, now practically constituting a monopoly of the entire transportation of the New England States.

If we had had a national charter under which proper consolidation could have been effected, we would have found it so controlled as that consolidation from one end of New England to the other of connecting lines would have been accomplished without involving parallel lines, and in such a way that there would have been at least two systems running through New England from New York up to Portland, Me., instead of one, each system with its branches entering the territory of the other, and thus securing that competition which is essential in order to maintain perfection of service. Had we had a national incorporation act under which that could have been accomplished, desirable consolidation would have been perfected and undesirable consolidation would have been prevented, and overissues of stocks and bonds would have been prevented.

But what was done? But one State, I believe, raised a protest. The result was a compromise under which a holding corporation was organized under the laws of Massachusetts for the purpose of bringing these two great railway systems under one control. So we, abandoning our functions here, refusing to exercise them, have put upon the State of Massachusetts the duty of framing the machinery through a local corporation that is to satisfy the interstate requirements of six New England States and to satisfy the interstate requirements of those States with all the rest of the Union.

Is not this an abandonment of the functions belonging to the Federal Government, an abandonment of the plain duty imposed upon Congress, which has the same duty imposed upon it to create the instrumentalities that enter into interstate commerce as the States have to create the instrumentalities that enter into state commerce? Are the State of Connecticut, the State of Rhode Island, the State of New Hampshire, the State of Vermont, the State of Maine to rest satisfied with the legislation of Massachusetts upon this subject—legislation in which they have no voice? If we had a national incorporation act, each one of those States, through its Members of the Senate and its Members of the House, would have a voice in the framing of that legislation with a view to interstate requirements and with a view to interstate development; but as it is, the neglect of our duty results in the State of Massachusetts being the dominant factor in the interstate legislation relating to five other States and relating to the entire Union.

I ask my southern friends, who are so tenacious for States rights, whether it is not the right of every State in the Union to see to it that the Union of States exercises the power that the States have granted that Union for the common good. Those States have divested themselves of the right to regulate interstate commerce. They have granted it to the Union under the Constitution. Is it not the right of each one of those States to demand that that function and power shall be exercised by a sovereign capable of dealing with interstate commerce and whose jurisdiction is as broad as interstate commerce itself?

In the Southern States we find three or four great railway systems, enormous systems, aggregating from ten to twelve thousand miles of railway. The Southern Railway system was organized under the laws of Virginia, but is operating in ten other States. What voice did the State of Georgia or of Alabama or of Florida or of South Carolina have in the shaping of the act that was passed by the State of Virginia for the incorporation of the Southern Railway? If that railway is to operate within all those States, should they not have a voice in the legislation that creates it? What do they think of the violation of their rights as States when a sister State arrogates to itself the right to create the instrumentality that is to do both state and interstate business within their borders?

So it is with the Atlantic Coast Railway Company, a corporation organized not in a sister Southern State, but under the laws of Connecticut. What voice had any one of those States in the creation of that corporation or in the law under which it is created? What voice had it as to restrictions of bond and stock issues? What voice had it as to any of the wise restraints that ought to be imposed by law upon these artificial beings? Is not the right of the State of Georgia, is not the right of the State of Alabama, and of Florida, violated when the Union, to which this power of the creation of these instrumentalities has been granted, refuses to exercise the power and forces the railroad managers, by economic necessity, to resort to the State of Connecticut for the powers to be exercised in ten sovereign Southern States?

But if Congress is not prepared to-day to pass the legislation for the creation of these giant corporations engaged in interstate transportation, can it not, at all events, provide in this bill for the creation of holding companies which can hold the stock of state corporations, thus giving that unity of control which is essential for interstate operations? Such a system would leave each state corporation a state corporation, subject to the jurisdiction of the State, but it would also provide the machinery by which the control of the scattered corporations in the various States could under national legislation be put into a holding company that could regulate their affairs so far as interstate transportation is concerned.

Are we to continue the system of permitting New Jersey to manufacture the holding companies for the entire country? If we are not willing to create giant corporations which, through ownership, can construct railroads in the various States or purchase existing state railroads, can we not, at all events, in this law authorize the creation of mere holding companies, which, without owning railroads in the various States, will simply own the shares of corporations created under the laws of those States, the state corporations owning the property? Will we not by that process get control of the enormous issues of stocks and bonds which are afflicting the country? We could easily provide that at the expiration of five years no state corporation should own shares of stock in any railway corporation organized under the laws of any other State, and, having meanwhile created a federal agency for that purpose, by a gradual process during a period of five years the state holding companies usurping the functions of the Nation would gradually disappear and the national holding corporation be substituted for it.

Would not that satisfy every requirement of states rights? It would leave these state corporations still the creatures of the State, still owning railroads in the State, still operating railroads in the State, subject to state laws, state police laws, state tax laws, the laws of the State relating to state commerce; and yet they would be bound together through this holding company in such a way as to satisfy the requirements of the Union of States in all matters relating to interstate transportation.

Mr. President, I am at a loss to know why Congress does not act in so simple a matter, why it can not act as fully and comprehensively upon this question as the States themselves have acted. My only answer is that it must be due to the enormous influences of the great interests which through many and devious ways in their control of legislation are determined to prevent simplicity of organization, to prevent simplicity of control, to prevent simplicity of operation, for when simplicity in all these particulars comes the day of exaggerated fortunes created by the betrayal of public trusts in the management of these great railways will disappear; the opportunities for graft, for exaggerated profits, for using these great instrumentalities of commerce as the playthings of the market will disappear.

I do not mean to imply that Congress knowingly subjects itself to the control of these interests and these influences, but I do believe it is to the interest of the men who have thus far been exploiting these railroads, exploiting the stockholders, exploiting the public, to keep this whole question of the relation of these corporations to the State on the one hand and to the United States on the other in complexity.

There should be nothing confused about it. We have to deal with two sovereigns, each acting within its jurisdiction, the one having jurisdiction over state commerce and the other having jurisdiction over interstate commerce; and if you only let each sovereign exercise, through legislation, to the full the power it enjoys we will find that the difficulties will disappear, that cooperation between the States and the Nation will be accomplished, that wise regulation, scientific regulation, will take the place of the present confused and unsatisfactory system of control.

At another time, Mr. President, I shall offer an amendment adding an incorporation act to this bill. I have no expectations that it will pass. It is simply a part of the educational work that has been and is going on, and which I believe will ultimately result in the placing of some such law upon the statute book.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. DOLLIVER].

Mr. JONES. Mr. President, the Senator from South Dakota [Mr. CRAWFORD] expressed my sentiments in regard to striking out sections 13, 14, and 15 of the bill on yesterday. I voted for the motion not because I really am in favor of striking them out, but because all elements in the Chamber seemed to think they should be stricken out, and upon the assurance of the Senator from Iowa that he expected to present these amend-

ments to-day. So far as I am concerned, it seems to me that we can go on and perfect this amendment just the same as we could have perfected the sections as they were in the bill. They are before the Senate for consideration. I think that we ought to carry out the platform and the recommendations of the President, if it is possible to do it. I trust that the Senate will endeavor, at least, to perfect the amendment offered by the Senator from Iowa, so that we may get something along these lines in the bill.

Mr. BEVERIDGE. Let us have the yeas and nays.

Mr. DOLLIVER. I desire the yeas and nays on agreeing to my amendment.

The yeas and nays were ordered.

Mr. BAILEY. Mr. President, I could never cast my vote for the pending amendment, no matter how many political conventions might write a demand for it in their platform. If I understand the character of this Government, and if I understand the power of Congress over interstate and foreign commerce, a provision like this is wholly beyond the jurisdiction of the General Government.

I thoroughly agree that every sovereign which creates a corporation ought to limit the right of that corporation to issue its stock and bonds. That duty rests upon the sovereign by the plainest principle of justice and good faith. Obviously it is a wrong against the public to create a corporation and authorize it to issue stocks and bonds which represent no substantial value. The capital stock of a corporation is the fund upon which those who deal with it may fairly depend to meet the obligations entered into by that corporation and the contracts made by it with the people, and it is a fraud upon the public to give any corporation a charter which enables it to conduct a business and to obtain a credit upon a representation as to its capital stock which is not true in fact. But, sir, that duty arises out of the power to create the corporation, and rests only upon the sovereign which creates it.

The suggestion has been made that corporations repair to the State with the most liberal laws and avail themselves of privileges obtained in that State to impose upon the people of other States a fictitious capitalization. That argument would be persuasive to me if the corporation possessed the power to force upon the people of other States their fictitious stock or their overissued bonds, but certainly there is no power anywhere to compel any citizen to purchase a single share of its stock or one dollar's worth of any corporation's bonds. That is purely a matter of private contract between those who purchase and those who sell the stock and bonds.

The suggestion that the traffic of the country can be taxed to pay interest on these overissued bonds or to pay dividends on the fictitious stock does not appeal to me in the least, because that is not the law of this land. The railroads are not entitled to earn a dividend upon their stock or interest on their bonds. What they are entitled to earn, and all they are entitled to earn, is what can be made by them under a fair charge for the services which they render to the public.

If some projectors of a railroad would organize it without issuing any bonds at all and capitalize it at \$1,000 a mile, that railroad would be entitled to charge precisely the same, and no more, for their service than if they capitalized it for \$50,000 a mile, and then bonded it for another \$50,000 a mile. To my mind nothing can be plainer than that the public as shippers have no interest in stocks or bonds. If a railroad is overstocked and overbonded it can not impose upon the public excessive charges in order that it may pay dividends and meet the interest on its obligations. If a railroad is understocked and underbonded, by which I mean stocked and bonded for less than for its actual cost of construction, the public is not entitled to demand its services for less than a fair compensation.

I will never admit that an overissue of stocks and bonds now outstanding against many of these railroads can be fairly fixed as a charge upon the American public; and yet, sir, if it be true that railroad charges must be regulated according to its stocks and bonds, then what relief can we promise the people against excessive rates?

No, Mr. President, that is not the test. Without reference to whether there is any issue whatever of bonds and without reference to whether the stock issued shall represent the fair value of one-tenth of it, the railroad is entitled to charge a fair compensation for its service, no more, and it can be compelled to render that service for no less.

I grant you, sir, that the value of any property with which a service is rendered becomes an essential element in determining the value of its services, but even the value of the property itself is not always conclusive as to the value of its service. In the absence of other proof it would be conclusive, but the value of the property is only an evidence as to the value of the service.

One property devoted to the public use might be capable of rendering only a limited number of services, and another property of the same value and likewise devoted to a public use might be capable of rendering a multitude of services; yet, sir, the same rule can not be applied either as to profits or the charges of both. What each is entitled to, and what both are entitled to, is the fair value of their services. When we need to determine this, and when the commission needs to determine it, it ought to have before it the actual physical value of the property; and even that, Mr. President, is only an evidence to be considered in connection with the number of services which that property can perform.

Not only do I deny that the people can exact a service from a railroad capitalized for less than it is worth upon that basis, but I resist the suggestion that any railroad by overcapitalizing, under the permission of any law, state or federal, can impose upon the American shippers an unjust and an unreasonable charge.

But, sir, I might leave that to the courts and cheerfully abide their decision if that appeared to me the whole question here. That, however, to my mind is the smallest question here. This amendment, if it shall become a part of this bill, and if this bill becomes the law and is sustained in the courts of this country, will revolutionize our Government. If the Federal Government, under the power to regulate commerce, can control the issue of stocks and bonds by a state corporation, then there is no limit to its power over the railroads of the country. Surely, Mr. President, it will not be denied that the charges collected by the railroads on traffic wholly within a State exert a more powerful influence upon interstate rates than the issue of stocks and bonds.

Every Senator will perceive, upon a moment's reflection, that the entire volume of the railroad's revenue is made up by its collections from interstate and intrastate rates; and if the railroad is entitled to collect from the people enough to pay dividends on its stocks and interest on its bonds, it becomes a controlling factor in that problem to determine how much it shall receive for its intrastate traffic. It must therefore be more completely within the power of the General Government to supersede all intrastate rates on the ground that they interfere with the interstate and foreign rates than it is to undertake the control of stocks and bonds. The one is a positive, direct, and unavoidable part of that proposition; and I have no hesitation in saying that, once you admit that the power of the Federal Government descends to a regulation of stocks and bonds, the power of the States over the question disappears at once and forever. Not only, sir, may the Federal Government supersede and control the intrastate rates under that theory, but they can regulate the wages of the railroad employees, because the expenses of the railroad become a vital consideration in determining its revenues, which alone are available for the payment of dividends and interest.

If this amendment becomes a law, we have reached the end of the state control over all intrastate rates as well as interstate rates. It is not necessary, Mr. President, even if it were constitutional, for us to go that far. There is a wiser, a juster, and a safer rule than that. That wise and just and safe rule is that for every interstate shipment the railroad is entitled to make such a charge as affords a just compensation for the service which it renders. That rule nowhere touches the sovereignty of the State; that rule nowhere interferes with state rights or state control over the traffic within the States; but once admit a proposition like this, and I can see no limit to it.

Mr. President, this amendment involves another departure from a well-settled principle of law. From time immemorial it has always been held by the highest courts of this country that the power of visitation is confined to the sovereignty which creates a corporation.

If a State creates a corporation and endows it with certain faculties, that is a question between that State and its people, subject only to the limitation that the State can endow no corporation created by it with a faculty to interfere with or obstruct the powers or operations of the Federal Government. Do stocks and bonds issued by a corporation interfere in anywise with the faculties, administration, or operation of the Federal Government? No Senator here and no lawyer elsewhere can establish that contention.

Mr. President, to control the issue of stocks and bonds is not a regulation of commerce. Even States, when they create these corporations and limit, as they ought to do, their right and power to issue stocks and bonds, do not exercise that power and perform that duty under their power to regulate commerce, but they exercise that power and they perform that duty under a wholly different authority.

They exercise that power and perform that duty under and as a part of their right to create a corporation. How can the issue of stocks and bonds be a regulation of or interference with commerce? It is not even, Mr. President, an instrumentality of commerce. The money for which the stocks and bonds are sold is not an instrumentality of commerce, and the bonds themselves are one degree farther removed from being so. The railroad itself, I grant you, is an instrumentality of commerce. Its engines, its coaches, and its freight cars are instrumentalities of commerce. What they carry from State to State is commerce and subject to federal regulation. The cars and engines which transport it are instrumentalities of commerce and subject to federal control; but, sir, the bonds and the stocks which are issued and sold to procure the money to construct the road or to buy the engines and cars are neither commerce nor the instrumentalities of commerce.

Mr. President, we must not forget that the power of the General Government over corporations engaged in interstate commerce is not different from the power over individuals and partnerships engaged in interstate commerce. If this Government can control the capitalization of corporations it can control the capitalization of partnerships and individuals; and I think no Senator will contend for that.

But, Mr. President, I did not rise with any view of elaborating the question. Unable to vote for the amendment, I simply desired briefly to state the reasons for my position.

Mr. STONE. Mr. President, it is not my purpose to occupy the time of the Senate more than a few minutes, but I feel under a sense of obligation to say what I have in mind. I have been ready and anxious for weeks to bring this measure to an end. I have felt that a great amount of time has been uselessly expended in the discussion of the bill and the amendments proposed to it. I have felt that the bill ought to have been brought to a final conclusion long since; but by reason of the factional quarrels among Republican Senators, who have practically a two-thirds majority of this body, the Senate has been kept waiting, I think, more than three months to reach the point, which I hope we have now reached, when a final vote may be had.

The Democrats of the Senate have not occupied a great amount of time in this long debate. We have been anxious to press the legislation along with due speed, and not to keep the public business and the business of the country in a state of unnecessary suspense; but our friends on the other side have insisted upon airing their factional differences and accentuating their controversies, and we have had to wait.

Mr. President, most of the amendments insurgent Republicans have offered to this bill were predicated upon the Democratic platform. They seem to have taken that platform paragraph by paragraph, to have drawn their inspiration from it, and to have based their amendments upon it. For this I commend and congratulate them.

It might be asked why Democrats did not offer these amendments. Well, partly because Senators over there seemed anxious to offer them; and when they came in that spirit, willing to enlist in a good cause, we thought it would be well to put them to the front, having furnished them with arms and ammunition, and, to prove their faith, let them take the brunt of the fighting. [Laughter.] Moreover, Mr. President, we on this side have learned from experience that when a Democratic Senator offers an amendment the Republican "regulars" and "insurgents" usually get together and vote it down. One thing they seem to be agreed upon is that amendments proposed by Democrats shall be voted down, and generally they are voted down simply because Democrats proposed them.

So, all things considered, we have given our friends on the other side somewhat the right of way; but, as the Senator from Wisconsin [MR. LA FOLLETTE] admitted yesterday near the conclusion of his extended address, the Democrats of the Senate have voted, as a rule, for amendments intended to make the bill better; that is, for Democratic amendments proposed by Republicans. Step by step we went with them and stood by them, and the Senator from Wisconsin congratulated himself and us, as he had a right to do, that the Democrats had stood faithfully by all efforts made to improve the bill in the public interest.

Some very good amendments have been adopted, Mr. President, but also many good amendments have been lost on a vote of the Senate. The bill is better now than it was when it was reported to the Senate, but even now it is a bad bill, and in its present form ought not to be written into the statutes of the country.

I could vote for it now with more satisfaction and a clearer conscience than I could as it stood two or three months ago or when it was introduced; but, speaking for myself, even with

the amendments that have been agreed to, I can not see my way clear to vote for the measure as it now stands. Still, if it is to go into the law of the land, as I suppose it will, it is our duty to go on and do what we can to make it as good as possible in the public interest.

The amendment proposed by the Senator from Iowa [Mr. DOLIVER], and now pending, will receive my vote. I shall vote for it because I think it will make the measure itself better than it is; and I shall vote for it because the amendment of the Senator from Iowa embodies what, in general terms, was declared to be wise and proper governmental policies by a national Democratic convention in a plank written into the national Democratic platform of 1908.

I was a member of that convention, and however other Senators may feel about it, I feel under obligation, without regard to any mere personal view or opinion, to adhere to the party declaration on this great question of public policy.

The platform of the Republican national convention also declared in favor of governmental regulation of stock and bond issues of railroads doing business between the States. Therefore, as to this the same question is presented to Republican Senators that is presented to Democratic Senators; and, gentlemen, we must determine—you over there and we over here—how far and to what extent a plain platform declaration of our respective national conventions shall have weight upon our judgment and action.

Mr. President, we have heard during this debate much said as to the constitutionality of the provisions incorporated in the proposed amendment of the Senator from Iowa; but, to say the most for that, it can be asserted that, so far, it rests merely in opinion, and Senators widely differ in opinion on that subject.

Beyond that doubtful and disputed question of constitutionality, the only thing left is a question of public policy; and a Democratic national convention has declared the policy of that party, and a Republican national convention has declared the policy of that party with regard to this question. Both parties are on record, so far as stock and bond issues go, and the Democratic party is also on record in favor of the physical valuation of railroad property. Both of these are covered by the amendment of the Senator from Iowa. Are platform declarations binding on Senators?

Mr. President, if a declaration of a national convention is without weight and devoid of authority, if it carries with it no obligation to the men who made the platform and to the men who have been elected to high offices on the platform, or to those who stand as the representative men of the party that makes the platform, if these platforms can be brushed aside as idle things, and individual opinions on questions of public policy are to be asserted instead, then what is the need of making platforms at all? If that is to be the rule, then is not platform making a waste of time, a farce; and are platforms anything more than mere false pretenses put forward to serve a temporary purpose and fool the people?

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. STONE. I yield.

Mr. OVERMAN. Suppose the Democratic platform should declare for a measure that a man upon this floor, who wants to support the Constitution of his country, in his own conscience believes would be unconstitutional, should he follow the platform or vote according to his conscience as a lawyer and as a man sworn to support the Constitution?

Mr. STONE. If the Senator had waited a moment, I intended to refer to that; but since he has called it up I will do so now. If a platform should declare for a proposition that I honestly believed to be in direct conflict with the Constitution of the United States, which I am sworn to support, I would vote against it. I would do an injustice to myself, my conscience, and my position if I did not.

Mr. PAYNTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. STONE. I do.

Mr. PAYNTER. I should like to ask the Senator a question. Does he believe there is any declaration in the Democratic platform which imposes upon Democratic Senators the duty to vote for federal incorporation of railroads?

Mr. STONE. Mr. President, the Federal Government has incorporated railroads, and I suppose it could do so again, but, as a matter of public policy, I do not favor it.

Mr. PAYNTER. That is not an answer to the question I asked. I asked if the provision of the Democratic platform to

which he refers imposes the duty upon us to vote for the federal incorporation of railroads?

Mr. STONE. Whether I would obey it?

Mr. PAYNTER. Not whether the Senator would obey it, but whether the provision of the platform to which he has referred imposes such a duty upon us?

Mr. STONE. There is nothing in that proposition.

Mr. PAYNTER. Well, if it does not impose that duty, the Senator then assumes that it imposes the duty on the Democratic members of this body in order to obey the provisions of the platform, to vote for the federal control of the issue of stocks that have been provided for by state law, which, in my opinion, is far more offensive than a law which would allow the federal incorporation of railroads.

Mr. STONE. That may be; but I can not see the immediate connection between the federal incorporation of railroads and the federal control of the issuance of stocks to prevent the watering of stocks and the overissuance of bonds and things of that kind. There is no apparent connection that I can see between the two.

Mr. President, the platform of the Democratic party declared in favor of a physical valuation of the railroads. I might not think that that, for instance, was a wise provision to put in the platform; but it was put in. The wisdom of the provision may be a matter of individual opinion, but the declaration itself is a matter of party policy. The propositions embodied in this amendment are in the Democratic platform, and, without looking for excuses to vote against it, I am going to vote for it.

Mr. PAYNTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield further to the Senator from Kentucky?

Mr. STONE. Yes.

Mr. PAYNTER. I should like to ask the Senator from Missouri whether or not he sees a difference between the question of the Interstate Commerce Commission obtaining information which is necessary to the fixing of rates and the question of taking control of the issue of stocks and bonds of corporations that have been created by the States?

Mr. STONE. Oh, yes; a clear difference. The two things have only a somewhat remote connection. I was not attempting in what I said about physical valuation to hitch it on as a part of the question of stock and bond control. What I said was that the amendment proposed by the Senator from Iowa provides both for physical valuation and for regulating the issue of stocks and bonds by railroads doing an interstate business.

Mr. RAYNER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. STONE. Yes.

Mr. RAYNER. I should like to ask the Senator a question, if he will permit me. Leaving the Democratic platform out of consideration for a moment, does the Senator believe that this amendment is constitutional?

Mr. STONE. The Senator from Maryland—

Mr. RAYNER. Just answer the question.

Mr. STONE. The Senator from Maryland does not think it is constitutional. I think I have heard him say that he does not think it is. Now, if I occupied that position and was fully satisfied in my mind, as he seems to be in his, that it was unconstitutional, that it was violative of the fundamental law, I would not vote for it.

Mr. RAYNER. I understand that. But the Senator from Maryland has not only said that privately, but he has said it publicly here in speech.

Mr. STONE. Then, let the Senator act upon his own utterance.

Mr. RAYNER. That is not the question.

Mr. STONE. I am now addressing myself to that class of Senators here on both sides who are not convinced that this is an unconstitutional provision, but who address their judgments to it as a question of policy.

Mr. RAYNER. That is all right; but what I want to ask the Senator is this: Does the Senator think it is constitutional? Has he come to the conclusion that this is a constitutional provision?

Mr. STONE. I think it is.

Mr. RAYNER. Will the Senator allow me to ask him another question?

Mr. STONE. Yes.

Mr. RAYNER. The Senator thinks that a law regulating the capitalization of railroads chartered by the States is a constitutional measure. Then the Senator must think that it is a regulation of commerce. Is there any other provision of the Constitution under which the Senator can assign it except the com-

merce clause of the Constitution? It must be a regulation of commerce. Does the Senator think I am right about that?

Mr. STONE. It is a regulation of an instrument of commerce.

Mr. RAYNER. Then let us proceed one step further.

Mr. STONE. I do not care to get into one of those prolonged debates.

Mr. RAYNER. That is all right.

Mr. STONE. In which the Senator from Maryland usually indulges.

Mr. RAYNER. The Senator from Maryland does not take one-tenth as long as the Senator from Missouri does.

Mr. STONE. I will not compare records as to that. I think I take but little of the time of the Senate, and I am about through now.

Now, Mr. President, the Democratic platform said:

We favor legislation preventing the overissuance of stocks and bonds by interstate railroads.

So far as I am concerned, I intend to resolve any question of doubt, wherever there is a real, substantial doubt as to the constitutionality of this kind of legislation, in favor of the declaration of my party on this question of public policy, and I intend to stand by it, and therefore I intend to vote for this amendment.

Mr. BAILEY. Will the Senator from Missouri permit me to ask him a question?

Mr. STONE. Certainly.

Mr. BAILEY. Suppose the state law had limited the issue of stocks and bonds, we will say, to \$20,000 per mile and the federal law should authorize the issue of \$40,000 per mile, which enactment does the Senator from Missouri think would prevail?

Mr. STONE. I would say that the state law should prevail; at least I will say that it ought to prevail. I do not believe that the commission, in determining any question that might come before it under the provisions of this law, would put itself in contravention of the emphatic declaration of a state statute. I do not believe it would be done, and the question assumes that the commission would do something it ought not to do.

Mr. BAILEY. Mr. President—

Mr. STONE. I yield.

Mr. NEWLANDS. Will the Senator from Missouri yield to me to make a suggestion?

Mr. STONE. I have yielded to the Senator from Texas.

Mr. BAILEY. I assumed a conflict between the state and the federal statute, and I asked the Senator from Missouri which would prevail. He rather surprised me by saying that the state law would prevail, in the face of the emphatic provision of the Federal Constitution that all the laws of Congress made in pursuance of the Constitution of the United States are the supreme law of the land, notwithstanding any contrary enactment by the States; and if the Congress have the power to regulate the issuance of stocks and bonds, then that power must prevail over the exercise of a like power by the States.

Mr. NEWLANDS. Will the Senator allow me to make a suggestion?

Mr. STONE. Certainly.

Mr. NEWLANDS. Let me suggest to the Senator that in the instance cited by the Senator from Texas, where the state law limits the capitalization to, say, \$20,000 a mile and the national law limits it to \$40,000 a mile, the corporations could comply with both laws by complying with the lesser limit, and it will be found in every case that whilst the limitations may be contradictory the acceptance of the lesser limitation will satisfy the requirements of both sovereigns.

Mr. STONE. What I mean to say is this: If the State fixes the amount of capitalization of a corporation organized under its laws, it is not at all probable—on the contrary, it may be said to be within the range of official impossibility—that the Interstate Commerce Commission, acting under the provisions of this amendment, would authorize the issuance of stocks or securities that would be in direct violation of the limitation prescribed by the State. There is nothing in this amendment intended to confer on the Interstate Commerce Commission the power of originally fixing or limiting corporate capitalization.

It simply authorizes the commission to pass upon certain questions with a view to preventing overcapitalization. If a corporation created in a State has come up to the limit of capitalization prescribed by the laws of that State, that should be the end of it. If the corporation should afterwards desire to issue additional stocks or bonds, and in a way that would bring it under the provisions of this amendment, I assume that the Interstate Commerce Commission would not authorize, and, moreover, I would dispute its right to authorize, an increase that would be violative of the law of the State to which the

corporation owed its existence. It must be remembered that the proposed law is one for national regulation; but it does not propose nor is it intended that state regulation of its own corporate creations shall be overthrown. Anyhow, I believe it to be a legitimate field for the exercise of federal power, and I intend to vote for the amendment.

Mr. President, I think that is all I care to say. This much I thought I ought to say. Other Senators on both sides must interpret their several platforms to suit themselves. To me the Democratic platform is perfectly plain. Upon me it imposes an obligation which I shall observe. Others, with like liberty, must take their own course. That is all I care to say.

Mr. RAYNER. Mr. President, I should like it distinctly understood that in voting against this amendment I do so upon the ground that I am satisfied that there is no provision of the Constitution whatever under which it arranges itself. I have not heard any argument to the contrary. The Senator from Missouri [Mr. STONE] has not discussed that question. I have not heard any argument in this body, on either side, that it is a constitutional provision except a sentence from the junior Senator from New York [Mr. Root], and the only suggestion that he made was that there was an impression upon his mind that it came under the clause to regulate commerce.

Mr. BAILEY. Although he admitted it was doubtful.

Mr. RAYNER. And he admitted it was doubtful; and when the Senator from New York was asked upon what ground it came under that clause, the Senator from New York answered by saying—and I think I quote his language—that, while he was in great doubt about it, he thought that when a law was passed relating to the capitalization of a state railroad and limiting its stocks and bonds it tended to lower rates, and that lowering rates being a regulation of commerce, any legislation in reference to the capitalization of the road became a regulation of commerce.

There is not a Senator on this floor who has risen to justify the constitutionality of this kind of legislation.

Now, if I am mistaken about that, and any Senator has argued the proposition that this is a constitutional measure, I will be glad to be interrupted by any such suggestion.

Is there, then, a Senator upon this floor who has contended that this is a constitutional measure? Still there are those here who intend to support the Senator from Missouri and the Senator from Nevada and will vote for a measure in favor of which, so far as its constitutionality is concerned, there has not been a single argument offered upon this floor.

If we can do this—if we can provide for the capitalization of a road chartered by a State—we can provide for the wages that are to be paid to the employees of the road, because the lower the wages the lower the rates. We can provide for the salaries that are to be paid to the officers of the railroad corporation, because the lower the salaries the lower the rates. We can provide for the dividends that are to be paid upon its capital stock, because the less the dividends the lower the rates. We can pass an enactment here that a railroad shall not pay, for instance, over 3 or 4 per cent on its bonded indebtedness, because the less the interest the lower the rates. And if this argument of the Senator from New York obtains, that whatever lowers rates becomes a regulation of commerce, we can pass a law here providing for the equipment of a state road, and can actually put the Interstate Commerce Commission in charge of the entire road and let it preside at the meetings of its board of directors.

Now, take this instance. I gave this illustration before.

Take, for instance, a road chartered by the State of Maryland. The State of Maryland provides for the capitalization of the road. The railroad company has its meetings, we will say, in the city of Baltimore; it makes its contracts in the city of Baltimore; it issues its stock in the city of Baltimore; its directors meet in the city of Baltimore; it passes through the territory of West Virginia, we will say, a short-line railroad, carrying coal from West Virginia to tide water, in Baltimore city, by the comity of the State of West Virginia.

Now comes in this enactment and says that in reference to this road, chartered by a State, passing through another State by the comity of the other State, we have the right practically to take possession of the road and regulate the capitalization on its stock and its bonds, contrary to the provisions of the statutes of the State under which the road was chartered.

Such a proposition as that, to my mind, is utterly untenable and in the absence of any authorities or any principles of law to sustain it it becomes my duty, between the Democratic platform and the Constitution of the United States, to prefer the Constitution, which I have sworn to support.

Mr. HUGHES. Mr. President, I find no shadow of departure from perfect adherence to the Democratic platform in voting

against this proposed amendment. There is not a word in the Democratic platform that can be tortured into a command to support the amendment offered by the senior Senator from Iowa. Is it to be supposed that because there is language in the platform concerning "favoring" legislation that will prevent overcapitalization and the overissuance of bonds that thereby the party adopted and all members of the party are under obligations to vote for any unconstitutional measure of any character upon the subject that some Republican Senator sees fit to frame and to offer here as an amendment to somebody else's bill? And yet that is all that has been urged in its behalf or as a justification of the claim that Democrats are under party and conscience obligations to vote for the amendment under discussion; that they must so vote because of the construction put by individual Senators upon some language found in the Democratic platform.

There is no language in the Democratic platform which commands or demands the support of this amendment, and there is no language there which will justify the violation of Democratic principles in order that amendments may be supported. That platform declares explicitly in behalf of state regulation in certain particulars, and those particulars are absolutely impossible the moment there shall be adopted this amendment and it becomes a law. How is there to be preserved the control of the State over intrastate traffic when there shall have been conferred the exclusive power over it upon the Federal Government, through one of its agencies, to determine the capitalization and thereby, if it be possible, as is, I think, erroneously claimed, the rates themselves? It is impossible legally, logically, and physically.

The Senator from Nevada has said that you have the large and you have the small limit of issue, and that in some way by providing for the one you provide for the other. How? By annulling it. When the Federal Legislature says "You may capitalize at \$40,000 a mile," it either has the power to do it or it has no power at all upon the subject; and if it has not a power which overrides the state authority, then it is absolutely powerless in its attempt to legislate upon the subject.

If these operations are subject to the control of state legislation and the state legislature has already acted, I should like to know where in the Constitution and where in the Democratic platform there is a provision which says that if the Federal Government makes the limit of issuance of stock and bonds per mile higher than the State permits, you shall not exercise that permission; but if it makes it lower than the State, you are bound by it. And I should like to have some lawyer give me a principle or a precedent in politics or law justifying a proposition of that kind.

It is very easy, Mr. President, for gentlemen to assume unto themselves all of the righteous adherence to principle in the country, and to criticise and cast out of communion all who differ a hair's breadth from them in their construction of a document, a party platform, or the Constitution. But when one comes with that kind of proposition, I want a committee on credentials to investigate his authority to lay down absolute rules upon that subject for myself or anybody else.

Therefore I say that instead of any Senator standing here to lecture other Senators upon their duty to party platforms in the matter of supporting measures he should give some demonstration of the fact that remotely, somewhere, the platform touched the measure which he demanded should be supported.

Those who say this amendment is demanded by the Democratic platform have not read the amendment with care. It authorizes things that are directly condemned by the Democratic platform. It permits things against which the Democracy has always been arrayed, by platform, principle, legislation, and the utterances of its leaders. It not merely provides for the amount of the bond issue, not fixed by law, but by what the commission may deem necessary. Find a Democratic platform that has said that legislation, federal legislation, is to be turned over to a commission created by Congress, without rules, without standard, without definition. I understand that such method of legislation would be peculiarly gratifying to the Senator from Nevada [Mr. NEWLANDS], because he believes in turning the faculties of the Federal Congress over to some creature made by the Federal Congress itself, but he will find no shelter for that heresy under the wings of any Democratic platform adopted at any time or anywhere.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. HUGHES. I do.

Mr. NEWLANDS. I did not quite understand the Senator's statement as to what the Senator from Nevada proposed to do. I would be very glad if he would repeat it.

Mr. HUGHES. I understand the Senator from Nevada would convert the Interstate Commerce Commission into a golden calf, before which, and to which, should bow down the Congress of the United States, and permit it to do the legislation which the people and the Constitution require to be done by Congress itself.

Mr. NEWLANDS. That statement is so general—

Mr. HUGHES. The Senator from Nevada, as I understand him, has been advocating the adoption of an amendment which contains exactly a provision of that kind. That is why I made the statement uttered just before the interruption by the Senator from Nevada.

Mr. NEWLANDS. The Senator's statement is so general that I can only reply to it by a general denial.

Mr. HUGHES. And I think that is the safest possible issue to frame.

Mr. NEWLANDS. Just as the indictment was a very sane one, because of its generalization.

Mr. HUGHES. The indictment was somewhat like the Senator's statement, that he was in favor of some general legislation that would carry out the doctrines of the platform—very pleasing, but not very definite.

Mr. NEWLANDS. I will ask the Senator—

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Nevada?

Mr. HUGHES. Yes.

Mr. NEWLANDS. I will ask the Senator from Colorado whether he is prepared now to shape and propose to us an amendment complying with the provision of our platform, which calls for legislation preventing the overissue of stocks and bonds by interstate roads?

Mr. HUGHES. I think I could.

Mr. NEWLANDS. If so, I should be very glad to vote for such an amendment.

Mr. HUGHES. I shall not attempt that by an amendment to what I am persuaded is an unconstitutional amendment. Indeed, I have heard, because of my opposition to an amendment that secures nothing in the line of the platform, upon the theory that it is demanded by the platform, that I have wandered away from the faith and turned my back upon party utterances. Because I will not accept and will not vote for an amendment, no word of which is contained in the platform and no hint of which can be found, grave questions of party allegiance are insinuated.

Mr. President, objection was made to the contents of the original bill because it was unconstitutional, in that it attempted to legislate upon a subject not confided to the Federal Legislature. There is not a word, there is not a syllable by way of amendment in that which is now offered that does not sin even more severely against that doctrine than did the original bill itself.

Then upon what ground are we who contended against its constitutionality in the modified and less objectionable form to find a reason for sustaining it in the more objectionable form? Among other things, it goes into the details of expenditures and into a number of subjects, all to be controlled by this commission, which are now, and properly, the subjects of state control.

Mr. President, if this amendment should be passed, the State of Texas could no longer say that bonds shall not be issued in excess of a definite amount, for the exercise of this power by the United States becomes exclusive in its character, if it is legitimate, and the State is thus stripped of all of its authority upon the subject.

The State of Massachusetts could no longer investigate like matters through its commission and control them, although the action to be taken is the action of a corporation which it has incorporated, which it controls, the existence of which it can terminate, and which continues in existence only by the permission of the State.

Never before, I submit, has it been contended that the power of the National Congress was of a character that would authorize it to meddle or interfere with state creations, unless necessarily and directly they were in effect interstate commerce, and that with reference to capitalization it has been demonstrated over and over again that this is not the situation.

Mr. President, this is only one of many features of this amendment, as will be found by glancing at it. I shall not read it. I shall assume that it has been, or will be at least, inspected by those who challenge the sincerity and good faith of other Senators, before they shall adopt it as the test of party faith.

In other words, the announcement here made to-day that, unless we accept this legislation we are voting to violate a party platform and a party promise, I must most positively challenge. I want to say to those who are in apparent attitude

the especial guardians of the interests of the people and of the shippers of the country in this behalf, that they are, in my opinion, in this amendment seeking to pass a measure which violates the Constitution of the United States, a measure, too, which is utterly ineffectual to the accomplishment of the objects sought to be supported and to the righting of the wrongs denounced.

We were told here to-day that three and a half billions of railroad securities are out now, and I presume we are to understand that they affect railroad rates.

Where is the proposed legislation in this amendment that will take the power out of that stock to regulate the rates of this country? And what power will there be in the few straggling railroads that will now be built, with all the state safeguards and regulations about them, to control rates as against these great institutions?

The Senator from Nevada indicates that he wants only a few lines running across the country. I do not subscribe to that doctrine. If the power were given to me, I would decentralize, I would disintegrate these vast combinations that lose their local knowledge, their local efficiency, and which soon are afflicted with a thirst for added power, for unlawful power. He favors that; I oppose it, because I believe that the efficient railroad control and regulation will be that secured under state action. I believe, too, that direct contact with the people, with their demands and their grievances, the residence of railroad officials among them will be more efficient to secure good service and to secure fair rates than to establish, however attractive and imposing they may be, a few great systems of lines extending from one ocean to the other. This amendment may possibly tend in that direction. But for that reason I should oppose it instead of favoring it.

Mr. President, I do not intend to enter into an elaborate discussion of this amendment. Some time ago I discussed what I believed were the legal principles involved. I did more than that; I undertook to discuss the blighting effects of the provisions contained in the bill which have been here multiplied, and which would render it impossible for that portion of the country not yet adequately supplied with railroads to secure them, because it would subject their every effort to secure a line of railroad, to obtain capital for that purpose, to the inspection, the control, and the lethal opposition of the large lines and great combinations to which reference has been made.

There is nothing in this amendment which takes away that power. There is much there which increases it beyond what was in the original bill. There is nothing in it which removes the objections urged to the bill or which takes away the aptness of the argument then presented, or which, in my judgment, requires those who were opposed to the original bill to support or vote for this amendment.

For that reason I shall, without the slightest hesitation, and equally convinced that I am turning my back upon no party declaration, vote against the pending amendment.

Mr. NEWLANDS. I am simply trying to comply with my party platform and also to help carry into legislation a desirable reform in corporate administration.

The Senator says that in voting against the amendment of the Senator from Iowa we will not depart from our party platform. I assume, therefore, that he thinks that amendment must be contrary to our platform, but as yet I have heard no proof. I would be very glad if the Senator from Colorado would prepare and submit an amendment which will comply with our party platform which requires "legislation preventing the overissue of stocks and bonds by interstate railroads." I am sure we will all be glad to vote with him for such an amendment. But I propose to vote for any amendment which is presented, whether by a Republican or a Democrat, that in my judgment enables me to carry out my party platform. In glancing over the amendment of the Senator from Iowa I am convinced that voting for it will enable me to comply with it.

Mr. President, the Senator from Maryland [Mr. RAYNER] says that no argument has been made on this floor in favor of the constitutionality of the control which is called for by both the Democratic and the Republican platforms. That may be true. I was attempting a short time ago to make a feeble argument on that line, but possibly the Senator from Maryland did not hear it, or if he heard it did not consider it an argument. It may be, on the other hand, that this matter has been discussed for so many years as to require no further argument.

This subject has been discussed before the public for many years in the magazines, in the law journals, in the papers, upon the stump. Two great national conventions were held, with a thousand men each, embracing in their membership some of the most eminent lawyers and publicists of the country. Singularly enough there seemed to be so little necessity for

argument upon this question that no lawyer or publicist in either convention rose to protest against this provision of the platforms as violative of the Constitution.

I was a member of the platform committee of the Democratic party. I was a member of the general committee and of the subcommittee. There were many eminent lawyers upon that committee. I do not recall a single objection to the constitutional power to indulge in such legislation. Perhaps the matter has not been discussed in this debate, for the reason that it was regarded as practically settled and without the range of necessary discussion.

The proposition is a simple one. The State regulates state commerce, and the Nation regulates interstate commerce, and certain instrumentalities are employed, certain artificial beings are created, for the purpose of engaging in both. Thus far the States have exercised the right of creating these instrumentalities.

It is true that in several instances the Nation has done so, but only in several instances. The Nation thus far has been content to allow the States to create the artificial beings, the instrumentalities for engaging in interstate transportation. But the courts have held that those instrumentalities, though belonging to the States in origin, if they engage in both state and interstate commerce, are subject to the regulation and control of two sovereigns, not simply the sovereign which created the instrumentality, but also the national sovereign, which has control of the whole subject-matter of interstate transportation.

The courts have held again and again that the power of the National Government extends not only to interstate commerce, but to its instrumentalities. The Senator from Texas [Mr. BAILEY] says that the railroad car is an instrumentality of commerce, that the locomotive is an instrumentality of commerce, and as such can be regulated by Congress when engaged in interstate transportation; but I think, though he seems to deny it, that the corporation itself is also an instrumentality of commerce.

While this particular question has not been called as yet to the attention of the Supreme Court, I have no doubt, from the prevailing tendency of its decisions, that the power of the Nation over interstate commerce and its instrumentalities will be held to be just as great and full and complete as that of the State itself over purely state commerce and its instrumentalities.

There may be inconveniences in having two sovereignties in control of the same instrumentality, even though their control be for different purposes and within different jurisdictions, but if an instrumentality is subject to the control and to the command of two sovereigns, our answer must be it must obey both.

So, in the matter of capitalization, if the Nation fixes a higher limit of capitalization and the State fixes a lower limit of capitalization, and the instrumentality wishes to serve both sovereigns, each within its jurisdiction, it must comply with that limitation that will be a compliance with the dictation and command of both sovereigns.

Mr. HEYBURN. Mr. President—

Mr. NEWLANDS. If, therefore, the State says the capitalization shall not exceed \$20,000 a mile, and the Government says it shall not exceed \$40,000 a mile, if the instrumentality wishes to engage in both state and interstate commerce, it must accept the lower limitation of \$20,000 a mile, and thus be within the limitation of both sovereigns.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. I do.

Mr. HEYBURN. There is an easier way of accomplishing it. The Government incorporated the Pacific railroads and then allowed the corporation to sell out to a state corporation, thus voluntarily surrendering whatever control it had under the national incorporation to the local corporation. That was a way which was found to avoid the suggestion of the Senator.

Mr. NEWLANDS. In that case the National Government permitted a national corporation to turn over its property to a state corporation, but it did not by so doing abandon its control over interstate commerce, nor did it abandon its control over the succeeding state corporation as an instrumentality of interstate commerce.

Mr. HEYBURN. Mr. President, the United States Government did not permit it. There was no action upon the part of Congress which took notice of it even. They simply allowed it to be done without authority of law.

Mr. NEWLANDS. The Senator, of course, will not contend that either by direct permission or by acquiescence the national sovereignty waived its control over that particular state corporation with reference to interstate commerce.

Mr. HEYBURN. It has done it in effect; and if, as suggested by the Senator, other national corporations build other

railroads, they can sell them out to avoid their responsibility to the Government under the terms of the charter.

Mr. NEWLANDS. They can do it, if the State permits and if the Nation permits, or if the State acquiesces and the Nation acquiesces; but such a transaction, involving the mere transfer of property from one artificial being created by national authority to another artificial being created by state authority does not constitute a waiver upon the part of either sovereign of its sovereign power. The sovereign power is the power to regulate commerce, and the courts have held that that applies not only to transportation itself but to all its instrumentalities; and this artificial being is an instrumentality of commerce, in my judgment.

Mr. President, the Senator from Texas has insisted that capitalization does not affect rates, and that therefore it can not be contended that the National Government can control capitalization as a means of affecting rates; that the value of the service is to be determined in every case, and that the rates depend upon the value of the service and not upon the extent of the capitalization.

It is true that the rate depends upon the value of the service. But what has the Supreme Court held with reference to the factors which must be considered in determining the value of a service? The Supreme Court has held that there are various things to be considered. In the Ames case, referred to by the Senator from Wisconsin [Mr. LA FOLLETTE], the court said:

We hold that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. And, in order to ascertain the value, the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stocks, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses are all matters for consideration, and are to be given such weight as may be just and right in each case.

So the Supreme Court has determined that in determining what a service is worth and in ascertaining the value of the property which renders the service, we are to consider "the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stocks." Thus speaks the Supreme Court, directly holding that capitalization, "the amount and market value of the stocks and bonds," issued by a common carrier are factors in determining the value of a service, in determining the reasonableness of rates.

Now, then, if the amount of stock and bonds is to be considered in the calculation of the value of the service and the determination of a rate, is it not essential that you should have genuine stocks and genuine bonds, not false stocks and false bonds; that you should have bonds and stocks for which money has been received that has gone into the property, instead of bonds and stocks representing water?

It seems to me clear, Mr. President, that even assuming that the test of the constitutionality of this action is in connection with the determination of the rates of interstate transportation, the question of capitalization according to the decision of the Supreme Court becomes a vital factor in that determination, and a sovereign which has control of interstate commerce and which is to protect the interests of the people against oppression and spoliation should see to it that the capitalization that enters as a factor into the calculation is an honest capitalization, and not a false and watered capitalization.

Mr. President, there are certain Senators on this side who contend that this provision is unconstitutional and that under the conditions their obligations are to their oaths and to their conscience, and not to their party. I admit that. I regret that Senators should take so narrow a view of the Constitution, a narrowness of view which seems to me is illustrated by this contention, as well as the general opposition which seems to prevail upon this side of the Chamber to my contention as to our right and our duty to organize national corporations to engage in interstate transportation, for if it be the view of the Democratic party that the Union of States lacks the power to adequately meet the demands of the people in matters of national scope and importance, the death knell of the Democratic party, as a national party, will be sounded.

The people of the United States are not inclined to permit themselves to be absorbed in studying refinements as to the Constitution. They wish great national constructive work to be done. They wish great reforms inaugurated and pressed to a solution. They find in the pathway of a successful solution of a great many constructive, economic, and industrial problems our dual form of government, admirable in many things for the preservation of liberty, of pure democracy, and local self-government, but involving, as Mr. Bryan said, that twilight zone where those who are inclined to be predatory or lawless

in their character take refuge, as against both state and national powers.

The country wants to limit the area of that twilight zone. The people want to know what comes within state powers and what comes within national powers, and they want the powers of both sovereignties fully exercised in the interest of the people. To them the adequate and comprehensive action of the Union of States under a clear grant of power means not centralization, but unionization of power for the common good.

The evils relating to interstate commerce particularly are outside of the reach of the state governments. There are many lines of progressive action that can be taken in their completeness only by the National Government. Should the Democratic party declare that whilst it has the disposition to affect these requirements it is impotent under the Constitution to accomplish them, it may hold its own as a local state party, but it will never assert itself as a national party.

I have nothing to say against any man's convictions, or the action of any man who acts upon his conscience and his obligation, but I do say it is time for an educational process which will relieve the Democratic party of many of the restraints which tradition has imposed upon it, traditions, most of them coming from that time when the Democratic party was allied to the protection of human slavery, and when the protection of that institution required a jealous attitude toward the exercise of national powers. During that period there grew up a view of the restricted powers of the Nation not possessed by the patriots of the Democratic party who antedated that period. Our aim should be to escape these traditions and make this party the real Democratic party, the party of the people in national as well as in state affairs, and not simply assert that our powers can be exercised only in state legislation with reference to matters which are becoming more and more national every day as the facilities of commerce and of transportation are increased.

Let me tell my friends in this body who belong to the same party that whilst this sentiment of restricted power in the Nation seems quite universal here, it does not exist to the same degree in the Democracy of the country. We must win the Northern and the Western States, and in order to win them we must not only be right in our views of public policy, but we must take the position that we have the power, acting as a national party, to accomplish the things that the people want. If we are to succeed nationally we must act nationally, and not put the Nation in a strait-jacket.

The aspiration of the American people was represented by an almost identical declaration in both platforms. The people of the country are practically unanimous, as expressed through their national conventions, in favor of the control of stock and bond issues of railroads engaged in interstate commerce whether operated by national corporations or state corporations.

Let the Democratic party announce to the country that whilst it wishes to effect that reform, it is impotent to do it under the Constitution, and the people will say to the Democratic party, "We no longer want you as a national servant."

Mr. President, the next Democratic convention will make the same declaration as that of our present platform, and I suggest to the representatives of the Democratic party in Congress that it will be wise for them to study this question of the national power of reaching national evils seriously, and study the question as to how far the Democratic party can be made an agency in these great reforms. I would not expect any man to violate his oath and violate his conscience, but it is to be hoped that our party leaders in Congress will liberalize themselves, and that they will cut loose from the traditions of the past, from the restriction of conditions no longer existing, and hail with hospitality the new light that is breaking upon the Democratic party.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Iowa [Mr. DOLLIVER], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. JOHNSTON (when his name was called). On this vote I am paired with the junior Senator from Michigan [Mr. SMITH]. If he were present, he would vote "yea," and I should vote "nay."

Mr. CLAPP (when Mr. NELSON's name was called). I desire to state that my colleague [Mr. NELSON] is unavoidably detained on business of the Senate. He is paired with the junior Senator from Florida [Mr. FLETCHER].

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the senior Senator from Virginia [Mr. DANIEL], and vote. I vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is unavoidably absent. If he were present and free to vote, he would vote "nay."

Mr. SMITH of South Carolina (when Mr. TILLMAN's name was called). The senior Senator from South Carolina [Mr. TILLMAN] is paired with the senior Senator from Vermont [Mr. DILLINGHAM]. As both Senators are absent, I announce their pair.

The roll call was concluded.

Mr. CLARKE of Arkansas (after having voted in the affirmative). Mr. President, I desire to inquire if the senior Senator from Rhode Island [Mr. ALDRICH] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. CLARKE of Arkansas. Then I must withdraw my vote, as I have a pair with that Senator.

Mr. OWEN. I am paired with the Senator from Nevada [Mr. NIXON]. If he were present, I should vote "yea."

Mr. BACON. I am requested to announce that the junior Senator from Louisiana [Mr. FOSTER] is necessarily absent from the Chamber on public business, and that he is paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. CLAY. I was not present when my name was called, and I will now state that I have a general pair with the junior Senator from New York [Mr. Root]. If he were present, I should vote "yea."

Mr. JOHNSTON. I desire to announce that the senior Senator from Texas [Mr. CULBERSON] is paired with the junior Senator from California [Mr. FLINT], and the junior Senator from Arkansas [Mr. DAVIS] is paired with the junior Senator from Illinois [Mr. LORIMER].

Mr. PERKINS. I desire to add to what the Senator from Alabama [Mr. JOHNSTON] has stated that my colleague [Mr. FLINT] is absent from the Senate upon official business.

Mr. PURCELL. I am requested by the Senator from California [Mr. FLINT] and the Senator from Minnesota [Mr. NELSON] to announce that they are engaged in service on a committee of the Senate, which accounts for their absence.

The result was announced—yeas 19, nays 47, as follows:

YEAS—19.

Beveridge	Burkett	Cummins	La Follette
Borah	Burton	Dixon	Newlands
Bourne	Chamberlain	Dolliver	Purcell
Bristow	Clapp	Gamble	Stone
Brown	Crawford	Jones	

NAYS—47.

Bacon	Depew	Lodge	Shively
Bailey	Dick	McEnery	Simmons
Bradley	du Pont	Martin	Smith, Md.
Brandegee	Elkins	Money	Smith, S. C.
Briggs	Frazier	Oliver	Smoot
Burnham	Frye	Overman	Stephenson
Burrows	Gallinger	Page	Sutherland
Carter	Guggenheim	Paynter	Taylor
Clark, Wyo.	Hale	Percy	Warner
Crane	Heyburn	Perkins	Warren
Cullom	Hughes	Piles	Wetmore
Curtis	Kean	Rayner	

NOT VOTING—26.

Aldrich	Davis	Lorimer	Root
Bankhead	Dillingham	McCumber	Scott
Bulkeley	Fletcher	Nelson	Smith, Mich.
Clarke, Ark.	Flint	Nixon	Taliaferro
Clay	Foster	Owen	Tillman
Culberson	Gore	Penrose	
Daniel	Johnston	Richardson	

So Mr. DOLLIVER's amendment was rejected.

Mr. DIXON. I offer the amendment which I send to the desk, which was printed several days ago, and I ask that it may now be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. It is proposed to add to the bill the following as a new section:

SEC. —. That section 1 of the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, is hereby now amended so as to read as follows:

"SECTION 1. That the provisions of this act shall apply to any corporation or any person or persons engaged in the transportation of oil or other commodity, except water and except natural or artificial gas, by means of pipe lines, or partly by pipe lines and partly by railroad, or partly by pipe lines and partly by water, and to telegraph, telephone, and cable companies (whether wire or wireless) engaged in sending messages from one State, Territory, or District of the United States to any other State, Territory, or District of the United States, or to any foreign country, who shall be considered and held to be common carriers within the meaning and purpose of this act, and to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment), from one State, Territory, or District of the United States to any other State, Territory, or District to another place in the same Territory or District, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United

States or an adjacent foreign country; and also to any common carrier engaged in the transportation of passengers or property by water from one place in the Territory of Hawaii to another place in the same Territory: *Provided*, however, That the provisions of this act shall not apply to the transportation of passengers or property or to the receiving, delivering, storage, or handling of property wholly within one State and not shipped to or from a foreign country from or to any State or Territory as aforesaid, nor shall they apply to the transmission of messages by telephone or telegraph wholly within one State and not transmitted to or from a foreign country from or to any State or Territory as aforesaid.

"The term 'common carrier' as used in this act shall include express companies and sleeping-car companies, also telegraph and telephone companies. The term 'railroad' as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property; and the term 'transportation' shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto; and to provide reasonable facilities for operating such through routes, and to exchange, interchange, and return cars used therein, and to make reasonable rules and regulations with respect thereto and for operation of such through routes, and providing for reasonable compensation to those entitled thereto for the use of, injury to, destruction, or loss of any such cars on the line of any carrier operating a part of such through or joint routes.

"All charges made for any service rendered or to be rendered in the transportation of passengers or property and for the transmission of messages by telegraph or telephone, as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful: *Provided*, That the Interstate Commerce Commission, in determining what are just and reasonable charges for the transmission of messages by telegraph and telephone lines, may classify such rates and permit a less rate for night than for day messages, and for what is known as 'press dispatches,' and for newspaper service than for ordinary service.

"And it is hereby made the duty of all common carriers subject to the provisions of this act to establish, observe, and enforce just and reasonable classifications of property for transportation, with reference to which rates, tariffs, regulations, or practices are or may be made or prescribed, and just and reasonable regulations and practices affecting classifications, rates, or tariffs, the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, the carrying of personal, sample, and excess baggage, and all other matters relating to or connected with the receiving, handling, transporting, storing, and delivery of property subject to the provisions of this act which may be necessary or convenient to secure the safe and prompt receipt, handling, transportation, and delivery of property subject to the provisions of this act upon just and reasonable terms, and every unjust and unreasonable classification, regulation, and practice is prohibited and declared to be unlawful.

"No common carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals; and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge; to necessary care takers of live stock, poultry, milk, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks, and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: *Provided further*, That the term 'employees' as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier, and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term 'families' as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed and the widows during widowhood and minor children during minority of persons who died while in the service of any such common carrier. Any common carrier violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than \$100 nor more than \$2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and any amendment thereof.

"From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except

such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.

"Any common carrier subject to the provisions of this act, upon application of any lateral, branch line of railroad, or of any shipper tendering interstate traffic for transportation, shall construct, maintain, and operate upon reasonable terms a switch connection with any such lateral, branch line of railroad, or private side track which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same; and shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper. If any common carrier shall fail to install and operate any such switch or connection as aforesaid, on application therefor in writing by any shipper or owner of such lateral, branch line of railroad, such shipper or owner of such lateral, branch line of railroad may make complaint to the commission, as provided in section 13 of this act, and the commission shall hear and investigate the same and shall determine as to the safety and practicability thereof and justification and reasonable compensation therefor, and the commission may make an order, as provided in section 15 of this act, directing the common carrier to comply with the provisions of this section in accordance with such order, and such order shall be enforced as hereinafter provided for the enforcement of all other orders by the commission, other than orders for the payment of money."

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Montana.

Mr. DIXON. Mr. President, I hope the Senate will not become alarmed at the length of the amendment which has just been read.

Mr. KEAN. We all are very much alarmed at it, and think we ought to have a vote on it at once.

The PRESIDING OFFICER. The Senator from New Jersey will address the Chair.

Mr. DIXON. I have no doubt the Senator from New Jersey may be somewhat alarmed in view of what I hope may be the vote on the amendment.

I want to say in explanation of the amendment that it is simply the provision of the bill which the House has already passed. It merely amends section 1 of the Hepburn interstate-commerce act by adding telegraph and interstate telephone lines. That is all there is to the amendment. It was reported, as I understand, unanimously by the House committee and was accepted by the House. It is hardly an innovation. It only changes the present law by inserting the telegraph and telephone lines and putting them under the jurisdiction of the commission. In view of the fact that four years ago we put under the control of the Interstate Commerce Commission the express companies, the sleeping-car companies, and the oil pipe-line companies, the interstate telegraph and telephone companies are about the only remaining public-service corporations engaged in interstate commerce that are not under the control of the Interstate Commerce Commission. I hope the chairman of the committee will accept this amendment without even a roll call.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. DIXON. Gladly.

Mr. BACON. I should like to inquire of the Senator why, if that is the only change, there should have been presented an amendment nine pages in length in order to effect it?

Mr. DIXON. The amendment merely recites that section 1 of the present law shall, with the addition of the telegraph and telephone companies, read "as follows." It rewrites the old section.

Mr. BACON. It seems to me that the easiest thing would have been to have inserted a few words—half a dozen words—to effect it. Then we should have known what we were voting on; but here is an amendment of nine printed pages, which it is impossible now for Senators to analyze and compare with the present law.

Mr. DIXON. I want to say to the Senator from Georgia that I took the provision that passed the House because it had been thoroughly digested.

Mr. LODGE. Just there may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. DIXON. Certainly.

Mr. LODGE. Is this the House bill or the existing law?

Mr. DIXON. It is existing law, with the telegraph and telephone companies added to the list of corporations engaged in interstate commerce to be put under the jurisdiction of the Interstate Commerce Commission. It is the exact provision of the bill which has passed the House. I merely offer the provision as it passed the House, so that telephone—

Mr. LODGE. Then the House bill is nothing but the re-enactment of the existing law?

Mr. DIXON. The amendment is the same as section 1 of the Hepburn bill, with telegraph and telephone companies added.

Mr. LODGE. The House bill does not read exactly that way.

Mr. ELKINS. The Senator from Montana is mistaken. There is new matter in the amendment.

Mr. KEAN. I suggest to the Senator that this matter will be in conference.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. DIXON. I do.

Mr. KEAN. I suggest that this matter will be in conference.

Mr. DIXON. Yes; but I want it to go into conference with a vote of the Senate behind it, so that it will not go out in conference.

Mr. KEAN. If the Senator had compared this with existing law it would have been one thing, but he has not done so, as I understand.

Mr. DIXON. I have adopted it word for word, and that was the explanation of the House committee. I merely adopted the provision as it passed that body, after having been reported by their committee, as I understand, without even a division in the House.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. LODGE. I thought the Senator had finished. I will wait until he concludes.

Mr. DIXON. I want to say, Mr. President, in this respect, that so far as the telegraph companies are concerned there are only two; there is no competition, and at this time there is no regulation of the interstate business of the great telegraph companies. I can not see that any harm would come from the adoption of the amendment, and I do believe much of good would come.

As to the insertion of the interstate telephone lines in the amendment, the junior Senator from Michigan [Mr. SMITH], who left the Chamber some time ago, requested me to have a letter read from the Secretary's desk. It is from the secretary of the Association of Independent Telephone Companies of the United States and asks for the enactment of that special provision.

The PRESIDING OFFICER. Does the Senator desire the letter read?

Mr. DIXON. I should like to have the letter read. It is not long.

The PRESIDING OFFICER. Is there objection to the reading of the letter?

Mr. DIXON. It is at the request of the junior Senator from Michigan [Mr. SMITH] that I ask to have the letter read.

The PRESIDING OFFICER. The Chair hears no objection, and the Secretary will read as requested.

The Secretary read as follows:

NATIONAL INDEPENDENT TELEPHONE ASSOCIATION,
Chicago, Ill., May 20, 1910.

Hon. W. ALDEN SMITH,
Washington, D. C.

MY DEAR SENATOR: From the newspapers I understand that the Senate has stricken out section 7 of the so-called railroad bill, which places telephone and telegraph companies under the jurisdiction of the Interstate Commerce Commission, and that final action upon said bill will probably take place on Monday next. Within I send you copies of the resolutions recently adopted by four state independent telephone association conventions, said resolutions urgently favoring the placing of interstate telephone and telegraph companies under the control of said commission.

I write to urge that not only will such action be pleasing to the independent companies, who recognize the power of the Bell as an unfair competitor, but in my judgment it is far more important to the interests of the people of the United States that there should be no discrimination in rates upon interstate business, both telephone and telegraphic, and that such business should receive supervision at the hands of the Government. Inasmuch as the House has already passed an amendment of the character named, and by a decisive vote, I am persuaded that the House Members understand the telephonic conditions in their several districts and the feelings of their constituents in connection with this matter, and I certainly trust, Senator, that you are familiar with the conditions of the telephone business in your home State. In Michigan there are more than 30,000 citizens who are stockholders in telephone companies. By reason of such investment, and under the spur of competition, the telephone conditions have greatly changed during recent years. In 1895 there were less than 14,000 telephones in the State; to-day the independent companies have over 115,000 telephones in service, and the Bell companies claim even a larger amount.

The telephone has become necessary not only commercially, but in every walk of life, and it would be most unfortunate to the people of our State and country to permit the securing of a monopoly on the telephone and telegraph business, as it would without question result in the retarding of the development and an increase in the rates, and in all probability in the diminution of the quality of the service. The only drawback at the present time and for some years past in the industry has been that the Bell interests have in spots furnished service at less than cost, and in many instances without cost for months, and in numerous instances for years. Likewise, they have in the long-distance business discriminated in the rates. They have also, by purchase or alliance, eliminated competition in sections, always with the result that the rates have largely increased and usually development has ceased.

We do not ask the Government to fight our battles, but we do ask for protection against outrageous methods of warfare which are illegal and detrimental to the public welfare. We believe that the placing of telephone and telegraph companies under the supervision of the Interstate Commerce Commission will go a long ways toward rectifying some of the outrageous wrongs which have been perpetrated. We are not

afraid of supervision; we believe in regulation, and can not understand why regulation should not be popular with all who are not tied up to corporations who are opposed to regulation.

Therefore, Senator, I write you frankly that it is to the interest of all of the people, as well as those of your own State, that there should be regulation and supervision in the business of communication, and I sincerely trust that you will be able to have the Senate restore section 7, or its equivalent, thus securing to the Interstate Commerce Commission full authority over interstate telephone and telegraph companies.

I send with a copy of the 1907 Government census report, and also some figures which I am sure would interest you as to the conditions within 300 and 500 miles of Chicago. In a word, these figures show that there are as many independent as Bell telephones in the United States, and that within 300 miles of Chicago there are three-quarters of a million telephones in service which have no Bell connections; and that within 500 miles there are approximately 1,400,000 telephones in every way independent of the Bell and connected by their own independent long-distance lines.

You will notice by said Government report the following summary:

Independent telephones	2,986,515
Bell telephones	3,132,063

Total

6,118,578

In 1895 at the expiration of the Bell patents and seventeen years of Bell monopoly, there were 243,000 telephones in the United States. To-day, without question, there are 8,000,000 or more telephones in this country—being 30 times as many. There is no public utility in which the people are so much interested and upon which they are so dependent, and it can not but prove advantageous to do those things which will protect the telephone interests and telephone users.

I certainly believe the suggestion above made will do this.

With kindest regards to you, I remain,

Yours, very truly,

J. B. WARE.

P. S.—Have written Senator BURROWS also. This is a very grave situation for all not allied with the Bell-Western Union crowd.

J. B. W.

Mr. DIXON. I ask unanimous consent that the tables attached to the letter may be printed in the RECORD without reading.

The PRESIDING OFFICER. In the absence of objection, that order will be made.

The tables referred to are as follows:

Government report on telephones.

CONTINENTAL UNITED STATES.

[The statistics relate to the year ending December 31, 1907.]

	Total.	Independent (non-Bell).	Bell (American Telephone and Telegraph Co.)	Independent stations connected with Bell system.	Number of companies.
United States	6,118,578	2,986,515	3,132,063	* 835,880	22,971
Alabama	40,481	14,985	25,496	3,944	297
Arizona	6,203	3,148	3,055		37
Arkansas	49,576	32,150	17,426	10,265	547
California	237,672	65,977	171,695	9,607	311
Colorado	65,908	4,473	61,436	1,620	104
Connecticut	63,898	1,815	62,083	352	13
Florida	17,522	11,160	6,362	3,691	95
Georgia	62,260	26,204	36,056	9,072	224
Idaho	16,394	5,754	10,640	1,288	82
Illinois	558,585	285,322	273,263	109,101	1,817
Indiana	289,452	216,990	72,462	50,065	883
Iowa	332,545	279,773	52,772	74,806	3,445
Kansas	200,233	161,913	38,320	66,880	1,243
Kentucky	93,996	51,796	42,200	9,038	429
Louisiana	35,692	6,184	29,508	4,351	69
Maine	53,134	16,024	37,110	7,830	153
Maryland, District of Columbia, and Delaware	110,282	19,806	90,386	217	26
Massachusetts	209,383	5,324	204,059	650	38
Michigan	209,842	106,049	103,793	30,933	534
Minnesota	171,479	114,618	56,861	46,547	825
Mississippi	37,627	13,567	24,060	5,235	271
Missouri	312,527	220,823	91,704	82,393	2,648
Montana	17,168	8,118	9,050	846	97
Nebraska	153,279	105,610	47,669	45,252	891
Nevada	4,601	2,081	2,520	734	21
New Hampshire	28,920	6,488	22,432	2,482	58
New Jersey	116,968	19,134	97,854	831	33
New Mexico	6,653	3,476	3,177	759	47
New York	685,512	180,759	504,753	23,992	942
North Carolina	37,104	20,597	16,507	4,714	400
North Dakota	34,087	26,635	7,452	10,542	259
Ohio	495,636	312,278	183,358	29,284	984
Oklahoma	68,125	38,009	30,116	36,570	715
Oregon	49,629	16,223	33,406	10,675	295
Pennsylvania	450,403	174,582	275,821	11,976	597
South Carolina	20,911	7,872	13,089	1,867	143
South Dakota	48,405	44,751	3,654	25,939	830
Tennessee	71,130	25,758	45,372	9,241	214
Texas	187,862	108,832	79,030	30,334	998
Utah	30,630	10,528	20,102	451	19
Vermont	30,833	13,917	16,916	7,020	100
Virginia	55,541	24,118	31,423	4,447	290
Washington	98,846	35,652	63,194	9,168	480
West Virginia	62,144	46,609	15,535	3,238	195
Wisconsin	158,875	89,005	69,870	36,366	704
Wyoming and Rhode Island	30,605	1,538	29,067	1,267	68

* Figures furnished by American Telephone and Telegraph Company included in total for Independent.

Government telephone census report for 1907, showing telephones within 500 miles of Chicago.

	Bell.	Independent.	Of which Bell claim connection with—	Exclusively independent.
STATES ENTIRE.				
Illinois	133,263	285,322	109,101	176,221
Michigan	103,793	106,049	30,983	75,116
Indiana	72,462	216,990	50,065	166,925
Ohio	183,358	312,278	29,284	283,994
Kentucky	42,200	51,796	9,039	42,757
Missouri	91,704	220,823	82,393	138,430
Tennessee	45,372	25,758	9,241	16,517
Iowa	52,772	279,773	74,806	204,967
West Virginia	15,535	46,609	15,535	31,074
Wisconsin	69,870	89,005	36,366	52,639
	810,329	1,634,403	446,763	1,187,640
FRACTIONAL.				
Minnesota	50,000	90,000	25,000	55,000
Nebraska	25,000	30,000	5,000	25,000
Kansas	20,000	40,000	15,000	25,000
Pennsylvania	50,000	40,000	6,000	34,000
New York	40,000	24,000	4,000	20,000
Total	905,329	1,858,403	511,763	1,346,640
Chicago	140,000			
	1,125,329			

* Without Chicago.

Independent telephones within 300-mile radius of Chicago, per Government report, census 1907.

	Bell.	Independent.	Of which Bell claim connection with—	Exclusively independent.
Illinois	133,263	285,322	109,101	176,221
Michigan	103,793	106,049	30,983	75,116
Indiana	72,462	216,990	50,065	166,925
Ohio (one-half)	100,000	156,000	15,000	141,000
Iowa (one-half)	26,000	135,000	35,000	100,000
Missouri (fractional)	30,000	40,000	10,000	30,000
Kentucky (fractional)	15,000	15,000	2,000	13,000
Wisconsin (fractional)	60,000	80,000	33,000	47,000
Minnesota (fractional)	6,000	9,000	4,000	5,000
Total	546,518	1,043,361	289,099	754,262
Chicago	140,000			
	686,518			

* Without Chicago.

Thus, according to the Government census, after deducting therefrom all connections claimed by the Bell Telephone Company, the correctness of which we do not admit, there remains within 500 miles of Chicago over 1,300,000 telephones in daily use and having no access to this metropolis; within 300 miles are over three-quarters of a million of such telephones in service, likewise exclusively independent.

INTERNATIONAL INDEPENDENT TELEPHONE ASSOCIATION.

CHICAGO, May 29, 1909.

Mr. PAYNTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. DIXON. Gladly.

Mr. PAYNTER. Mr. President, I desire to ask the Senator from Montana whether it is the purpose of the committee that has charge of this bill to increase the membership of the Interstate Commerce Commission? The duties of that commission have been greatly increased by the provisions of this bill. It seems to me that it will be almost impossible for the commission to discharge the duties imposed upon them by this bill if it shall become a law, and it does seem to me that, if the additional duty of regulating the rates of telephone and telegraph companies is to be imposed upon the commission, the membership should be increased to at least 15, and it should work in divisions, five commissioners in each, the judgment of a division to have the same effect as the judgment of the present commission.

This is the only way that we can hope for expedition in the determination of the questions that will arise in the administration of the law. I think the expense of the additional commissioners would be inconsequential compared to the immense benefit that it would be to the people of this country. When Congress passes a law to regulate carriers and desires to make it effective, the Interstate Commerce Commission should be made sufficiently large so as to be able to perform the duties imposed upon them in a way that will afford the relief sought to be given by it.

I make this suggestion in view of the amendment that the Senator has proposed, because it will impose additional duties upon the commission.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. DIXON. Gladly.

Mr. LODGE. I did not know the Senator from Montana was holding the floor.

Mr. PAYNTER. If the Senator has information which will enable him to answer my question, I will be very glad to have him do it.

Mr. DIXON. I have no information whatsoever. I think the observations of the Senator from Kentucky are generally correct. Personally I should like to see the Interstate Commerce Commission enlarged to at least 9 or 11. The Senator from West Virginia, the chairman of the committee, can probably better answer the Senator from Kentucky as to what the Interstate Commerce Committee will report. I think myself, with all the additional legislation that is going into this bill, the commission ought to be enlarged.

But on the pending amendment I again want to say to the Senate that it is merely the House provisions, and only adds to the present law telegraph and telephone lines doing an interstate business.

On the pending amendment I ask for the yeas and nays.

Mr. PAYNTER. I would like to state in this connection that I would have gladly prepared and offered an amendment increasing the membership of the commission if I had seen an opportunity to pass it. I trust the committee will report an amendment to that effect.

Mr. LODGE. It seems to me, from the very limited debate which has already occurred, that it must be perfectly obvious that it will take several days to dispose of this amendment. It involves necessarily an increase of the Interstate Commerce Commission. There are 9 pages of it, which I do not think many Senators have examined, and which we ought to examine; and I think, if this goes in, it would be hopeless to undertake to finish the bill to-day or to-morrow, because it would have to be fully considered in the Senate before it is finally acted upon.

Mr. BRANDEGEE obtained the floor.

Mr. ELKINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from West Virginia?

Mr. BRANDEGEE. I yield to the Senator from West Virginia.

Mr. ELKINS. The question of telephone and telegraph companies being put under the operation of the interstate-commerce law has been discussed and thought about by members of the committee and others for a long time. They are not like railroads, and the laws and regulations that would apply to one would not apply to the other. This amendment I do not think sufficiently guards and protects the rights of the people or the rights of these companies. I do not know whether the Supreme Court has decided a telephone company is a common carrier, nor do I know whether good lawyers hold to that view.

But there is one thing quite true, as the Senator from Georgia says, if they are to be put under the act to regulate commerce without providing proper rules and regulations applicable to such companies, this should be done separately and I think in a separate bill or an amendment better drawn than the amendment now before the Senate.

I am sure the Senator from Montana is mistaken when he says his amendment reenacts existing law. It is not the existing law, with the provision as the Senator states it. I think he is mistaken. Here is a paragraph which is not existing law only, but something added:

Bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, the carrying of personal, sample, and excess baggage, and all other matters relating to or connected with the receiving, handling, transporting, storing, and delivery of property.

This is new; it is not in the old law; and a great many traveling men all over the United States protest against this being enacted into law.

Here is another portion of the amendment I know is not in the present law. It is about switches and connections with railroads. It recites the old law; but here is an addition:

If any common carrier shall fail to install and operate any such switch or connection as aforesaid, on application therefor in writing by any shipper or owner of such lateral, branch line—

The word "owner" is new, and I might cite more.

Mr. President, I submit to the Senate this is mixing up too many subjects. If we wish to put these companies under the control of the Interstate Commerce Commission, in a few lines, as the Senator from Georgia suggests, it might be, but I submit it would be better to give this subject careful consideration, take time, find out what of provisions, limitations, and regulations should be made. I do not think it is fair to adopt this amendment in its present shape.

Mr. LODGE. Do I understand the Senator from West Virginia to say—I have not had any time to understand it—that there is new legislation in the amendment in regard to switches?

Mr. ELKINS. Yes, sir.

Mr. LODGE. Also in regard to bills of lading and excess baggage?

Mr. ELKINS. There is as to baggage and samples—sending samples by express. I think that is all new legislation. It follows the old law in a great many respects, but there is new legislation.

Mr. RAYNER. May I ask the Senator from West Virginia a question?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. ELKINS. Yes.

Mr. RAYNER. Mr. President, this is a very important provision, and I think the whole thing could be put into a few lines. Instead of seven or eight pages, it could easily be put in a few lines. A number of us want to examine it.

I wish to say to the Senator from West Virginia that the Supreme Court has decided that telegraph lines do come under the commerce clause of the Constitution.

Mr. ELKINS. I know that, but I meant telephone lines. I do not think there has been any decision as to them.

Mr. RAYNER. They held that point-blank in the Pensacola case.

But this provision is complicated and we want to examine it. It should not be pressed on us at this time in the afternoon for a vote. It will have to go over, I think, unless the Senator will put it in just a few lines, and let us know exactly what he wants to do, without making us compare it with the Hepburn Act.

Mr. BRANDEGEE. The whole matter can be adjusted in conference, I think. Therefore I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from Connecticut moves to lay on the table the amendment submitted by the Senator from Montana. [Putting the question.] The ayes appear to have it.

Mr. DIXON. I had demanded the yeas and nays on the amendment.

Mr. KEAN. But they had not been ordered—

The PRESIDING OFFICER. The yeas and nays have not been ordered on the motion to lay on the table.

Mr. KEAN. Not on this motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay on the table the amendment offered by the Senator from Montana, on which the Senator from Montana demands the yeas and nays.

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

Mr. BRIGGS (when his name was called). I have a pair for the afternoon with the junior Senator from Mississippi [Mr. PERCY].

Mr. CLAY (when his name was called). I again announce my pair with the junior Senator from New York [Mr. Root].

Mr. PAGE (when Mr. DILLINGHAM's name was called). I wish to announce the absence of my colleague, who is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. BACON (when Mr. FOSTER's name was called). I desire to make the same announcement regarding the absence of the junior Senator from Louisiana that I previously made.

Mr. CLAPP (when Mr. NELSON's name was called). I desire to make the same announcement on behalf of my colleague that I made on the other call, and I will let this announcement stand for all votes during the afternoon.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer the pair to the senior Senator from Virginia [Mr. DANIEL] and will vote. I vote "nay."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY].

The roll call having been concluded, the result was announced—yeas 22, nays 37, as follows:

YEAS—22.

Bradley	Gallinger	McEnery	Stephenson
Brandegee	Guggenheim	Nixon	Sutherland
Burnham	Hale	Oliver	Warner
Dick	Heyburn	Page	Wetmore
Elkins	Kean	Piles	
Frye	Lodge	Smoot	

NAYS—37.

Bacon	Chamberlain	Gamble	Purcell
Beveridge	Clapp	Gore	Rayner
Borah	Clark, Wyo.	Jones	Shively
Bourne	Crawford	La Follette	Simmons
Bristow	Cullom	Martin	Smith, S. C.
Brown	Cummins	Newlands	Stone
Burkett	Curtis	Overman	Taylor
Burrows	Dixon	Owen	
Burton	Dolliver	Paynter	
Carter	Frazier	Perkins	

NOT VOTING—33.			
Aldrich	Daniel	Johnston	Scott
Bailey	Davis	Lorimer	Smith, Md.
Bankhead	Depew	McCumber	Smith, Mich.
Briggs	Dillingham	Money	Taliaferro
Bulkeley	du Pont	Nelson	Tillman
Clarke, Ark.	Fletcher	Penrose	Warren
Clay	Flint	Percy	
Crane	Foster	Richardson	
Culberson	Hughes	Root	

So the motion to lay on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. DIXON].

Mr. DIXON. On that I ask for the yeas and nays.

Mr. LODGE. It is perfectly obvious that we can not dispose of the amendment to-night.

The PRESIDING OFFICER. The Senator from Montana asks for the yeas and nays. Is there a second?

Mr. BACON. I rise to a point of order. Although a Senator calls for the yeas and nays, if, before the question is put to the Senate, a Senator addresses the Chair, the question of ordering the yeas and nays ought to be postponed.

The PRESIDING OFFICER. The Chair did not observe—

Mr. BACON. I was referring to the Senator from Massachusetts, not myself.

Mr. LODGE. I had taken the floor before that and was trying to make an observation.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. LODGE. I only wanted to say that it is impossible to dispose of the amendment this evening. It is an amendment of immense importance. If we are going to add telegraph and telephone companies and change the switching arrangements and alter the bills of lading, matters which must require pretty careful legislation, we certainly ought to do so in very carefully considered provisions. I have no doubt telegraph and telephone companies can be added to the bill.

Mr. KEAN. They are in the House bill.

Mr. LODGE. They are in the House bill, and will be before the conference in any event. But if we are going to legislate as to them here, it seems to me we ought to make some proper provision in regard to them. Their business is entirely different from that of the railroads, and we ought to bring them under proper clauses. At any rate, I for one should like the opportunity to examine the amendment and have some slight opportunity to see what is being done before we finally vote on this legislation.

Therefore, Mr. President, the hour of 5 o'clock having nearly arrived, I move that the Senate adjourn.

Mr. BEVERIDGE. I hope the Senator will not do that.

Mr. ELKINS. I hope the Senator will withdraw that motion. I want to get a vote on this amendment and on the bill to-night.

Mr. LODGE. That is out of the question with such an amendment as this before the Senate. I never heard this amendment read until it was read here. It is nine pages of law, with changes of the existing law in it, and I do not think on a matter of such importance this is the proper way to legislate. It seems to me we ought to have an opportunity, at least, to examine it. I think that is not an unfair or unreasonable request.

Mr. BACON rose.

Mr. LODGE. I withhold my motion for a moment.

Mr. BACON. I simply desire to say, as one who voted against laying the amendment on the table, that I entirely agree with the Senator from Massachusetts that it is improper that we should be forced to vote upon an amendment when the impracticability of examining it and ascertaining its contents must be manifest to every Senator.

I myself am perfectly willing to have, and I will go further and say that I desire to have, telegraph companies, and possibly telephone companies, put under the control and regulation of the Interstate Commerce Commission; but here is an amendment covering nine pages of law, and we are called upon to vote on it without knowing, except in the most general way, how far it changes existing law.

I think, Mr. President, in a matter of this gravity each Senator would want to have an opportunity to have the existing law read to him while he held the amendment in his hand, in order to see how many words in it were changed.

This amendment does not simply cover the ground as to telephones and telegraphs; it goes all over the ground of free passes and everything else, and we have not had an opportunity to compare it with the existing law.

Mr. LODGE. I have no objection to putting telephones and telegraphs under proper government supervision. That is not the reason I voted to lay this amendment on the table. But here is this great amendment of nine pages, interjected in here in

what we supposed were the concluding stages of the bill, without any opportunity to examine it; and if we are going to make that addition, we ought to have some opportunity, as I have said before, to see that the legislation is properly perfected; and if we are going to take up this amendment now and not leave it to the conference to decide, we ought to adjourn and have an opportunity, at least until to-morrow, to look into this amendment and satisfy ourselves, to begin with, as to what is in it besides telegraph and telephones and how it changes existing law and what the general result would be.

Mr. HALE obtained the floor.

Mr. BURTON. Mr. President, a parliamentary inquiry. Is the Senator from Maine recognized or is there a motion pending?

The PRESIDING OFFICER. The Senator from Maine has been recognized. The question before the Senate is on the amendment offered by the Senator from Montana.

Mr. HALE. What I am going to suggest is, I think, in the interest of safe and careful legislation. I suggest to the Senator who offered the amendment that overnight the amendment be printed, showing what changes of existing law there are in it, so that to-morrow morning the Senate will be in full possession of what it has not now—a knowledge of the scope of the amendment. I feel about it as the Senator from Georgia does, that we ought to know at this stage of the proceeding, before the bill passes from the Senate, and without leaving everything to the will and dictum of the conference committee, if this important legislation is to be embodied in the bill, what there is in it.

I think there are Senators enough here, and a good many Senators, who will not be willing that this most essential amendment shall pass to-night without the Senate knowing what it contains; and I hope the Senator who has offered the amendment will agree that overnight there shall be such a print of the amendment that in the morning the Senate will know what are its scope and effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana.

Mr. HALE. Unless the Senator agrees to that—

Mr. DIXON. I think we can settle the whole matter in just a few minutes. Judging from the vote to lay the pending amendment on the table, I think there is no question about the wish of the Senate to insert telegraph and telephone lines in the bill.

I think the Senator from Wisconsin [Mr. LA FOLLETTE] has drafted a proposed amendment in merely a few words, which I will be glad, if he will offer it, to accept as a substitute for my amendment. It is a general provision to put telegraph and telephone lines in the bill, and it will avoid the danger of any hasty legislation in the long amendment which is taken bodily from the House bill. I think that would be a happy solution of it. Then the whole thing will go into conference, and the Senate will have expressed its general opinion regarding the advisability of putting those lines under the control of the Interstate Commerce Commission, and the details can be settled in conference. I will accept the amendment of the Senator from Wisconsin, if he will offer it.

Mr. LA FOLLETTE. If the Senator from Maine has yielded the floor, I offer as a substitute for the pending provision that which I send to the desk.

The PRESIDING OFFICER. The Senator from Wisconsin offers a substitute for the amendment of the Senator from Montana, which the Secretary will state.

The SECRETARY. At the proper place in the bill insert the following:

Provided, That telegraph and telephone companies transacting an interstate business are hereby placed under the supervision and control of the Interstate Commerce Commission, subject to all of the provisions of the act of 1887 as amended applicable thereto.

The PRESIDING OFFICER. The question is on the substitute offered by the Senator from Wisconsin for the amendment submitted by the Senator from Montana.

Mr. DIXON. I will be glad to accept that as a substitute for the amendment I offered.

Mr. HEYBURN. I should like to inquire whether or not that is intended to cover wireless companies?

Mr. LA FOLLETTE. I am willing to leave that out of the case. It is not important enough at the present time to make it necessary to defer consideration of and action by the Senate upon this provision. I believe it important to the country that the vote be taken to-night, and I say that without meaning to reflect upon anybody. The substitute refers simply to telegraph and telephone companies by plain terms. They have a defined meaning in the law, and I do not believe it would include anything else.

Mr. HEYBURN. I would inquire whether the Senator would be willing to insert the words "except wireless?"

Mr. LA FOLLETTE. I would.

Mr. BEVERIDGE. Let them be inserted as perfecting the amendment.

Mr. LA FOLLETTE. I very cheerfully accept them.

The PRESIDING OFFICER. The Secretary will report the substitute as it will read if amended according to the suggestion of the Senator from Idaho.

The Secretary read as follows:

Provided, That telegraph and telephone companies, except wireless, transacting an interstate business—

And so forth.

Mr. ELKINS. So far as I am concerned, I would be willing to accept the substitute.

Mr. KEAN. Why do you want to except the wireless companies?

Mr. HEYBURN. I think there are very excellent reasons for excepting wireless companies from the provisions of the substitute.

Mr. KEAN. How about air ships?

Mr. BEVERIDGE. That puts it in conference.

Mr. HEYBURN. It has been excepted.

The PRESIDING OFFICER. The Senator from Wisconsin has modified his substitute as indicated, and the question is on agreeing to the substitute as modified.

The substitute as modified was agreed to.

The amendment as amended was agreed to.

Mr. BROWN. I wish to offer an amendment.

Mr. ELKINS. I have a committee amendment in which the Senator from Washington is very much interested. It will take but a moment.

The PRESIDING OFFICER. The Senator from Nebraska has been recognized.

Mr. BROWN. I yield to the Senator from West Virginia.

Mr. ELKINS. Some two weeks ago an amendment came in on page 19, line 17, after the word "line," to insert "and no reasonable or satisfactory through route by rail and water exists;" and then there was a further amendment by the Senator from California.

The PRESIDING OFFICER. Will the Senator from West Virginia send his amendment to the desk?

Mr. ELKINS. Yes.

The PRESIDING OFFICER. The amendment submitted by the Senator from West Virginia will be reported.

The SECRETARY. On page 19 of the bill, in line 17, after the word "line," insert:

And when no reasonable or satisfactory through route by rail and water exists.

Mr. BRISTOW. The amendment will precipitate a discussion that will last for twenty-four hours. If the Senator from West Virginia wants to finish the bill this evening, he had better withdraw it.

Mr. ELKINS. I withdraw it.

The PRESIDING OFFICER. The Senator from West Virginia withdraws his amendment.

Mr. BRISTOW. It ought to have been proposed here six weeks ago.

Mr. BEVERIDGE. The amendment has been withdrawn.

The PRESIDING OFFICER. It has been withdrawn.

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

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed, at the proper place, to insert:

SEC. —. That no railroad corporation which is a common carrier subject to the act to regulate commerce approved February 4, 1887, as amended, shall hereafter acquire, directly or indirectly, any interest of whatsoever kind in the capital stock, or purchase or lease the railroad, of any railroad corporation owning or operating a line of railroad which is directly and substantially competitive with that of such first-named corporation respecting business to which said act to regulate commerce, as amended, applies; and any corporation which acquires any interest in capital stock, or which purchases or leases a railroad contrary to this section, or which holds or retains any interest in capital stock or in a railroad hereafter acquired in violation of this section, shall be fined \$5,000 for each day or part of day during which it holds or retains such interest unlawfully acquired.

Mr. BROWN. Mr. President, I do not care to debate the amendment. It speaks for itself. It presents a question that has been discussed by the Senate at great length. I would simply suggest that it never has been considered justifiable by anybody for a railroad company to own stock in another competing railroad company. This specific proposition is advocated and recommended by the President, especially and in particularity as it is written in this amendment, in a special message. I hope the amendment will be adopted, and on the question I call for the yeas and nays.

Mr. CUMMINS. Mr. President, I move to strike out of the amendment the words "directly and substantially."

Mr. BROWN. I accept that suggestion.

Mr. CUMMINS. We have already debated that to some extent. I think the Senate fully understands the general application of those words. I therefore will not consume the time of the Senate.

Mr. BROWN. I am glad to accept the suggestion.

The PRESIDING OFFICER. The Senator from Nebraska modifies his amendment by striking out the words "directly and substantially."

Mr. KEAN. May I ask the Senator from Nebraska a question? Is not this a part of section 12, which was stricken out of the bill?

Mr. BROWN. It is not a part of section 12. It is a new section.

Mr. KEAN. Is it entirely new language?

Mr. BROWN. The same language may be used; the same word is used when we talk about competing lines; the holding of stock in another company is in the same language; but it is not the same section or any part of it.

Mr. KEAN. But practically the same words are used that were used in section 12.

Mr. BROWN. Substantially the same words.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska as modified, on which he demands the yeas and nays.

Mr. BACON. Mr. President, we want to know what it is. We can not tell in this way. I think it is scarcely fair—

Mr. ELKINS. Let the amendment be read as modified.

Mr. BACON. I was going to say I think it is scarcely fair that we should be called upon to vote on most important matters without an opportunity to know what they are. After all the time we have spent here, I do not think amendments ought now to be offered, and that we should be expected to vote on them without having them printed. I can only gather knowledge of the amendment very imperfectly. I gather more accurately knowledge of its contents from the result of the inquiry made by the Senator from New Jersey [Mr. KEAN]. I understand, from his inquiry and from the response of the Senator from Nebraska, that it is a part of section 12, which we have already taken out of the bill practically by a unanimous vote of the Senate. I do not know how much of section 12 that is. I was very much opposed to section 12. The motion to take it out was made by the senior Senator from Minnesota [Mr. NELSON], and the Senate voted with practical unanimity to take out section 12. Now, without any opportunity to know how much of section 12 is involved in this amendment, the Senator from Nebraska desires that we shall be required to vote upon it. If it is right, I want to vote for it; if it is wrong, I want to vote against it. I am not able to say which it is, and I do not think we ought to be put in such a position.

Therefore, Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; there being, on a division—ayes 31, noes 21; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 28, 1910, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 27, 1910.

The House met at 11 o'clock a. m.

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

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

Mr. LOUDENSLAGER, from the Committee on Pensions, submitted the following conference report on the bill (S. 5237) granting pensions to certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors, for printing under the rule:

The conference report (No. 1413) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 5237, having met, after full and free conference have agreed to rec-

ommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, on page 2, line 22, down to and including line 2, on page 3; and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.
REED SMOOT,
CHARLES CURTIS,
ROBT. L. TAYLOR,
Managers on the part of the Senate.

STATEMENT.

Statement to accompany report of committee of conference on disagreeing vote of the two Houses on S. 5237:

This bill as it originally passed the Senate contained provisions granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors, and was passed by the House with amendment. This amendment was disagreed to by the Senate and a conference held. After full conference the conferees agreed as follows:

The Senate recedes from its disagreement to the amendment of the House, on page 2, line 22, down to and including line 2, on page 3, and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. LOUDENSLAGER also submitted the following conference report, for printing under the rule, on the bill (S. 5573) 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 to certain widows of such soldiers and sailors.

The conference report (No. 1414) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 5573, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House on page 2, striking out line 10 down to and including line 21, and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.
REED SMOOT,
CHARLES CURTIS,
ROBT. L. TAYLOR,
Managers on the part of the Senate.

STATEMENT.

Statement to accompany report of committee of conference on disagreeing vote of the two Houses on S. 5573:

This bill as it originally passed the Senate contained provisions granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain dependent relatives of such soldiers and sailors, and was passed by the House with amendments. These amendments were disagreed to by the Senate and a conference held. After full conference, the conferees agreed as follows:

That the Senate recede from its disagreement to the amendment of the House, on page 2, lines 10 to 12, inclusive, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House, on page 2, lines 13 to 16, inclusive, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House, on page 2, lines 17 to 21, inclusive, and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. LOUDENSLAGER also submitted, for printing under the rule, conference report on the bill (S. 6272) granting pen-

sions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report (No. 1415) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 6272, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment on page 3, line 7. That the Senate recede from its disagreement to the amendments of the House on page 2, lines 20 to 25, inclusive; and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.
REED SMOOT,
CHARLES CURTIS,
ROBT. L. TAYLOR,
Managers on the part of the Senate.

STATEMENT.

Statement to accompany report of committee on conference on disagreeing vote of the two Houses on S. 6272:

This bill as it originally passed the Senate contained provisions granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors, and was passed by the House with amendments. These amendments were disagreed to by the Senate and a conference held. After full conference the conferees agreed as follows:

That the Senate recede from its disagreement to the amendment of the House on page 2, lines 20 to 25, inclusive; and agree to the same.

That the House recede from its amendment to the bill on page 3, line 7.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I will ask the gentleman from New Hampshire if he will not limit his request to bills reported from the Committee on Pensions and the Committee on Invalid Pensions.

Mr. SULLOWAY. I have no objection to that.

The SPEAKER. The gentleman from New Hampshire modifies his request so that it is limited to bills reported from the Committee on Pensions and the Committee on Invalid Pensions. Is there objection?

There was no objection.

The first business was the bill (H. R. 26187) 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.

The Clerk read the bill, as follows:

Be it enacted, etc. 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 name of Solomon L. Motsinger, late of Company H, Eighty-first 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 name of George W. Ruble, late of Company K, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Kelley, late of Company F, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward Bretz, late of Company I, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew J. Young, late of Company I, Forty-fourth 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 name of Hezekiah B. Smith, Jr., late first Lieutenant, First Independent Battery Connecticut Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William C. M. Bishop, late of Company E, Fifteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eliza Isele, widow of Leonard Isele, late of Company G, Thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of a minor child of said soldier until such child shall arrive at the age of 16 years.

The name of Terrence McDuff, late of Company F, Third Battalion, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Weaver, late of Company A, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Peter G. Keely, late of Company I, Eighth Regiment Indiana Volunteer Cavalry, and Company K, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John A. Stephens, late of Company G, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Beck, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Stone, late of U. S. S. Black Hawk, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert T. Wright, late of Company B, Sixty-sixth Regiment, and Company A, One hundred and forty-ninth 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 name of Falkland H. Williams, late of Company A, Thirty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martha E. Arnold, former widow of Henry S. Gleason, late of Company F, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Joseph Morehead, late of Company F, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William W. Miles, late of Company G, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Noah L. Payne, late of Company A, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Marshall Caldwell, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William R. Pinson, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Fannie Wilson, dependent mother of Henry Wilson, late of Company F, Twelfth Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of John La More, late of Company A, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Wilson D. Monnett, late of Company H, One hundred and thirty-second Regiment, and Company B, One hundred and forty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel J. Little, late of Company A, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Drew, late of Company E, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Charles M. Rome, alias Carl More, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Granville Riley, late of Company B, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jefferson Colwell, late of Company F, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William T. Belk, late of Company G, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Smith, late of Company A, One hundred and fourteenth United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Price, late of Company K, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William B. McEldon, alias William C. Barclay, late of Company G, Twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Julia E. Stearnes, widow of William L. Stearnes, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of James B. Hutchings, late of Company B, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph J. Schafer, late of Company G, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martin Parker, late of Company H, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas J. Beebe, late captain Company H, Fifteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin Corbin, late of Company H, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James H. McGinty, late of Company G, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Richard H. Powell, late of Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ira B. Cole, late of Company I, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac N. Cravens, late of Company C, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Howard, late of Company A, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and Two hundred and forty-fourth Company, First Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel Edwards, late of Company I, Twenty-fourth Regiment Missouri Volunteer Infantry, and Company I, Second Regiment Misouri Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Gordon, late of Company M, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Wiley Collett, late of Company B, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward Coppers, late of the U. S. S. North Carolina and J. C. Kuhn, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George H. Dean, alias James Grampson, late of Company C, First Regiment New Orleans (La.) Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Abram T. Gamage, late of Company E, Fourth 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 name of Hannah Fancher, widow of Erwin Fancher, late of Company E, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Henry Christman, late of Company I, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Peaks, late of Company B, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Letitia Hurst, former widow of Thomas J. Lee, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Theodore Birkhauser, late of Company E, Eighty-second Regiment Illinois Volunteer Infantry, and One hundred and twenty-ninth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Bunnell, late of Company D, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elijah L. Shipley, late of Company K, One hundred and twelfth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Barton Moore, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Porter, alias Charles Gary, late of Company F, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Earl Vandegriff, late of Company H, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Morrison, late of the U. S. S. Great Western, Osage, and Meteor, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John N. Ellis, late of Company D, Sixty-third Regiment, and Company H, One hundred and twenty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert B. Craig, late of Company G, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John Davis, late of the U. S. S. William Bacon, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin F. Freeman, late of Company B, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel Noble, late of Company H, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of H. Adelbert Penfield, late of Company F, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Susan S. Poorman, widow of William H. Poorman, late of Company C, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Isaac Place, late of Company K, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Calvin Tobias, late of Company O, Twenty-eighth Regiment, and Company B, One hundred and forty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Horace W. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lemuel D. Dobbs, late of Company K, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John T. Rader, late of Company G, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Rodney D. Rightmire, late of Company B, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William T. Kinsey, late of Company K, and principal musician, Forty-fourth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William R. Clark, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James M. Clayton, late of Company F, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Thompson, late of Company G, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew T. Bitters, late of Companies C and D, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John J. Carroll, late of Second Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jennie K. Reeves, widow of Charles W. Reeves, late second Lieutenant Company D, Sixty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James G. Orem, late of Company B, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William T. Soward, late of Company I, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alfred H. Bash, late of Company F, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Daniels, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John A. Haggerty, late of Company K, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jasper Keath, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William J. Reed, late of Company A, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ignatius Wauker, late of Company B, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Brin, late of Company G, First Battalion Minnesota Volunteer Infantry, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Daniel McCarl, late of Company H, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank L. Johnson, late of Company A, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James M. Smith, late of Company H, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Crom, late of Company B, One hundred and forty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William T. Clark, late of Company F, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Mudgett, late of Company G, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nedem J. Bryant, late of Company C, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Howland P. Kneeland, late of Company I, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Simpson, late of Second Independent Battery Kansas Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lorenzo Emmons, late of Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Richard Deven, late of Company B, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Swain S. Albright, late of Company D, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Winfield S. Douglass, late of Company D, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert F. Nelson, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles E. Wolverton, late of Company H, Seventieth 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 name of Greenville Rose, late of Company D, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Wallace H. Cooley, late of Company I, Twenty-fifth Regiment Ohio Volunteer Infantry, and Company G, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles E. Bartholomew, late of Company A, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lawyer M. Bickmore, late of Company B, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Julia A. Hayden, former widow of James Forbes, late of Company A, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of George W. Rogers, late of Company H, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Janet F. Sparrow, widow of David De Lancy Sparrow, alias David De Lancy, late of Company K, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Jessie Sparrow, helpless and dependent daughter of said David De Lancy Sparrow, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Janet F. Sparrow, the name of said Jessie Sparrow shall be placed on the pension roll, subject to the provisions and limitations of

the pension laws, at the rate of \$12 per month from and after the date of death of said Janet F. Sparrow.

The name of Charles W. Leavitt, late of Company G, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William D. Young, late of Company H, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of James C. Porter, helpless and dependent child of James M. Porter, late second Lieutenant Company H, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of William E. Gould, late acting master's mate, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ida M. Keene, widow of Milton M. Keene, late of Company D, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the two minor children of said soldier until such children shall arrive at the age of 16 years.

The name of Shumway Conant, late of Company A, Tenth Regiment Wisconsin Volunteer Infantry, and One hundred and forty-eighth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Levi Rothenberger, late of Company H, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward Burdette, late of Company F, Sixty-fifth 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 name of Andrew J. Anderson, helpless and dependent child of Nels Anderson, late first Lieutenant Company D, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of George W. Roberts, late of Company C, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$15 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of William H. Baker, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Custer, late of Company L, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Adoniram Carr, late of Company I, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Greiling, late of Company G, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Matilda A. Palmer, former widow of Robert Calvert, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Francis J. Seifert, late of Company F, First Regiment Eastern Shore Maryland Volunteer Infantry, and Company G, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frederick A. Hanover, late of Company H, Fifty-second 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 name of Hiram A. Crutchfield, late of Company C, First Regiment East Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George Thayer, late second Lieutenant Company G, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Simon Paul, late of Company F, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elise Studer, widow of August Studer, late of Company A, Fifteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Edgar Parks, helpless and dependent child of Felix M. Parks, late of Company D, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Joseph C. Fowler, late of Company F, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lemuel Runyan, late of Company C, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William K. Dunlap, late of Company H, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles Wyman, late of Company K, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Harmon Myer, late of Company K, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jerome B. Eldred, late of Company H, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Scribner, helpless and dependent child of Oscar A. Scribner, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Otto Kuehn, late acting assistant surgeon and contract surgeon, United States Army, and pay him a pension at the rate of \$20 per month.

The name of Samuel B. Lightcap, late of Company C, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Caroline Crawley, widow of Patrick William Crawley, late of Company A, Thirteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Harvey B. Perkins, late of Company A, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Hendricks, late of Company G, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Harry W. Lewis, late of Troop G, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nathaniel Welch, late of Company A, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Louisa Augert, widow of John Augert, late of Company F, One hundred and eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Joseph L. Thomas, late of Company G, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hugh M. McClellan, late of Company E, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Hiram Harding, late of Company C, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alonzo S. Gear, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Jones, late of Company E, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James L. Denman, late of Company B, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martin Reding, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward A. Cassilly, late of Company A, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James B. Kelley, late of Company D, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Tyrrell, late of Companies K and C, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James F. Cooper, late lieutenant-colonel Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Bentz, late of Company H, Fifteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas M. Mozingo, late of Company E, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John D. Lovett, late of Company I, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Norman B. Galbraith, late of Company B, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Amment, late of Company H, Sixty-third Regiment, and Company H, One hundred and fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin F. Zarracher, late second lieutenant Company H, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Abraham Eike, late of Company I, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Gustav Hackman, late of Company K, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Pedar Moller, late of U. S. S. Ohio and Sacramento, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Sanderson, late of Company H, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William E. Hawkins, late of Company B, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarepta Dowler, widow of John Dowler, late of Company F, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edward Dowler, helpless and dependent son of said John Dowler, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarepta Dowler the name of said Edward Dowler shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Sarepta Dowler.

The name of Alice M. Reilly, widow of Frank W. Reilly, late surgeon Twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Edward Stidd, late of Company B, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$10 per month in lieu of that he is now receiving.

The name of Henry Peckham, late first lieutenant Company A, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Simon Degruff, late of Company B, One hundred and sixty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry R. Miller, late of Company B, Second Regiment Pennsylvania Volunteer Cavalry, and Company B, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Abram Simon, late of Company L, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Lout, late of Company K, Forty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alman A. Redheffer, late of Company I, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Seth M. Lovell, late of Company A, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jonathan Lundy, late of Company E, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Dearolph, late of Company A, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Edward A. Dewey, late of Company G, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David J. M. Houghton, late of Company B, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary Snyder, widow of John D. Snyder, late of Company I, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles R. Hallman, alias Henderson, late of Company A, Furnell's Legion, Maryland Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cicero Williamson, late of Company H, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James P. Hardin, late of Company B, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hiram Smith, late of Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Wilson, late of Company F, One hundred and thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David D. Bailey, late captain Company B, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel Van Blarcom, late of Company B, Twenty-second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Moulton, late of Company D, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Stephen Brock, late of Fifteenth Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nelson T. Saunders, late quartermaster-sergeant, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William E. McLavoy, late of Company E, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick J. Wagner, late of Company B, Second Battalion, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Emma E. Rockwell, widow of Edwin Rockwell, late of Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of John M. Peters, late of Company D, Fourth Regiment, and second lieutenant Company G, Fortieth Regiment, New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Oliver S. Guthrie, late of Company G, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John B. Mason, late of Company A, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary Cahill, widow of Thomas Cahill, late of Company H, Fourth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Bessie Weygant, helpless and dependent child of Charles H. Weygant, late Lieutenant-colonel One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William Rowe, late of Company G, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry C. Dunn, late first lieutenant Company H, Tenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hugh Stevens, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ellen A. Libbey, former widow of Richard A. Lawford, late of Company D, One hundred and fifty-seventh Regiment, and Company A, One hundred and ninety-first Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John T. Lamb, late of Company K, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Augustus A. Law, late of the U. S. S. North Carolina and *Release*, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Wickens, late of Company E, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Austin Warner, late of Company G, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Hammel, late of Eighteenth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nelson Davis, late of Company I, Sixty-second Regiment Ohio Volunteer Infantry, and Seventh Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas H. Scott, late of Battery G, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William D. Kane, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William M. Doss, late of Company M, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Riley Holmes, late of Company G, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John H. Greenfield, late of Company C, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and Company A, Twenty-ninth Regiment Pennsylvania Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew Braden, late of Company B, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph S. Rimmer, late of Company E, Fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jennie S. Havens, widow of Edward N. Havens, late of Company F, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Charles W. Morrill, late saddler sergeant Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Harriett A. Henry, widow of George W. Henry, late of Company F, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William P. Peirce, late assistant surgeon Thirty-sixth Regiment, and surgeon Eighty-eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Lewis L. Smith, late of Battery B, First Battalion Maine Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles P. Kirk, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Michael Rigney, late of Companies I and B, Eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Patrick, late captain Company C, Sixteenth 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 name of James F. Trowbridge, late of Company M, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin F. Jacobs, late of Company F, Fourteenth Regiment Iowa Volunteer Infantry, and first lieutenant Company B, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Brennan, alias John Branning, late of Company H, Forty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Monroe Parker, late of Company I, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Emery, late of Company L, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alexander Schriver, late of Company E, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George V. Peck, late of Twentieth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James A. Hicks, late of Company G, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of George Martin, late of Company A, One hundred and forty-ninth 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 name of Lee Bookstover, late of Company G, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert A. Seaver, late first sergeant Company C and second lieutenant Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The following committee amendments were read:

Page 28, line 13, strike out the word "twenty-four" and insert the word "thirty."

Page 30, line 11, strike out "twenty-four" and insert the word "thirty."

On page 43, after line 11, insert the following:

"The name of Mathias R. Zahniser, late of Company B, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving."

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1301. Solomon L. Motsinger;
 H. R. 1321. George W. Ruble;
 H. R. 1526. George W. Kelley;
 H. R. 1737. Edward Bretz;
 H. R. 2448. Andrew J. Young;
 H. R. 2918. Hezekiah B. Smith, jr.;
 H. R. 3372. William C. M. Bishop;
 H. R. 3590. Eliza Iselle;
 H. R. 4374. Terrence McDuff;
 H. R. 4559. John Weaver;
 H. R. 4574. Peter G. Keely;
 H. R. 5211. John A. Stephens;
 H. R. 5321. William Beck;

H. R. 5335. James H. Stone;
 H. R. 5988. Robert T. Wright;
 H. R. 6491. Falkland H. Williams;
 H. R. 6522. Martha E. Arnold;
 H. R. 6835. Joseph Morehead;
 H. R. 7196. William W. Miles;
 H. R. 7800. Noah L. Payne;
 H. R. 7839. Marshall Caldwell;
 H. R. 8998. William R. Pinson;
 H. R. 9085. Fannie Wilson;
 H. R. 9169. John La More;
 H. R. 9242. Wilson D. Monnett;
 H. R. 9316. Samuel J. Little;
 H. R. 9387. William A. Drew;
 H. R. 10133. Charles M. Rome, alias Carl More;
 H. R. 10158. Granville Riley;
 H. R. 10174. Jefferson Colwell;
 H. R. 10478. William T. Belk;
 H. R. 10807. James Smith;
 H. R. 10810. Thomas Price;
 H. R. 10860. William B. McEldon, alias William C. Barclay;
 H. R. 10914. Julia E. Stearnes;
 H. R. 11485. James B. Hutchings;
 H. R. 11536. Joseph J. Schafer;
 H. R. 11650. Martin Parker;
 H. R. 11660. Thomas J. Beebe;
 H. R. 11949. Martin Corbin;
 H. R. 12171. James H. McGinty;
 H. R. 12504. Richard H. Powell;
 H. R. 12505. Ira B. Cole;
 H. R. 12537. Isaac N. Cravens;
 H. R. 12545. Henry Howard;
 H. R. 13148. Samuel Edwards;
 H. R. 13155. William Gordon;
 H. R. 13576. Wiley Collett;
 H. R. 13741. Edward Coppers;
 H. R. 13787. George H. Dean, alias James Grampson;
 H. R. 13789. Abram T. Gamage;
 H. R. 14059. Hannah Fancher;
 H. R. 14145. Henry Christman;
 H. R. 14222. Henry Peaks;
 H. R. 14353. Letitia Hurst;
 H. R. 14647. Theodore Birkhauser;
 H. R. 14681. William Bunnell;
 H. R. 14785. Elijah L. Shipley;
 H. R. 14854. Barton Moore;
 H. R. 14973. Charles H. Porter, alias Charles Gary;
 H. R. 15019. Earl Vandegriff;
 H. R. 15081. John Morrison;
 H. R. 15101. John N. Ellis;
 H. R. 15357. Robert B. Craig;
 H. R. 15634. John Davis;
 H. R. 15761. Benjamin F. Freeman;
 H. R. 15767. Samuel Noble;
 H. R. 15824. H. Adelbert Penfield;
 H. R. 15987. Susan S. Poorman;
 H. R. 16094. Isaac Place;
 H. R. 16149. Calvin Tobias;
 H. R. 16267. Horace W. Brown;
 H. R. 16946. Lemuel D. Dobbs;
 H. R. 16973. John T. Rader;
 H. R. 17820. Rodney D. Rightmire;
 H. R. 18489. William T. Kimsey;
 H. R. 19156. William R. Clark;
 H. R. 19225. James M. Clayton;
 H. R. 19514. William H. Thompson;
 H. R. 19723. Andrew T. Bitters;
 H. R. 19745. John J. Carroll;
 H. R. 19810. Jenie K. Reeves;
 H. R. 19902. James G. Orem;
 H. R. 20098. William T. Soward;
 H. R. 20599. Alfred H. Bash;
 H. R. 20816. George W. Daniels;
 H. R. 20863. John A. Hagerty;
 H. R. 20898. Jasper Keath;
 H. R. 21010. William J. Reed;
 H. R. 21077. Ignatius Wauker;
 H. R. 21104. John Brin;
 H. R. 21156. Daniel McCarl;
 H. R. 21159. Frank L. Johnson;
 H. R. 21276. James M. Smith;
 H. R. 21301. William Crom;
 H. R. 21302. William T. Clark;
 H. R. 21725. George Mudgett;
 H. R. 21744. Nedem J. Bryant;
 H. R. 21993. Howland P. Kneeland;
 H. R. 22054. William Simpson;
 H. R. 22079. Lorenzo Emmons;
 H. R. 22263. Richard Deven;
 H. R. 22299. Swain S. Albright;
 H. R. 22301. Winfield S. Douglass;
 H. R. 22514. Albert F. Nelson;
 H. R. 22600. Charles E. Wolverton;
 H. R. 22730. Greenville Rose;
 H. R. 22731. Wallace H. Cooley;
 H. R. 22884. Charles E. Bartholomew;
 H. R. 22893. Lawyer M. Bickmore;
 H. R. 22896. Julia A. Hayden;
 H. R. 22897. George W. Rogers;
 H. R. 23212. Jenet F. Sparrow;
 H. R. 23306. Charles W. Leavitt;
 H. R. 23326. William D. Young;
 H. R. 23346. James C. Porter;
 H. R. 23365. William E. Gould;
 H. R. 23411. Ida M. Keene;
 H. R. 23421. Shumway Conant;
 H. R. 23574. Levi Rothenberger;
 H. R. 23614. Edward Burdette;
 H. R. 23793. Andrew J. Anderson;
 H. R. 23996. George W. Roberts;
 H. R. 24170. William H. Baker;
 H. R. 24403. George W. Custer;
 H. R. 24418. Thomas Adoniram Carr;

H. R. 24445. George W. Greiling;
 H. R. 24492. Matilda A. Palmer;
 H. R. 24510. Francis J. Seifert;
 H. R. 24534. Frederick A. Hanover;
 H. R. 24574. Hiram A. Crutchfield;
 H. R. 24586. George Thayer;
 H. R. 24589. Simon Paul;
 H. R. 24636. Elise Studer;
 H. R. 24671. Edgar Parks;
 H. R. 24673. Joseph C. Fowler;
 H. R. 24712. Lemuel Runyan;
 H. R. 24767. William K. Dunlap;
 H. R. 24768. Charles Wyman;
 H. R. 24770. Harmon Myer;
 H. R. 24816. Jerome B. Eldred;
 H. R. 24898. Charles H. Scribner;
 H. R. 24925. Otto Kuehn;
 H. R. 24954. Samuel B. Lightcap;
 H. R. 24955. Caroline Crawley;
 H. R. 24962. Harvey B. Perkins;
 H. R. 24988. James H. Hendricks;
 H. R. 25005. Harry W. Lewis;
 H. R. 25013. Nathaniel Welch;
 H. R. 25028. Louisa Augert;
 H. R. 25066. Joseph L. Thomas;
 H. R. 25120. Hugh M. McClellan;
 H. R. 25123. Hiram Harding;
 H. R. 25136. Alonzo S. Gear;
 H. R. 25144. John W. Jones;
 H. R. 25168. James L. Denman;
 H. R. 25169. Martin Redding;
 H. R. 25207. Edward A. Cassilly;
 H. R. 25213. James B. Kelley;
 H. R. 25225. William H. Tyrrell;
 H. R. 25226. James F. Cooper;
 H. R. 25237. John H. Bentz;
 H. R. 25250. Thomas M. Mozingo;
 H. R. 25253. John D. Lovett;
 H. R. 25263. Norman B. Galbraith;
 H. R. 25264. John F. Amment;
 H. R. 25273. Benjamin F. Zarracher;
 H. R. 25278. Abraham Fike;
 H. R. 25281. Gustav Hackman;
 H. R. 25298. Pedar Moller;
 H. R. 25324. James Sanderson;
 H. R. 25320. William E. Hawkins;
 H. R. 25340. Sarepta Dowler;
 H. R. 25345. Alice M. Reilly;
 H. R. 25346. Edward Stidd;
 H. R. 25361. Henry Peckham;
 H. R. 25363. Simon Degruff;
 H. R. 25364. Henry R. Miller;
 H. R. 25369. Abram Simon;
 H. R. 25372. Charles Lout;
 H. R. 25374. Aiman A. Redheffer;
 H. R. 25403. Seth M. Lovell;
 H. R. 25413. Jonathan Lundy;
 H. R. 25437. John Dearolph;
 H. R. 25439. Edward A. Dewey;
 H. R. 25454. David J. M. Houghton;
 H. R. 25462. Mary Snyder;
 H. R. 25468. Charles R. Hallman, alias Henderson;
 H. R. 25475. Cicero Williamson;
 H. R. 25513. James P. Hardin;
 H. R. 25518. Hiram Smith;
 H. R. 25519. George W. Wilson;
 H. R. 25523. Daniel Van Blarcom;
 H. R. 25533. William A. Moulton;
 H. R. 25542. Stephen Brock;
 H. R. 25561. Nelson T. Saunders;
 H. R. 25607. William E. McLavey;
 H. R. 25608. Frederick J. Wagner;
 H. R. 25610. Emma E. Rockwell;
 H. R. 25612. John M. Peters;
 H. R. 25615. Oliver S. Guthrie;
 H. R. 25626. John B. Mason;
 H. R. 25634. Mary Cahill;
 H. R. 25671. Bessie Weygant;
 H. R. 25678. William Rowe;
 H. R. 25687. Henry C. Dunn;
 H. R. 25691. Hugh Stevens;
 H. R. 25694. Ellen A. Libbey;
 H. R. 25725. John T. Lamb;
 H. R. 25727. Augustus A. Law;
 H. R. 25750. Austin Warner;
 H. R. 25770. George W. Hammel;
 H. R. 25784. Nelson Davis;
 H. R. 25786. Thomas H. Scott;
 H. R. 25807. William D. Kane;
 H. R. 25818. William M. Doss;
 H. R. 25819. Riley Holmes;
 H. R. 25835. John H. Greenfield;
 H. R. 25858. Andrew Braden;
 H. R. 25867. Joseph S. Rinumer;
 H. R. 25870. Jennie S. Havens;
 H. R. 25880. Charles W. Morrill;
 H. R. 25882. Harriett A. Henry;
 H. R. 25885. William P. Peirce;
 H. R. 25894. Lewis L. Smith;
 H. R. 25904. Charles P. Kirk;
 H. R. 25906. Michael Rigney;
 H. R. 25917. George W. Patrick;
 H. R. 25933. James F. Trowbridge;
 H. R. 25934. Benjamin F. Jacobs;
 H. R. 25935. John Brennan, alias John Branning;
 H. R. 25936. Monroe Parker;
 H. R. 25937. Thomas Emery;
 H. R. 25947. Thomas Wickens;
 H. R. 25953. Alexander Schriver;
 H. R. 25994. George V. Peck;
 H. R. 25996. James A. Hicks;

H. R. 26031. George Martin;
 H. R. 26079. Lee Bookstover; and
 H. R. 26229. Robert A. Seaver.

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

The next business on the calendar was the bill (H. R. 26314) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc. 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 name of John M. Wright, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of David H. Moore, late of Company G, Eighth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$15 per month.

The name of William D. Willoughby, late of Battery E, First Regiment United States Artillery, war with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of James T. Adamson, late second Lieutenant Company D, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$15 per month.

The name of Peter S. Moore, late of Capt. W. A. L. McCorkle's Company G, First Regiment Washington Territory Volunteers, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Jessie M. Parshall, widow of Harry R. Parshall, late second Lieutenant Company B, Twenty-second Regiment United States Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Laura D. Blair, widow of William A. Blair, late of Company D, Sixteenth Regiment Pennsylvania Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said William A. Blair until he reaches the age of 16 years.

The name of Luther L. Dennis, late of Company I, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Allie M. Williams, widow of Dudley R. W. Williams, late of Captain Parker's company, Iowa Mounted Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month.

The name of Tillie Pitts, dependent mother of William P. Pitts, late of Hospital Corps, United States Army, war with Spain, and pay her a pension at the rate of \$12 per month.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 7966. John M. Wright;
 H. R. 15266. David H. Moore;
 H. R. 17958. William D. Willoughby;
 H. R. 18855. James T. Adamson;
 H. R. 19201. Peter S. Moore;
 H. R. 19746. Jessie M. Parshall;
 H. R. 23720. Laura D. Blair;
 H. R. 24559. Luther L. Dennis;
 H. R. 24900. Allie M. Williams; and
 H. R. 25532. Tillie Pitts.

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

The next bill on the calendar was 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.

The Clerk read the bill, as follows:

Be it enacted, etc. 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 name of Thomas B. Hickenlooper, late of Company D, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martha Patterson, dependent mother of Caloway Patterson, late of Company F, Third Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Elma C. Townsend, widow of Franklin C. Townsend, late of Company A, First Regiment Delaware Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of Sidney P. Madeira, late of Company B, One hundred and ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alonzo Pickle, late of Company K, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frances A. Fox, widow of Orville C. Fox, late of Company B, Thirty-first Regiment, and Company B, Seventeenth Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George M. E. Barnes, late of Company B, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin Moore, late of Company K, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Moore, late of Twenty-third Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James C. Twyman, late second Lieutenant Captain Twyman's independent company of scouts, Kentucky Volunteer Cavalry, and

pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jennie B. French, widow of William Harrison French, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John A. Harvey, late of Company C, Fremont's Body Guard, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Adelbert Dolliver, late of Company B, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of August F. Girkie, late of Company I, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary A. Prather, widow of Benjamin A. Prather, late of Captain Owen's company, District of Columbia Militia Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Samuel M. Boone, late captain Company D, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Julia E. Welles, widow of George E. Welles, late Lieutenant-colonel Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jane Thompson, widow of William Thompson, late of Company I, Sixth Regiment United States Colored Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Charles I. Rogers, late acting ensign, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael McAndrews, late of Company L, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Matilda Kerns, dependent mother of John A. Kerns, late of Company L, First Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Benjamin Holley, late of Company C, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry C. Carbee, late of Second Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob Casebere, late of Company B, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert M. van Gilder, late of Company A, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hugh A. Smith, late of Company B, First Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alice V. Daily, widow of Cornelius M. Daily, late of general service, United States Army, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Francis H. Foss, late second lieutenant Company C, Nineteenth 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 name of Edward L. Curtis, late of Company D, Seventy-fifth 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 name of Henry F. Green, late of U. S. S. Undine, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Walter M. Flanders, late of Company E, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harriet F. Huston, widow of Caleb B. Huston, late of Company I, First Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James W. Cox, late of Company E, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and Company A, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George H. Stillman, late of Company G, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James W. Nauslar, late of Company I, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Robert C. Bitner, late of Company H, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Mendenhall, late of Company L, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John P. Kendrick, late of Company I, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Lolley, late of Company G, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John E. Lapham, late of Company I, Thirty-first Regiment, and Company I, Thirty-second 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 name of Henry Abbott, late of Company B, Thirty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Frank Nealy, late of Company I, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Simon R. Marston, late additional paymaster, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary Welsh, former widow of James Keough, late of Battery C, Second Regiment United States Artillery, and pay her a pension at the rate of \$12 per month.

The name of Mary C. Fisher, widow of Frank G. Fisher, late of U. S. S. Ohio, Saco, and Constellation, United States Navy, and pay her a pension at the rate of \$12 per month.

The name of Milton E. Bourne, late of Company K, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel Kalusy, late of Company C, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George Martin, alias Jonas M. Phelps, late of Company E, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry C. Hitchcock, late of Company I, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William F. Greeley, late first lieutenant, Eleventh Regiment United States Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Isaac A. Mills, late of Company E, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edwin D. Haynes, late second Lieutenant Companies H and D, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Van Alstine, late of Company I, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry L. Cushing, late of Company H, Eleventh Regiment Massachusetts Volunteer Infantry, and Seventy-fifth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Burkart, late of Company K, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hugh A. Hawkins, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Gilbert W. Potter, late of Company E, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eli Musgrave, late of Company D, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Arthur W. Russell, late of Company M, First Regiment, and Company E, Third Regiment, Rhode Island Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert B. Dickie, late of Company C and second Lieutenant Company F, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Erastus C. Johnston, late of Company C, Third Regiment, and Company G, Ninth Regiment, Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Drury, late of Company F, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William W. Henry, late colonel Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

- 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. Julie 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 Alstine;
 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.

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

On motion of Mr. SULLOWAY, a motion to reconsider the votes by which the several bills were passed was laid upon the table.

SUNDAY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 25552).

Mr. CAMPBELL. Mr. Speaker, pending that motion, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL. There are a number of bills on the Private Calendar in order to-day. Were they to be considered to-day?

The SPEAKER. That depends upon the will of the majority of the House. This is a motion made by the gentleman from Minnesota, by direction of the Committee on Appropriations, which motion is in order, and if a majority of the House should agree to the motion that would end the matter, as far as the proceedings on the Private Calendar are concerned.

Mr. CAMPBELL. Pending the motion of the gentleman from Minnesota, I ask unanimous consent to consider the 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 SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. TAWNEY. Mr. Speaker, reserving the right to object, I want to say that the chairman of the Committee on Claims informed me yesterday that his committee was not at all particular about taking up bills on the Private Calendar to-day, and I understand from the gentleman from Michigan [Mr. Dodds] that this is a bill that will not take any time. If there are any other Members who have bills that they want to consider on the Private Calendar, I shall have to object.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to inquire the reason for the hurry in respect to this bill, that unanimous consent should be asked for this special privilege. There are a number of other bills on the Private Calendar of a good deal of importance to Members.

Mr. CAMPBELL. This is a bill that has been pressed by the gentleman from Michigan [Mr. Dodds] almost since last session. It has been on the calendar from the Committee on Indian Affairs for a long time, but has not been considered. It merely refers to the Court of Claims the claim of certain Indians.

Mr. GARNER of Texas. There are lots of them on the calendar in the same condition. If this is to be made the special order under unanimous consent, we would like to have the same order in respect to a number of other claims.

Mr. TAWNEY. Mr. Speaker, if that is the case, I shall object.

The SPEAKER. Objection is heard. The question is on the motion of the gentleman from Minnesota that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 25552).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 25552), with Mr. MANN in the chair.

The Clerk read as follows:

Unveiling statue of General Baron von Steuben: For unveiling and dedicating the statue of General Baron von Steuben and for each and every purpose connected therewith, \$2,500.

Mr. MACON. Mr. Chairman, on that paragraph I reserve the point of order.

Mr. THOMAS of North Carolina. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. THOMAS of North Carolina. I wish to move to strike out the last word.

The CHAIRMAN. That motion is not in order, but the gentleman will be recognized. The gentleman from Arkansas reserves the point of order on the paragraph.

Mr. THOMAS of North Carolina. Mr. Chairman, in connection with this proposed appropriation for the unveiling of the statue of Baron von Steuben, the great German general and companion of Washington at Valley Forge, I wish, very briefly, upon this birthday anniversary of Nathanael Greene, to call the attention of the House to a bill for the erection of a statue to Gen. Nathanael Greene upon the battle ground of Guilford Court House, near Greensboro, N. C. General Greene was, it is said, next to Washington, the most potent force in our struggle for national independence. The erection of a statue to General Greene would link together the people of New England and the people of North Carolina and the South, in which he won some of his most famous victories. General Greene was born in Rhode Island and died at Savannah, Ga., upon an estate given him by the State of Georgia in recognition of his splendid services in the cause of American independence. On the 15th of March, 1781, General Greene engaged Cornwallis in battle at Guilford Court House, about 5 miles from the city of Greensboro, N. C., which city is named in his honor. It is said that when the news of this battle reached Parliament, Cornwallis claiming it as a victory, Fox declared another such victory would destroy the British army.

The historian Wheeler says:

The effect of this desperate battle (Guilford Court House) was to break down the English power in our State (North Carolina), subdue the Tories, * * * and was the main blow that broke the chain of tyranny which bound our country to England.

The same author says that Greene was one of the bravest, most sagacious, and most successful officers of the Revolution. He was probably second only to Washington.

[Applause.]

This bill, Mr. Chairman, for the erection of a statue to Gen. Nathanael Greene, passed the Senate of the United States April 13, 1910. Representative MOREHEAD, of the fifth district of North Carolina, has introduced a similar bill, with some amendments, providing for the enlargement, improvement, and permanent betterment of the battle grounds at Guilford Court House. I trust that the bill passed by the Senate upon the motion of Senator OVERMAN, as proposed to be amended by the Representative of the fifth district of North Carolina [Mr. MOREHEAD], will eventually pass the Congress of the United States. I am heartily cooperating with them. I desire this morning, upon this birthday of General Greene, to simply call attention to this bill and ask to incorporate in the RECORD the Senate bill as passed by the Senate, the House bill as introduced by Representative MOREHEAD, the report on the Senate bill, and a clipping from the Washington Herald of this morning, giving a brief history of the life and character of General Greene. [Applause.]

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by inserting certain papers. Is there objection? [After a pause.] The Chair hears none.

Mr. GOULDEN. Will the gentleman yield?

Mr. THOMAS of North Carolina. Certainly.

Mr. GOULDEN. In what condition is the battlefield at Guilford Court House?

Mr. THOMAS of North Carolina. Mr. Chairman, I am very glad the gentleman from New York asked the question, and I am very glad to answer it. The Guilford Battle Ground Company keeps the battle ground in beautiful order. It is now a beautiful park. The State contributes to its maintenance. The Congress of the United States, conforming to an act of the Continental Congress, or ratifying an act of the Continental Congress, has erected there two memorial arches to Generals Nash and Davidson, of Revolutionary fame, and Guilford Court House battle ground is the Mecca for the patriotic citizens, not only of North Carolina, but of the entire country. [Applause.]

Mr. GOULDEN. Why has this duty been neglected so long of erecting some monument to General Greene, who was such a prominent figure in the Revolutionary struggle?

Mr. THOMAS of North Carolina. The gentleman is right. It is a neglected duty, and it is time to act. The bill has been repeatedly urged by the Senators from Rhode Island and North Carolina, and has passed the Senate repeatedly, but we have not, up to date, been able to get the bill passed by the House. The gentleman knows the difficulty of getting action by the House. However, we hope soon to get favorable action and thereby honor this great general, this Quaker soldier and citizen of both the North and South, whose career reflected unsading and imperishable glory upon the whole country. [Applause.]

The articles referred to are as follows:

TO-DAY IN HISTORY—BIRTHDAY OF NATHANAEL GREENE—MAY 27.

Next to Washington, Nathanael Greene was the most potent force in our struggle for national independence. He was born on May 27, 1742, in a little farmhouse in Rhode Island. His boyhood was spent, like that of the other youth of the neighborhood, probably a little less exciting, for his father was a strict Quaker and pastor of a church at East Greenwich. He was also a "captain of industry" at that period. With his five brothers, he owned a forge, a gristmill, a sawmill, as well as a store for the sale of general merchandise.

Nathanael received little education, and early in life was employed assisting his father, uncles, and cousins in the operation of these various enterprises. That he might read the Bible and run the business his father had, the boy was instructed in the rudiments by an itinerant teacher, but further than that he would not go.

When he had grown to manhood, however, and a certain portion of the business was turned over to him by his father, he became a great reader, and studied considerable law in order to assist him as a merchant. When the cause of liberty began its ascendancy Greene was one of the first in this Quaker community to espouse it. He received a charter for the organization of a military company in his town and several adjoining villages, to be known as the Kentish Guards.

Greene walked with a limp, and in consequence he joined the company as a private, although he was suggested for a lieutenancy, but he feared that his lameness would bring ridicule upon the company. Not being the possessor of a musket, and none being obtainable at any point nearer than Boston, he rode all the way on horseback and secured one and sent it back home concealed under a merchant's load of goods.

While in Boston he had watched the British troops drill on the commons and he persuaded a British deserter to accompany him back to Rhode Island to act as a drillmaster for the guards.

When the Quakers saw Greene, the son of their former pastor, a member of the military, they thrice summoned him to appear at the monthly meeting, and upon his refusal he was formally cast out of the congregation. The Quaker had turned soldier, and soldier he was henceforth to remain.

When the news of Lexington came to Greene's home at Coventry, without a moment's delay he took down his recently purchased musket and, with his company, headed for Boston. While Greene was absent the patriots at home mustered together an army of 1,000 and he was made brigadier-general, a rapid promotion from private, even in those days. He returned home, perfected all arrangements, and in a few days he was on his way to Boston with his Rhode Island army.

From this on, through the entire war, his name was on the lips of everyone. The tribute paid to Greene by the late John Fiske, pronounced as it is, is none too strong. "For intellectual caliber," declared Fiske, "the other officers were dwarfed in comparison with Greene, who comes out at the end of the war with a military reputation scarcely, if at all, inferior to that of Washington. Nor was Greene less noted for the sweetness and purity of his character than for the scope of his intelligence."

Greene fought with distinction at Fort Washington, at Trenton, at Germantown; succeeded Gates at the South, and his southern campaign, perhaps more than any other in the course of the war, reflected credit on the American arms and their commander. He died in 1786 on his fine estate at Mulberry Grove, Savannah, which had been given to him by the State of Georgia as a recognition of his splendid services in the cause of American independence.

An act (S. 5379) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina.

Be it enacted, etc. That a statue of Maj. Gen. Nathanael Greene shall be erected on the battlefield of Guilford Court House, in Guilford County, N. C.

SEC. 2. That to pay for the construction, erection, and completion of said statue and the preparation of a site for the same the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

SEC. 3. That the site for said statue, within the limits of said battlefield of Guilford Court House, shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the Guilford Battle Ground Company is pledged to care for and maintain said statue and site, and there shall be provided for the public use an open highway thereto.

A bill (H. R. 24007) to provide for the erection of a statue of Gen. Nathanael Greene on the battlefield of Guilford Court House, for the erection of tablets to the memory of other participants in this battle, and for the enlargement, by purchase, improvement, and permanent betterment, of the Guilford battle-ground property.

Be it enacted, etc. That a statue of Gen. Nathanael Greene shall be erected on the battlefield of Guilford Court House, in Guilford County, N. C.

SEC. 2. That to pay for the construction, erection, and completion of said statue, and the preparation of a site for the same, the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

SEC. 3. That the site for said statue within the limits of said battlefield of Guilford Court House shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the site so selected shall be conveyed, free of cost, to the United States, and there shall be provided for the public use an open highway thereto.

SEC. 4. That monuments and tablets may also be erected to the memory of other participants in this battle, and that the property shall be enlarged, improved, and permanently bettered under the direction of the Secretary of War, by and with the assistance of the officers of the Guilford Battle Ground Company.

SEC. 5. That to pay for the erection of such monuments and tablets, and for the enlargement, improvement, and permanent betterment of said property, the additional sum of \$25,000, or so much thereof as may be necessary, is hereby authorized to be expended, out of any money in the Treasury not otherwise appropriated, to be disbursed under the direction of the Secretary of War: *Provided*, That the responsibility for the care and keeping of the same shall be and remain with the Guilford Battle Ground Company, of North Carolina, it being expressly understood that the United States shall have no responsibility therefor.

SEC. 6. That this act shall be in force from and after its passage.

STATUE OF MAJ. GEN. NATHANAEL GREENE.

[Senate Report No. 492, Sixty-first Congress, second session.]

Mr. WETMORE, from the Committee on the Library, submitted the following report, to accompany S. 5379:

The Committee on the Library, to whom was referred the bill (S. 5379) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, in North Carolina, have had the same under consideration, and report it back with the following amendment:

On page 2 strike out all after the word "the," in line 1, and insert in lieu thereof the following:

"Guilford Battle Ground Company is pledged to care for and maintain said statue and site, and there shall be provided for the public use an open highway thereto."

Bills having the same object passed the Senate in the Fifty-fourth, Fifty-ninth, and Sixtieth Congresses.

The report of the Committee on the Library in the Sixtieth Congress is reprinted herewith.

[Senate Report No. 275, Sixtieth Congress, first session.]

The Committee on the Library, to whom was referred the bill (S. 1761) for the erection of a statue of Maj. Gen. Nathanael Greene upon the Guilford battle ground, North Carolina, have had the same under consideration, and report it back with the following amendment:

"Strike out all after the enacting clause and insert the following:

"That a statue of Gen. Nathanael Greene shall be erected on the battlefield of Guilford Court House, in Guilford County, N. C.

SEC. 2. That to pay for the construction, erection, and completion of said statue and the preparation of a site for the same the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

SEC. 3. That the site for said statue, within the limits of said battlefield of Guilford Court House, shall be selected by the Secretary of War, but no part of the sum herein appropriated shall be expended until the site so selected shall be conveyed, free of cost, to the United States and there shall be provided for the public use an open highway thereto."

The object of this amendment is to make the bill conform to one passed by the Senate in the Fifty-ninth Congress having a similar object. The Senate also passed a bill in the Fifty-fourth Congress proposing to erect a statue of General Greene on the battlefield of Guilford Court House, but it was not considered in the House of Representatives.

Gen. Nathanael Greene was born in Warwick, R. I., May 27, 1742, and died at his home on Mulberry Grove plantation, on the Savannah River, in Georgia, on June 19, 1786, from the effects of a sunstroke received a few days prior thereto while in Savannah. He left a wife and five children. After the Revolutionary war he removed from Newport, R. I., to this plantation, which was given to him by the State of Georgia in recognition of his distinguished services in the Revolution.

He was the son of Nathanael Greene, a preacher of the Quaker denomination, and a lineal descendant of John Greene, who came from England, following Roger Williams. On July 20, 1774, he married Catherine Littlefield. He read law, but the times required him for a more active life. On May 8, 1775, he was commissioned a brigadier-general in the Rhode Island troops. He soon became a major-general in the Continental Army. He participated in the battles of Trenton and Princeton, and commanded the left wing of our army under the eye of Washington, at Germantown (now in Philadelphia), October 4, 1777, where Gen. Francis Nash was killed. General Greene possessed the confidence and regard of the great commander in chief in an eminent degree, and after the defeat of General Gates at Camden by Lord Cornwallis in August, 1780, Washington sent him to command the forces in the South.

On the 15th of March, 1781, he engaged Cornwallis in battle at Guilford Court House, about 5 miles from the city of Greensboro, N. C., which city is named in his honor. The battle was one of the most important of the Revolution. Though Greene ordered a retreat, he was not defeated. Of it Thomas E. Watson, in his *Life of Jefferson*, says: "Guilford Court House, in result, was an American victory, for it was necessary to the British plan of campaign that they should triumph, and they did not triumph. Greene turned south to free the land from the English, while Cornwallis went north toward Yorktown."

When the news of the battle reached Parliament, Cornwallis claiming it as a victory, Fox declared, "Another such victory would destroy the British army."

The historian, Wheeler, says: "The effect of this desperate battle (Guilford Court House) was to break down the English power in our State (North Carolina), subdue the Tories, * * * and was the main blow that broke the chain of tyranny which bound our country to England." The same author says that Greene "was one of the bravest, most sagacious, and most successful officers of the Revolution." He was probably second only to Washington.

The battle of Guilford Court House so crippled Cornwallis that he avoided a second conflict for the time being, and began a retrograde movement, leaving his wounded under the care of the Americans. General Greene then marched to South Carolina, then under the dominion of the British. At Eutaw Springs, on the 8th of September, 1781, a bloody battle was fought, in which Greene routed the enemy. The historian above quoted says that "after suffering incredible hardships from want of food and clothing for his troops his patience and firmness triumphed over all obstacles. He drove the invaders from the country, and they sailed from Charleston on December 17." He was called "the savior of the South," and when he died we are told he left "a fame that will remain as long as patriotism is admired."

The bill proposes to erect the monument on the battlefield of Guilford Court House. This is the scene of General Greene's greatest and most fruitful work. Of it Mr. Benton, in his *Thirty Years' View*, in his chapter on Nathaniel Macon, says the battle of Guilford disabled Cornwallis from remaining in the South and sent him to Yorktown, and continues:

"The philosophy of history has not yet laid hold of the battle of Guilford, its consequences and effects. That battle made the capture at Yorktown. The events are told in every history, their connection and dependence in none. It broke up the plan of Cornwallis in the South and changed the plan of Washington in the North. Cornwallis was to subdue the Southern States, and was doing it until Greene turned upon him at Guilford. Washington was occupied with Sir Henry Clinton, then in New York with 12,000 British troops. He had formed the heroic design to capture Clinton and his army (the French fleet co-operating) in that city, and thereby putting an end to the war.

"All his preparations were going on for that grand consummation when he got the news of the battle of Guilford, the retreat of Cornwallis to Wilmington, his inability to keep the field in the South, and his return northward through the lower part of Virginia. He saw his advantage—an easy prey—and the same result if successful. Cornwallis or Clinton, either of them captured would put an end to the war. Washington changed his plan, deceived Clinton, moved rapidly upon the weaker general, captured him and his 7,000 men, and ended the Revolutionary war. The battle of Guilford put that capture into Washington's hands, and thus Guilford and Yorktown became connected, and the philosophy of history shows their dependence and that the lesser event was father to the greater. The State of North Carolina gave General Greene 25,000 acres of western land for that day's work, now (in 1854) worth a million of dollars, but the day itself has not yet obtained its proper place in American history."

This battlefield has been reclaimed and adorned by the Guilford Battle Ground Company, a patriotic association incorporated by the legislature of North Carolina. The state legislature exempts it from taxation and contributes to its maintenance. It is now a beautiful park of about 100 acres of Piedmont hill and vale, the title being in the company. It has beautiful groves; meadows; abundant waters, including Lake Wilfong; springs; grass plats; a keeper's home; association buildings; a museum filled with Revolutionary relics, many of them of rare value; a pavilion with a large seating capacity; and has 25 monuments, among them one to the Maryland troops who fell in the battle, others to signers of the Declaration of Independence, to General Nash, to General Davidson (these two erected by an act of Congress), to Col. Joseph Winston, Col. Benjamin Cleaveland, and other Revolutionary heroes and distinguished patriots.

A line of the great Southern Railway traverses the battlefield. The relative positions of the opposing forces are shown by granite markers. It is a Mecca of patriotism. Every year on July 4 many thousands gather there to hear a leading address and short speeches on patriotic but nonpartisan subjects, frequently some Revolutionary character or event.

The late Gen. Henry V. Boynton said of it that "the vast body of the Revolutionary patriots of the North should take notice of this North Carolina work, * * * a field preserved and paid for, with its history collected and preserved on tablets and monuments."

The CHAIRMAN. Does the gentleman from Arkansas insist upon his point of order?

Mr. MACON. I do unless there can be some reason shown why this provision should remain in the bill.

Mr. TAWNEY. Mr. Chairman, I will state for the information of the gentleman from Arkansas that February 27, 1903, Congress appropriated \$50,000 for the erection of this statue. No part of that appropriation that was then made available can be expended for the unveiling of the statue and this is for the purpose, now that the statue is completed and will be erected and ready for unveiling during this year, of enabling the statue to be unveiled and to contribute to that ceremony what Congress did in respect to the two statues unveiled here a couple of weeks ago.

Mr. MACON. Was the entire \$50,000 expended?

Mr. TAWNEY. The entire \$50,000. I can not answer whether it has all been expended or not, but under the language of the appropriation not a dollar of it can be expended on account of the unveiling. It is not available and can not be expended, by the language of the act, for that purpose.

Mr. MACON. My reason for asking the question was to ascertain whether any part of the \$50,000 was unexpended out of which this amount of \$2,500 might be taken.

Mr. TAWNEY. No matter how large the balance of the appropriation might be, none of it could be expended for this purpose, because the language carrying the original appropriation provides it shall not be expended for the unveiling of the monument.

Mr. MACON. Has this monument been erected?

Mr. TAWNEY. It has not been erected yet; but I understand it is completed and will be erected this fall some time or next spring.

Mr. BATES. The language of the appropriation was "as much as might be necessary," was it not?

Mr. TAWNEY. Yes.

Mr. MACON. I will say to the gentleman in charge of the bill, Mr. Chairman, that, judging by the tardy progress of the work on the Grant monument, I do not think this appropriation will be needed for several years.

Mr. TAWNEY. I will say to the gentleman from Arkansas [Mr. MACON] that this appropriation has been expended by a commission composed of the Secretary of War, the chairman of the Committee on the Library in the Senate, and the chairman of the Committee on the Library in the House of Representatives. Now, the Secretary of War says the commission was not made aware of the necessity for the appropriation requested in time to include an estimate for it in the Book of Estimates for appropriations for 1911; and he also calls attention to the fact that no part of the original appropriation is available for this purpose; and I recall that some time ago, when this matter was before the House, the gentleman from Missouri [Mr. BARTHOLDT] stated that this monument was completed, and it was to be erected and unveiled this year. That is my recollection of his statement.

Mr. MACON. Is he a member of the commission?

Mr. TAWNEY. No. The commission consists of no one but the Secretary of War, the chairman of the Committee on the Library in the Senate, and the chairman of the Committee on the Library in the House.

Mr. MACON. The gentleman from Minnesota has had no suggestion from them as to when the unveiling would take place?

Mr. TAWNEY. Next fall some time; about the 1st of November. And the money appropriated here would not be expended until the monument was ready for unveiling, but it will be during the calendar year 1910—some time about the 1st of November.

Mr. MACON. Mr. Chairman, \$50,000 having been appropriated and used, I am not disposed to retard the progress of the erection and unveiling of the monument by insisting upon the point of order. I therefore withdraw it.

The CHAIRMAN. The gentleman withdraws the point of order. Under the unanimous-consent agreement the Clerk will proceed to read on page 73, line 12.

Mr. CAMPBELL. Mr. Chairman, I would like to ask the chairman of the Committee on Appropriations what items of expense are intended to be covered by this \$2,500.

Mr. TAWNEY. The same items of expense as were included in the unveiling of the two monuments—one on Pennsylvania avenue and one in Lafayette Park—namely, the Kosciuszko and Pulaski statues. The seating arrangements will constitute the principal item of expense.

Mr. CAMPBELL. I have observed that when seating capacity is being arranged for the unveiling of these monuments that new lumber is invariably used in each instance, and I want to know if the Government buys and pays for material to be used for the one occasion in each of these instances or whether there is a salvage after the use of the lumber? It looked to me like a waste of material to buy new lumber every time seating capacity is provided for the unveiling of these statues.

Mr. TAWNEY. I will say to the gentleman that the conditions under which the lumber is obtained amounts practically to a lease of the lumber. It is bought on condition that it is to be taken back by the firm from which it is purchased after the unveiling has taken place, at a price agreed upon between the dealer and the commission. It is not an absolute purchase. It is only a conditional one. It has to be taken back.

The Clerk proceeded with the reading of the bill.

Mr. BARTHOLDT. Mr. Chairman, I wanted to suggest an amendment to this paragraph, increasing the amount from \$2,500 to \$3,500.

Mr. MACON. Mr. Chairman, I make the point of order that the amendment comes too late. The paragraph has been passed.

The CHAIRMAN. The gentleman was on his feet asking for recognition when the Clerk commenced to read on page 73. The gentleman from Missouri [Mr. BARTHOLDT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "two" and insert "three," page 68, line 7, so that it will read: "\$3,500."

Mr. BARTHOLDT. Mr. Chairman, I understand that the appropriation for the recent unveiling of the Pulaski and Kosciuszko statues was \$2,500 and the same amount has been inserted for the Steuben statue. But I am informed that greater facilities will be necessary for the unveiling of the Steuben monument than were required recently. It is intended that from 3,000 to 4,000 singers will be present for the purpose of singing songs. A platform will have to be erected for them, and I understand this will entail an expense of at least \$1,000 or more if these singers, who will come from all parts of the United States—from the West, the South, the North, and the East—are to be accommodated. I earnestly hope that this small increase of expenditure will be made for their accommodation.

Mr. TAWNEY. Mr. Chairman, I trust the amendment will not be agreed to. I do not think that the expenses incident to the unveiling of any of these statues ought to be more than \$2,500. That was the amount that we appropriated for both of the statues that were unveiled here several weeks ago. It seems to me that \$3,000 would be an exorbitant amount to be expended for this purpose, because the main item of expense is providing seating capacity for those who attend. I do not think that we ever appropriated as much as \$2,500 before we appropriated for the unveiling of the Kosciuszko and Pulaski statues.

Mr. BARTHOLDT. Mr. Chairman, I desire to say to the gentleman from Minnesota that I did not bring the matter to the attention of the Committee on Appropriations, and especially of the distinguished chairman, because the necessity of this

additional appropriation has only recently become apparent. The fact is, Mr. Chairman, that it is proposed to make this the greatest demonstration of German-Americans that has ever taken place in the United States. I am informed that at least 50,000 people will be here, as compared, perhaps, with 5,000 or 6,000 who attended when the Pulaski and Kosciuszko statues were unveiled. Naturally, the Government should do something toward accommodating these great masses of people.

Mr. COX of Indiana. What is the estimate of the crowd that came here the other day to attend the unveiling of the statues?

Mr. BARTHOLDT. Five or six thousand.

Mr. COX of Indiana. And the gentleman estimates how many will be here on this occasion?

Mr. BARTHOLDT. At least 50,000.

Mr. COX of Indiana. A very large number will come here from Germany.

Mr. TAWNEY. I think the gentleman underestimated the number of those who attended the unveiling of the two statues recently. My information is that there were probably a great many more than 5,000 or 6,000.

Mr. COX of Indiana. Did the seating capacity fill the bill all right the other day?

Mr. TAWNEY. Yes. Of course the proceedings do not occupy a great deal of time, and the seating capacity is provided mainly for the societies under whose jurisdiction the statue has been prepared and erected and distinguished guests. Now, it is not supposed to provide a seating capacity for 10,000 or 15,000 or 20,000 people. These exercises do not last very long.

Mr. COX of Indiana. But they are very important.

Mr. TAWNEY. And the German-Americans and the Poles and the Americans can stand up a little while. If we undertook to provide seating capacity for all who attended, \$3,000 would not be a drop in the bucket.

Mr. BARTHOLDT. At least 45,000 people would have to stand up. I merely wish to call attention to the organizations that will participate in this coming event. There is the National German Alliance, composed of 2,000,000 citizens of the United States; the North American Athletic Union, with over 100,000 citizens; the Eastern American and Western American Singer Societies, organizations comprising about 250,000 members. Under the auspices of these organizations these unveiling ceremonies will take place; and, as I say, the seating capacity will, of course, have to be somewhat enlarged.

We can not possibly seat all those who want to attend; but for the singers who want to contribute to the dignity of the occasion by music and song and who are contributing liberally out of their own pockets by coming to the national capital, we should at least have a place for them to be seated and a platform from which they can render their songs.

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

Mr. BARTHOLDT. Certainly.

Mr. FITZGERALD. Where is this statue to be unveiled?

Mr. BARTHOLDT. On Lafayette Square; the corner nearest to Connecticut avenue.

Mr. STAFFORD. The northwest corner.

Mr. FITZGERALD. There is hardly any place there where you could build a platform that would hold 4,000 people. The platforms are generally built for the accommodation of the distinguished representatives of the different organizations who have some intimate connection with the memory of the person to be honored, and it is that they may be given an opportunity to be seated while the addresses are being delivered. It has never been possible to provide seating accommodation for all the visitors that would come to Washington.

Mr. BARTHOLDT. That is a matter of course.

Mr. FITZGERALD. It would not be possible to build a platform where 4,000 people could be accommodated.

Mr. BARTHOLDT. Mr. Chairman, I am merely expressing the wishes of those who have this matter in charge.

Mr. FITZGERALD. My understanding is that this money is used not only for the stands but for decorations, for engraving, for invitations, and a number of other incidental expenses.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the nays seemed to have it.

Mr. BARTHOLDT. Division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 35.

So the amendment was rejected.

The Clerk read as follows:

California Débris Commission: For defraying the expenses of the commission in carrying on the work authorized by the act of Congress approved March 1, 1893, \$15,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. If I remember correctly, this is a new provision, and I would like to inquire whether this is a permanent commission.

Mr. TAWNEY. It is a commission established by law.

Mr. COX of Indiana. Established by permanent law?

Mr. TAWNEY. Yes; it is in the district of the gentleman from California [Mr. ENGLEBRIGHT], and doubtless he can give the gentleman the information necessary.

Mr. ENGLEBRIGHT. The California Débris Commission was created in 1893 for the purpose of investigating the condition of hydraulic mining in that State in connection with what damage they were doing to the navigable streams, for the purpose of preparing plans to improve the rivers of that State with the view of permitting hydraulic mining to be carried on without damage to the navigable streams. This commission has done considerable work on that subject, and Congress has in the past made an appropriation of \$400,000.

Mr. COX of Indiana. A lump sum of \$400,000 or \$400,000 in the aggregate?

Mr. ENGLEBRIGHT. Four hundred thousand dollars to carry out certain plans, with a like appropriation from the State of California of \$400,000, which money has been nearly all expended. The present appropriation in the river and harbor bill for the improvement of the Sacramento River is based on the report of that commission.

Mr. COX of Indiana. Does the commission work in conjunction with the State of California?

Mr. ENGLEBRIGHT. It does.

Mr. COX of Indiana. Does the State of California make a like appropriation every time Congress appropriates for the commission?

Mr. ENGLEBRIGHT. Yes.

Mr. COX of Indiana. Then the State of California will put up a corresponding amount of \$15,000 with this?

Mr. ENGLEBRIGHT. No; the Government has been making this annual appropriation of \$15,000 for the expense of the commission. This commission has other duties. The State of California has been making appropriations to carry out works recommended by the commission.

Mr. COX of Indiana. Does the \$15,000 go to pay the salaries of the commission?

Mr. ENGLEBRIGHT. No; but the expenses of the commission. They are army engineers, who are paid by the Government.

Mr. COX of Indiana. Then this is to pay the expenses of the commission?

Mr. ENGLEBRIGHT. Yes.

Mr. COX of Indiana. Has any appropriation been made for this purpose in this bill or in any other by Congress in previous years?

Mr. ENGLEBRIGHT. Yes; \$15,000 has been appropriated every year since 1893.

Mr. COX of Indiana. Mr. Chairman, I will withdraw the pro forma amendment.

The Clerk read as follows:

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, \$20,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The paragraph pertains to work on the International Waterways Commission. I would like to inquire of the chairman of the committee as to the work that is performed by this commission and what is the special need of it.

Mr. TAWNEY. It is a statutory commission, authorized in the river and harbor appropriation bill quite a number of years ago. It is an international commission engaged in the survey of the boundary on the Great Lakes between Canada and the United States. It is a commission also that investigates the effect on the waters of the Lakes by reason of artificial outlets that may be and are made from time to time. A very important service was performed by this commission some years ago when the effect upon the lake level by the Chicago Drainage Canal was investigated and reported upon. The testimony of the chairman of the American commission before the committee showed the necessity of continuing it and the statute authorizing it. The Committee on Appropriations had nothing to do but recommend to the House the usual appropriation of \$20,000, which is the amount that has been appropriated for several years.

Mr. STAFFORD. Can the gentleman tell us who the members of the commission are and the amount that has been expended in maintaining it?

Mr. TAWNEY. General Ernst is chairman of the commission. He is a retired officer of the United States Army. On page 407 of the hearings the gentleman will find this statement:

The CHAIRMAN. General, we will hear you on your item, International Waterways Commission, page 153; for continuing the work of investigation and report, etc., \$20,000.

General ERNST. It is the usual amount allowed, Mr. Chairman, for the maintenance of that commission.

The CHAIRMAN. When do you expect this commission to complete its work?

General ERNST. That is a difficult question to answer. The commission has very nearly completed the work which was in sight when it was created, but last year a treaty was negotiated between the United States and Great Britain in which the work was assigned to it of relocating and reascertaining the boundary which runs through the northern waters, and that they have been engaged on in the last year, and that will take two or three years more; not less than two years.

The CHAIRMAN. Are you making a survey of the boundary?

General ERNST. We are supplementing national surveys. We are constructing a new series of charts on the proper scale for our purposes, and using as a greater portion of the data for that purpose the data from the War Department. We are also using Canadian surveys, and occasionally sending out parties to fill in gaps in these maps, locating light-houses when they are not already located, and that sort of thing. We have a force at Buffalo working on that, and it is making very good progress.

Mr. HULL of Tennessee. To whom does this commission make its report?

Mr. TAWNEY. The commission reports to the Secretary of War.

Mr. HULL of Tennessee. Are these reports submitted to Congress in full?

Mr. TAWNEY. They are.

Mr. STAFFORD. Mr. Chairman, I am quite satisfied that if it had not been for the additional duties that may have been conferred by reason of the treaty negotiations between the United States and Great Britain, to which the chairman directed our attention, there would be no need whatsoever for continuing any appropriation for this commission. It may have done some work in prior years, but most of us know that it is more or less of a fixture for having some employment without giving any return to the National Government.

In respect to General Ernst's statement that they are engaged in locating light-houses where they are not already located, I will state that members of the Committee on Interstate and Foreign Commerce know from the hearings that have been held from time to time on the location of light-houses that this Government has not received any assistance whatsoever from this commission or from our neighbor across the waters. Our Government has been obliged to provide for light-ships, because of the failure on the part of the Canadian authorities to provide the adequate aids to navigation on their shore. It is known to all who have any knowledge of lake traffic that the maintenance of aids on the Great Lakes has been borne almost exclusively by the United States Government. I for one do not wish to interfere with any new duty that may have been conferred by some treaty, but if those new duties had not been conferred, I would certainly have opposed any continuing appropriation just for the purpose of giving a nice berth to some people, whereby they may tour the Lakes in the summer season. Under the circumstances I will not oppose the appropriation.

Mr. TAWNEY. Mr. Chairman, if the gentleman from Tennessee [Mr. HULL], who inquired a moment ago about the report, will turn to page 408 of the hearings, he will see that the report is made to the Secretary of War. Sometimes it reaches Congress and sometimes not. The commission is not required to report to Congress, but the Secretary of War usually embodies a synopsis of its report in his annual report, which comes to Congress.

Mr. HULL of Tennessee. None of the duties of this commission are in conflict with the functions of the Committee on Rivers and Harbors?

Mr. TAWNEY. No; this commission was created on a river and harbor bill, and on the recommendation of the Committee on Rivers and Harbors.

The Clerk read as follows:

Support and medical treatment of destitute patients: For the support and medical treatment of medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, \$19,000, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

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

The Clerk read as follows:

On page 75, after line 18, insert:

"For screening doors and windows of isolating ward of Providence Hospital for minor contagious diseases, \$500."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

The unexpended balance of the appropriation for additional repairs and for furniture, and covered way connecting the main building of Garfield Memorial Hospital with the new children's ward, is hereby reappropriated and made available for such furnishings and equipment, of whatever kind, as may be found by the hospital directors to be necessary to put the new children's ward in proper condition for use by patients.

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

The Clerk read as follows:

Page 76, line 4, after the word "made," insert the word "immediately."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For the payment by the Garfield Memorial Hospital on account of the purchase of the land described as lots 294, 295, 296, 297, 298, and 299 on the subdivision of part of Mount Pleasant as the same appears in Liber (county) 14, at folio 25, in the office of the surveyor of the District of Columbia (the same real estate as that described in the deed from Schneider and others to the hospital of April 30, 1909), \$25,000, to be drawn by the board of directors of the hospital and applied by them exclusively and only to the object herein stipulated, and to be paid one-half from the revenues of the District of Columbia and one-half from the Treasury of the United States.

Mr. MACON. Mr. Chairman, I reserve the point of order on the paragraph for the purpose of obtaining some information from the chairman of the committee as to who purchased these lots and by what authority they were purchased.

Mr. TAWNEY. Mr. Chairman, I can not hear the gentleman. The CHAIRMAN. The committee will be in order.

Mr. MACON. Mr. Chairman, I am afraid to speak loud for fear some newspaper correspondent will report me as being mad, and, perhaps, that I have been threatened with the mace. [Laughter.]

Mr. TAWNEY. Oh, no; the gentleman from Arkansas never gets angry.

Mr. MACON. Mr. Chairman, I want to obtain information from the chairman of the committee as to who authorized the purchase of these lots. They seem to have been purchased before an appropriation was made for them. I do not know who authorized their purchase. Who made the purchase?

Mr. TAWNEY. Congress authorized the purchase.

Mr. MACON. And made no appropriation therefor?

Mr. TAWNEY. I will state to the gentleman that I was mistaken. These are the facts: Mr. Justice Harlan, of the United States Supreme Court, is one of the trustees; in fact, is the chairman of the board of trustees. They submitted a year ago an estimate for the purchase of this land which the Committee on Appropriations at that time did not see fit to recommend, which was not taken exception to by the hospital people at that time. Subsequently, conditions arose which made it necessary for the trustees to purchase this land in order to prevent its being purchased for building purposes, which would have materially interfered with the hospital and the use of the property of Garfield Hospital for hospital purposes. As a matter of self-protection, therefore, the trustees purchased the property, giving their note for the sum, with the understanding that at this session of Congress they would again urge upon Congress the purchase of this land. Now, the deed is in the possession of the Garfield Hospital trustees, and in view of the fact that the property was purchased at such a low cost, as represented to the committee by Mr. Justice Harlan, and in view of its being absolutely necessary for the use of the hospital, the committee recommended appropriating the money to take up the note which they gave at that time in order to save the property for the use of the hospital.

I will say also to the gentleman from Arkansas that it has always been the policy of the Congress to encourage these two private hospitals, because it is more economical to the District and to the Government to have these private hospitals equipped so as to accommodate the needs of the District of Columbia than it would be to erect a large and expensive hospital at public expense. Now, that is the reason why Congress has from time to time appropriated money to aid these hospitals to develop and increase their capacity to meet the increased demand from time to time of the District.

Mr. FOSTER of Illinois. Does this land adjoin the grounds of the hospital?

Mr. TAWNEY. I will say also that under the general law the United States is secured by a first lien on this property; should it ever be abandoned for hospital purposes the property will revert to the Government of the United States. I now yield to the gentleman from Illinois.

Mr. FOSTER of Illinois. Does this land adjoin the present hospital grounds?

Mr. TAWNEY. Oh, yes; it is part of the grounds on which the present hospital is located, and that was the reason why it was so necessary to obtain possession of it last summer or last fall when it was proposed by the owners to sell to private parties for residential purposes.

Mr. MACON. Mr. Chairman, I will not insist upon the point of order in this particular instance, though I am tempted to do so for fear that this is a bad practice to inaugurate.

Mr. TAWNEY. Will the gentleman from Arkansas permit me to interrupt him just a minute? I want to ask him if he is not aware of the fact that there is a scheme on foot here, and has been for a number of years, to erect a municipal hospital at a cost of three and a half million dollars, with a large organization involving great expense for maintenance. Now, the purpose of encouraging these hospitals is to afford the facilities necessary to supply the District and avoid the expenditure of the vast sum of money that would be required.

Mr. MACON. Mr. Chairman, I stated that I did not think I would insist upon this point of order, though tempted to do so, because it strikes me that it is a bad practice to allow private owners of property who have applied to Congress for an appropriation to purchase land or lots, and then, when the committee, after investigation, concludes that it is not a worthy project and refuse to make the appropriation, permits those private owners to buy the land or lots and afterwards gets Congress to appropriate to pay for them. It strikes me as being rather a loose practice in matters of this kind; but the chairman insists that this is a very important matter, that the lots were purchased at a reduced price, and that the Government is desirous of encouraging these private institutions in order to prevent, if possible, a great outlay of money for the construction of a municipal hospital. I will accept his statement in regard to the appropriation as being in the interest of economy and withdraw the point of order.

The CHAIRMAN. The gentleman from Arkansas withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

To aid the Children's Hospital on account of addition to and alterations and improvements of building, and for furnishings and equipment, of whatever kind, in the discretion of the board of directors, to be paid to said directors, and to be applied by them exclusively to the objects named herein, \$25,000, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

[Mr. MORGAN of Missouri addressed the committee. See Appendix.]

The Clerk read as follows:

For subsistence, namely: Pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; the cost of all articles purchased for the regular ration, and the subsistence of civilian employees regularly employed and residing at the branch, their freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; of tobacco; of all dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the home, \$253,000.

Mr. COX of Ohio. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 13, page 78, insert:
"And for the additional expense of articles purchased for the regular ration, \$50,000."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order on the amendment.

Mr. COX of Ohio. Mr. Chairman, at the session yesterday afternoon the Speaker of the House took the floor and appealed to the patriotism of every Member by reminding us of the obligations which are cast upon every citizen of this great, prosperous country. You will recall that he spoke of our resources and wealth, and urged Congress to provide generously for certain parts of the public service. He also called attention to the vast extent of our territory. I refer to what the Speaker of this House has said for the reason that he is more eloquent than I am and for the further purpose of giving force to what I have to say. I want to remind my colleagues, however, that had it not been for the 20,000 men now living in the national military homes of this country, we would not have our present vast extent of territory, and our domain would not run to-day from 49° north, as the Speaker has pointed out specifically, south to the Gulf.

Now, following the Speaker's contention down to what he often calls the final analysis, I want to remind my colleagues on this floor that this great, prosperous country, so rich in resources, is giving to its heroes in the soldiers' homes a ration which in cost averaged last year 13 cents plus. In one home it ran as low as 11 cents per capita per day. A few days ago

I called the attention of this House to the fact that in a hearing before the Committee on Appropriations it was developed that the ration cost in one of the federal penitentiaries was as ample as the ration cost last year in one of the national military homes.

Under the law the Inspector-General of the War Department each year makes a thorough inspection of these institutions. In the report which Inspector Brewster submitted to this Congress he advised us that the food provision is inadequate and that it should be increased. I take great pleasure in referring now to the fact that the members of the national military homes no longer represent section, but that there are now, as members of these homes, sons and grandsons of the men who led Pickett's charge at Gettysburg and the men who made that brilliant dash up Lookout Mountain in the South.

The boys of the North and the boys of the South who, shoulder to shoulder, made the charge up San Juan hill, are now living contentedly in these homes; and I insist that the ration cost should be ample.

I want to call attention to another statement made yesterday by the Speaker. Turning over to this side of the House, he said, with reference to the item of presidential expense:

I would risk my soul's salvation on the statement that in the State of Georgia, or the State of Missouri, or any other State in the Union, you can not find one man, woman, or child out of ten that would indorse such action upon your part.

I am willing to risk my chance of salvation upon the statement that not one constituent of any Member of this House, no matter which side he is on, will indorse this sundry civil bill, which carries an increased ration of \$10,000 for the animals in the Zoological Garden at Washington, and does not carry an additional penny for the ration of the soldiers in the national military homes. And I submit to my colleagues that this amendment, which will only increase the ration cost to about 16 cents per day per capita, should be indorsed. [Applause.]

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

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

Mr. ANTHONY. Mr. Chairman, I ask that it be extended five minutes.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] is recognized.

Mr. ANTHONY. Is it the purpose of the gentleman's amendment to provide additional funds to increase the rations allowed the old soldiers at the Central Branch?

Mr. COX of Ohio. Yes, sir.

Mr. ANTHONY. What is the basis for the gentleman's statement? Is it a fact that the soldiers at that home are not fed as well as they are at other homes?

Mr. COX of Ohio. A statement of the quarterly menu, as carried in the annual report of the Board of Managers, shows beyond any question that the men at the Central Branch are not fed nearly so well as the men in any of the other branches. And I believe in that connection that my colleague from Kansas has himself made comparison of the meals.

Mr. ANTHONY. The reason I called the gentleman's attention to the fact was that, in looking at the menus at the Central Branch and at some of the other branches, there seems to be no question about the fact that the soldiers at the gentleman's home do not have as large a bill of fare to select from as at some of the other branches, and I believe there certainly is ground for looking over these reports in connection with the proposition to increase the amount of money available for subsistence in the Central Branch. I think the gentleman should secure it.

Mr. TAWNEY. Mr. Chairman, the amendment of the gentleman from Ohio is one that I can not quite understand or ascertain what the effect of it will be. It reads:

And for additional cost of articles purchased for the regular ration, \$50,000.

Now, is the \$50,000 to appropriate the amount of the difference between the present cost of the ration and the cost of that ration some time past, or is it for the increased cost of the ration, and is this to meet the increased cost on the theory that the regular ration will amount to the same; that is, that the substance of the ration will be the same hereafter as it has been before; but that because of the increased cost of that ration it is necessary to appropriate \$50,000 additional? Or is it for the purpose of enabling the governors of these homes to increase the ration so as to include articles that are not now included?

Mr. COX of Ohio. The language of the amendment is substantially taken from the phraseology of the paragraph itself. The purpose of the amendment is simply to provide for more food. Whether the amount of food has been reduced because

of an increase in the cost, I do not care to say, but the amendment is simply to provide more food for the men.

Mr. TAWNEY. I call the attention of the gentleman to the fact, then, that the gentleman's amendment, if it is agreed to, will not accomplish the purpose he has in mind. If the gentleman wants to increase the ration and to provide for additional cost, then he should increase the appropriation for that ration.

Mr. COX of Ohio. I did not add the \$50,000 to the \$253,000 for the simple reason that the additional amount could then have been expended for other purposes named in the paragraph. I wanted it applied to the specific item of food, and I think that the gentleman from Minnesota will agree that it provides that.

Mr. TAWNEY. I will say to the gentleman frankly that I can not agree that it does that. I think the gentleman, if he will stop and consider the language of the amendment, will agree with me that it does not. I want to say that if it is necessary, if, in the judgment of the gentleman from Ohio, the ration is short and he wants to increase it so as to include the articles of food not now included, no matter how much money he will appropriate for that purpose, as long as it is in the discretion of the governors or the Board of Managers they will give only such ration as, in the judgment of the board, they are entitled to.

Mr. COX of Ohio. I would call the attention of the gentleman from Minnesota to this fact: Congress has not been giving a great deal of attention to the national military homes, but I think in the future Congress will give more attention to them. The gentleman himself is aware of the report made by Inspector Brewster, in which he stated that there should at least be added to the evening meal a bowl of milk for these old men. He says they have not enough to eat.

Mr. TAWNEY. Well, the gentleman from Ohio will admit that that is a matter of administration, entirely within the discretion of the Board of Managers. Now, under the law, the board is authorized to prescribe rules and regulations for the administration of the homes. That is placed entirely within the discretion of the Board of Managers, and when the gentleman undertakes, by specific language, to appropriate money for this purpose, of course to that extent he is interfering with the exercise of this discretion or putting limitation upon the administration of the homes, which, under the law, they have absolute discretion in administering.

Mr. ANTHONY. Will the gentleman answer a question?

Mr. TAWNEY. I will if I can.

Mr. ANTHONY. The gentleman will admit that the Board of Managers are under the control of Congress?

Mr. TAWNEY. No; I do not.

Mr. ANTHONY. I inferred that from your own statement.

Mr. TAWNEY. Not at all; but I do say that until the law is changed the discretion in respect to the administration of these homes is now vested by the law in the board and can not be changed or restricted by an appropriation.

Mr. ANTHONY. But the gentleman from Ohio asks for a specific sum for a specific purpose.

Mr. TAWNEY. Yes.

Mr. ANTHONY. I do not see that that is any limitation.

Mr. TAWNEY. And to that extent it nullifies their discretion. The effect of this amendment is to require the Board of Managers to increase the ration. That would be in conflict with the discretion they now have of making that ration anything they see fit.

Mr. COX of Ohio. Will the gentleman yield?

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

Mr. COX of Ohio. I ask that the gentleman be given five minutes more.

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

Mr. COX of Ohio. Is it your contention that if Congress appropriates an additional sum for the purchase of more rations, that the Board of Managers would pay no attention to the sense of this House in making that appropriation?

Mr. TAWNEY. I do not say that the Board of Managers will not, but they may; and they would be justified in doing it under the law.

Mr. COX of Ohio. The Board of Managers are directly under the control of Congress. If the Board of Managers is not disposed to respect the instructions from this House in this instance, then it is a very peculiar organization, and the sooner we ascertain its methods of operation the better.

Mr. TAWNEY. The gentleman from Ohio knows very well that under the law creating the Board of Managers of the Soldiers' Home the administration of those homes is left entirely within their discretion, under rules and regulations to be

prescribed by them; and when the gentleman offers an amendment to an appropriation bill which in any way changes or conflicts with that discretion it is not in order.

Mr. COX of Ohio. Then it is your contention that when we seek to buy ample food for the soldiers, to the amount indicated by the Inspector-General of the War Department, you characterize that as an interference with an administrative body?

Mr. TAWNEY. I characterize it as interfering with the discretion or restricting the discretion of the Board of Managers under the law. Now, the gentleman, if he thinks these rations are short, can very easily meet the question by increasing the appropriation which is to be expended under the discretion of the Board of Managers.

Mr. COX of Ohio. That appropriation takes in other items.

Mr. TAWNEY. Certainly it does.

Mr. COX of Ohio. The only way I could reach it was to specify that the amendment provides for food.

Mr. HITCHCOCK. Mr. Chairman, if the gentleman from Minnesota will permit me, I would like to ask if a substitute for the amendment proposed by the gentleman from Ohio would be satisfactory in placing the amount named in the paragraph \$303,000, provided that not more than the amount heretofore expended shall be expended for any purpose now in this paragraph except for rations, and the additional expenditure for rations shall not exceed \$50,000. Would that be satisfactory?

Mr. TAWNEY. The gentleman's proposed substitute would be simply an increase of appropriation.

Mr. HITCHCOCK. And providing that none of the increase shall apply to other items except rations.

Mr. TAWNEY. I do not think that would be in order.

Mr. HITCHCOCK. It would be a limitation.

Mr. TAWNEY. It would be a change of existing law.

Mr. HITCHCOCK. Mr. Chairman, I offer this as a substitute for the amendment offered by the gentleman from Ohio.

Mr. TAWNEY. Let the substitute be reported.

The Clerk read as follows:

Amend, on page 78, line 18, so as to read:

"Three hundred and three thousand dollars: *Provided*, That not more than the amount heretofore expended shall be expended for any purpose named in this paragraph, except for rations, and the additional expenditure for rations shall not exceed \$50,000."

Mr. TAWNEY. On that I reserve a point of order.

Mr. KEIFER. Mr. Chairman, I think the thing sought to be accomplished by my colleague from Ohio is an additional appropriation to increase the rations at the soldiers' homes. I think some criticism might be made on the form of the proposed amendment, and I would suggest that he modify it so as to read something like this:

And for the increase of rations for the inmates of the regular soldiers' home, \$50,000.

That would limit the \$50,000 for a particular purpose; that is, not to withdraw any appropriation proposed to be made in the bill from use in the purchase of rations, but adding \$50,000 to that, or whatever it may be. If the matter of getting additional articles of food is sought, it will go to the question of good, sufficient, and suitable articles of food for the inmates of the soldiers' homes.

Mr. COX of Ohio. The gentleman uses the term "regular soldiers' home."

Mr. KEIFER. No.

Mr. COX of Ohio. There is a distinction between the regular and the national home.

Mr. KEIFER. The word "regular" is not essential. I mistook a word that was used in the gentleman's amendment. What I am trying to do is to get an amendment, if it is to be adopted, that will give a specific sum for a specific use in addition to that that is already proposed to be provided for in the bill.

Mr. COX of Ohio. I want to submit to the gentleman from Ohio that this objection to the phraseology might be captious—not referring to the gentleman from Ohio at all—but introduced purely for the purpose of defeating the main purpose of the amendment itself.

Mr. KEIFER. I think not. So far as I am concerned, I am in sympathy with the gentleman, provided it is necessary. My object is to have a proposition that will work out and accomplish the object which the gentleman desires to be accomplished.

Mr. COX of Ohio. My amendment provides for \$50,000 additional to buy food, and is as simple as language can make it.

Mr. KEIFER. I will read your amendment:

For additional cost of articles purchased for regular rations, \$50,000.

You might pay more and yet not get any more.

Mr. COX of Ohio. The paragraph which this seeks to amend carries this phraseology, "Cost of all articles purchased for

regular rations," and this \$50,000 is in addition to the cost of the rations.

Mr. KEIFER. I think if the words "cost of" were stricken out, the gentleman's amendment would be all right; so that it would read "for additional articles to be purchased for the regular rations," and that would cover exactly what the gentleman wants.

Mr. COX of Ohio. Mr. Chairman, I ask unanimous consent to modify my amendment to that extent.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to modify his amendment, which is pending subject to a point of order reserved against it, as follows.

The Clerk read as follows:

After line 13, page 78, insert:
"And for additional articles purchased for the regular rations, \$50,000."

Mr. TAWNEY. On that I reserve the point of order.

The CHAIRMAN. The gentleman from Minnesota reserves the point of order.

Mr. KEIFER. Mr. Chairman, I entered into a colloquy and would like to occupy two or three minutes more. While I am not certain that there is any shortage in the quantity of rations furnished generally at these homes, and it may be that the quality is good, yet if there is any danger at all that these men are not in their old age well fed, given good food and plenty of it, I am quite satisfied that this amendment should be adopted. I can not go into the question from a personal knowledge as to whether they are now well cared for in the different homes or not, but we ought to make no mistake in this direction.

Mr. COX of Ohio. Will the gentleman yield?

Mr. KEIFER. Yes.

Mr. COX of Ohio. The Inspector-General's report shows that the ration cost is 13 cents; that in some of the homes last year it ran as low as 11 cents per day per capita. The gentleman himself knows that before a subcommittee of which he is a member the information was adduced that this ration cost of 11 cents was as low as the ration cost at the federal penitentiary at Atlanta. Inspector Brewster further recommends that additional food be purchased for the men.

Mr. KEIFER. So far as that is concerned, Mr. Chairman, we had testimony before the Committee on Appropriations showing, I think, that the highest cost of taking care of prisoners at the military prison at Leavenworth was about 18 cents, and I think the gentleman from Georgia [Mr. LIVINGSTON] will bear me out in saying that the testimony taken with reference to the cost of the ration per day at the federal prison at Atlanta was 11 cents, and I am quite sure that he testified in his capacity as a member of the committee, saying that they were well fed down there. But these things do not influence my mind at all. I am perfectly willing that abundance should be appropriated for the purpose of paying, if we must, three times that much, and I think the proposition of the gentleman from Ohio should prevail.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. KEIFER. Yes.

Mr. COOPER of Wisconsin. Eleven cents a day is less than 4 cents a meal. What do they buy to feed soldiers or ex-soldiers or old veterans on at less than 4 cents a meal?

Mr. KEIFER. I can not answer that question.

Mr. COOPER of Wisconsin. Well, it ought to be answered right here.

Mr. ANTHONY rose.

Mr. KEIFER. I am only stating what the gentleman from Kansas [Mr. ANTHONY] may know more about than I. It looks to me, as it does to the gentleman from Wisconsin, that the amount is too small.

Mr. COOPER of Wisconsin. Why, it is 3 cents and a fraction a meal.

Mr. ANTHONY. Mr. Chairman, here is the point: The food at the different homes does differ in quality and amount. Just take on one day, September 30, 1908, for the Sunday dinner at the Central Branch, which is the branch the gentleman from Ohio [Mr. Cox] speaks of, to be found on page 120 of the report of the board. The Sunday dinner consisted of mutton stew, pie, bread, oleomargarine, and coffee. On that same day, that same Sunday dinner, at the Leavenworth Home the old soldiers got roast beef, mashed potatoes, buttered beets, tapioca pudding, pickles, bread, butter, and coffee—almost twice as much and twice as great a variety.

Mr. BARNHART. That is the Sunday dinner.

Mr. COOPER of Wisconsin. It does not strike me that what the gentleman read is very much of a meal to furnish as a Sunday dinner to a man who risked his life to help save this

Nation. For instance, the gentleman from Kansas read "mutton stew"—

Mr. ANTHONY. And pie.

Mr. COOPER of Wisconsin. Well, the word "pie" will cover a multitude of evils—bread and oleomargarine. There are many grades of oleomargarine and several of these are not fit to eat. Think of that! Mutton stew, pie—which means anything you can label "pie"—bread, and oleomargarine.

Mr. ANTHONY. And coffee.

Mr. COOPER of Wisconsin. And that also means anything. Three cents and a fraction a meal in these days when prices of food have risen 25 to 30 per cent! Now, I take it that there may be something of truth in the charges of the gentleman from Ohio [Mr. Cox] that in some of these homes these old veterans have not been properly nurtured. That was a Sunday dinner, a sample meal.

Mr. FOSTER of Illinois. If that was a Sunday dinner, it was supposed to be a little better than on week days.

Mr. COOPER of Wisconsin. Apples are 5 cents apiece in this town.

Mr. FOSTER of Illinois. If that is a Sunday dinner, what would it be on week days? On week days probably they did not have that much.

Mr. COOPER of Wisconsin. They had the stew without the mutton.

Mr. FOSTER of Illinois. They had the stew without the mutton, that is practically it.

Mr. COX of Ohio. Mr. Chairman, I introduced into the RECORD about a week ago a comparison of the menu of the Dayton Home and the Dayton jail, and the food is more abundant in the Dayton jail than it is in the Dayton Home, and I say to my colleagues on this floor that the men in the Dayton Home are not getting enough to eat.

Mr. COOPER of Wisconsin. Mr. Chairman, a statement of facts like that can not idly be passed over. It means something to people who remember with gratitude the services of the veterans of the Union Army. The greatest service ever rendered the Nation since the foundation of the Republic was rendered by the men who saved it; and when gentlemen say that it costs to feed these veterans only 11 cents a day—

Mr. CRUMPACKER. Will the gentleman yield?

Mr. COOPER of Wisconsin (continuing). And that there are constant complaints coming from these soldiers' homes of insufficient food and of improper food, we ought to have something like the detailed facts. What we want and all we want here is accuracy of information and truthfulness of statement, and I would like to know before I vote on an appropriation of this kind just what the facts really are.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out a word or two. Now, in relation to the standard and cost of maintenance of members of national military homes there may be a great deal of misunderstanding. I am sure that every man, every citizen of the United States, expects this Government to make ample provision for the comfortable maintenance of every veteran in the national military homes. I am sure that every Member of Congress desires to make adequate provision for the homes, and if we have not done it, it is because we have not understood their requirements. No appropriation that has been proposed or submitted to Congress with that end in view has been turned down, and I do not understand why the managers of these homes should provide inadequate food or insufficient subsistence. They know they can obtain all the money that is necessary to take care of all the veterans of the civil war in soldiers' homes. They only need to make their estimates in order to get the appropriations necessary, and I do not understand why the condition of things exists, if that condition has been correctly stated here.

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

Mr. CRUMPACKER. I will yield for a question.

Mr. BARNHART. I can answer the question you have just asked why these bills of fare are not more liberal or broader, and it is because the attending physicians in charge of the institutions provide these bills of fare, and they provide them in such a way as to endeavor to maintain the largest possible range of health in the institution, but in doing that they curtail these bills of fare, the same as they do in state benevolent institutions, to such an extent that they have to live on the plainest and simplest kind of food in order to maintain what the physicians insist would be good health, and they have made it so very simple and so very plain that there is constant complaint; and they have the right to complain, because in the state institutions of Indiana it costs about 21 cents a meal to maintain the inmates.

Mr. CRUMPACKER. Mr. Chairman, I have never heard any complaint about the fare at any soldiers' home, national

or state, by men who have been members of those homes. The members of national military homes are old men, many of them in poor health. These institutions are more like hospitals than they are like homes, and the amount of food that each member of one of those institutions consumes is not the average amount of food that may be consumed by a man in health.

There is another thing. The estimated cost of 11 cents a day, I understand, is the cost of the raw material. It does not include heat, preparation, cooking, or serving.

Mr. TAWNEY. Let me correct that statement. It is not 11 cents; it is 13 cents.

Mr. CRUMPACKER. The cost is simply of the raw material. We must bear in mind that they do not go down on the streets to the fruit stands and buy apples by the nickel's worth, paying 5 cents for each apple. They buy them by the quantity and under contract, and the average amount that one member of a home may consume in a day will appear to us who are paying for living in the city of Washington ridiculously small.

In the city of Valparaiso, in Indiana, in which I live, I was invited to a banquet two years ago where the price was 10 cents a plate, and it was a first-class banquet, too.

Mr. OLcott. Did that include wine?

Mr. CRUMPACKER. It did not include wine. It was a four-course banquet, and 10 cents a plate covered the cost of everything. There were 400 at that banquet. That institution five weeks ago gave a banquet at 15 cents a plate.

Mr. OLcott. Was the increase of price caused by the Payne-Aldrich tariff bill?

Mr. CRUMPACKER. I think the increase of price was caused by the standard of the banquet, because it was given in honor of a man so distinguished as the ex-Secretary of State, Mr. John W. Foster. The manager of that institution gave a detailed statement of the cost after each course, showing how the material was bought, the cost of purchase, the cost of preparation, the cost of service, the overhead charges, and the underfoot charges. It was a complete analysis of the cost. It was a good banquet. It was written up in a long article in McClure's Magazine in March, 1908.

Mr. ADAIR. Was there any lamb in the stew?

Mr. CRUMPACKER. They did not have lamb stew. I suggest that the 13 cents a day as pay for the raw material, where potatoes, cabbage, and apples and meats and that sort of thing are bought in large quantities under contract, and when the 13 cents a day applies only to the original cost of the raw material and does not include anything for the maintenance or overhead charges or anything of that sort, it may be, perhaps, not out of the way.

Mr. COX of Ohio. Will the gentleman yield?

Mr. CRUMPACKER. I will yield for a question.

Mr. COX of Ohio. The ration cost of the home at Marion, Ind., is 14 cents. Is the gentleman opposed to an increase of that ration?

Mr. CRUMPACKER. I am not opposed to anything that is necessary. I am simply making some observations here so that we may have a better understanding of the reports of these institutions. I am in favor of appropriating all the money that is necessary to maintain these military homes upon such a standard that every member of them may be supported in comfort and may be provided with all the necessities of life; and if we are not doing it now, we ought to do it. But these statistics may be misleading. I repeat now that a suggestion that the ration cost is 13 cents a day looks astonishing to a man who lives at a Washington hotel; and yet, when you come to analyze it, it may not be out of the way. I do not know. When you come to consider the fact that it is the cost of the original material, bought in large quantities under contract, and does not include any other cost—the cost of preparation, fuel, heat, maintenance of the establishment, and so forth—it may not be so far out of the way. Let us not now be misled by these statistics. We ought to carefully investigate this question.

I want to repeat that if an additional appropriation is necessary, I am for it; but I think the House ought to be convinced that it is necessary before making it.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. YOUNG of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1997. An act to limit and fix the compensation of the appraiser of merchandise at the port of San Francisco; and

S. 4180. An act to authorize the extension and enlargement of the post-office building in the city of Lincoln, Nebr.

SUNDAY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. YOUNG of New York. Mr. Chairman, I have listened with a good deal of interest to this discussion, and especially to the remarks of the gentleman from Indiana; but the question is whether or not the old soldiers in the Dayton Home should have sufficient and proper food. The statement has been made by the gentleman who offered the amendment that the prisoners in the jail at Dayton are supported at a cost of about 21 cents per day, while those in the home are maintained at a cost of 14 cents. Now, I contend that it is utterly impossible under any circumstances in this country to give proper nourishing food at 4½ cents per meal; and I believe that this amendment should prevail.

Mr. CRUMPACKER. Before the gentleman sits down, let me see if he understands the situation from the same point I do. The gentleman says at a cost of 14 cents; but that is not the cost of the meal, but the material bought in quantities, under contract, and that is the average cost of each member of the home, while perhaps one-third of the members of the home are in the hospital and consume but very little food.

Mr. YOUNG of New York. I would say that those in the hospital as a general thing should have better food, if possible, than those not in the hospital.

Mr. CRUMPACKER. That is true; but a man who is sick does not eat the quantity that a well man does.

Mr. YOUNG of New York. Certainly he does not; but it is more expensive food.

Mr. CRUMPACKER. If the gentleman can convince me or this House that the soldiers in the Dayton Home are not being adequately supplied with food, good wholesome food, I am sure every Member of the House will vote for an increase in the appropriation.

Mr. YOUNG of New York. I want to say to the gentleman that I do not believe, under any circumstances, raw food can be bought for the maintenance properly of any man in that or any other institution of the country at 4½ cents a meal.

Mr. CRUMPACKER. Has the gentleman ever had any experience in feeding a large number of people?

Mr. YOUNG of New York. I have.

Mr. CRUMPACKER. I have not, and perhaps the gentleman is right.

Mr. YOUNG of New York. I want to say now that it has been brought out sufficiently clear that in the other homes the expense of maintenance is greater than in Dayton. I believe that the bill of fare as read here indicates that their food is not sufficient.

Mr. CRUMPACKER. There is about 2 cents difference in the Marion Home greater than the Dayton Home; but 2 cents a day is not much as between 12 and 14 cents. Two cents a day would not supply many table luxuries.

Mr. YOUNG of New York. In the institutions in New York, the prisons, hospitals, and other institutions, it costs about 21 cents per day.

Mr. CRUMPACKER. That is the cost of preparation.

Mr. YOUNG of New York. That is the cost per meal; that is included in this cost.

Mr. CRUMPACKER. And the chances are that of that entire cost a comparatively small percentage of it is the cost of the raw material. That is what this cost is supposed to refer to—not the cost of the meal, but the cost of the material that goes into the meal.

Mr. YOUNG of New York. Well, that is drawing the line pretty close. I want to say this, as a general proposition, that the soldiers in the homes should be maintained in the best manner possible, and they should have substantial food of sufficient quantity.

Mr. CRUMPACKER. I agree with the gentleman in that.

Mr. YOUNG of New York (continuing). To maintain them in health.

Mr. TAWNEY. There is nobody who disagrees with the gentleman on that proposition.

Mr. ADAIR. Does not the gentleman believe that the fact that it costs 4½ cents a meal is all the evidence that any Member of this House needs to convince him that this appropriation ought to be increased and that this amendment ought to be passed?

Mr. YOUNG of New York. That is the case. I do not believe that they can be properly maintained and fed at 4½ cents per meal.

Mr. GARDNER of Michigan. Will the gentleman permit one question?

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

Mr. GARDNER of Michigan. I ask that the gentleman's time be extended for three minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from New York be extended for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. I would like to ask the gentleman from New York if he knows what it costs to support men in the army a day each for their food.

Mr. YOUNG of New York. I do not.

Mr. GARDNER of Michigan. What would the gentleman think would be a fair cost for a man in perfect health and exercising vigorously?

Mr. YOUNG of New York. I have no information on the subject.

Mr. GARDNER of Michigan. It costs 20 cents a day for a man in perfect health who is drilling and in prime condition for service.

Mr. DOUGLAS. The gentleman says about 20 cents a day.

Mr. FITZGERALD. It is 21 cents and a fraction.

Mr. DOUGLAS. How big is the fraction?

Mr. FITZGERALD. It is less than 22 cents.

Mr. GARDNER of Michigan. That is not far out of the way. You take the difference between a young man in perfect health and condition, compelled by virtue of his vocation to exercise vigorously, and who is kept in that condition because he is bound to be fit for duty, if he can live on 21 cents a day, what can a man in the decline of life, who does not require nearly as much food as a man in early life, live on?

Mr. YOUNG of New York. I think the Government buying in very large quantities has an advantage and is able to buy cheaper than can these institutions under consideration.

Mr. FITZGERALD. They are buying food for 21,000 men in these institutions.

Mr. COX of Indiana. May I ask the gentleman if he can inform the committee what the rations cost in the federal prison?

Mr. YOUNG of New York. I have no information on that subject.

Mr. KEIFER. It was stated before our committee that the average cost at Atlanta was eleven and a fraction cents, and I think at Fort Leavenworth it was 17 cents.

Mr. TAWNEY. I want to say that the average cost at Atlanta was 11 cents, but there the men were engaged in hard labor each day.

Mr. COX of Indiana. What is the average cost at the military prison?

Mr. TAWNEY. In the military prison it was about 18 cents a day; but there was a surplus, as I explained to the House during the consideration of the urgent deficiency bill, that was paid to the men in cash, or was supposed to be paid to them in cash.

Mr. COX of Indiana. Deducting the surplus, what was the cost?

Mr. TAWNEY. About 11 cents a day. I want to say to the gentleman from Indiana that there has been a great deal of misinformation given out on the floor regarding the cost of rations at soldiers' homes. At the Central Branch it is 14.4 cents a day; at the Northwestern Branch, 15 cents; at the Eastern Branch, 15 cents plus; at the Southern Branch, 14 cents; at the Western Branch, 15 cents plus; at the Pacific Branch, 15 cents plus; at the Marion Branch, 15 cents plus; at the Federal Branch, 13 cents; at the Mountain Branch, 16 cents plus; at Battle Mountain Sanitarium, 22 cents plus. So that they range all the way from 14 cents to 22½ cents a day. Now, Mr. Chairman, the Committee on Appropriations has recommended the appropriation of all the money for this purpose that the Board of Managers has asked for. The gentleman has said that a great deal of this appropriation may be expended for other purposes.

The total cost of all the articles purchased for the regular rations during the last fiscal year was \$217,498, out of a total appropriation of \$253,000. Only \$35,502 of the total amount is expended for any other purpose whatever.

Mr. Chairman, it is easy for us to make statements on this floor without knowing the exact conditions under which these rations are purchased; without taking into consideration the fact that the cost is only the cost of the materials, with nothing for service, nothing included for preparation; no element of cost outside of the cost of raw material is included in the cost of these rations.

Now, who is in charge of these old soldiers' homes, and why should they not afford to the inmates of these homes all of the food necessary to make their conditions as pleasant for them as possible? The inmates of these homes were the men who served during the war with the governors of the homes. The man who is at present chairman of the Board of Managers is himself an ex-Union soldier, the son of one of the greatest generals of the Union Army during the rebellion, a former Member of this House, James W. Wadsworth, of New York.

Mr. COX of Ohio. Is the gentleman aware of the fact that the potential figure on that board was never in the service?

Mr. TAWNEY. I do not know who the gentleman refers to as the potential figure. I know James W. Wadsworth, of New York, was in the service, as well as his father.

Mr. COX of Ohio. I know, and every governor says, that William E. Elwell is the potential figure, and he would not know a soldier if he saw one.

Mr. ANTHONY. Will the gentleman from Minnesota yield?

Mr. TAWNEY. No; I can not at present. My statement was that the governors in charge of these homes, in every case, served with the men who are in the homes. I say it is preposterous for us to stand here and criticise these men without knowing what the facts are, without knowing the conditions, or even taking into consideration such facts as we do know.

Mr. COX of Ohio. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. COX of Ohio. When I went into the subject of the management of these soldiers' homes I spoke in compliment of every governor at these institutions. I referred to their signal service as soldiers, to their splendid citizenship, and I said that the main difficulty was that these governors were deprived of discretionary rights in emergency cases.

Mr. TAWNEY. Mr. Chairman, if that is so, no complaint has ever come to the Committee on Appropriations from a single one of these governors, either directly or indirectly.

Mr. COX of Ohio. How long would the governors last if they did?

Mr. TAWNEY. The Members of the House here are acquainted with some of these men. Take the governor of the Marion Branch, in Indiana, General Steele, a man that many of us have served with in this House. We know him to be a man of the highest integrity, a man whose heart is so big and so generous he could not do any man a wrong, a man who would not under any circumstances permit without a protest the Board of Managers to do anything that would interfere with the comfort or with the health of the inmates of the home presided over by him. So it is with General Henderson, the governor of the home at Danville, a man who has had long service in this House, a man with a record of brilliant service in the army, a man who is in touch constantly with the conditions in that home; and I say, therefore, that there is absolutely no justification for criticism of these men, and it is not to be presumed that these men would neglect their comrades in arms to the extent that has been stated on this floor time and time again during this debate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. Mr. Chairman, I ask unanimous consent that it may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX of Ohio. If the gentleman at some time or other will call before his committee men from the Inspector-General's office of the War Department, he will get some information which might be startling in that connection.

Mr. TAWNEY. We had the report of the Inspector-General before us.

Mr. COX of Ohio. And in that connection a gentleman in that department told me within a month that the governors complained about arbitrary orders from headquarters in New York. The gentleman asked the question whether any of these governors have permitted any of these men to suffer. It is a matter of record in the proceedings of this House that a man who served four years died in the rain just outside of the gates at the Hampton Home, and the governor did not have the discretionary right to admit him.

Further than that, within a week the resident manager at Dayton told me that he was at the local home recently and saw them turning from headquarters a man who was so sick that he looked as though he would die. The governor said that in the face of instructions from headquarters in New York he could not admit him. The resident manager gave instructions on the spot to send him to the hospital, because he was sick and ought to be cared for. This Congress has not been acquainted with the conditions in these homes, and the facts are, further, that the Board of Managers has misrepresented things

before the gentleman's committee, and I will show it before the day is over.

Mr. TAWNEY. Mr. Chairman, the discretion which the governor of the home has is sufficient to enable him to prevent any old soldier from suffering, whether an inmate of the home or not an inmate of the home, suffering as the gentleman has described, and if he did not do it, it is because of some reason other than that mentioned by the gentleman from Ohio [Mr. Cox].

It is easy for gentlemen to go around in the departments here and have somebody make a statement derogatory of the management of an institution not under their control, but I submit that Congress has never yet enacted legislation upon hearsay testimony of that kind. Never has the committee, in the consideration of the estimate for the soldiers' homes, received a letter of complaint from an inmate. No member of a committee, so far as I know—I know I have not—has received a single complaint on the part of an inmate of a home regarding the treatment which he has received. The fact of the matter is that these homes are maintained for the benefit of the old soldiers, and Congress has placed them under the control of men who, of all men, would be interested in seeing to it that their comrades while inmates of these homes were properly and fairly treated.

Mr. ANTHONY. Will the gentleman yield for a single question?

Mr. TAWNEY. I yield to the gentleman.

Mr. ANTHONY. Where is the control of these homes reposed; where is the office? Is it not the New York office?

Mr. TAWNEY. That is the office of the Board of Managers; yes.

Mr. ANTHONY. Will the gentleman tell me how much time the president of the Board of Managers and the men who are in the New York office devote to the individual homes in their charge, how many hours or how many days in the entire year they have put in at any of these homes?

Mr. TAWNEY. I am unable to say how much time they devote to a home.

Mr. ANTHONY. The number of hours and days will surprise the gentleman.

Mr. TAWNEY. I am talking about the governors. It is not supposed the managers, who serve without compensation, will give their whole time to the management of these homes; that is the business of the governors of the homes, to devote all their time to the management of the homes.

Mr. COX of Ohio. May I ask the gentleman if it is not a fact the governors are absolutely controlled by the Board of Managers?

Mr. TAWNEY. The governors are under the jurisdiction and control of the Board of Managers, but when it comes to the administration of the homes within the regulations prescribed by the Board of Managers the governors are supreme in every respect, and they have a wide latitude and are given a wide discretion in the management of the homes because of the fact the Board of Managers can not be there, or members of that board can not be there at all times, and also because the Board of Managers know that the governors of those homes are men as deeply interested as any other men in the welfare and in the comfort and in the health of their comrades who are in the homes.

Mr. COX of Ohio. But in the administration of the affairs of the homes, is it not a fact that the governors can not exceed the regulations laid down by the Board of Managers?

Mr. TAWNEY. That is true, except in exceptional cases.

Mr. DOUGLAS. Mr. Chairman—

Mr. TAWNEY. I can only yield to one gentleman.

Mr. COX of Indiana. Who fixes the ration allowance of these soldiers in these homes, the governors or the Board of Managers?

Mr. TAWNEY. Why, the governor of the home fixes the ration; the Board of Managers prescribe the ration—

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

Mr. GARDNER of Michigan. Mr. Chairman and gentlemen, I think I would be one of the last men who would assent to anything that would bring discomfort upon men with whom I marched shoulder to shoulder for over three years in the war. As I said the other day, I have been in a number of these national homes. I expect to leave for one this afternoon to deliver an address on Monday. I am going to look into the case to which the gentleman called attention the other day. I second heartily what the gentleman from Minnesota has said. I know nearly all the members of the Board of Managers personally. If I had the power to select, I do not know where I

could improve upon the personnel of the Board of Managers to whom under the law is committed these 20,000 veterans of the civil war.

Mr. COX of Ohio. Will the gentleman yield there?

Mr. GARDNER of Michigan. Briefly, if I can have my time extended.

Mr. COX of Ohio. Is the gentleman aware of the fact the Board of Managers—and I yield to no man in the high respect I hold for each individual member of that board—that the Board of Managers held two meetings at headquarters in New York last year?

Mr. GARDNER of Michigan. Now, let me say right here, each home is under the charge of a member of the Board of Managers. It is his duty to look after that home; and please remember this: This law does not allow the Board of Managers a single dollar of compensation. They give their time absolutely without money and without price.

Mr. ANTHONY. Will the gentleman yield—

Mr. GARDNER of Michigan. I know what the gentleman is going to say—

Mr. ANTHONY. They do not give enough of their time. Is it not true these gentlemen all have either large official or personal business to look after and they devote too little time to these homes? It is my impression that they do not devote time enough. They are all good men, but they are too busy to give the attention which is needed in these homes.

Mr. GARDNER of Michigan. I grant that, and I think each member of this Board of Managers ought to be reasonably compensated.

We compensate well the men charged with looking after our battle-field parks, but what is the comparison of taking care of a few national parks with the men who made the national parks possible? There are trees, lawns, monuments, and such things, without sense and without feeling, and yet here are 20,000 men that you ask these men to serve and look after without a dollar of pay. As the gentleman well says, some of the men are of large financial concerns. They do all that is to be expected of them without any compensation, and more than we have a right to expect of them.

Now, I want to say to the gentleman from Ohio, and I am willing to stand before any body of my comrades in this land and say what I say now, that there is a very small percentage of these old soldiers that are most difficult to manage. Ninety-eight per cent of them require scarcely any discipline. I have that on authority. But in a home of 5,000 men there must be discipline or your homes will be ruined. You owe it to the 98 per cent who keep the regulations that the 2 per cent shall not trample upon them to the discomfort of the whole, just as we owe to society that the 98 per cent of law-abiding people shall have the right to be protected from the 2 per cent that would, if not restrained, trample upon their rights.

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

Mr. GARDNER of Michigan. Surely.

Mr. COX of Ohio. I assume that the gentleman is anxious to have as much information as he can on this subject, and I want to remind him that the Grand Army posts in this country have complained bitterly of the fact that the 2 per cent he speaks of has been turned outside the gates. Recommendation has been made by the Inspector-General's department that these 2 per cent be segregated for the convenience and comfort of the men and for the welfare of the 2 per cent. I want to remind the gentleman—

Mr. GARDNER of Michigan. You were to ask me a question, not to make a speech, unless I can get more time.

Mr. TAWNEY. You can not get more time.

Mr. GARDNER of Michigan. I want to read here from a report of the largest post in Ohio, at Dayton, these words:

DAYTON, OHIO, August 18, 1909.

To the President of the Board of Managers,
National Home for Disabled Volunteer Soldiers,
932-934 New York Life Building, New York, N. Y.

DEAR SIR: In view of the considerable number of insubordinate and incorrigible old soldiers in the Dayton Home; in view of a considerable number who are so incorrigible as to be intolerable, and who have therefore been justly denied the privilege of the home, and are wanderers, sleeping in the open and on porches, in outhouses, and obtaining a precarious living, being an object of pity, and making to all a peculiar plea for help; in view of the widely prevalent idea that no old soldier should ever be refused some place in a national home if he desire it; and in view of the fact that by present rules and under existing conditions there is no way of treating a chronic incorrigible: Therefore

Resolved, That we respectfully petition the honorable Board of Managers of the National Homes for Disabled Volunteer Soldiers to so modify the conditions as to set apart suitable quarters for such old soldiers as can not be controlled by the ordinary rules of the soldiers'

homes, and that for such quarters the rules be suited to chronic offenders against good order.

Respectfully submitted.

F. C. LINDSEY.

Approved.

C. M. HASSSLER,
*Post Commander of the Old Guard Post, No. 23,
Grand Army of the Republic, Department of Ohio.*

By order of the post.

W. ROBERTSON MURPHY, Adjutant.

Mr. DIXON of Indiana. What is the date of that letter?

Mr. GARDNER of Michigan. The date is August 18, 1909.

Mr. TAWNEY rose.

Mr. SULZER. I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] is recognized.

Mr. TAWNEY. Mr. Chairman, I want to offer a substitute for the amendment offered by the gentleman from Ohio [Mr. Cox]. Before offering it I want to state that there are 10 homes. If there is an increase made for one that increase should apply to all, or should be made for all.

Mr. SULZER. That is the point I was coming to.

Mr. TAWNEY. And therefore I think that in view of the circumstances, if we were to increase the total appropriation and make that appropriation available for increase or addition to the regular ration for all homes, that would be the most satisfactory way to get at it. And my substitute for the whole proposition is to appropriate \$100,000 to be apportioned among the several homes and be expended with special reference to the necessities and infirmities of the members of the homes. That would give an increase of \$10,000 to each home, and that would be a very substantial increase to the regular ration for the entire year.

Mr. SULZER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. That motion is not in order. A point of order is pending on the amendment.

Mr. COX of Ohio. I ask unanimous consent, Mr. Chairman, that I may modify my amendment.

The CHAIRMAN. The gentleman will state it.

Mr. COX of Ohio. I want to modify it so as to read as follows:

On page 78, in line 13, strike out the words "two hundred and fifty-three thousand dollars" and insert the words "two hundred and seventy-eight thousand dollars."

The CHAIRMAN. That is not a modification of the gentleman's amendment.

Mr. COX of Ohio. Then I offer it as a substitute.

The CHAIRMAN. The gentleman can not offer it as a substitute until the amendment is voted upon. Does the gentleman from Minnesota [Mr. TAWNEY] insist on the point of order to the amendment offered by the gentleman from Ohio [Mr. Cox]?

The gentleman from Ohio offers an amendment which, without objection, the Clerk will report.

The amendment was again reported.

The CHAIRMAN. The gentleman from Minnesota reserved the point of order on the amendment. Does the gentleman from Minnesota make the point of order against the amendment?

Mr. TAWNEY. My understanding is that the amendment is withdrawn.

Mr. COX of Ohio. I ask, then, that it be changed from \$50,000 to \$25,000.

The CHAIRMAN. That would be subject to the point of order.

Mr. TAWNEY. I ask the gentleman from Ohio to withdraw his amendment and consider one that I have offered, which applies to all homes; otherwise we will have to make a specific appropriation.

Mr. COX of Ohio. Do you make the distribution per capita?

Mr. TAWNEY. Why, certainly, the distribution should be made according to the per capita of population of the home, and with reference, also, to the condition of the inmates.

Mr. COX of Ohio. I very cheerfully accept that.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to withdraw his amendment?

Mr. COX of Ohio. Yes.

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

Mr. TAWNEY. I offer the following amendment.

The Clerk read as follows:

For the purchase of articles of subsistence in addition to the regular ration of members of the National Home for Disabled Volunteer Soldiers, to be apportioned among the several branches of the home in the discretion of the Board of Managers, and to be expended with especial reference to the necessities and infirmities of the members of the home, \$100,000.

Mr. FITZGERALD. Mr. Chairman, I think I should say that so far as I am aware the committee desired to give all the money necessary for subsistence at the soldiers' homes. In the preparation of this bill the committee called the attention of the Board of Managers to a criticism made by the Inspector-General of the rations furnished to the soldiers. The Board of Managers had a reply prepared to this criticism. It seems to me that this reply should be placed in the RECORD, to accompany the criticism made. After I had examined the statement submitted on behalf of the Board of Managers, with its explanation of the rations, with the list of articles constituting the ration, and the explanation that a large percentage of the men are not in robust health, that it is necessary to impose certain restrictions upon them in the matter of diet that would not be necessary if they were in the best of health, and explaining the method of examination of the milk supplied, I was convinced that so far as the committee could judge the Board of Managers was furnishing a ration that was perhaps better suited to those men than the committee could devise if it attempted to prepare one. I will only read a portion of this reply.

The average age of the members of the homes is 60½ years; 89 per cent require daily medical attention; 55 per cent are cared for in hospitals.

It calls attention to the fact that such men could not be treated and fed upon the same diet as men in active service. In reference to the statement of the Inspector-General that the milk is not of a sufficiently good quality, the Board of Managers call attention to the fact that all the milk purchased is tested by the assistant surgeon at the various homes to ascertain whether it contains the requisite amount of butter fat, and the board expressed the belief that they get a better quality of milk than is sold, as a rule, to the general public in the large cities.

Then the statement also goes into the question of the cost of the ration and the recommendation of an increase of certain kinds of food, and gives the explanation of the board of its present arrangement.

There is a list of articles given on page 445 of the hearings.

The board also says, speaking of the criticism of the inspector as to the limited amount of flour issued for the purpose of furnishing rolls and other bread foods, that the quantity of flour used at any branch is left in the discretion of the proper officers of the branch, the only restriction being that it shall not be wasted.

Mr. Chairman, the Board of Managers of these homes consists of the President of the United States, the Chief Justice of the United States, the Secretary of War, and 11 managers elected by joint resolution of Congress. While it is not expected, perhaps, that the ex officio members shall take a very active part in the management of the homes, there can be no doubt that a well-founded complaint about the management of the homes addressed to any one of those gentlemen would not only receive attention, but would protect any official calling their attention to misconduct in the management of the homes. All that can be said is that the committee has been compelled, as any committee would be, in appropriating for subsistence of the inmates in these homes, to rely upon whoever is in charge competent to arrange the diet, and to do what the committee has done, by appropriating all that has ever been asked for as to subsistence of the members.

Mr. FOSTER of Illinois. I observe in the subsistence under Class C they give as one of the articles eggs. Over in Class D they give "eggs, fresh, special." Now, do I understand that the ration means any kind of an old egg?

Mr. FITZGERALD. I do not know. I recollect, Mr. Chairman, some years ago when I bought eggs they had two kinds of eggs, fresh eggs and eggs of another kind—lime eggs, they were called.

Mr. SULZER. Stored eggs.

Mr. FITZGERALD. Eggs that could not be so fresh. There is a distinction, as the gentleman well knows, between a fresh-laid egg and an egg which is stored for market, and the eggs "fresh, special," are the eggs I believe that are used for the hospital patients. So that it would appear that in the subsistence furnished for the hospital patients eggs are used which are fresh and special.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the paragraph and pending amendments thereto be closed in five minutes.

The motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to insert in the Record this statement to which I have referred.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to is as follows:

Mr. WADSWORTH. Now, Mr. Fitzgerald, in answer to that report of the inspector, we prepared a statement here which, if the committee please, we would like to file with them as an answer to his statement. (Following is the statement filed by Mr. Wadsworth:)

Referring to certain criticisms and recommendations made by the officer of the Inspector-General's Department designated to inspect the National Home for Disabled Volunteer Soldiers under the provisions of the act approved August 18, 1894, in his report to the Secretary of War relating to such inspection for the fiscal year 1909, the following is respectfully submitted:

COMMISSARY'S DEPARTMENT.

The opinion of the inspector that a ration costing 13 cents per diem is not quite sufficient to properly feed the old soldiers may not be questioned, inasmuch as it is shown by the statement on page 11 of the report that the cost per man per day of the raw material of the ration is not 13 cents, but about 15½ cents. It should be explained here that there is no established ration in the home and that the term, as used in the statement referred to, applies to the actual daily consumption of food per man per day for the year ended June 30, 1909.

The value of the army ration is stated as 20+ cents. This ration is established for the subsistence of soldiers who are in that period of life when food requirements are at the maximum, and who, to meet satisfactorily the object for which an army is maintained, must at all times be in a condition to respond efficiently to demands which require the exertion of all possible vigor. The purpose of the National Home is to care for disabled soldiers. The average age of its members is 66.46 years. Eighty-nine per cent require daily medical treatment; 55.20 per cent are cared for in hospitals. It is evident that the food for these disabled soldiers must be different, both in quantity and character, from that of soldiers in active service, and, giving full consideration to all of the conditions surrounding both classes, it is believed that the difference of 4½ cents per day in the cost of the food consumed is not disproportionate.

The inspector states: "While I do not think that a member of the home requires as much food as a soldier in active service, neither do I believe in stinting him or placing him on a restrictive diet," thus implying that the members of the home are stinted and placed upon a restricted diet. This statement should not, perhaps, be construed literally, as it is evident that an absolutely unrestricted diet would not conduce to the happiness or welfare of the old soldiers and would tend to defeat the purpose for which the home is established. The restrictions, however, are not severe and are such as prevail in the homes of the average American citizen. In order that the dietary may conform to the conditions surrounding the several branch homes, its regulation is left largely within the discretion of the local officers, the home regulations providing, "The ration will be sufficient in quantity and variety and in suitable proportions of meat, fish, cereals, vegetables, and fruit, the age and physical condition of the members being considered. Coffee, tea, sugar, milk, and the usual table condiments will also be provided."

The supply list, published for the guidance of the branch officers, provides subsistence supplies of the best quality and in such variety as may be seen from the following list:

SUBSISTENCE.

CLASS B.

Corn meal.	Corn, canned.
Crackers, butter.	Onions.
Crackers, soda.	Parsnips.
Flour (5 varieties).	Pease, canned.
Butter.	Pease, dried (2 varieties).
Cheese.	Potatoes, Irish.
Oleomargarine.	Potatoes, sweet.
Hominy.	Sauerkraut.
Oats (rolled or cut).	Tomatoes, canned.
Rice.	Turnips.
Wheat (cracked or rolled).	Allspice.
Coffee.	Bay leaves.
Tea (2 varieties).	Catsup, tomato.
Apples, canned.	Cinnamon.
Apples, evaporated.	Cloves (2 varieties).
Apricots, canned.	Cottolene.
Apricots, evaporated.	Flavoring extracts, lemon.
Currants.	Flavoring extracts, vanilla.
Figs.	Garlic.
Fruit butter (3 varieties).	Ginger.
Mince meat.	Horseradish.
Peaches, canned.	Lard.
Peaches, evaporated.	Mace.
Pears, canned.	Marjoram, sweet.
Pears, evaporated.	Mustard.
Plums, canned (2 varieties).	Nutmegs (2 varieties).
Prunes.	Pepper (4 varieties).
Raisins.	Pickles (3 varieties).
Milk (3 varieties).	Sage.
Ammonia, bicarbonate.	Salt (3 varieties).
Baking powder (2 varieties).	Sauces (2 varieties).
Cream of tartar.	Savory.
Hops.	Thyme.
Soda, bicarbonate.	Vinegar (2 varieties).
Yeast.	Barley, pearlized.
Honey.	Cornstarch.
Molasses.	Macaroni.
Sugar (3 varieties).	Sago.
Sirup, table.	Taploca.
Beans (3 varieties).	Tobacco, chewing.
Beets.	Tobacco, smoking.
Cabbage.	Vermicelli.
Carrots.	

CLASS C.

Bacon (2 varieties).	Mackerel.
Beef, corned.	Mutton.
Beef, dressed.	Oysters.
Beef livers.	Pigs' feet.
Clams.	Pork, fresh.
Codfish, boneless.	Pork, loins.
Eggs.	Pork, salt (2 varieties).
Fish, fresh.	Sausage (3 varieties).
Ham.	Shoulders, pork (2 varieties).
Head-cheese.	Tripe.
Lamb.	Veal.

CLASS D.—HOSPITAL, SPECIAL DIET SUPPLIES.

Bananas.	Ice cream.
Beef, preparations of.	Jellies, assorted.
Biscuits, diabetic.	Junket, in tablets.
Cereals, preparations of.	Lemons.
Chicken.	Malted milk.
Chocolate.	Oranges.
Clam juice, canned.	Oysters, canned cove.
Cocoa.	Sago.
Cornstarch.	Salmon, cans of.
Eggs, fresh, special.	Turkey.
Flour (2 varieties).	Wafers.
Gelatin.	Mellin's food.

In addition to the articles of subsistence supplies enumerated in the foregoing list, it is provided that estimates may be forwarded monthly for such fresh fruits and vegetables suitable for the subsistence of members of the home as may be in season and ordinarily sold in the general market; also that articles included in Class D, hospital, may be purchased for special dinners on holiday occasions.

A record has been kept in this office since 1902, which shows the actual quantity of food consumed by each member daily.

As before stated, there is no established ration, nor is there any allowance of the various articles supplied. For convenient reference the average quantity consumed per man per day under the several classes is taken from the record and shows in tabulated form for each quarter. It is presumed that this is what is referred to by the inspector as an "allowance." By reference to the foregoing table it will be seen that there is a considerable variation in the quantities consumed at the several branches.

With reference to the quality of the coffee, the specifications of the supply list provide for "Coffee: Green, No. 3, Rio, or its equal in quality; clean, in sacks; samples of green and roasted required."

All supplies are carefully inspected upon delivery by a committee appointed by the governor, and under his direct supervision, to see that they conform to the specifications and the samples governing their purchase. These specifications and the measures taken to insure compliance therewith by contractors on delivery are thought to be sufficient to insure coffee of good quality. There is no fixed allowance for wastage in roasting. It varies widely at the different branches, the skill of the operators and the quality of the coffee purchased being factors. In the supervision of the property accounts, when the wastage is excessive an explanation is requested. This is perhaps the basis of the inspector's criticism.

The statement of the inspector that the coffee is made less palatable and weakened by the addition of milk which is not rich is not understood. At all branches where milk is purchased it is examined and tested daily by one of the assistant surgeons appointed to such duty to see that it contains the proper proportion of butter fat. If it is found to be below the established standard it is rejected. At five of the branches milk is produced by the operation of dairies. It is believed that the milk produced and purchased is of better quality than that generally sold in cities under the supervision of health boards. There is no milk allowance. The quantity consumed is generally within the discretion of the branch officers. At one branch, and one only, it has been found necessary to regulate the quantity used on account of excessive price. Milk for supper is used at some of the branches and might be used at others if found to be desirable.

The quantity of flour used at any branch is left within the discretion of the proper officers of the branch, the only restriction being that it shall not be wasted.

The average quantity of meat consumed daily by each member is correctly stated. The quantity consumed at each branch is regulated by the branch officers in accordance with the provisions of paragraph 259, Home Regulations, above cited, there being no restrictions in the amount supplied, except such as are necessary to prevent waste. If the increased quantity were furnished it is believed that it would result in waste, and unless there was a corresponding reduction in other articles of food, it could not be consumed without harmful results. The proposed increase of 2 ounces daily for each man would require an increased annual expenditure of about \$73,000, without advantage to the members either in comfort or health.

There appears to be no sufficient reason for further specializing the appropriations. The general mess of the hospital provides not only for the hospital patients who are well enough to go to the table, but subsistence for all patients in the hospital, except as they may be further supplied from the special diet. Surely the sick are entitled to special consideration and to a generous diet suitable to their unfortunate condition. The daily cost of food per capita for the hospital mess is necessarily somewhat larger than for the general mess, but, as a rule, not excessively so, as should be evident from the figures stated by the inspector in his report of his inspection of the several branches. The instance cited by the inspector was exceptional and will receive attention.

The inspector states: "The recommendations made heretofore are renewed, that appropriations for subsistence for the branches be based upon the average number of members likely to be present at each, and upon a daily allowance per member that shall be uniform for all the branches." This recommendation has been carefully considered, and is believed not to be applicable to the conditions existing in the national home. A food allowance under the most favorable circumstances involves waste, as, in order that it may be applied without hardship, it must be sufficiently liberal to meet all conditions, individual or otherwise. It is appropriate to the exigencies of army service, where the personal efficiency of the soldier is of the first importance, to which all considerations of economy must yield. The purpose of the national home is to care for the veteran soldiers enjoying its benefits in such manner as may best conduce to their welfare and contentment, and it is believed that this purpose is accomplished in an unusual degree in the

national home. A daily allowance per member, to be uniform for all the branches, is also impracticable, for the reasons that conditions at the several branches differ widely and prices are not uniform for all localities. Under existing laws separate appropriations are made for each branch. The proposed system would not be satisfactory unless supplies were purchased in bulk and distributed from general depots, as in the army.

The recommendations of the inspecting officers of the War Department have been, for the fiscal years 1908 and 1909, in the direction of increased expenditures for food supplies. In the report of the officer of the Inspector-General's Department who inspected the home in 1906, the efforts of the officers at one of the branch homes to reduce the daily cost of subsistence supplies by the substitution of cheaper articles were commended, with the suggestion that they "could with advantage be extended to embrace conditions as they exist at other branches." These efforts at the only branch in which they were applied resulted in much dissatisfaction and discontent among the members and were soon abandoned. The board of managers is by law charged with the administration of the affairs of the home. It must be assumed that the members of the board realize the responsibility which is placed upon them, and that they welcome suggestions and recommendations from all legitimate sources that are helpful in their nature. When, however, the views of the officers of the Inspector-General's Department, as expressed in their official reports, differ so widely, they may justly believe that the study and experience which has been given to the subject by those charged with the administration of the home during more than forty years is a more reliable guide than the opinions of officers, however intelligent and conscientious they may be, whose knowledge is necessarily gained during their brief annual visits.

Mr. SULZER. Mr. Chairman, the tremendous power the interstate transportation systems of the country wield to-day in the intimate social, industrial, and economic life of the country is almost inconceivable. The average man does not begin to realize it. From a careful investigation of existing conditions I believe the time is at hand when the Representatives of the people should give more attention to this all-important matter and take immediate action along legitimate lines, fair and just to all, for the regulation of the transportation systems of the country doing an interstate-commerce business.

These great public utility transportation companies traversing, as they do, every part of our national domain, are a vital part of our complex business and industrial life, and practically affect everything that goes to make up the effort of the countless thousands to gain a livelihood from day to day. I believe the people are just awakening to a consciousness of the real facts in the study of the problem of the increased cost of living, becoming, as it is, more and more a struggle for existence, and are finding out for themselves what recent economic writers have shown, and that is, how the control and the power of the great interstate transportation systems of the country overshadow every other factor in human life.

In view of these facts and with a knowledge of existing conditions and feeling as I do on the subject, I welcome remedial legislation and shall vote for any bill that, in my judgment, will correct present abuses and remedy existing evils incident to the interstate-commerce transportation business of the country.

Mr. Chairman, for several years I have introduced and re-introduced in Congress a bill prepared by me to create a department of transportation. I believe this bill will go far to check existing evils and aid materially to solve all present and future problems in so far as they affect our interstate-commerce transportation matters. I have advocated this bill in several Congresses, but have never been able to get it reported from the committee. I send the bill to the Clerk's desk and ask to have it read in my time as a part of my remarks.

The Clerk read as follows:

A bill (H. R. 17411, introduced by Mr. SULZER) to create the department of transportation.

Be it enacted, etc. That there shall be at the seat of government an executive department, to be known as the department of transportation, and a secretary of transportation, who shall be a Cabinet officer and the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of \$12,000 per annum, and whose term and tenure of office shall be like that of the heads of the other executive departments; and section 158 of the Revised Statutes is hereby amended to include such department of transportation, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department.

SEC. 2. That there shall be in said department a first assistant secretary of transportation, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$6,000 per annum. He shall have charge of all matters in the department of transportation relating to steam and electric railways, and shall perform such other duties as shall be prescribed by the secretary or required by law.

There shall be in said department a second assistant secretary of transportation, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the department of transportation relating to telegraph lines.

There shall be in the said department of transportation a third assistant secretary of transportation, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the department of transportation relating to telephone lines.

There shall be in the said department of transportation a fourth assistant secretary of transportation, to be appointed by the President

of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the department of transportation relating to waterways and similar lines of transportation thereon.

There shall be in the said department of transportation a fifth assistant secretary of transportation, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 per annum; and he shall have charge of all matters in the department of transportation relating to pipe lines.

There shall be in the said department of transportation a sixth assistant secretary of transportation, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall receive a salary of \$5,000 a year; and he shall have charge of all matters in the department of transportation relating to the express business.

There shall be one chief clerk and a disbursing clerk and such other clerical assistance as may from time to time be authorized by Congress in each of the said assistant secretaries' departments; and the Auditor for the State and other Departments shall receive all accounts accruing in, or relative to, the department of transportation and examine the same and thereafter certify the balance and transmit the accounts, with the vouchers and certificates, to the Comptroller of the Treasury for his decision thereon.

SEC. 3. That it shall be the province and duty of said department of transportation to inspect, examine, and regulate, as may be prescribed by law, all corporations engaged in interstate or foreign commerce as common carriers, or owners or operators of transportation highways; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that appertains to the same, known as the Life-Saving Service, the Light-House Board, and the Light-House Service, the Marine-Hospital Service, the Steam-boat-Inspection Service, the Bureau of Navigation, and the United States shipping commissioner, and the same are hereby transferred from the Department of Commerce and Labor to the department of transportation, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department; and that the secretary of transportation shall have complete control of the work of gathering and distributing statistical information naturally relating to the subjects confined to his department; and to this end said secretary shall have power to employ any or either of said bureaus and to rearrange such statistical work and to distribute or consolidate the same, as may be deemed desirable in the public interest; and the said secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and the secretary of transportation shall collate, arrange, and publish such statistical information so obtained in such manner as may to him seem wise.

SEC. 5. That there shall be in the department of transportation six bureaus, to be called the bureaus of transportation corporations, and a chief of each of said bureaus, who shall be appointed by the President, by and with the consent of the Senate, to serve under each of the six assistant secretaries of the department of transportation, and who shall receive a salary of \$4,000 per annum. There shall also be in each of said bureaus one chief clerk and one auditor and such number of examiners as may be needed to carry out the purposes of this act; said auditors and examiners shall be expert accountants and shall be paid a salary to be fixed by law and necessary expenses. There shall also be such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureaus of transportation corporations, under the direction of the secretary of transportation, to inspect, examine, and regulate all corporations engaged in interstate and foreign commerce as common carriers, or owners or operators of transportation highways, by gathering, compiling, publishing, and supplying all available and useful information concerning such corporations, including the manner in which their business is conducted, and by such other methods and means as may be prescribed by the secretary of transportation or provided by law.

Every corporation governed by this act shall make annual reports in writing to the auditor, and such reports shall in all cases include:

(a) Capital authorized and issued, the amount paid up in cash or otherwise, with a statement of the method of payment where it is not in cash.

(b) Debts, including details as to the amounts thereof, and security given therefor, if any.

(c) Obligations due from officers, which shall be separately stated.

(d) A statement of assets and the method of valuing the same, whether at cost price, by appraisal, or otherwise, and of the allowance made for depreciation. Small items of personal property included in the plant may be described by the term "sundries" or like general term.

(e) Gross earnings for the period covered by the report, all deductions necessary for interest, taxes, and expenses of all sorts, the surplus available for dividends, and dividends actually declared.

(f) Increase of assets since the last statement, with a showing in what way such increase has been secured.

(g) The names and addresses of all stockholders, with the number of shares held by each at the date of the report.

(h) The amount of stock disposed of and the amount of property taken for stock sold since the last report, with all facts necessary to show the result of the transaction.

(i) A statement showing that the corporation in question has or has not, during the period covered by the said report, received or given any rebates, drawbacks, special rates, or other discriminating advantages or preferences, by money payments or otherwise, from or to any railroad, pipe line, water carrier, or other transportation company, or paid to any shipper any such payments, or if any such have been received or given stating to whom, from whom, on what account, and in what manner they were so received or given, with all other details necessary for the full understanding of the transaction or transactions.

(j) The names and addresses of all officers, location of transfer or registry offices, wherever located.

(k) A statement that the corporation has not fixed prices or done any other act with a view to restricting trade or driving any competitor out of business.

(l) A statement that the corporation is or is not a party to any contract, combination, or conspiracy in the form of a trust or otherwise, in restraint of trade or commerce among the several States or Territories or with foreign nations.

(m) It shall be the duty of the auditor of each bureau of transportation corporations to prescribe the form of the reports before mentioned. He may, in his discretion, require additional reports at any time, upon reasonable notice, whenever he may see fit. But his determination shall be *prima facie* proof that the notice given is reasonable.

He may also require supplemental reports whenever, in his judgment, the report rendered is in any particular or particulars insufficient, evasive, or ambiguous.

He may prescribe rules so as to avoid undue detail in making the reports, but no detail of the business of the corporation shall be considered private so as to be exempt from the examination of the auditor whenever he may demand report thereon.

He shall make public in his reports, which shall be issued annually, all the information contained in the reports so made to him. When a report has been made by a corporation and, with all supplemental and additional reports required by the auditor, shall have been approved by him, the corporation making such report or reports shall publish the same or such summary of same as directed by this department in some newspaper nearest to its principal place of business, after the usual custom in such cases, with the auditor's minutes of approval, and shall file with the auditor proof of such publication by the publishers' certificate.

SEC. 6. That if any corporation shall fail to make a report when required, either by the terms of this act or when required by the auditor, as herein provided, said corporation shall be fined not less than \$5,000 nor more than \$20,000 for each offense. Every week of failure after such reasonable written demand has been made by the auditor shall constitute a separate and distinct offense. In case also of failure, each of the directors of the said corporation shall be ineligible for the year succeeding the next annual meeting to hold either directorship or any other office in the said corporation; but any director shall be exempt from said penalty upon making a statement under oath that he has individually made such a report to the best of his ability from the facts at his disposal.

If such report is false in any material respect, the officer making same and the corporation shall be fined not less than \$5,000 nor more than \$20,000, and each false statement in any material matter shall constitute a separate offense. All fines and penalties imposed by this act shall be recovered or enforced in any court of competent jurisdiction.

SEC. 7. That it shall be the duty of the examiners, under the direction of the auditor, to make examinations of any corporation governed by this act.

Any of said examiners, presenting his official credentials, shall be furnished by the officers of the corporation with every facility for complete and full examination, not only of the books, but all of the property, records, or papers of the corporation which may be necessary, in the judgment of the examiner, for a complete knowledge of the affairs of the concern as affecting the public interest.

Such examinations shall not be at fixed periods, but shall be at such times as the auditor shall fix and without notice.

Examiners shall have the power to examine under oath all officers or employees of the corporation, or any other persons having any knowledge of its affairs, and to send for, demand, and inspect books, papers, and any other matter of evidence whatever which is in the possession or control of the said corporation.

For the purpose of this act examiners shall have power to require, by subpoena, the attendance and testimony of witnesses, and the production of all books, papers, contracts, agreements, and documents relating to any matter under investigation.

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to a subpoena the examiner may invoke the aid of any court of the United States in requiring the attendance.

And any of the district or circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal of any witness to obey a subpoena issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation or other person to appear before said examiner (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as and for a contempt thereof. The claim that any such testimony or evidence may tend to incriminate the person giving such evidence or testimony shall not excuse such person from testifying; but such testimony shall not be used against such person on the trial of any criminal proceeding.

The auditor shall also have all the authority of an examiner in any case wherein he chooses himself to act.

No examiner shall be assigned to examine any corporation who is himself interested in the business thereof, or of any competing concern, or who has relatives who are so interested.

It shall be unlawful for an examiner to divulge private business, except by his report to the auditor. But such report or the substance thereof shall be open to public inspection.

Each examiner shall follow the rules, regulations, and directions which the auditor may from time to time lay down or communicate to him as to the method of examination, the form of report, the matters to be covered by the said examination, and all matters pertaining to his duties.

Said reports of the examiners shall be *prima facie* evidence as to their truth, and may be introduced in evidence in all courts to prove the facts therein set forth. Copies certified by the auditor shall be admissible with like effect and under the same circumstances as the original.

The word "corporation," wherever used in this act, shall be deemed to include companies and associations existing or authorized by the laws of the United States, the laws of any State or Territory, or the laws of any foreign country.

SEC. 8. That the secretary of transportation shall annually, at the close of each fiscal year, make a report in writing to the Congress, giving an account of all money received and disbursed by him and his department, and describing the work done by the department in inspecting, examining, and regulating, as prescribed by law, all corporations engaged in interstate and foreign commerce; in the ownership, or operation, of any of the foregoing described transportation highways or lines of transportation or engaged as common carriers in interstate or foreign commerce, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

SEC. 9. That the secretary of transportation shall have charge of the building or premises occupied by or appropriated to and for the department of transportation, of the library, furniture, fixtures, records, and other property appertaining to it, or hereafter required for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library and for the rental of appropriate quarters for the accommodation of the department of transportation within the District of Columbia, and for all other incidental expenses such sums as Congress may provide from time to time: *Provided, however,* That where any office, bureau, or branch of the public service transferred to the department of transportation by this act is occupying rented buildings or premises it may still continue to do so until other suitable quarters are provided for its use: *And provided further,* That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service referred to in this act transferred to the department of transportation are each and all hereby transferred to said department at their present grades and salaries except where otherwise provided: *And provided further,* That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the department of transportation shall, so far as the same are not in conflict with the provisions of this act, remain in force and effect until provided by law.

SEC. 10. That all power and authority heretofore possessed or exercised by the head of any executive department over any bureau, office, branch, or division of the public service by this act transferred to the department of transportation, or any business arising therefrom or appertaining thereto, whether of an appellate or advisory character, or otherwise, shall hereafter be vested in and exercised by the head of the said department of transportation. And all acts or parts of acts inconsistent with this act are hereby repealed.

All branches of the work of the Interstate Commerce Commission, except such as relates to the work of said commission in examining into and regulating rates and classification of rates for transportation, are hereby transferred to the department of transportation. But nothing in this act shall be construed as in any way abandoning by the Government any of the powers over interstate commerce and interstate carriers conferred by the interstate commerce act.

SEC. 11. That it shall be the duty of the department of transportation to especially see to it that all the laws regulating common carriers and interstate transportation highways are strictly enforced and that all violations of the same are promptly punished according to law. And said department of transportation shall execute promptly the enforcement of all orders and decisions of the Interstate Commerce Commission affecting rates, classifications, and so forth.

SEC. 12. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, the bill (H. R. 17411) just read by the Clerk and now before the committee, introduced by me, to create a department of transportation, is a most comprehensive measure, dealing in a logical way and a practical manner with the great interstate transportation problem. It needs no apology and very little explanation. The bill provides for particular officials in the new department to investigate, report on, and regulate steam and electric railways, telegraphs, telephones, waterway traffic, pipe lines, and the express business. Powers are conferred on the officials of the department to obtain full information, not only as to rates and other traffic arrangements, but as to the genuine capital employed, the resources and liabilities, earnings, dividends, and so forth; and penalties rather more severe than those usually made for the discipline of lawless corporations are fixed, such as heavy fines and ineligibility of directors to retain their office when they have made false reports or defied the government officials seeking information.

I have given much time and careful study to the questions which we have been debating in Congress for years, relating to these interstate-transportation matters, and which are, and have been, live questions before the people of this country; and I believe that if we had a department to regulate the transportation companies, as provided for in my bill, and empowered to see to it that they did not violate the law, and if they did violate the law that the penalties were speedily enforced against them, I believe, I say, that most of the problems could be solved in justice to all.

The rapid growth of our interstate transportation business during the past fifty years has been simply marvelous. More than 80 per cent of the enormous railroad mileage which to-day gridiron the United States has been constructed since the civil war. We have over 215,000 miles of main railroad tracks, and the giant spider is still spreading its web of steel in every and all directions. And when we take into consideration the second, third, and fourth tracks, and sidings and terminals, the total foots up to nearly 300,000 miles of steel railroad tracks—sufficient to go twelve times around the earth. We are indeed the greatest railroad country on earth, and will continue to be for a century to come. And if we pause to consider these facts we must be impressed with the far-reaching power and effect of the railway influence in every line of human industry.

Legislation dealing with the problems of interstate transportation, which directly or indirectly affects every man, woman, and child in the country, should be considered on its merits and not with a prejudiced view or from a partisan standpoint. Both political parties are committed to the solution of the interstate transportation problem, and in the enactment of

legislation on the subject-matter we should earnestly endeavor to provide equal justice to all interests concerned. It is the imperative duty of the Congress to enact suitable and necessary interstate transportation legislation before this session of Congress adjourns. The people demand it. We shall be recreant to our duty if we fail to do so. The interstate-commerce transportation question is one of the most important matters before the American people. It is a live question, and no matter what we do now, or what we say now, we all know it will never be settled until it is settled right.

Mr. Chairman, this bill of mine to create a department of transportation is constructive legislation. It deals with the whole subject-matter along honest and intelligent and practical lines in a legitimate business way. It is in the interest of the producers, the shippers, and the consumers of our country and the people generally. If there be any genuine opposition to this legislation, I have failed to learn about it; and if there be secret opposition, it comes from the interstate transportation systems that are violating the law and dread publicity through the agencies created by this bill for governmental regulation.

I say the bill is a good bill, a comprehensive bill, and a feasible constructive scheme of practical legislation along proper and intelligent lines to eradicate entrenched abuses that are to-day oppressing the people and doing a great injustice to the citizens of this country. It is the first systematic classification of the interstate transportation business along economic lines ever presented to the Congress; and if it were upon our statute books, I venture to say that every question connected with interstate transportation could be speedily determined by an authoritative branch of the executive government with equal justice to all concerned.

The bill, take it all in all, is a long step in the right direction. It will be a law one of these days. I know legislative reforms are things of slow growth. It takes years of toil and of agitation to create sufficient public opinion to write a great constructive law upon the statute books in the interest of all the people. But how different concerning the wishes of the selfish few. A great monopoly, fattening on special privilege and nurtured by political favoritism, can come to the Halls of Congress and pass a bill for its own selfish interests and greedy purposes during the lifetime of a single session. It takes, however, a long time for the people to wake up and win; but the truth will and must eventually prevail if one man dare assert it every day. So the truth of this proposition will win in the end. And I predict now that ere a decade of years come and go this bill of mine, or one substantially like it, will be on our statute books, and those most interested will wonder why it was so long delayed.

I want to give notice now that I am in earnest in my contention for the enactment into law of this bill, and I shall keep up the fight until the matter is properly presented to the House and an opportunity given for discussion, and a vote taken upon it on its merits. The vast extent of the interstate transportation problem and the pressing need and urgent importance of legislative remedies to correct existing evils to all the people of the United States are ample warrant for Congress to give this question the deepest investigation and the fullest consideration. There are several bills now before Congress affecting this question; some good, some bad, some indifferent, but no one of the bills, in my opinion, is a complete solution of all the questions involved in the problem.

Mr. Chairman, the necessity for this legislation has been voiced in a thoughtful address delivered not long ago by one of the ablest and most industrious members of the Interstate Commerce Commission—the Hon. Charles A. Prouty. It was substantially outlined and recommended by the lengthy investigation and the comprehensive report of the Industrial Commission. It has been suggested by several prominent writers on economic subjects. It has been advocated again and again by such far-seeing constructive legislators as the Hon. Thomas W. Phillips, of Pennsylvania; the Hon. William R. Hearst, of New York; the Hon. ROBERT M. LA FOLLETTE, of Wisconsin, and many others. It has been recommended and indorsed by the American Anti-trust League, and various other trade and transportation organizations. Why is it not reported? Because, forsooth, it would solve the problems, remedy the evils, and give the Government the power to regulate the interstate transportation systems in the interest of all concerned. What other reason can there be? I pause for an answer.

Of course I do not claim that this bill is a panacea for all the evils growing out of the interstate transportation business. No law can do that. But I do assert that the bill proposes to settle, and settle right and for a long time to come, a most important phase of this abstruse and intricate question, and to do it in a thorough, practical, effective, and businesslike way, by pub-

licity and by the proper and speedy enforcement of the laws of our country. This will include all railways, all steamboats, all express companies, all pipe lines, all telephone lines, and all telegraph lines engaged in interstate transportation; and the Government will be able to make investigations, secure the information, collect the data, and effectually deal with the questions involved through the instrumentalities created in this bill in an intelligent way and in a most thorough and comprehensive manner.

Mr. Chairman, this bill of mine to create a department of transportation is the first legislative attempt that has ever been made in this country to deal with this interstate transportation problem in a scientific manner and in a practical business way. I want to say that in studying this great question I am satisfied that three things are absolutely necessary to be done at the present time to effectually deal with the problems arising from the abuses of these interstate transportation systems.

First. There must be a body, like the Interstate Commerce Commission, clothed with the authority to make just and reasonable rates in place of unjust and unreasonable rates, and have these rates take effect immediately and remain in full force and effect until modified or set aside by the commission or modified or set aside by the court of last resort. This is a legislative function and should be the only power under the constitutional limitations of our Government delegated by the Congress to the Interstate Commerce Commission.

Second. There must be a body clothed with authority to determine controversies, review the orders of the Interstate Commerce Commission, and interpret the laws of Congress governing and regulating transportation. This is a judicial function and must be vested in the courts of our country.

Third. There should be an executive department in the National Government, with a Cabinet officer at its head, charged with the responsibility of investigation to find out the facts and with the prompt enforcement of the laws of the United States concerning companies doing an interstate transportation business. My bill creates this department. This is an executive function and belongs to the executive branch of the Government.

I shall not take up more time. The bill speaks for itself. I think I have stated briefly the proposition involved. I have drawn my bill to create such a department in the executive branch of the Government, to ascertain the truth, and for the effective enforcement of the laws governing every common carrier doing an interstate transportation business. My plan is in line with the fundamental principles of our institutions from the days of the fathers down to the present time, and when it is adopted by Congress—and it must be adopted sooner or later—it will provide the quickest agency for publicity and the speedy execution of the laws; and to my mind, after mature reflection, I believe that will prove an effectual remedy for the principal evils we are trying to stop and at once and for all time eradicate from the body politic the abuses of the powerful interstate transportation companies.

Mr. TAWNEY. Mr. Chairman, I ask to modify my amendment.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

For the purchase of articles of subsistence in addition to the regular rations of members of the National Home for Disabled Volunteer Soldiers, to be apportioned among the several branches of the home in the discretion of the Board of Managers, and to be expended with special reference to the necessities and infirmities of the members of the homes, \$100,000.

Mr. HITCHCOCK. Mr. Chairman, I have an amendment pending.

The CHAIRMAN. The gentleman from Nebraska did not have an amendment pending; he had one read for information. The amendment was in the nature of a substitute for an amendment of the gentleman from Ohio, which went out on a point of order.

Mr. HITCHCOCK. Very well, Mr. Chairman, I intended to withdraw it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

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

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the amendment which has just been agreed to be placed in the bill at the proper place, that being page 88, after line 17.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the amendment just agreed to be inserted in the bill at page 88, after line 17. Is there objection?

There was no objection.

The Clerk read as follows:

For farm, namely: Pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers, and for all tools, appliances, and materials re-

quired for farm, garden, and dairy work; for grain, hay, and straw, dressing, seed, carriages, wagons, carts, and other conveyances; for all animals purchased for stock or for work (including animals in the park); for all materials, tools, and labor for flower garden, lawn, and park; and for construction of roads and walks, and for repairs not done by the home, \$24,500.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. In reading this bill in connection with all of the soldiers' homes I find, with possibly one exception, that there is a farm run in connection with the homes. I would like to have some information as to whether or not these farms run in connection with the soldiers' homes are run upon a paying or a nonpaying basis?

Mr. TAWNEY. The testimony is to the effect that they do not pay. They are maintained as a necessity.

Mr. COX of Indiana. In what way are they maintained as a necessity?

Mr. TAWNEY. Of course the principal part of the farm is the dairy connected with it. They have the very best of dairy herds in order to secure the very best milk that can be obtained for the use of the occupants of the home. That is the principal part of the farm. They have been working very satisfactorily, but, taking into consideration all of the expenses incident to their maintenance and the fact that they have to be kept up in the very best shape, they are not a profitable institution, although there is not much loss. It is practically an even thing.

Mr. COX of Indiana. Then, as I gather from the gentleman's statement, at any rate they are not bringing in any profit?

Mr. TAWNEY. No.

Mr. COX of Indiana. Where does the labor come from that works the farm—from the old soldiers or civilians, as a rule?

Mr. TAWNEY. As far as they can be used, of course the old soldiers are employed, but the average age of the soldiers in these homes now is about 68 years. Very little work can be expected of them except doing chores, as we who were raised on a farm would say.

Mr. COX of Indiana. Is there any part of the labor cost granted to the old soldiers when they go out and work on the farm?

Mr. TAWNEY. I do not think there is.

Mr. COX of Indiana. That is voluntary on the part of the soldier?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. The upkeep of the farm, so far as the labor is concerned, is done by civilians?

Mr. TAWNEY. The civilians are employed by the governor of the home.

Mr. COX of Indiana. Can the gentleman show any real necessity for maintaining these farms, at enormous cost, when they are of no benefit at all?

Mr. TAWNEY. Why, they are an absolute necessity.

Mr. COX of Indiana. In what way? I have not got that information yet.

Mr. TAWNEY. Well, without the farm and the dairy which is maintained, and that is the principal purpose for maintaining the farm, of course the occupants of the home would be entirely dependent for the milk they get upon the dealers in the community. We would have under those circumstances no control whatever over the production of the milk, nor any control over the herd that produces the milk, and it seems to me it is absolutely necessary and essential to the health of the occupants that so far as their health is dependent upon having pure cream or milk to use in connection with the home these farms should be maintained. I would also say that under this term "farm" is included the parks and recreation grounds and everything of that sort.

Mr. COX of Indiana. Some of these homes comprise quite a farm.

Mr. TAWNEY. I know they do. So far as the actual farm is concerned, it is maintained largely for the purpose of maintaining the dairy herd.

Mr. STAFFORD. If the gentleman will permit, from my acquaintance with the branch home at Milwaukee, which is in the suburbs of the city, and which I have often visited on Sunday afternoon and on week days also, I can say that these farms are to the direct advantage of the old soldiers. The gentleman will readily agree that one of the problems in maintaining the discipline among the old soldiers is to keep them occupied—

Mr. COX of Indiana. Do the authorities at the Milwaukee Home require the old soldiers to work on the farm?

Mr. STAFFORD. The endeavor of the governor is to give them employment—

Mr. COX of Indiana. But do they require them to do it?

Mr. STAFFORD. It is not mandatory, but wherever the old soldier is desirous of making extra pay, and there are many of

them who do, they are given the privilege and preference in utilizing their time on the farm and in connection with the work about the home in the repairing of walks, and so forth.

Mr. COX of Indiana. And they are paid for that kind of labor?

Mr. STAFFORD. They are paid as civilian help would be paid, and thereby it keeps them employed. The gentleman will see that it is a humanitarian purpose to keep the old soldiers employed, those who are able to be kept employed, rather than to let them remain in idleness about the home exchanges or perhaps go outside of the grounds and frequent those places which it is not to their welfare to do.

Mr. COX of Indiana. In these homes they have rules and regulations which, if any soldiers violate, some penalty is imposed upon them. Is that correct?

Mr. STAFFORD. Yes; there are ground regulations.

Mr. COX of Indiana. In the imposition of these penalties on the soldiers, are they required to go out and work on the farm?

Mr. STAFFORD. I do not understand they are compelled by any system of peonage of any kind at all to work out their penalties, but these garden spots and dairy places are given over entirely for the subsistence of the home, where the old soldiers who have the ability and inclination to work may put in their time; and it is a very commendable feature, indeed.

Mr. GARRETT. Mr. Chairman, I move to strike out the last two words. I want to say a few words which, while they will not illuminate this paragraph very much, yet may be of some slight interest upon an event in history. My genial friend, the gentleman from Ohio, in the beginning of his remarks on the amendment referred to the charge up Lookout Mountain. A few days ago I read in a current number of a southern magazine a somewhat pretentious poem on the battle of Lookout Mountain, and of course we are all familiar with the expression from the school histories of "the battle above the clouds." Now, as a matter of history, my information is, "the battle above the clouds" is a myth. There was no battle on Lookout Mountain. The battle of Lookout Mountain was at the base and up the slope of that mountain. There was no charge to the top of it. There was a mist in the valley and around the base on that morning, and for a time the fight that was going on was in that mist, and some newspaper correspondent referred to it as "the battle in the clouds," and it was very little trouble then to change it to the more poetic expression of "the battle above the clouds."

In that sort of way the idea grew up, and the markers and monuments that are on Lookout Mountain are somewhat misleading, so my information goes, as to that battle. The fact is that there was no charge up that mountain and no battle on the mountain, and the "battle above the clouds" is one of those myths that ought in the interest of truth to be corrected.

The Clerk read as follows:

For transportation of members of the home, \$2,200.

[Mr. MORGAN of Oklahoma addressed the committee. See Appendix.]

[Mr. CARTER addressed the committee. See Appendix.]

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 82, line 23, strike out the words "with mess hall and ticket."

The amendment was agreed to.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, \$87,000: *Provided*, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after line 15, page 83:

Provided, That no moneys appropriated by this act shall be used for purchases of supplies, fuel, or material for national soldiers' homes on behalf of the Government from any corporation which has been declared by federal courts to be a party to an unlawful trust or monopoly, nor from any middleman or agent of any such company or concern where it is known that such middleman or agent is acting for or selling the products of such unlawful concern.*

Mr. TAWNEY. Mr. Chairman, to that I reserve a point of order.

The CHAIRMAN. The Chair will hear the gentleman from Kansas on the point of order.

Mr. ANTHONY. Mr. Chairman, I do not think the amendment is subject to a point of order, for the precedents are full

of previous occasions where limitations much wider than the one I have offered have been allowed to stand in regard to soldiers' home appropriations. I call attention of the Chair to paragraph 3942 of the Precedents of the House of Representatives:

While it is not in order to legislate as to qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications.

Now, in this amendment I do provide that no part of this appropriation shall go to certain corporations which do lack certain qualifications; that is, that lack the qualification of being an honest and legitimate business corporation under the law. In that same paragraph it was held in order by the Chair to insert a limitation, as follows:

Provided, That no part of the appropriation shall be available for the Agricultural College of Utah until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations.

Further on, while a bill was under discussion making appropriations for soldiers' homes, a limitation was offered in an amendment which provided that the appropriation should not be used for any home where the canteen existed, and so broad a limitation as that was held in order by the Chair, although the gentleman from Illinois [Mr. MANN] debated the question with the Chair at that time and held the contrary view. But I am quite sure that, now being in the chair, the Chairman would be inclined to look at the question in a different light.

The CHAIRMAN. What is that citation?

Mr. STAFFORD. It is in the following paragraphs, 3943 and 3944 of Hinds's Precedents.

The CHAIRMAN. The Chair is prepared to rule. The precedents in reference to limitations, of course, are very numerous, and at a casual glance sometimes they seem conflicting, and yet the rule is quite well settled that a limitation which is only a limitation upon an appropriation bill is in order, but a limitation which is in form a limitation, but in substance a change of law, is not in order. The citation that the gentleman makes in reference to canteens in soldiers' homes where the Chair held that was a limitation, is not only in form, but in substance, a limitation, notwithstanding the argument which may have been made by the present occupant of the chair then on the floor against it. The amendment which the gentleman now offers is a limitation in form, but in substance a direction to the managers of soldiers' homes that they shall investigate every purchase of supplies to ascertain the character of the persons who are furnishing the supplies, and under certain conditions shall refuse to make the purchase, notwithstanding that it may be in contravention of the law requiring them to purchase from the lowest and best bidder. The Chair thinks the amendment is clearly a change of law.

Mr. ANTHONY. Will the Chair permit a further remark?

The CHAIRMAN. Certainly; the Chair is always glad to be informed.

Mr. ANTHONY. I think the view just expressed by the Chair was very clearly expressed in the discussion of the Chair at the time the ruling was made that I first cited, and I think if the Chair will read very carefully that ruling, he will find it directly in opposition to the sentiment just expressed by the Chair. I can not conceive of a wider limitation than the one in regard to canteens in soldiers' homes, and the limitation I have offered here does not require the officials of the soldiers' homes to go into the character of every purchase. It simply instructs them to, following the rulings of the courts.

The CHAIRMAN. But it would require them to go into the character of every purchase in order to ascertain whether there had been a ruling of the court.

Mr. ANTHONY. As there have been only one or two rulings, it would not be very difficult.

The CHAIRMAN. If there had been no ruling, still they would have to ascertain the facts. The Chair thinks it is clearly a change of existing law, and the Chair sustains the point of order.

Mr. ANTHONY. Mr. Chairman, it is exceedingly surprising to me that the Board of Managers of the Soldiers' Homes, which comprises in its membership the President of the United States and the Secretary of War, should not take official notice of the rulings and regulations of the Department of War, which governs the department in its purchase of supplies. All that I ask for in the limitation which I offered a moment ago was none other than the recent order of the Secretary of War in reference to the purchase of supplies for the War Department. In

that circular, which was issued by the War Department, signed by Secretary Dickinson on December 11, 1909, it is said:

CIRCULAR.

WAR DEPARTMENT,
Washington, December 11, 1909.

The Standard Oil Company of New Jersey and the other companies named in section 2 of the decree of the United States circuit court, eastern district of Missouri, entered November 20, 1909, having been adjudicated parties to an unlawful trust, are hereby brought within the scope of directions heretofore given that no purchase on behalf of the Government be made directly from any corporation which has been adjudicated to be a party to an unlawful trust and monopoly and to be carrying on business in violation of law, nor from any middleman or agent of any such company or concern where it is known that such middleman or agent is acting for such unlawful concern.

The other companies named in section 2 of the decree above referred to are as follows: Anglo-American Oil Company (Limited), Atlantic Refining Company, Buckeye Pipe Line Company, Borne-Scrymser Company, Chesebrough Manufacturing Company (Consolidated), Cumberland Pipe Line Company, Colonial Oil Company, Continental Oil Company, Crescent Pipe Line Company, Henry C. Folger, Jr., and Calvin N. Payne, a copartnership doing business under the firm name and style of Coriscana Refining Company, Eureka Pipe Line Company, Galena Signal Oil Company, Indiana Pipe Line Company, Manhattan Oil Company, National Transit Company, New York Transit Company, Northern Pipe Line Company, Ohio Oil Company, Prairie Oil and Gas Company, Security Oil Company, Solar Refining Company, Southern Pipe Line Company, South Penn Oil Company, Southwest Pennsylvania Pipe Lines Company, Standard Oil Company of California, Standard Oil Company of Indiana, Standard Oil Company of Iowa, Standard Oil Company of Kansas, Standard Oil Company of Kentucky, Standard Oil Company of Nebraska, Standard Oil Company of New York, Standard Oil Company of Ohio, Swan & Finch Company, Union Tank Line Company, Vacuum Oil Company, Washington Oil Company, Waters-Pierce Oil Company.

All officers or agents of the Government in or under the War Department will please be governed accordingly.

J. M. DICKINSON,
Secretary of War.

I believe if a regulation of that kind is wise for the guidance of the great departments of the Government it is all the more necessary that the Board of Managers of the Soldiers' Homes should follow such a precedent as that. Now, the necessity for such a limitation for the observance of such regulations lies in the fact that there has come in recent years from some source, which I do not know, an effort to put fuel oil into soldiers' homes for fuel, and in every case representatives of the Standard Oil Company offered to furnish fuel oil just a little under the price of coal mined by miners trying to earn an honest living, sometimes in the locality of the homes, and then, after changing the heating plant at great expense, coal is displaced and oil is used for fuel. It is true the board of managers has furnished figures which showed a slight difference in favor of the change of fuel at these homes, but I want to tell this House that those figures are not worth the paper they are written on. They are written for the purpose of bolstering up the statement made in regard to the use of that oil.

As a matter of fact, when you take into consideration the vast amount of money which has been expended in changing the heating and the radiation plants to make them conform to the use of oil, it will show that oil is really an expensive luxury. I had hoped that the Chair would have ruled that limitation which I offered in order, and I still believe that it is in order; but I am in hopes, however, that the mere offering of the amendment on the floor of this House and calling the attention of the board of managers to the existence of the circular issued by the War Department in regard to the purchase of materials from corporations which have been declared by federal courts to be unlawful trusts and combinations will be sufficient for the Board of Managers to seek no further to attempt to displace honest business in its efforts to sell material to the United States Government in favor of firms which have been declared by the courts to be trusts and unlawful corporations. [Applause.]

The Clerk read as follows:

For subsistence, including the same objects specified under this head for the Central Branch, \$107,000.

Mr. RAUCH. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the Committee on Appropriations what portion of the \$100,000 provided for in his amendment will go to the Marion Branch?

Mr. TAWNEY. The amount will be determined by the population of the home as compared with the population of other homes and the physical condition and necessities of the occupants of the home. I can not tell the gentleman. Of course there are different conditions as to the cost of the ration. The ration varies now from 14.4 cents up to about 16 cents outside of the sanitarium, where it is 22½ cents. That is due not to the difference in the amount of the ration, but due to the difference in the cost of the material which goes to make up the cost of the ration. Marion is one of the average-sized homes, as I now recall it—

Mr. RAUCH. It has a membership of about 2,000, I think.

Mr. TAWNEY. And of the \$100,000 that has been agreed to it would be, I think, entitled to about one-tenth of the amount, it being an average home.

Mr. RAUCH. Mr. Chairman, I had intended offering an amendment at this point providing for an additional appropriation for the Marion Home, although I know Governor Steele to be a most excellent man, and I believe he is doing all that he can for the membership of the home. I have been very anxious to have ample provisions made for the men who are compelled to live the remainder of their days in these institutions. I have heard some complaints from the members as to the variety, but not the quality or quantity, of the food. Believing that the governor should not be handicapped in the item of subsistence, I had intended to offer an amendment providing for an additional appropriation of \$10,000. Now, according to the statement of the chairman of the Committee on Appropriations, that is about the amount which this branch will receive from the additional appropriation of \$100,000 which we have just succeeded in passing. I withdraw the pro forma amendment.

The Clerk read as follows:

For president of the Board of Managers, \$4,000; secretary of the Board of Managers, \$500; general treasurer, who shall not be a member of the Board of Managers, \$4,500; inspector-general and chief surgeon, \$4,000; assistant general treasurer and assistant inspector-general, \$3,000; assistant inspector-general, \$3,000; clerical services for the offices of the president, general treasurer, and inspector-general and chief surgeon, \$15,500; clerical services for managers, \$4,500; for traveling expenses of the board of managers, their officers and employees, including officers of branch homes when detailed on inspection work, \$16,000; for outdoor relief, \$1,000; for rent, legal services, medical examinations, stationery, telegrams, and other incidental expenses, \$7,000; in all, \$63,000.

Mr. MACON. Mr. Chairman, I make the point of order against the words "five hundred," in line 24, page 88, it being an increase of salary of the general treasurer.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the words "five hundred," in line 24, page 88.

Mr. MACON. The salary carried in the last appropriation bill for the pay of this official was \$4,000; in this it is \$4,500.

The CHAIRMAN. Does the gentleman make or reserve the point of order?

Mr. MACON. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MACON. Now, I make the point of order against the language "four thousand," in line 25, page 88. The last appropriation bill carried \$3,500 for the same purpose.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the words "four thousand," line 25, page 88, and the Chair sustains the point of order. The Chair calls the attention of the gentleman from Minnesota—

Mr. TAWNEY. Mr. Chairman, the point of order was made when I was for a moment absent from the floor.

The CHAIRMAN. The point of order was made by the gentleman from Arkansas. Is there any authority of law for the increase?

Mr. TAWNEY. No; there is none.

The CHAIRMAN. The Chair sustains the point of order. Does the gentleman from Minnesota offer an amendment in line 25?

Mr. TAWNEY. I move to insert "three thousand five hundred" after the word "surgeon."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 88, line 25, before the word "dollars," insert "three thousand five hundred."

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

Mr. COX of Ohio. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 89, after line 12, insert:

"Provided, That no part of the money herein appropriated for the salary of president of Board of Managers, secretary of the Board of Managers, general treasurer of the Board of Managers, inspector-general and chief surgeon of the Board of Managers, and assistant general treasurer and assistant inspector-general of the Board of Managers shall be paid to any person who has not at one time been in the military service of the United States and who has been honorably discharged."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order on the amendment.

Mr. COX of Ohio. Mr. Chairman, the chairman of the Committee on Appropriations a little while ago in citing what he believed to be absolute proof of the men in the soldiers' homes having good treatment, made reference to the governors, and he said that they were soldiers themselves, that they knew the trials of the old soldiers, and by reason of this service and association were incapable of any unkindness. To that I

heartily agree. The organic law provided—I think it was passed in 1892—that the governors of the homes and all the officers of the homes should be men who had not only been in the military service of the United States, but who had been disabled in the service. This was changed a few years later, and the qualification was taken out which related to the feature of disability. Subsequent to this a law was passed exempting from these laws all the surgeons in the homes, so that the intent of the law is now and always has been that the men who have to do with the welfare of these soldiers in the national military homes shall be persons who have seen service themselves.

In other words, when the chief inspector-general visits these institutions and comes face to face with these men, he must have within him an understanding as to what those men went through. There is no law on the subject at the present time establishing any qualification of the members of the board of managers nor the officers at headquarters. I do not think this amendment is subject to a point of order, for the reason that the limitation goes no further than to state or specify the qualifications of the men who shall receive this compensation, and the precedents are ample on that subject. I will refer the Chair to page 636, volume 4, section 3942, as follows:

While it is not in order to legislate as to qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications.

Mr. TAWNEY. Will the gentleman permit me to ask him a question? Under the existing law the Board of Managers can, within their discretion, employ whomsoever they please, can they not? There is no law fixing the qualification, but they have the discretion to employ whomsoever they please, have they not?

Mr. COX of Ohio. At the present time?

Mr. TAWNEY. Yes.

Mr. COX of Ohio. There is no law on that subject.

Mr. TAWNEY. It gives them the right to employ whomsoever they please. The salary is fixed by law. Now, you propose to limit their discretion by prescribing certain qualifications in those to be employed.

Mr. COX of Ohio. I am simply trying to provide that ideal situation which you said a while ago existed in the administration of these soldiers' homes. I do not think there is a man on this floor who should make a point of order against this sort of a proposition, because it relates to the very identical thing which you yourself discussed a moment ago with reference to ideal conditions. The limitation on the canteen provides that the homes must have certain qualifications before they can receive these appropriations.

Now, this amendment of mine proposes that only men possessing certain qualifications shall be the recipients; or, rather, that men who lack certain qualifications can not be the recipients of these appropriations. This gets at the very kernel of the entire disagreeable situation at headquarters.

Mr. TAWNEY. Is the gentleman talking about the headquarters—

Mr. COX of Ohio. At New York.

Mr. TAWNEY (continuing). Or in the homes?

Mr. COX of Ohio. Headquarters at New York. There are headquarters nowhere else.

Mr. TAWNEY. I thought the gentleman's remarks related to the employees in the homes.

Mr. COX of Ohio. Not at all. They relate to the headquarters in New York City.

Mr. TAWNEY. The proposed limitation is one that affects the discretion of the Board of Managers in respect to the employees under their immediate jurisdiction. At the present time they have unlimited jurisdiction under the law. The law vests them with unlimited discretion in the matter of who the board should employ and as to the qualification of the employees. By this amendment it is proposed to limit their right to employ clerks and other services at headquarters to men who have certain qualifications, exclusive of all others, and thereby restrict them in the exercise of their discretion to that particular class.

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

Mr. TAWNEY. I will.

Mr. COX of Ohio. It is the lack of qualification.

Mr. TAWNEY. I do not care whether it is the lack of qualification or what the gentleman calls it; it is a limitation upon the discretion which is now vested in the board by law, and the gentleman can not by a limitation on an appropriation bill change existing law nor legislate as to the qualification of employees.

Mr. COX of Ohio. Does the gentleman contend that there is an existing law now with reference to the employment of the auxiliary officers at New York?

Mr. TAWNEY. Yes; the Board of Managers by law are given exclusive jurisdiction and control over these homes and their employees.

Mr. COX of Ohio. And likewise over the canteen, to which a limitation has since been applied.

Mr. TAWNEY. And in the employment of individuals they have full discretion to employ whomsoever they see fit, and you propose to limit and restrict them to a particular class.

Mr. COX of Ohio. It is just the kind of restriction that is placed on the Board of Managers with reference to the canteen.

Mr. TAWNEY. Yes; but there is this distinction: That limitation absolutely prohibited anybody from selling intoxicating liquor of any kind, but you propose to deny the right to employ. In other words, your proposition is about as the other proposition would have been before us if you were not to allow the sale of beer or whisky in the homes unless it was made in a certain place, in St. Louis or Cincinnati, or that it bore a certain brand.

Mr. COX of Ohio. The limitation simply is that the appropriation should not go to anyone lacking certain qualifications.

Mr. TAWNEY. That is true.

Mr. COX of Ohio. And the appropriation of a certain amount can not be given to a home where there is a canteen, so that the propositions are identical.

Mr. TAWNEY. Suppose that the canteen provision was to the effect that only beer manufactured in Cincinnati could be sold. That is your proposition in effect. That is, you want to deny authority to employ. You propose to limit the discretion of the board as to the qualifications of the people they can employ.

Mr. COX of Ohio. May I ask the gentleman a question in that connection?

Mr. TAWNEY. It is not a limitation upon the expenditure of the money.

Mr. COX of Ohio. Getting away entirely from the feature of the point of order.

Mr. TAWNEY. Well, there is no way of getting away from that, because that is the only question before the Chair. When we get to the next paragraph, then we get away from the point of order. That is the easiest way.

Mr. COX of Ohio. I wanted to test the good faith of the statement of the gentleman, when he spoke as to the conditions under which these homes should be conducted, a situation that can only be possible under the administration of men who have seen service. This amendment applies to the men at headquarters.

Mr. TAWNEY. At the head of these homes?

Mr. COX of Ohio. The gentleman knows that it goes to the men at headquarters.

Mr. TAWNEY. The clerks and employees in the city of New York at the central offices do not come into contact personally with the inmates of these homes. He is the governor of the home. He is there all the time.

Mr. COX of Ohio. This man whom we are seeking to reach goes to the homes and inspects them, or is presumed, at least, to inspect them.

Mr. TAWNEY. He may inspect the homes; I do not know as to that.

Mr. FITZGERALD. I want to suggest that the purpose of this amendment is to eliminate the inspector-general and Chief Surgeon Elwell from the service.

Mr. TAWNEY. I supposed the amendment was aimed at some individual, although I did not know the individual's name; and that only makes the amendment all the more obnoxious to the rule of the House.

Mr. FITZGERALD. I wanted the gentleman to understand the purpose. We have not come to the discussion of the merits.

Mr. COX of Ohio. I want it distinctly understood that I do not disclaim the intent of this amendment, nor am I disposed to conceal its purpose.

Mr. FITZGERALD. I know the gentleman. The gentleman furnished that information to me at my request, and I wish to have the House and the gentleman in charge of the bill understand exactly what was proposed in the amendment; and I will discuss the amendment when we come to it.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Ohio offers an amendment, as follows:

Provided, That no part of the money herein appropriated for the salaries of president of the Board of Managers, secretary of the Board of Managers, general treasurer of the Board of Managers, Inspector-general and chief surgeon of the Board of Managers, assistant general treasurer and assistant inspector-general of the Board of Managers, and assistant inspector-general of the Board of Managers, shall be paid to any person who has not at one time been in the military service of the United States and who has not been honorably discharged.

It seems to the Chair quite patent that if this amendment were a limitation that no part of the money herein appropriated for the salaries of these officials should be expended unless the

Board of Managers should employ a particular person that would be a change of existing law. The Chair can see no distinction between that and the amendment offered as far as the power is concerned. If the Board of Managers now has the power—and it seems to be admitted—or whoever has the power in the appointment of these officials, this would be construed as a change of the law directing their discretion, and the Chair thinks the amendment is subject to a point of order, and therefore sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I am not in sympathy with the amendment, but I think the Chair will find precedents that cover this case clearly. I think there are precedents that the appropriation can be limited, so that it can not be paid to persons not possessing certain qualifications. For instance, placing a limitation that no part of the appropriation should be paid to a person who is not a citizen of the United States. There is no question but that that is clearly a limitation, and also that no part of the appropriation shall be paid to any person occupying a position who is not an honorably discharged soldier or sailor of the United States.

The CHAIRMAN. The present occupant of the chair would rather be of the opinion that it might be possible to find in the precedents somewhere a decision upon each side of the question, because the border line is often met with in decisions. And yet, there can be no question that in recent years the tendency has been to hold that a change of existing law under the guise and form of a limitation is not in order.

Mr. MACON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee if it is his purpose to move that the Clerk correct the totals of all the paragraphs?

Mr. TAWNEY. It is.

Mr. MACON. Then I will not offer my amendment.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after line 21, page 89, the following:

Provided, That no moneys appropriated by this act shall be used for the rent or maintenance of offices and headquarters of the Board of Managers of the National Home for Disabled Volunteer Soldiers in New York City."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, the Board of Managers at present have a right to engage offices and headquarters wherever they please. This is the same as saying that the headquarters must be in a certain place. Following the reasoning of the Chair, as stated a few moments ago in connection with the other amendment, it takes away from the Board of Managers the discretion that they now have and is a change of existing law.

Mr. TAWNEY. Mr. Chairman, I want to add to what the gentleman from New York has said, that the Board of Managers will have to have offices somewhere. It is manifest that if they can not have the offices in New York City they must move to some other place. Now, in order to do that, they must have some authority to move and procure rent, and they must have an appropriation necessary to meet the expenditure. This is not only a violation of the discretion which the board has for the purpose of fixing their location officially, but is legislation because it will require the doing of that which the amendment does not authorize to be done.

The CHAIRMAN. The Chair is prepared to rule. The Chair—possibly because the present occupant of the chair has had his mind centered in that direction—thinks that the distinction between the various amendments is perfectly clear, although the Chair may not be able to make it clear to the members of the committee.

This amendment is:

Provided, That no moneys appropriated by this act shall be used for the rent or maintenance of offices or headquarters of the Board of Managers of the National Home for Disabled Volunteer Soldiers in New York City.

It is clearly within the power of Congress to make no appropriation for the board of managers. Having the power of the House to refuse an appropriation for the Board of Managers, it has the power to refuse it for the payment of office rent in a particular place. It would not probably be in order in an amendment to require the board of managers to move their offices, but it is within the power of the House to decline to appropriate for offices, even if they are in New York City.

Mr. FITZGERALD. I call the attention of the Chair to the fact that Congress has a right to appropriate money for the compensation of any of the officers named in the foregoing

amendment, and also has the right to refuse to permit the payment to officers who do not have certain qualifications. There can be no question that both of these are in order or neither is in order.

The CHAIRMAN. To the mind of the Chair they are as distinct as blue is from green. The Chair overrules the point of order.

Mr. ANTHONY. Mr. Chairman, I want to say a few words on this amendment. During the debate here to-day on soldiers' homes the question has frequently been asked what remedy there is for the apparent lack of attention on the part of those responsible for the general administration of soldiers' homes. What remedy that can bring about closer attention on the part of these men? I have offered an amendment with the idea of taking the headquarters of the Board of Managers away from New York City. There has never been the slightest excuse in the world that the president, the secretary, and the treasurer, and so forth, of the Board of Managers should have offices in New York City. There is not the slightest interest which affects the soldiers in the soldiers' homes scattered all over this country, that is attained by having the general offices in New York City. It is only an increase in expense to the General Government. The proper place for the maintenance of the general office of the Board of Managers is either right here in the city of Washington, where they are accessible to Congress and to the officers of the Government, or it is at one of the centrally located homes.

Mr. TAWNEY. At Leavenworth?

Mr. ANTHONY. No; not necessarily Leavenworth, but where this Board of Managers will know what an old soldier looks like. I want to say to the gentleman from Minnesota that the inspection of the homes by the Board of Managers is nothing more than a farce.

Mr. TAWNEY. Mr. Chairman, I think that when the gentleman from Kansas [Mr. ANTHONY] attributes to Jim Wadsworth, as we all love to call him, to General Henderson, and to Senator WARNER, of Missouri, and other members of that board who have honorable records in the army, the imputation that they would not know what an old soldier looks like, the gentleman is going a great deal further in his denunciation of these men than the facts warrant.

Mr. ANTHONY. The gentleman does not attribute anything of the kind to this highly respected Board of Managers.

Mr. TAWNEY. The gentleman said he would like to have them go where they would know what an old soldier looked like. With the record that these men have, who were through the rebellion, I think they know not only what an old soldier looks like, but what the service of a soldier means.

Mr. ANTHONY. I do say that if these headquarters were located in Washington, where no doubt rent could be obtained free, or at one of the soldiers' homes, where they could have rent free—

Mr. TAWNEY. What department of the Government obtains free rent in Washington? Has the gentleman ever known the Government to get anything for nothing in Washington?

Mr. ANTHONY. Oh, yes; there is lots of room here in Washington. The facts are that when the Board of Managers makes its annual pilgrimage over the country, it spends not to exceed a day at each of the soldiers' homes, and if the gentleman will read some of the proceedings published here—

Mr. COX of Indiana. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. COX of Indiana. How much does the Government pay out for rent in New York City?

Mr. ANTHONY. I do not know the exact figures; I think it is several thousand dollars.

Mr. TAWNEY. Has the gentleman any facts?

Mr. ANTHONY. Oh, yes; I think if I had time I could look it up and find out.

Mr. COX of Indiana. Does the gentleman know whether any of these soldiers' homes are so situated that they could furnish office rent free?

Mr. ANTHONY. I have not the slightest doubt but what they could.

Mr. FITZGERALD. If the gentleman's information is based upon the same—

Mr. ANTHONY. I would like to ask the chairman of the committee for that information. What did they pay for rent there?

Mr. TAWNEY. I do not know.

Mr. ANTHONY. They do not get it free.

Mr. FITZGERALD. I was about to say, considering they pay \$465,000 a year for rent in the city of Washington, does

the gentleman believe there is room for some office to come here and get rooms rent free? Will the gentleman just point out where room would be found here for any additional offices? Simply because the gentleman from Kansas thinks that room could be found here free, although we are paying \$465,000 a year rent, hardly justifies the refusal of the appropriation to pay rent on a lease.

Mr. ANTHONY. The gentleman from Kansas said that if they could not they could find it at some of the branch homes.

Mr. FITZGERALD. If the gentleman does not know any more about that than he does about getting free quarters in Washington, he draws on his imagination for the facts.

Mr. ANTHONY. To show the great detail with which these homes are inspected I want to read a report of the board made at the Marion Branch on September 15, as appears in the annual report of the Board of Soldiers' Home Managers. If there is any information which can be obtained from this, I would like to have any gentleman point it out. Here it is:

MARION BRANCH, September 15, 1908.

The board made the usual inspection of hospital, buildings, and grounds and heard the complaints of such members as desired to appear before it. The board then proceeded to the Danville Branch and reconvened on September 17.

That is all the information to be gathered from the proceedings at the Marion Branch, and the publication of this annual report of the Board of Managers, while it has nothing to do with the amendment under consideration, cost the Government over \$5,000 to publish, a mere waste of money, because there is no material that gives anybody any information.

Mr. STAFFORD. Is it not a fact that this Board of Managers employs inspectors whose duty it is to make detailed inspection in the respective branches of the home?

Mr. ANTHONY. It is.

Mr. STAFFORD. If they have qualified inspectors for that purpose to report to the board the information, what is the pertinency of the criticism which the gentleman from Kansas makes? There must be some meeting place, the gentleman must admit, for them to conclude their policy and to report to Congress.

Mr. ANTHONY. The general theory would be that it is far better for the officers of this board—the secretary and treasurer and such officers as that—to have the offices and be located at one of these homes, if possible, where they would be absolutely cognizant of existing conditions, and instead of holding official meetings in New York, hold them at one of these homes.

Mr. STAFFORD. I can say to the gentleman that I have had occasion to correspond with the Board of Managers, and have written them on several occasions about matters, and have invariably received a very prompt reply.

Mr. ANTHONY. Which the gentleman would have received from any other location just as well.

Mr. STAFFORD. The question is whether New York City is not properly the headquarters for the purchase of supplies—

Mr. ANTHONY. Few supplies are purchased in New York, but at the homes.

Mr. STAFFORD. But there are other details which are necessary for the proper management of these various branch offices scattered throughout the country and—

Mr. ANTHONY. I call the gentleman's attention to the fact that very few supplies are purchased in New York City; whenever that is done it is done at the homes.

Mr. STAFFORD. But all the contracts can be readily submitted to the officials at New York City—

Mr. ANTHONY. They are sent by mail.

Mr. STAFFORD. And the present president of the board lives not many hundred miles away, and the former president, Governor Murphy, of New Jersey, did not have his home very remote from New York City, and there the members of the board could easily meet to pass upon the business matters of their respective branches.

Mr. TAYLOR of Ohio. The gentleman has been saying a great deal about free rent for offices; I do not think that his amendment provides anything like that.

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

Mr. ANTHONY. I ask just a few moments.

Mr. TAYLOR of Ohio. This makes it imperative that they shall not pay any of this money for rent of headquarters in New York City. They can go and rent at any other place in the country that they want to. So that this amendment does not go to economy at all. There is nothing about free headquarters in it.

Mr. ANTHONY. It would tend to efficient service if the offices were brought to the city of Washington.

Mr. TAYLOR of Ohio. There is nothing in your amendment to bring them to the city of Washington.

Mr. ANTHONY. I would leave that to the board.

Mr. TAYLOR of Ohio. Then they might take it to the home of some of the members.

Mr. ANTHONY. I should think that it would so appeal to the good sense of the members that they would bring them to Washington or to one of the branch homes.

Mr. TAYLOR of Ohio. Good sense seems to appeal to them to leave them in New York.

Mr. ANTHONY. I do not want the wanton extravagance of maintaining them there any longer.

Mr. TAYLOR of Ohio. Will they not continue, in your mind, to be wantonly extravagant and rent quarters in New York?

Mr. ANTHONY. I am perfectly willing to leave it to the gentlemen to find the proper place.

Mr. COX of Ohio. Mr. Chairman, I move to strike out the last word. There is not a single reason that the advocates of headquarters in New York can advance for their remaining there. There are at least a dozen good reasons why they should be taken away from New York. These soldiers' homes are scattered all over the country, from Togus, Me., in the East, to the Pacific Branch out in California. The element of centrality is an important one in correct business methods, which should obtain in running these institutions. The mileage charges will be less if the headquarters are brought, not to Washington, but to somewhere in the Middle West, say, to Danville or Marion or Dayton. The Dayton Home is a distributing point. The gentleman from Wisconsin suggests that the headquarters should remain in New York City for the reason that there they would be close to the market. As a matter of fact the purchases are made for the most part for the individual branches at those branches. Most of the clothing is furnished for the other branches from the Central Home at Dayton.

Mr. TAWNEY. Where is it purchased?

Mr. COX of Ohio. Purchased by open bids in the open market.

Mr. TAWNEY. Where? Whence does it come when it comes to Dayton?

Mr. COX of Ohio. I suppose from the American woolen trust.

Mr. TAWNEY. Where is it located?

Mr. COX of Ohio. Everywhere on earth, apparently, with headquarters in Washington, I might say; for the past year, at least.

Mr. TAWNEY. Is it not a fact that that clothing is purchased in the city of New York?

Mr. COX of Ohio. I presume they are located in a great many places throughout the country. The gentleman from Minnesota mentions the names of the members of the Board of Managers, and he implies that every member of the board is in hearty sympathy with the present régime at headquarters. I heard one of the oldest members of the Board of Managers say that the headquarters should be removed from New York City.

Mr. FITZGERALD. He ought to say that himself, and not have somebody else voice his opinion.

Mr. TAWNEY. Who constitutes this large minority of the Board of Managers that is heartily sick, as the gentleman says, of the present régime? And has any one of that minority ever made complaint to the Committee on Appropriations because of its dissatisfaction with the present régime?

Or are these men merely dissatisfied because they are not able to do everything that they want to, and are they not using the gentleman from Ohio for the purpose of airing their grievance on the floor of the House?

Mr. COX of Ohio. May I answer that question by asking the gentleman from Minnesota this question: You are the head of the Committee on Appropriations. How many members of the board do you see? You see the president, Mr. Murphy, and Mr. Harris.

Mr. TAWNEY. And Senator Warner and General Henderson, and Captain Wadsworth, and occasionally the gentleman in charge of the Marion Home, Governor Steele, and at Omaha, General Palmer.

Mr. FITZGERALD. Mr. Chairman, I wish to speak in opposition to the amendment.

Mr. Chairman, sometimes gentlemen do not know exactly what they are talking about or trying to do. I have not the slightest hesitation in saying that this is one of those instances. I have never been in the office of the Board of Managers of the Soldiers' Home, but I know where it is located. I do not know when the office was first established in the city of New

York. I am inclined to think, however, that it was located there for the convenience of a member of the board, who for many years was president of the board, the late Gen. Martin T. McMahon. He was a justice of the court of general sessions of the city of New York, and the offices were located in a building directly opposite to the court-house. I know, and men who knew General McMahon are aware, that he was a diligent and attentive man, and gave much time to the service of the Board of Managers. The present president of the Board of Managers is Mr. Wadsworth. He does not live in the city of New York, but I understand that his business requires him to spend considerable time in the city.

It may be, Mr. Chairman, that New York City is the place least adapted for the office of the Board of Managers, but I am inclined to believe that the men who have been selected to manage and control the affairs of these soldiers' homes could be more safely trusted to locate the offices of their board than gentlemen representing districts in which homes are located and who seem anxious to have the board located within their borders. What will be the effect of this amendment of the gentleman from Kansas? Not to effect any reform, not to accomplish any worthy purpose, but to compel the board to abandon the offices which have been maintained for many years.

Mr. ANTHONY and Mr. COX of Ohio rose.

Mr. FITZGERALD. Wait until I get through with this statement. And if the board were forced to remove the office out of New York, it could at once establish its office in Jersey City, across the river, equally accessible to Governor Murphy and Mr. Wadsworth, so that the effect of the gentleman's amendment would be to leave the Government liable upon the lease which now exists for the office in the city of New York and incur additional expense for an office somewhere else.

Mr. COX of Ohio. The purpose of that amendment is simply to save the Government that much expense.

Mr. FITZGERALD. How much expense?

Mr. COX of Ohio. Your committee does not know, and it ought to have the information to give to this House.

Mr. FITZGERALD. What expense?

Mr. COX of Ohio. Why, the rent.

Mr. FITZGERALD. How much is the rent now?

Mr. COX of Ohio. Your committee ought to know.

Mr. TAWNEY. Including incidental expenses and stationery, \$5,450.

Mr. COX of Ohio. I asked your committee about it and received no information.

Mr. FITZGERALD. If I were to undertake to tell the gentleman from Ohio what rent is being paid in New York City, he would have no more information as to whether it was reasonable or unreasonable than he or anybody else does who has not had some experience in renting an office in the city on which to base an intelligent opinion as to the value of an office in that city.

Mr. ANTHONY. Does not the gentleman know that there is ample room in any one of the branch homes to supply offices for the board?

Mr. FITZGERALD. I do not know that there is, or how much they desire.

Mr. ANTHONY. I know that there is.

Mr. FITZGERALD. The Board of Managers want additional accommodations at the homes for many purposes.

Mr. ANTHONY. The gentleman has not read his own hearing.

Mr. FITZGERALD. Now, why should the office for the Board of Managers be placed either in Kansas or Ohio? It should rather be accessible to the president of the board, who is the man who does most of the work, and the man who is expected to do most of the work. I have listened to the statement as to what this board does and does not do. I find that it had an extraordinary meeting, held in Washington on the 8th day of December, 1908. The meeting was attended by the President of the United States, the Chief Justice of the Supreme Court, and other members, and that certain business was transacted.

Mr. ANTHONY. What business was transacted?

Mr. FITZGERALD (reading):

The president of the board presented the estimate for the quarter ending March 31, 1909, which, after careful consideration, was agreed upon, as follows:

Then follows the allotment of the amount for the various homes, aggregating \$1,410,725. I suppose the gentleman from Kansas would like a verbatim report of what was said by each individual member about the detailed estimates, and then probably he would come here and complain of the extravagance of the board in printing such a report.

I presume when the President of the United States and the Chief Justice of the Supreme Court and the other members of this board met and had the estimates presented to them and approved them that they required a full and careful explanation, and did not go through the formality of approving of those estimates like a lot of mummies. I am inclined to believe that the board is much better equipped to transact its business and to manage its affairs and to determine where its headquarters shall be than is the gentleman from Kansas.

Mr. COX of Ohio. As a member of the Committee on Appropriations, I am quite sure that the gentleman from New York knows that the last three homes have been established without any necessity whatever; that there are, substantially speaking, no more soldiers in the homes now than there were in 1897 when the first of the last three homes were created. Now, I want to say—

Mr. FITZGERALD. Oh, the gentleman wishes to ask me a question, and I have permitted him, but I will not permit him to ask a question and answer it at the same time. It depends upon what the gentleman means by the necessity for these homes.

There is no necessity for all of these homes, if they be restricted to the inmates for which they were originally established; but as the survivors of the civil war dropped out, Congress has from time to time extended the classes from which admission could be had. If I be not mistaken, it was only last year that another class from which persons might be permitted to enter these homes was added.

Now, Mr. Chairman, simply for the purpose of creating a belief in some place or other that some great reform is to be effected, the gentleman from Kansas, without any information, without any knowledge of the situation, desires to prevent the payment of rent for an office in the only place where the board has one established. Perhaps it can be abandoned. I do not know whether it should be. The board has two rooms in the building of the New York Life Insurance Company, which occupies an entire square in the city of New York. It is one of the very large office buildings in that city. As rent goes in such buildings, I suppose the board pays about \$2 a square foot for space. It may be desirable or it may not be desirable to have the office located in that place.

But simply because it has occurred to the gentleman from Kansas that the office in New York should be abandoned, I doubt if it be wise for this House, without a hearing, without opportunity for the board to be heard or to give an explanation of the reasons that exist for an office there, to provide that the office shall be discontinued on the 1st of July.

Mr. COX of Indiana. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. COX of Indiana. The gentleman has argued his point well. Can he assign any reason why the office should not be discontinued in New York City and located somewhere nearer the center of the homes?

Mr. FITZGERALD. No; and I can not assign any reason why the board should not be abolished and the House manage the homes without the assistance of the men who have been selected for that purpose. If I followed the logic of the men who imagine they can administer the affairs of the home without information from the men who are familiar with the affairs, I might agree with him.

I am well acquainted with the president of the board, Mr. Wadsworth, and in his testimony before the Committee on Appropriations he showed a familiarity with the various homes and their requirements possessed by few of the officials of the government service in Washington who come before the committee. I undertake to say that his judgment is much better and much more reliable than that of the Members here who, because they represent a district in which homes are located, imagine that some capital can be created by an attempt to abolish an office that they not only have never seen, but could not find if they were sent to locate it without police assistance. [Laughter.]

Mr. COX of Indiana. Mr. Chairman, it is immaterial to me—

Mr. FITZGERALD. It is immaterial to me, too.

Mr. COX of Indiana. It is immaterial to me whether the office is located in New York or Ohio. Let me put this question to the gentleman. Here is an item for traveling expenses, Board of Managers, officers and employees, when detailed on inspection work, \$16,000. Does not the gentleman believe that this work could be administered more economically, as well as efficiently, if the office in New York was abandoned and transferred nearer the center of the homes?

Mr. FITZGERALD. Well, I do not know. They would have to travel just as far back to Maine as they now have to travel

out to Kansas and Ohio. I am inclined to think that the board—

Mr. TAWNEY. The proposition of the gentleman from Indiana is not before the committee, I would say to the gentleman from New York. It is not a question of where the offices are going to be. It is a question of their not being at a certain place.

Mr. COX of Indiana. The chances are if they could not get them located—

The CHAIRMAN. To whom does the gentleman from New York yield?

Mr. FITZGERALD. Mr. Chairman, I think I will yield to myself now for a moment. [Laughter.] If I had my way, I would require all offices possible to be located in the city of Washington, but I would not arbitrarily discontinue an office some place else without any information other than simply to please the caprice of Members who suddenly awaken on the floor without calling to the attention of the committee their grievance as to the location of the office of the Board of Managers when the committee is in session and the Board of Managers is in the city.

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

Mr. TAWNEY. Mr. Chairman, I simply want to call the attention of the committee to the fact that there are ten homes. The administration of these ten homes is by law placed under the control of the Board of Managers. It is, therefore, absolutely necessary that this board should have headquarters somewhere from which point the general administration of the homes can be properly conducted. The headquarters of the board when General Franklin was chairman was at Hartford, Conn. That was his home. Succeeding him was General McMann, a resident of the city of New York, and the headquarters of the board were moved from Hartford, Conn., to New York. Succeeding him for a short time was Governor Murphy, of New Jersey, residing near New York, and the headquarters were retained there. Succeeding Governor Murphy is General Wadsworth, who is a citizen of New York, residing in New York, and the headquarters of the office have been retained there ever since General Wadsworth became the president.

When General Butler was president of the Board of Managers the headquarters of the board was in Boston. In all cases since the organization of this board it has been the uniform rule to maintain headquarters of the board at the home or as near the home of the president of the board as possible, because all administrative work must necessarily be performed by him. That is, he has general supervision; and it is for the convenience of the president of the board that the headquarters have always been located at or near the home of the president of the board. For that reason, Mr. Chairman, I trust that the amendment offered by the gentleman from Kansas and supported by the gentleman from Ohio [Mr. Cox] will not prevail.

I move that all debate on the paragraph and pending amendment be closed in two minutes.

The motion was agreed to.

Mr. ANTHONY. Mr. Chairman, we have heard a lot of talk on this subject. Some of the gentlemen have demonstrated, especially the gentleman from New York [Mr. FITZGERALD], that he can talk just as volubly on subjects when he uses his gray matter as when he does not [laughter], and he has failed to illumine this whole discussion with the slightest common sense. I want to say that I have just one object in my mind in offering this amendment, and that is to do away with the one-man power and the one-man administration on the part of the Board of Managers, which the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from New York [Mr. FITZGERALD] applaud so highly. I believe it would be far better to have some central location, some central office for this Board of Managers, which would be accessible to all the managers of the board instead of two or three, and unquestionably such a location accessible to all of the members would result in greater good to the inmates of these soldiers' homes. Let us take the one item of mileage. The item of mileage alone will run up into double the figure for meetings held in New York City that it would at some central point. If you want it in a big city, take Chicago or Cleveland, or far better, take one of the soldiers' homes, like Dayton or Marion, or any other.

Mr. TAWNEY. Or Leavenworth.

Mr. ANTHONY. No; I have not mentioned Leavenworth.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 13, noes 32.

So the amendment was rejected.

The Clerk read as follows:

In all, for National Home for Disabled Volunteer Soldiers, \$4,201,800.

Mr. COOPER of Wisconsin. I would like to ask the chairman of the Committee on Appropriations, ought not the total to be changed, in view of the fact you have increased the amount \$100,000?

Mr. TAWNEY. There will be a number of changes, and when we get through with the bill unanimous consent will be asked to change the several totals in the bill.

The Clerk read as follows:

Provided, That no part of the foregoing appropriations shall be expended for any purpose at any branch of the National Home for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold.

Mr. KELIHER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 89, line 21, after the word "sold" add:

"Unless such branch is located in or within 5 miles of a city or town in which the sale of intoxicating liquors is permitted by law."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order upon the amendment.

Mr. KELIHER. Mr. Chairman, when the original limitation amendment was put upon a sundry civil appropriation bill a few years ago those who advocated it contended that with the abolition of the canteen from the soldiers' home would come a higher standard of morality and discipline within the soldiers' homes. We were told that with their elimination would depart temptation, and within a very few years a higher standard of discipline would ensue, and the blessings of the occupants of these soldiers' homes would be showered upon the Congress, and that the veterans would manifest their appreciation of the change by a notable diminution in the number of arrests for violations of the rules of the homes by intoxication. We have had the canteen abolished for four years, and it is now ample time for the House to seriously consider whether its abolition has had a good or a bad effect upon the membership of the homes, morally and physically. I contend that it has not. I hold here a report of the acting inspector-general which treats, in part, upon the subject of discipline in these homes. There has been, according to this report, an increase of 32 per cent in the arrests for intoxication within the homes since the canteen has been abolished. Surely what was predicted by its proponents is not materializing. Thirty-two per cent in four years! Now, let me read a little into the details:

There were 21,000 soldiers in the soldiers' homes in 1906 when the canteen was maintained, and the arrests for drunkenness that year were 3,221. In 1909, after four years of no canteen, with a less population, namely, 20,271, the total number of arrests for drunkenness is 4,247. In 1906 1 inmate for 6.5 was arrested for intoxication, while in 1909, without the canteen, 1 in 4.7 are arrested. Now, if the gentleman who offered that original amendment, and those who so fervidly advocated its adoption, have as their chief concern the moral and physical welfare of the old soldier, assuredly to-day they will not take issue with my amendment. Mr. Chairman, it aims simply and solely, where a soldiers' home is located within a belt that has voted wet, within a community in which liquor is sold by law, that within that soldiers' home the canteen may be established and maintained. But if a home be located within a belt that is dry, where within the adjacent territory liquor can not be lawfully purchased, a canteen can not be maintained. I believe we are all in accord upon one proposition, and that is that it is much better for the old soldier who drinks—and the records show that he does drink, and common sense teaches us that he will drink, because in the evening of his strenuous life his habit of years is not going to change; for men who were 70 years of age when the canteen was abolished are now 74—if those men are going to drink, will anybody dispute the proposition that it is much better for them to do so under the guiding eye of the superintendent of their home, within and subject to the regulations of that home?

Is it not better that the old soldier drink under those conditions than to go away from the home and drink in saloons where nobody has any particular concern for his welfare? If the enemies of the canteen are honest and sincere in their solicitude for the moral and physical welfare of the old soldier they will offer no opposition to the amendment which I have offered.

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

Mr. KELIHER. Certainly.

Mr. PARSONS. What is the report from which the gentleman read?

Mr. KELIHER. This is a report of the inspection of the several branches of the National Home for Disabled Volunteer Soldiers made August 11, 1909, to October 27, 1909, by Maj. A. W. Brewster, Eighteenth Infantry, acting inspector-general. It is an official document.

Mr. PARSONS. Does it show whether the drunkenness is greater in homes near wet territory than it is in homes in a dry territory?

Mr. KELIHER. I have no way of hurriedly ascertaining, but it has been stated by almost every official and individual who comes in contact with the occupants of these homes, men who scientifically know, men who have had occasion to study, it is the consensus of opinion of these impartial authorities upon the subject that the canteen abolishment has been a mistake.

Now, I do not propose to put the canteen back in territories where liquor can not be obtained. I do not propose to furnish temptation where none exists. I propose to put back the canteen only into territory where liquor can be obtained. As the soldier must have liquor, let him have it within the confines of his home, which has been provided by the Government for his ease and comfort, rather than force him to go outside, rendering possible such conditions as were depicted by the gentleman from Ohio [Mr. Cox] here recently.

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

Mr. KELIHER. Certainly.

Mr. SIMS. Because liquor can be gotten within 200 or 300 yards of this Capitol, would you bring it back and put it in the Capitol building like it once was?

Mr. KELIHER. Answering the gentleman, I do not think it would make much difference to the membership of this House whether it was brought back or not, because the man who wants a drink can get it.

Mr. SIMS. You have not been here very long, then.

Mr. KELIHER. I have been here as long as you have.

Mr. SIMS. I make the point of order it is new legislation.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. FITZGERALD. I make the point of order it comes too late.

The CHAIRMAN. The gentleman from Minnesota reserved the point of order. The Chair will hear the gentleman from Tennessee on the point of order.

Mr. SIMS. I do not think I can enlighten the Chair on this question.

Mr. KELIHER. I wish to be heard, Mr. Chairman. The original limitation which this amends was ruled at the time offered by the Chair to be in order. This merely amends a limitation. It does not change the original limitation from a limitation. It does not change the character of it. It merely fixes new conditions under which the appropriation will be available by amending a limitation which has been ruled to be in order.

The CHAIRMAN. The Chair is prepared to rule. The proviso in the bill is: That no part of the foregoing appropriations shall be expended for any purpose at any branch of the National Home for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place, where beer, wines, or other liquors are sold. The present occupant of the Chair does not personally remember whether that proviso in the exact language has been ruled upon, but substantially, if not exactly, it has been ruled in order. The gentleman's amendment proposes to insert, after the language just read, the following as a part of the paragraph:

Unless such branch is located in or within 5 miles of a city or town in which the sale of intoxicating liquors is permitted by law.

The present limitation in the bill is an absolute limitation or prohibition, but if amended by the gentleman's amendment would be simply a limitation as to certain branch soldiers' homes, those which were not located within or within 5 miles of a city or town in which the sale of intoxicating liquors is permitted by law. The amendment offered by the gentleman seems to the Chair to carry out the purpose of the limitation or to restrict the limitation and sale, maintaining entirely the form of the limitation. It does not affect legislation in any way. The Chair therefore overrules the point of order.

Mr. STAFFORD. Mr. Chairman, I offer an amendment, to substitute "prohibited" for the word "permitted." I think the gentleman from Massachusetts has made an inadvertance and intends to have this proviso applicable only in cases where the sale of liquor is prohibited; that is, when the home is located within 5 miles of a city where it is prohibited.

Mr. KELIHER. The gentleman from Massachusetts wants to permit a canteen to exist in a home which is located within 5 miles of a city or town where liquor is permitted to be sold.

Mr. STAFFORD. I withdraw the amendment, Mr. Chairman. I see the qualifying effect of the word "unless" that brings it within the purview of the gentleman's intention.

Mr. SIMS. How many of these soldiers' homes are located more than 5 miles from a city in which liquor is sold, if any gentleman knows and can answer the question? I confess I do not.

Mr. KELIHER. I should say 50 per cent.

Mr. SIMS. Located within 5 miles?

Mr. KELIHER. Located within 5 miles.

Mr. SIMS. Where liquor is sold?

Mr. KELIHER. And also where liquor is not sold.

Mr. SIMS. Your amendment, then, only applies, if I understand, to soldiers' homes that are within 5 miles of where liquor is sold?

Mr. KELIHER. Yes.

Mr. SIMS. And about 50 per cent are so located?

Mr. KELIHER. Yes.

Mr. SIMS. And 50 per cent are not so located. Is that correct?

Mr. KELIHER. Yes.

Mr. SIMS. Therefore the gentleman is in favor of giving the old soldier the canteen where the towns are nearest, and they have the least inconvenience to get liquor; but those not within that limitation, therefore, can not have a canteen under this amendment, if I understand it?

Mr. KELIHER. Why, Mr. Chairman, my purpose is, in view of the fact that they can obtain liquor, as the records show, they will obtain liquor under the least dangerous circumstances to themselves, and under proper and friendly regulation. There is a regulation over the drinking veteran who drinks within the soldiers' home, but there is no regulation which can or does prevent him from getting liquor promiscuously outside.

Mr. SIMS. I am not asking you for an argument, but to construe your own amendment. Your amendment will permit a canteen to exist in a soldiers' home within 5 miles where they can get it outside of the home.

Mr. KELIHER. Yes, sir.

Mr. SIMS. And to all homes more than 5 miles from where it is sold it does not apply.

Mr. KELIHER. No, sir.

Mr. SIMS. Therefore the purpose of the gentleman's amendment is that at all soldiers' homes located within 5 miles of a town where liquor is sold a canteen shall be permitted; but at all those not located within 5 miles, or located farther than that, it is to be refused? Therefore it is not done for the old soldier; his wants and his wishes are not to be considered, but only those old soldiers that live in homes within 5 miles are to have intoxicants served within the home. I do not understand why we should have such class legislation as that. If the old soldier should be permitted to have a canteen, if the canteen is a good thing to have in a home within 5 miles of where whisky is sold or where intoxicating drink is sold, it would be better to have it where it is more than 5 miles. If it is a good thing for him and a benefit to him to have a canteen, why restrict amendment, why should they not have a canteen in those homes more than 5 miles from a town where they can now buy the liquor?

Mr. KELIHER. Would the gentleman support that proposition?

Mr. SIMS. No; I would not. Because I do not believe the canteen is necessary for the comfort, the happiness, or the health of the old soldier in the home or anywhere, either within 5 miles or more than 5 miles. [Applause in the galleries.]

The CHAIRMAN. The galleries will be in order, or the Chair will order them to be cleared.

Mr. SIMS. If it is for the benefit of the soldier who is within a home within 5 miles of where it is legal and lawful to sell liquor, if the gentleman wants to benefit those who are thus inconvenienced, he certainly ought to be willing to benefit those men who are being more inconvenienced by being more than 5 miles away. Now, this is simply an insidious effort on the part of the gentleman from Massachusetts and those who support his amendment to break down the existing law by encroachment. Next time it will be 10 miles. I have had occasion before to refute the imputation made against the old soldier, that by preventing him from having the canteen he is going out and make a beast of himself; that he is going to leave the home and go out in the city and become intoxicated; and therefore, in order to keep him from going out and debauching himself, we will sell these light wines and beers authorized in the canteen within the home.

In other words, the old soldier who fought to save the country, who shouldered the musket and met shot and shell is

not able to control himself, and it is necessary to have these canteens in order to keep him from debauching himself. I say that any such legislation as that is a reflection upon the old soldier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I would like to have five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. KELIHER. Now will the gentleman answer a question?

Mr. SIMS. Certainly.

Mr. KELIHER. I would like to ask the gentleman if it is not a reflection when he proceeds upon the presumption that all the veterans will get drunk if liquor is available? I contend that that is a reflection upon the veterans.

Mr. SIMS. I would treat them all alike; and if you are going to permit intoxicants to be sold at a home anywhere, permit it to be sold in all the homes everywhere. This is nothing but an endeavor to break down the legislation that Congress has passed and the country has sustained.

Now, it is too clear, it seems to me, to need argument that it is a reflection upon the old soldier that he goes out and debauches himself if he has an opportunity, when it is not over 5 miles from the soldiers' home to where liquor is sold, that he will leave the home and go and buy bad liquor, impure liquor, and become debauched; and therefore in order to keep him from going and patronizing low saloons we must give him a respectable saloon within each one of the soldiers' homes within 5 miles of where intoxicants are sold, but that in a home that is 5½ or 6 miles from a city it is to be presumed that the soldiers will not walk or ride that other half a mile to debauch themselves.

Mr. KELIHER. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. KELIHER. If the gentleman's argument is sound, will he kindly explain to the House why in the Mountain Soldiers' Home, at Johnson City, Tenn., located in a dry territory, when they had the canteen but 108 inmates were disciplined in one year for intoxication, while without the canteen 179 in a like period have been disciplined for intoxication? If the absence of liquor means the absence of temptation, how did these men get drunk?

Mr. SIMS. If they are getting the stuff, why do you want to turn them loose? If they are getting more of it with the canteen out than in, why are you so insistent? Are they suffering for the lack of it? [Laughter.]

Mr. KELIHER. I am questioning the gentleman's sincerity.

Mr. SIMS. The question of discipline is a question of the enforcement of the law. I do not know whether the offenses have always been prosecuted exactly alike or not.

I do not think the inmates of the soldiers' home are any less or any more men than Members of Congress are. Members who have been here ten or twelve years will remember when liquor was sold in both ends of the Capitol, and, I venture to say, that sobriety has increased in a most perceptible way since its sale has been abolished. And yet you can go 200 yards from here and get it, and why do you not do it? Because some men will go and get it, will you bring it back into the Capitol again? That is the theory upon which this amendment is sought to be had. I suppose the old soldier gets all he ought to have, and I do not believe that the old soldier is behind this movement. This movement is made by the men who want to supply the liquor. Behind the movement is the dealer, and not the user. Why do we not have the old soldiers petitioning for the restoration of the canteen? It is always the report of some individual, somebody who holds an office. I think more of the old soldier than that. Some of them will drink, and some of them will go 5 miles in order to do it, and if he will do it, he will go 5½ miles in order to get his liquor. This is only an insidious attempt to get this legislation through, and if this amendment is adopted, others will follow in due time.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the paragraph and pending amendments close in ten minutes.

The motion was agreed to.

Mr. STAFFORD. Mr. Chairman, when the question of the discontinuance of the canteen was under consideration last in this House, the advocates of it contended that it was a temperance measure. In support of the canteen we presented arguments of army officers, of chaplains, of every national home, to show that it tended toward sobriety; that if you would discontinue the canteens in the homes, you would necessarily drive the old soldier without the homes to the low places where they were waiting to prey upon the old soldier for their selfish ends.

The figures cited by the distinguished gentleman from Massachusetts [Mr. KELIHER] confirm every contention made then by the advocates in favor of these canteens. That cases of drunkenness have increased 30 per cent since its discontinuance is not surprising to those acquainted with the facts and the good influence of the canteen for morale and discipline when it existed.

Why do we say the canteen tends toward temperance? Because in the home exchange are sold only mild beers and mild wines.

The testimony shows that beer containing only 3 per cent of alcohol and wines with a very mild degree of alcohol were sold therein. The governors of the homes appealed to Congress that the canteen should not be displaced, because it works for the welfare and discipline of the homes. The old soldiers in their declining age can not have their habits changed—their habits are formed. Time hangs heavily upon them; they have no occupation, no vocation, and have to pass the long hours of the days and nights in the homes with little diversion. If they have the appetite formed in early years, and if the home is located in so-called wet cities, what else is there for the old soldier to do but to satisfy his appetite, to go without the bounds of the home, to go where they will prey upon him, go where no person should be allowed to go, and particularly no old soldier. If the Members in this House have any gratitude, any feeling of charity and respect for these old soldiers, they would one and all, if they knew the conditions, rise up and put this amendment into force so as to save these old soldiers from being driven out beyond the bounds of the national homes, where the government officers have no control and where they are prayed upon by the proprietors of these places which know nothing except to dethrone the reason and appeal to the baser instincts of these men.

Oh, yes; this is a temperance measure. Anyone can see in view of the statistics that more liquor is consumed by the old soldier since the canteen has been abolished, that it is not for the interest of the liquor dealers to have the canteen maintained. I appeal to the sentiment of the Members of this House, who each and every one, as I believe, has the welfare of the old soldiers at heart, not to allow them to be continued to be preyed upon, but to allow them to have this mild beverage within the post, sold to them under regulations that do not permit them to become intoxicated, sold to them in quantities which will not hasten their declining days, sold to them so that they may continue to live and enjoy the great benefits and advantages that this Government of ours has conferred upon these old worthies of the late civil war. I hope that this amendment will be adopted.

Mr. TIRRELL. Mr. Chairman, I rise in opposition to this amendment. The policy of the Government in regard to this measure has already been established, established in two directions, and made permanent law. One is in the National Home here in Washington, where no canteen from the beginning has been allowed, and where no saloon within a mile of the grounds can be established. Secondly, some seven or eight years ago, from the other side of this House, there was a motion made which was enacted into permanent law, under which this Government could donate no appropriation to any state home where the canteen was permitted. Then we rounded up the legislation by putting in a limitation to the appropriation for the volunteer national homes, not by enacting this provision into permanent law, but by putting on this limitation year by year, being a provision to a similar effect, so that now the policy of the Government is uniform throughout the country, that neither to the National Home or the state homes or to the volunteer national homes should money be permitted to be granted toward their maintenance, if the canteen was established in that home. Are we to violate the moral sentiment of this country by reenacting a provision which is opposed in all other directions by the National Government, so far as the maintenance of the old soldier is concerned in these homes, and return to those days about which so much criticism has been made, when the canteen was permitted and numerous instances of intoxication and debauchery were shown?

It is cited here that there has been an increase in arrests. Now, I think we have an illustration in regard to arrests in the application of the local-option law in Massachusetts, where our towns and cities are voting one year for local option and the next year against it. You can not tell by the number of arrests whether that law is effective or not. It depends altogether upon the enforcement of the law. When the canteen is upon the soldiers' grounds the veterans can be taken, more or less intoxicated, to their rooms, conducted there by their friends or by the officials of the institution, and no one can tell how many soldiers are under the influence of intoxicating liquor. When they go outside, however—when especially the

governor of the institution is in favor of the canteen—then everyone who returns to these homes more or less intoxicated is arrested, and so the aggregate number appears larger. It is contrary to common sense, it is contrary to my own observation that where there are open saloons at your very door there are a less number of arrests than where a man has to sneak around corners, has to dive down into cellars, and to wander round 4 or 5 miles to get a drink. The latter man will get more intoxicated under those circumstances than under the other, but there will be far fewer of them. The truth of the matter is the more open the sale of liquor is made, the more accessible liquor is, the more general will the community come under its influence.

Mr. BARTHOLDT. Did I understand the gentleman to say that there are more arrests in dry counties than in wet counties in Massachusetts?

Mr. TIRRELL. It often happens in this way. For example, we will take my own town, which usually is under the license system, but which has now and then a régime of total abstinence. Almost invariably the first year the town returns to prohibition there are more arrests made, and why? Because the officers are enjoined by the officials of the town to arrest every man who is under the influence of liquor, whereas when we have saloons a man must be dead drunk in the gutter before he is arrested by the officers, and there are hundreds and hundreds of intoxicated men who are not arrested at all. In one case the arrests are made whether they are under the influence of liquor to any appreciable extent or not, and in the other case they have to be dead drunk in the gutter before they are arrested by the officers and taken to the lockup, and that makes the aggregate number of arrests more during the first year or so of prohibition than under the license law.

Mr. BARTHOLDT. But if the gentleman will take the census figures in Bulletins Nos. 20 and 45, issued by the last census, he will find that the number of arrests for drunkenness and all other causes in dry counties exceed the number of arrests for the same causes in wet counties.

In other words, there are more arrests in prohibition States for drunkenness and all other crimes than in the wide-open States.

Mr. TIRRELL. There is no illustration by taking all other crimes, nor is there any pertinency in the figures given by the gentleman from Massachusetts, because we do not know how many of those 4,247 arrests were caused by liquor.

Mr. RUCKER of Missouri. I would like to ask the gentleman from Missouri—

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

Mr. RUCKER of Missouri. I would like to ask the gentleman if he really believes what he has just now stated?

Mr. BARTHOLDT. The census says so.

Mr. RUCKER of Missouri. Does the gentleman believe the census?

Mr. BARTHOLDT. Yes; I do.

Mr. RUCKER of Missouri. I do not.

Mr. KELIHER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GRONNA. Mr. Chairman, I must object.

Mr. TAWNEY. The committee fixed the time for closing debate.

The CHAIRMAN. The gentleman from North Dakota objects. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken; and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. KELIHER) there were—ayes 17, noes 51.

So the amendment was rejected.

The Clerk read as follows:

Hereafter the application of any person for membership in the National Home for Disabled Volunteer Soldiers and the admission of the applicant thereunder shall be and constitute a valid and binding contract between such applicant and the Board of Managers of said home, leaving no heirs at law nor next of kin, all personal property owned by said applicant at the time of his death, including money or choses in action held by him and not disposed of by will, whether such property be the proceeds of pensions or otherwise derived, shall vest in and become the property of said Board of Managers for the sole use and benefit of the post fund of said home, the proceeds to be disposed of and distributed among the several branches as may be ordered by said Board of Managers, and that all personal property of said applicant shall, upon his death, while a member, at once pass to and vest in said Board of Managers, subject to be reclaimed by any legatee or per-

son entitled to take the same by inheritance at any time within five years after the death of such member. The Board of Managers is directed to so change the form of application for membership as to give reasonable notice of this provision to each applicant and as to contain the consent of the applicant to accept membership upon the conditions herein provided.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on the paragraph.

The CHAIRMAN. Does the gentleman make or reserve the point of order?

Mr. COX of Indiana. I think it is clearly subject to the point of order.

Mr. TAWNEY. I not only think so, Mr. Chairman, but I know it. I do not think the gentleman from Indiana, or any gentleman of the House, will insist upon the point of order when he fully understands the matter.

Mr. COX of Indiana. I will reserve the point of order for the purpose of getting information. I would like to have the gentleman explain it.

Mr. TAWNEY. The reason for this provision is this—and I trust I may have the attention of the committee, because this is a matter of considerable importance. At all of the homes there are a great many soldiers die, leaving on deposit in the banks of the city in which the home is located a certain amount of money. Now, if they die intestate and without heirs that money remains in the bank. Instances have occurred where men have fraudulently taken out letters of administration for the purpose of getting the money on deposit belonging to the soldier at the time of his death. At the Dayton Home in Ohio there is in the banks to-day over \$30,000 unclaimed by relatives or heirs or legatees.

That fund is increasing, and the committee had information to the effect that the State of Ohio, proceeding under the law of escheat, was about to bring suit against the managers of the banks to recover that money for the benefit of the State. There is in the neighborhood of \$30,000 on deposit in the banks of Milwaukee, and there are large sums of money on deposit, unclaimed, in the banks of the cities where all of the other homes are located. Now, the theory on which this provision has been drawn is this: Proceeding upon the theory that where the old soldier dies without heirs or legatees, he would rather that money which he leaves behind should be paid into the post fund for the benefit and the comfort of his old comrades rather than allow it to go back to the State, of which he might not even be a citizen, because these men who are in the home are not always citizens of the State in which the home is located; for that reason we have provided here, or we have incorporated this provision, so that in every case where the old soldier dies and leaves money on deposit, or other property undisposed of by will and unclaimed by legatees or heirs, that money shall be used for the benefit of his comrades and not go back to the State under the law of escheat.

That is the reason for it, and that is all this provision accomplishes; and in order to make it legal this provision provides expressly that the form of application be so changed that every old soldier who applies for admission to one of these homes, in making out his application, is notified of this fact and his consent to the disposition of his money and property at the time of his death is obtained. In no other way can we change the law of descent in the States. I do not think there is a Member of this House who can justly complain of or criticise the provision. It is in the interest of the old soldiers remaining here after their comrade has died without disposition of his property, that in that event his property, whatever it may consist of, may be deposited for the benefit of those old soldiers who are occupants of these homes.

Mr. COX of Indiana. Now then, will the gentleman yield further?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. I notice the beginning of this paragraph provides that when an application is made for membership to any of these homes by any person, that that shall constitute a binding and valid contract between the person making the application and the Board of Managers, not only for the money that the soldier may have as a result of his pension, or the pension he may have remaining at the time of his death, but for all of his personal property. Now then, does the gentleman believe it is proper legislation—

Mr. TAWNEY. I do.

Mr. COX of Indiana (continuing). To legislate away simply by contract a person's property?

Mr. TAWNEY. Oh, no.

Mr. COX of Indiana. Is not that the very force and effect of this provision?

Mr. TAWNEY. Now, the gentleman from Indiana is a lawyer, and a good lawyer, and he knows that is not the effect of this provision. I will say the provision was drawn by Judge SMITH after the most careful consideration, taking into account the fact that in all of the States there is provision made for the settlement of estates belonging to deceased citizens. This provision would call to the attention of the applicant, and it would be notice to him, that if he had no heirs, which, of course, he would know, or if he had not made a will disposing of his property, he would have notice of the fact and could arrange to dispose of his property by will.

[The time of the gentleman from Minnesota, Mr. TAWNEY, having expired, by unanimous consent he was granted five minutes more.]

Mr. COX of Indiana. I want to put the question to the gentleman again. It may be that I am unable to construe the language of this paragraph, but as I construe the meaning of the language under consideration it provides that the application of the person seeking admission into any institution, and his admission by the Board of Managers, shall constitute a valid and binding contract with the board of managers for a disposition not only of the money which he may have as the result of his pension, but of all personal property of which he may be the owner. Now, is the paragraph under consideration subject to that construction?

Mr. TAWNEY. As applied to the members of soldiers' homes who die in the homes without disposing of their property by will or otherwise, or having no heirs.

Mr. COX of Indiana. But is it not made a matter prerequisite now under this paragraph that before an individual can be admitted as an inmate of any of the soldiers' homes he must enter into a valid and binding contract, bargaining away not only his pension, but his personal property?

Mr. TAWNEY. He is not bargaining it away at all. He is agreeing that in the event of his death while an inmate or occupant of that home, and in the event of his not disposing of the property himself or of his having no heirs, rather than see his property and his money go to the State in which the home is located—the State in which he has not even been a citizen perhaps—rather than have the money go to the State under those circumstances, he is bargaining that it shall be disposed of for the benefit of his comrades.

Mr. COX of Indiana. Now, if I understand the gentleman's explanation—

Mr. TAWNEY. If anyone can frame language that will more correctly express what I think every man on this floor will say ought to be the law, and afford to the old soldier greater protection in the enjoyment of his property than the language here employed, I will be perfectly willing to accept it.

Mr. COX of Indiana. I am not undertaking to prepare any amendment or any language that would give any more liberty or protection to the old soldier, but what I am trying to get at, if I can elicit that information, is the extent to which this paragraph under consideration goes. Now, under the provisions of this contract, does it not carry all the personal property that the old soldier may die the owner of while he is an inmate of the institution?

Mr. TAWNEY. Certainly. It carries personal property, which includes, of course, any money which he may have on deposit; but it carries it to the home only in the event of his death in the home, without heirs; and, in the event of his death, without his having disposed of his property before death.

Mr. COX of Indiana. That may be.

Mr. TAWNEY. The gentleman from Indiana knows the language expresses that just as clearly as it is possible for the English language to express anything.

Now, in view of the fact that these old soldiers have a considerable fund of money on deposit in the banks, and that deposit amounts in the aggregate to more than \$250,000, one of two things will necessarily follow: Either the banks will continue to use this money for their own benefit, or that property, whether personal property or cash, will escheat to the State, and it is only in cases of that kind that this provision applies, and it is only in cases of that kind that the property or the money, whatever it may be, can be disposed of, and then it must be disposed of for the benefit of the comrades of those who died leaving the property undisposed of.

Mr. COX of Indiana. It is a very serious question in my mind whether or not it ought to go to these soldiers' homes, or whether or not it ought to be escheated to the State for some other purpose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Oklahoma?

Mr. TAWNEY. I yield to the gentleman.

Mr. FERRIS. I would like to submit this thought to the chairman of the committee. I am in hearty accord with the spirit and the result accomplished by this amendment; but it strikes me that we ought not to place a ban upon any soldier the minute he abandons his home and goes into a soldiers' home. It looks to me like that would destroy the usefulness of the soldiers' homes.

I have not any soldiers' home in my country, nor any soldiers, to amount to anything, in my district; but the thought in my mind is that it will reach a class of soldiers other than the amendment is intended to reach. In other words, every soldier who goes into a soldiers' home enters into a contract by this amendment that he forfeits everything he has in the event he should die without heirs and without a will.

Mr. TAWNEY. I want to say to the gentleman from Oklahoma that no man can sit down and read this provision superficially or hear it read, and consider it only superficially, and determine that it would accomplish the things that he might think on the first reading it may accomplish. There is no ban upon the old soldier.

Mr. FERRIS. Well, the very first provision in your paragraph is that when a man enters a soldiers' home there is a contract on his part that if he dies without heirs he surrenders his property.

Mr. TAWNEY. While a member of the home.

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

Mr. TAWNEY. This is an important provision, Mr. Chairman, and if the lawyers of the House want time to consider it until to-morrow morning, I would ask that the paragraph be passed over until to-morrow.

Mr. COX of Indiana. I wish the gentleman would do that.

Mr. TAWNEY. Because I do not believe that there is a Member of this House that will not approve of this provision when he thoroughly understands its purpose.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the paragraph just read, and to which the point of order is reserved, be passed over—

Mr. TAWNEY. If the gentleman from Ohio can be recognized for five minutes, as he has been consulted in this matter, I will then ask unanimous consent that it go over.

Mr. COX of Indiana. I think if it is to be postponed, the whole matter ought to go over. I want to say to the gentleman from Minnesota I have no disposition to finally press the point of order if I can thoroughly understand just exactly how it affects, not only the various States under this law, but the soldier himself.

Mr. TAWNEY. There is no reason why there should be any difference at all between Members of the House on this proposition, and if gentlemen would only allow the gentleman from Ohio to explain the matter for five minutes they would perhaps be better able to understand it when the time comes to consider it.

Mr. COX of Indiana. If it is to be understood that the gentleman from Ohio shall have five minutes and this matter then go over, I shall not object.

Mr. TAWNEY. Yes.

Mr. COX of Indiana. With that understanding, I reserve the point of order.

Mr. KEIFER. Mr. Chairman, I am in full sympathy with the object intended to be reached by this provision of the bill. I think it may require an amendment possibly to make it effective. I have no trouble about the purpose and the propriety of having the estate of deceased members of the national soldiers' homes go to the benefit of their comrades if they die as members of a national home intestate and without heirs. But, Mr. Chairman, I think it is well enough for us to look and see whether we can accomplish that purpose by that provision. It is an attempt by federal law to provide a new mode of disposing of an estate without regard to state law. It is an attempt on the part of the Federal Government to make, in effect at least, a law of descent applicable in a State in which a home is located. Let me take my own State. The laws of the State of Ohio are probably not different from other States, and of course allow a man to dispose of his estate by last will and testament, and if not disposed of effectively by will, the law comes in and disposes of the estate.

There is no such thing as passing the estate by will and law together. The law is so jealous that if it operates at all it excludes a will in every respect. Now, under the laws of Ohio a man dying in the State, a citizen thereof, his estate would pass by law with no will to his legal heirs—persons who were related to him by blood in some way, or as defined in the statutes of Ohio, but failing legal, the statute provides, as at common law, the estate shall escheat to the State of Ohio.

Now, we propose by this proposition, without any definite consideration, to dispose of the estate of these deceased people—by contract, the gentleman says. Well, if the contract is of a proper character, it may do it, otherwise I think the provision in this bill if it becomes a law will simply lead to litigation and will not stand the test and become effective. In my opinion no law will pass any personal estate left by a deceased resident of Ohio without an administration.

I understand that there is in the banks adjacent to all of these homes some money belonging to old soldiers who have died in them, and that States are claiming it now. The purpose of the provision in the bill is to cut off the right of the State to take the property that in legal effect escheats to the State. We could no more do this with reference to the State than we could by contract provide that the children of the heirs of the deceased soldier should not have any part of his estate.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. KEIFER. Certainly.

Mr. CRUMPACKER. The most serious phase of this case to me is that the creditors could not get the money to pay the debts.

Mr. KEIFER. I think that is not so serious, because I do not believe that this proposition would take the money away from the creditors. In legal effect it would not be his money until the debts were paid, and the home post fund would only take, under the provision, such estate as the deceased soldier left after his debts were paid.

Mr. CRUMPACKER. I think it would.

Mr. KEIFER. In any case there would, under the state law, have to be an administrator to ascertain the fund.

Mr. TAWNEY. If the gentleman will pardon me, a creditor could sue out letters of administration, and under the laws of the State he could then, of course, claim so much of the property as was necessary to reimburse him.

Mr. KEIFER. I think the only estate that would pass, by any possibility, would be that which is left after all debts were paid and which would otherwise go by descent to the State by escheat. I do not think that is so serious a trouble as some others. I think it would not be within the power of Congress to pass a law and say that a man who entered one of these homes might make a contract that his children or other heirs should not inherit at the time he died. I do not believe that we have any right by federal law to regulate the course of descent in a State anywhere.

I want to make this suggestion, however, and I will try to get it in the form of an amendment by to-morrow, as I am not clear about it: We might, I suggest, put in a provision here making it a part of the consideration of admission—in consideration of the benefit that he is to receive through his membership in the home—that the personal property he leaves shall go to the post fund of the home of which he dies an inmate.

A man may make a contract that will be effective not under the law of descent, but he may make a contract in which he will be bound by a proper consideration to give a farm, if you please, to somebody, if the contract has sufficient consideration and is fairly made, as he may by contract give somebody who renders service to him a sum of money payable out of his estate, and it will be enforceable after his death in the settlement of his estate.

[The time of Mr. KEIFER having expired, by unanimous consent it was extended five minutes.]

Mr. KEIFER. A man may make such a contract as I have been trying to state, but it must be based upon a good and fair consideration; but the difficulty might arise in the minds of some persons—and I suggest it for those who want to reflect upon it—that we could not do that because the consideration might not be one moving between the General Government or the home and the soldier and for the use or benefit of the Government or home, but a contract is always upheld in the federal and state courts between two parties for the benefit of a third party. The third party here would be the post fund at the institution. If that could be worked out—and I do not see that it is in this paragraph; but I think we might by proper amendment of the paragraph accomplish what is sought to be accomplished and what ought to be accomplished, if possible.

There are suits pending now to recover estates of deceased inmates of national homes for which there are no known heirs. There is another difficulty—and I am suggesting difficulties—and that is that sometimes the statutes of States provide that where an estate escheats and goes to the State and an heir is discovered afterwards it is repaid to him. There would be no hope of getting any of this back if it went into the post fund of the institution.

Mr. COX of Indiana. Will the gentleman yield?

Mr. KEIFER. Certainly.

Mr. COX of Indiana. So far as I am personally concerned, I do not attach so much importance to the legality of the contract set forth as to the moral side. I will ask the gentleman which is most entitled to this fund from a moral point of view, the soldiers' home or the State?

Mr. KEIFER. Well, I have not any trouble on that subject. If the money could go into a post fund, and is used for the benefit and comfort of the old soldiers that still survive, we can get along with the moral question first rate. There is no trouble on that score. The State has no primary right to it at all under any circumstances. It only goes to a State by operation of law because there is no other place for it to go—that is, by law.

Mr. COX of Indiana. I am not so clear but what the State would have a priority of preference over that of the soldiers' home.

Mr. KEIFER. That is a question that I have not troubled about.

Mr. COX of Indiana. It may be that the soldier has accumulated considerable money.

Mr. KEIFER. Yes.

Mr. COX of Indiana. And that he has lived and operated in a State and has had the benefit and protection of the laws of his state government to thus accumulate that fund, the State having aided and benefited him along that line, and in my judgment the rights of the State appeal more strongly to this fund than do those of the soldiers' homes.

Mr. KEIFER. I do not understand that the State in any specific way has done anything more for the old soldier than for any other citizen.

Mr. COX of Indiana. I mean generally. It has protected him in his property and civil rights.

Mr. KEIFER. The soldiers' home is taking care of him, and if we can make that a good consideration for his contract, the property can go to the soldiers' home post fund by virtue of the contract, and thus inure to the use and benefit of surviving comrades. We can make no statute here that will make the post fund inherit the property. It must pass through an administration of the deceased soldier's estate in the state courts.

Mr. COX of Indiana. Let me put this legal proposition to the gentleman: What does the gentleman think of the proposition as a principle of law as to whether gifts made before death are valid and binding unless the thing given is delivered?

Mr. KEIFER. Oh, I have no trouble with that question. There is no such thing as a gift unless it is delivered before death. In other words, as has been held over and over again, a promise for a gift is no gift at all, and is never enforced in any court, either before or after the promisor's death.

Mr. COX of Indiana. Then if the contract could not be upheld unless the article sought to be given was delivered during a lifetime, what does the gentleman think of the binding force of the contract?

Mr. KEIFER. The binding force of the contract would have to be an agreement on the part of the soldier in consideration of the benefits that he received from the Government as a member of the home, and if that is not a good enough consideration, it will fail.

Mr. COX of Indiana. Well, supposing he violates that agreement, then where does the fund go to under this paragraph?

Mr. KEIFER. If he violates that agreement and he has no money when he dies, there is no trouble about it.

Mr. COX of Indiana. Suppose he has money when he dies.

Mr. KEIFER. He has not violated the agreement if the agreement still is in possession of the home he dies an inmate of.

Mr. COX of Indiana. Where does that money go to, supposing he makes this contract whereby he agrees to enter the soldiers' home, and then violates it before he dies?

Mr. KEIFER. How can he violate it?

Mr. COX of Indiana. I am putting the question to the gentleman, supposing he does violate it.

Mr. KEIFER. How can he violate it?

Mr. COX of Indiana. Supposing he enters into a contract and agrees to live in the home and does not do it?

Mr. KEIFER. Then he will not die in the home, and the provision here would not apply, but if he does die in the home with such a contract, provided always that the contract has a proper, legal, sufficient consideration, then the contract may be executed, I think.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that this paragraph may be passed over, without prejudice, until to-morrow.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the paragraph under consideration may be passed over without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

State or territorial homes for disabled soldiers and sailors: For continuing aid to state or territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, \$1,150,000: *Provided*, That no part of this appropriation shall be apportioned to any state or territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further*, That for any sum or sums collected in any manner from inmates of such state or territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any state or territorial home into which the wives or widows of soldiers are admitted and maintained.

Mr. KELIHER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 91, line 6, after the word "sold," add:

"Unless such home is located in or within 5 miles of a city or town in which the sale of intoxicating liquor is permitted by law."

Mr. KELIHER. Mr. Chairman, I have offered this amendment without any expectation of its being favorably acted upon, but solely for the purpose of answering an argument or two which were irrelevantly made when my other amendment, of a similar nature, was under discussion. My genial friend from Tennessee [Mr. Sims] hinted very broadly that rather was I acting in the interest of the liquor trade when I suggested my amendment than in the interest of the old soldier, common sense, and reason. I beg to assure him I was actuated solely by honest motives, and that I offered the amendment in the interest of the man for whom he talks loudly, but whom he does not serve, when he acts as he has to-day acted on the floor of this House.

Mr. Chairman, reason has no place in the argument of the man who is a slave to the fetich of prohibition, and I think it is regrettable that we can not advocate an honest proposition which has for its purpose a specific reform without having those on the other side fly off into a general discussion of the general evils of drink. Those men seem to be blind to the fact that a man can once in a while take a drink and yet not be a drunkard. They say that our old soldiers' homes are mismanaged because their officials declare in favor of the canteen. They stand on this floor, men who seldom go near a soldiers' home, or if they do once in a while, do not because of bias upon this subject, get in touch with the sentiment of those homes. After chaplains of the homes, doctors of the homes, superintendents of the homes say it is wrong, because it is impracticable, to attempt prohibition in these homes, these men charge by implication, if you please, that the chaplains, doctors, and superintendents are subsidized by the liquor interests of the country because they give expressions to their honest views upon this matter. Inspector-General Brewster says:

Evidently the suppression of the beer halls at the homes has not tended to promote sobriety, but the contrary.

Is he a subsidized agent of a brewery? Why, we have tried by legislation from time immemorial to correct weaknesses in the human family.

No reform has ever been wrought unless that reform has been backed by the moral sentiment of the community in which it was brought about, and the sentiment in these homes is unquestionably against this narrow legislation. My amendment, if it obtained, would remove the most serious temptation from the paths of men whose habits are as fixed as the habit of the gentleman from Tennessee to assail any proposition which is not essentially one to promote prohibition. I stand for temperance just as he does, but I stand for reasonable regulation, not for impractical, farcical fiasco bearing the misnomer of prohibition. I hold here in my hand a record, solemnly prepared by a man sworn to do his duty, which reports the facts. And what are the facts? That 32 per cent or more of these old men, from 70 to 75 years of age, in the night of their lives, with habits fixed—that these men do drink, and because, forsooth, I aim to lessen the temptation to these men I am charged with being an agent of some liquor interest.

Mr. SIMS. Mr. Chairman, I did not hear what the gentleman said when he began—

Mr. KELIHER. Well, I talked loud enough.

Mr. SIMS. Because I was talking to my colleague and I did not hear what the gentleman stated.

Mr. KELIHER. Mr. Chairman, I do not know that if the gentleman did hear me it would make any difference in his opinion.

Mr. SIMS. I have not made any charge that the gentleman acted as the agent for any liquor dealers; I never thought of it.

Mr. KELIHER. I had offered an amendment, and the gentleman stated it was an insidious attempt on the part of those who wanted to sell liquor to break down the existing system. How was this system organized? Is it a regularly enacted law? No; it was merely a limitation placed upon an appropriation bill, and I attempted to prove that, and because I did it I am charged by implication of being an agent of some distillery. I represent no distillery; I represent a sensible idea which, if treated upon its merits, would be adopted.

Mr. SIMS. I know, and the gentleman knows me very well—

Mr. KELIHER. I know the gentleman very well, and I know when he gets upon his feet he is indiscreet, especially when he talks upon the matter of prohibition.

Mr. SIMS. I never charged the gentleman with being an agent of anybody—

Mr. KELIHER. Now, my friend from Massachusetts [Mr. TIRRELL] says that even if there have been more arrests in the soldiers' homes, it is due to the fact that generally always after prohibition has been put into operation a larger number of arrests take place. I would remind him that this prohibition has been in operation for four years, and that in every soldiers' home, whether located in the dry territories or in the wet territories, there has been an appalling increase of drink. There has been necessarily an astounding increase in punishment of these old men for intoxication, and he can not square his argument with these official records. He tells us what happened in Massachusetts. I will tell you what happened in Massachusetts. We wrestled under a law of state-wide prohibition some years ago and increased crime and drunkenness followed and all hands, those who were conspicuous advocates of prohibition came together with those who had opposed it, and pleaded with our legislature, aye demanded, that the people be afforded an opportunity to amend our constitution, which the people did. To-day we are operating under the safest, sanest, fairest, most satisfactory law that can be operated—that of local option.

Mr. Chairman, prohibition was a flat failure in Massachusetts, because the moral force of the State was not in its favor, and prohibition in these homes is a failure, for a majority of their occupants do not subscribe to it. Mr. Chairman, these institutions were created as homes, not correctional institutions nor infirmaries, and the old soldiers who reside within them believe that they are entitled to that measure of personal liberty in these homes that every citizen enjoys within his own home. Records are more convincing than any statement or argument that can be made, and I offer the report of Maj. A. W. Brewster, acting inspector-general, on the subject of discipline, which is part of the general report made by him of his official inspection of the several branches of the National Home for Disabled Volunteer Soldiers:

Total number of arrests, 9,819; trials for drunkenness, 4,247; for absence without leave, 2,870; total number of members offending, 4,149; per cent of members offending to average number present, 21.92; last year, 23.59. This year one branch did not report the data relative to the number of members offending.

By the operation of law the beer halls at the homes were closed on March 4, 1907; consequently the fiscal year ending June 30, 1906, was the last full fiscal year in which they were in operation. A comparison of some data for that fiscal year with the fiscal year now under consideration shows some very significant facts as follows:

	Fiscal year 1906.		Fiscal year 1909.	
	Average population.	Trials for drunkenness.	Average population.	Trials for drunkenness.
Eastern.....	1,980	264	1,835	373
Central.....	4,512	590	4,078	1,006
Marion.....	1,804	424	1,631	402
Danville.....	2,369	220	2,296	480
Northwestern.....	2,053	331	1,882	394
Pacific.....	2,052	275	2,273	109
Western.....	2,708	429	2,341	351
Mountain.....	1,046	108	1,409	179
Southern.....	2,576	580	2,340	878
Battle Mountain (new).....			236	75
Total.....	21,100	3,221	20,271	4,247

* The Marion Branch had no beer hall in 1906.

This shows that with 829 less average population in 1909 than in 1906 (and a new branch established in the meantime), there were 1,026 more trials for drunkenness in 1909 than in 1906, notwithstanding the fact that the beer halls were running in 1906, while there

were no beer halls in 1909. The increase of trials for drunkenness in 1909 over 1906 was nearly 32 per cent. In 1906 one arrest for drunkenness was made for every 6.5 men; in 1909 there was one arrest for every 4.7 men. Evidently the suppression of the beer halls at the homes has not tended to promote sobriety, but the contrary. In 1906 the average attendance at religious services was 4,975, or about 23.58 per cent. In 1909 the average attendance was 3,630, or 17.97 per cent.

On the whole, the discipline is very good. There are at each branch a number of members who are habitual drunkards. For their own good, and for the welfare and comfort of the well-behaved members, I would recommend that these be segregated. This can best be done, in my opinion, by inclosing a set of barracks, leaving ample room for out-of-door exercise and recreation, and where they can be placed under restraint when necessary. The punishments are necessarily light on account of the age and other infirmities of the members.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELIHER. Mr. Chairman, I ask unanimous consent to incorporate these records in my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I will say that I was sitting over where the gentleman from Massachusetts was, and I intended no reflection on him. His manner at the time did not indicate he so understood it. After he had spoken and I had spoken we sat there close together—

Mr. KELIHER. Will the gentleman kindly repeat now what he thinks he did say at that time?

Mr. SIMS. Why, yes. I do not know that I can repeat just what I said. I have not seen the stenographer's notes and do not know what they show I did say, but I did criticise the gentleman's effort to provide for the canteen in all homes situated within 5 miles of where liquor is sold and not let the same law apply to all of them. That is, if soldiers in a home ought to have this opportunity by reason of their previously established habits, who happened to be within 5 miles of where it is sold, on account of the habit already established of those who happened to be in a home 5½ or 6 miles, or any other number, they should have the same opportunity, if the intention is for the benefit of the soldier.

I do not think it is fair to say that our old soldiers, who have faced cannon, shot, and shell, can not control their habits or their temptations or their appetites, provided they are within the physical reach of the subject of temptation.

Mr. KELIHER. Again let me say to the gentleman that I do not say it; the record says it.

Mr. SIMS. And I resent or deny what the record says, because I do not believe it. Some of the best men I ever knew were veterans on both sides, men who have fought and have faced shot and shell, who are not in any soldier's home and are men of sobriety, are men who do not drink, are men who do not have to be protected by any special legislation, and I do not believe the poor unfortunate soldier—

Mr. KELIHER. You believe that sort of a man would go 5 miles, then, to get a drink if it were available?

Mr. SIMS. That sort of man?

Mr. KELIHER. Yes.

Mr. SIMS. No; I do not; and that is the reason why I do not see any good in your amendment. I said it was an insidious attempt, and I did not mean a personally insidious attempt, because the gentleman does not do things that way, but you should not commence breaking down the legislation adopted by this House in this way. What is a soldier's home?

It is a place maintained by public expenditure, by public taxation, and certainly when we make appropriations to keep up the soldiers' homes we have a right to provide what shall or shall not be sold in that home, and that does not mean necessarily prohibition.

Mr. KELIHER. And there are as many taxpayers in this country believe in local option as believe in prohibition; they should have a voice in this matter, too.

Mr. SIMS. I believe in local option just as strongly as you do. I have never favored the idea of forcing upon any State legislation without any sentiment in favor of it. When you show me the vote of the soldiers, or where they have ever asked for it, then it will be another thing. It has always been a report of some officer or some individual. Whenever the soldiers themselves present a petition for it, or vote for it, it will then be time enough to see if they should have it.

Mr. KELIHER. The best evidence that they want it is the record that they make, which shows they get it, and not always under the most favorable conditions.

Mr. SIMS. I do not want you to understand me to say that if they wanted it that I would vote for it. I would not. I will not vote to open a saloon or a semisaloon, or call it a canteen, in any institution that is kept up by the government expense. Would you put canteens in your poor asylum in your own county?

Mr. KELIHER. Does the gentleman compare a poor asylum with a soldiers' home?

Mr. SIMS. Oh, no; but there are institutions kept up by public taxation. I think the gentleman has manifested a show of temper entirely unauthorized by anything I said. If he considered it as a reflection upon him, I did not so intend it. When the gentleman reddened slightly in the face I feared he was angry. Now, if it is a good thing to have the canteen in homes, why not let all the soldiers in soldiers' homes have the benefit of them, as well as those within 5 miles of where liquor is sold?

Mr. KELIHER. Does the gentleman think if a man gets red in the face that he gets mad?

Mr. SIMS. No. The gentleman is one of the most even-tempered men I ever saw. I know that, for I have had the honor to serve on the same committee with him, and this is the only time I ever saw him manifest ill temper on the floor of this House. Therefore the gentleman must have understood that there was something personal in what I said. I assure him there was not. I do not think there is a man on the floor of this House that I have any higher regard for than him. I admire him very much. I have seen him stand up and sustain legislation based upon political policy that was against his interest in his own locality. I know the gentleman is honest in what he believes, and if it is right and proper and a good thing for the old soldier to have the canteens in the places that he proposes, then it is right to have them in all the homes. But I am not in favor of having them in any of them.

Mr. AUSTIN. Mr. Chairman, I do not want to have any controversy with the gentleman from Massachusetts; but I wish to correct an impression that he made in his speech, that since the abolition of the canteens the number of arrests, especially in national soldiers' homes in dry territory, had increased to an "alarming extent." The report from which he quotes shows that at the Mountain Branch, located at Johnson City, Tenn., there were 108 arrests in 1906; and that there were 179 arrests in 1909, after the canteen system had been abolished. The total membership at the soldiers' home in Johnson City in the latter year was 1,409, and in the former year the membership was 1,046. There has been no "alarming increase" in drunkenness at the Mountain Branch of the National Soldiers' Home since the abolition of the canteen in the home or by the prohibition legislation which affected Johnson City. Therefore I ask to make this correction, in the interest of the record and the facts. I do not believe that there is any disposition on the part of the officers of that home to have the canteen restored, or any desire on the part of the members of that home or the citizens generally at Johnson City to reopen the canteen in the soldiers' home or open saloons in Johnson City for the use of the soldiers.

Mr. KELIHER. May I ask the gentleman, Is Johnson City a temperance city?

Mr. AUSTIN. Yes, sir.

Mr. KELIHER. The gentleman will admit that in 1909, 179 members of the home, in a territory where liquor is not sold, were arrested for intoxication. Will he explain that?

Mr. AUSTIN. That is out of a total membership of 1,409.

Mr. KELIHER. Yes.

Mr. AUSTIN. And the other was 108 arrests out of a membership of 1,046.

Mr. KELIHER. But 179 old gentlemen were supplied and did get liquor for themselves in this dry town.

Mr. AUSTIN. There were 400 more members in that home when 179 arrests were made, so that after all the percentage was about the same. I wish to state to the gentleman, in addition, that the officers in Tennessee, the United States marshals, the police, the deputy sheriffs, and constables, are under a fee system, and make it a point to arrest every intoxicated man or person found upon the streets. You will find on an examination in reference to these cases that the officers have taken advantage of this, and it has resulted in a slight increase in the number of arrests.

Mr. KELIHER. Which the gentleman must admit would be less if the old soldier got drunk within the confines of the home.

Mr. AUSTIN. No; I think not. I think there is a better feeling in the homes among the officers and the members of the home from the fact that they have abolished the canteen. When men have arrived at an average of over 63 years, if inclined to drink to excess, it is about time to throw safeguards about them that will protect them from drunkenness and remove the drink evil as far as possible from them and their place of abode.

The record from which the gentleman has read shows that out of the ten national soldiers' homes the death rate at the

Johnson City Home is the lowest in the list, with one exception. No home is better managed, for it is in the hands of honest, competent, and worthy officers, and no better or braver men ever lived than the 1,409 soldiers who make up the membership of the home.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was considered and rejected.

The Clerk proceeded with the reading of the bill to the end of line 4, page 92.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill (H. R. 25552) and had come to no resolution thereon.

CHIPPEWA INDIANS IN THE STATE OF MICHIGAN.

Mr. MC GUIRE of Oklahoma. Mr. Speaker, I call up the bill (H. R. 16032) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians, in the State of Michigan, on the House Calendar, and I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The Clerk read the bill, as follows:

Be it enacted, etc. That jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States, to consider and adjudicate any claim, arising under treaty stipulations or otherwise, which the Saginaw, Swan Creek, and Black River band of Chippewa Indians have against the United States; and such suit or suits as may be instituted hereunder shall, upon notice, be advanced upon the docket of either of said courts for trial, and be determined at the earliest practicable time.

Sec. 2. That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to determine and render judgment for the fees and expenses to be allowed to the attorney or attorneys employed to bring such suit or suits, and the same shall be paid out of any sums found due the said Indians.

The following committee amendments were read:

On page 1 strike out lines 3 to 11, inclusive, and insert in place thereof the following:

"That jurisdiction is hereby conferred upon the Court of Claims, under the Bowman Act, to report the facts upon the claims of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan against the United States, provided such claims shall be presented within six months from the passage of this act."

In section 2, lines 7 and 8, strike out the words "suit" or "suits" and insert the word "proceedings."

In line 9, strike out the words "and render judgment for."

In line 11, strike out the words "such suits or suit," and insert the word "proceedings."

The SPEAKER. The gentleman asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. UNDERWOOD. Before unanimous consent is granted, I want to say that I do not think this is the time of day to take up a bill if there is any contest about it. If there is any contest about the matter, I shall object.

Mr. MANN. Mr. Speaker, I see that this is a bill to confer on the Court of Claims under the Bowman Act certain jurisdiction. I do not see any objection to it, but, as a matter of fact, the committee that reported it could have referred it without any act of Congress.

Mr. UNDERWOOD. Is there to be any contest about the matter?

Mr. DODDS. There was no opposition to it in committee; it is a unanimous report.

The committee amendments were agreed to.

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

On motion of Mr. Dodds, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4180. An act to authorize the extension and enlargement of the post-office building in the city of Lincoln, Nebr.—to the Committee on Public Buildings and Grounds.

S. 1997. An act to limit and fix the compensation of the appraiser of merchandise at the port of San Francisco—to the Committee on Ways and Means.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 19070. An act to regulate the height of buildings in the District of Columbia;

H. R. 18359. An act for the relief of Thomas Cluney;

H. R. 9304. An act granting certain lands in the Coconino National Forest, in Arizona, for observatory purposes; and

H. R. 21904. An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 11821. An act for the relief of the estate of John H. McBrayer; and

H. J. Res. 160. Joint resolution to enable the States of Missouri and Kansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Missouri River and adjacent territory.

AMENDING SECTIONS 2325 AND 2326 OF REVISED STATUTES.

Mr. MONDELL. Mr. Speaker, I present a conference report on the bill (S. 621) to amend sections 2325 and 2326 of the Revised Statutes of the United States, for printing under the rule.

The conference report (No. 1418) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 621) to amend sections 2325 and 2326 of the Revised Statutes of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House striking out all after the enacting clause and inserting the following:

"That in the district of Alaska adverse claims authorized and provided for in sections twenty-three hundred and twenty-five and twenty-three hundred and twenty-six, United States Revised Statutes, may be filed at any time during the sixty-days' period of publication or within six months thereafter, and the adverse suits authorized and provided for in section twenty-three hundred and twenty-six, United States Revised Statutes, may be instituted at any time within sixty days after the filing of said claims in the local land office."

Amend the title so as to read:

"An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska," and agree to the same as follows:

"That in the district of Alaska adverse claims authorized and provided for in sections twenty-three hundred and twenty-five and twenty-three hundred and twenty-six, United States Revised Statutes, may be filed at any time during the sixty-days' period of publication or within eight months thereafter, and the adverse suits authorized and provided for in section twenty-three hundred and twenty-six, United States Revised Statutes, may be instituted at any time within sixty days after the filing of said claims in the local land office."

Amend the title so as to read:

"An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska."

F. W. MONDELL,
A. J. VOLSTEAD,
Jos. T. ROBINSON,

Managers on the part of the House.

W. B. HEYBURN,
GEO. E. CHAMBERLAIN,
C. D. CLARK,

Managers on the part of the Senate.

STATEMENT.

"To amend sections 2325 and 2326 of the Revised Statutes of the United States."

The House amended the Senate bill by striking out all after the enacting clause and inserting a brief provision which accom-

plishes the purpose of the Senate bill, namely, extending the time in which to file adverse claims and instituting adverse suits against mineral entries in the District of Alaska.

The extension of time for the filing of adverse claims provided for in the Senate bill was, however, eight months, while the House substitute made the extension six months. By the terms of the conference agreement the Senate accepts the House provision with an amendment extending the time for the filing of adverse claims to eight months, as provided in the Senate bill.

F. W. MONDELL,
A. J. VOLSTEAD,
Jos. T. ROBINSON,
Managers on the part of the House.

LEAVE OF ABSENCE.

Mr. HENRY W. PALMER, by unanimous consent, was given leave of absence indefinitely, on account of important business.

ADJOURNMENT UNTIL 11 O'CLOCK TO-MORROW.

Mr. TAWNEY. Mr. Speaker, I move that when the House adjourns it be until 11 o'clock a. m. to-morrow.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman why he does not have a night session?

Mr. TAWNEY. Because we have a caucus this evening.

Mr. CLARK of Missouri. But you had one last night and the night before.

The motion was agreed to.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting an estimate of deficiency appropriation for the District of Columbia for the fiscal year ending June 30, 1910 (H. Doc. No. 934)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for the Bureau of Mines for the fiscal year ending June 30, 1911 (H. Doc. No. 935)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 22466) to incorporate the East Washington Suburban Railway Company, reported the same with amendment, accompanied by a report (No. 1417), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TIRRELL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 26233) to amend an act entitled "An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' 'An act to regulate commerce,' approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted," approved February 11, 1903, reported the same with amendment, accompanied by a report (No. 1416), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WEEKS: A bill (H. R. 26348) to amend an act relating to rates on fourth-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BRANTLEY: A bill (H. R. 26349) to authorize the St. Marys and Kingsland Railroad Company to construct a bridge across the St. Marys River—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: A bill (H. R. 26350) to regulate the importation of precious stones, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON: Joint resolution (H. J. Res. 220) to authorize and provide for a joint assembly and meeting of the parliaments and national legislative bodies of the nations of the world in the United States, and to extend an invitation to said parliaments and legislative bodies, and for other purposes—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 26351) granting an increase of pension to Giles J. Titus—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 26352) granting an increase of pension to John Dunlap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26353) to remove the charge of desertion from the military record of Joseph Shaw and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BRANTLEY: A bill (H. R. 26354) granting a pension to John W. Bolt—to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 26355) for the relief of the estate of Alice J. Fletcher, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 26356) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 26357) granting an increase of pension to Henry McCleery—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 26358) granting an increase of pension to Leslie Gragg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26359) granting a pension to Robert C. McCulloch—to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 26360) to carry into effect the findings of the Court of Claims in case of North Memphis Savings Bank, administrator of estate of Mary F. Swindell, deceased—to the Committee on War Claims.

By Mr. HOWELL of Utah: A bill (H. R. 26361) granting a pension to Margaret J. Haskell—to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 26362) for the relief of Margaret Maloney—to the Committee on Claims.

By Mr. LATTA: A bill (H. R. 26363) granting an increase of pension to William H. Livingston—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 26364) granting an increase of pension to Fannie J. Watson—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 26365) for the relief of Frederick Brown—to the Committee on Military Affairs.

By Mr. NORRIS: A bill (H. R. 26366) granting an increase of pension to Moses Livingston—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 26367) to pay certain employees of the Government for injuries received while in the discharge of duty—to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 26368) granting an increase of pension to George W. Gibson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 26369) granting an increase of pension to Henry McGann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26370) granting an increase of pension to S. Gunnison Dudley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26371) granting an increase of pension to George W. Bell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Paper to accompany bill for relief of Wilson H. Davis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Obediah A. Bigley—to the Committee on Invalid Pensions.

By Mr. BARCLAY: Petition of Salem Grange, No. 964, Patrons of Husbandry, for Senate bill 5842, governing traffic in oleomargarine—to the Committee on Interstate and Foreign Commerce.

in oleomargarine—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Petition of citizens of the Fifth Congressional District of Kansas, praying for protection of prohibition territory—to the Committee on the Judiciary.

By Mr. CANDLER: Paper to accompany bill for relief of the Presbyterian Church of Corinth, Miss.—to the Committee on War Claims.

By Mr. CARLIN: Paper to accompany bill for relief of estate of Alice J. Fletcher—to the Committee on War Claims.

By Mr. MICHAEL E. DRISCOLL: Petition of Moses Summers Post, No. 278, Department of New York, Grand Army of the Republic, of Baldwinsville, N. Y., favoring same award to both officers and men as per House bill 18899 and Senate bill 4183—to the Committee on Military Affairs.

By Mr. FOCHT: Petition of Lieutenant Arnold Lobaugh Post, No. 297, Grand Army of the Republic, of Newport, Pa., favoring House bill 18899—to the Committee on Military Affairs.

By Mr. FOELKER: Petition of Brooklyn Young Republican Club, favoring establishment of a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of Alert Council, No. 1567, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Al. F. Schoch, first vice-president of National City Bank, of Ottawa, Ill., favoring the selection of the city of New Orleans for holding the proposed Panama exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of Miss A. Rozilla Beatson, of Rockford, Ill., against the bill to establish the proposed department of public health—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Foreign Missionary Society of Grundy County, Ill., favoring the enactment of legislation prohibiting the transmission of prize-fighting news and pictures, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Itasca Lodge, No. 401, Brotherhood of Locomotive Firemen and Engineers, of Two Harbors, Minn., favoring the passage of legislation to standardize engine hand holds, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. GORDON: Paper to accompany bill for relief of Mary F. Swindell—to the Committee on War Claims.

By Mr. HAMMOND: Petition of George B. Adams Post, No. 151, Department of Minnesota, Grand Army of the Republic, of Eagle Bend, Minn., against an amendment to House bill 18899—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: Petition of the Wheatana Company, of Rahway, N. J., against House bill 23011—to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petition of George B. Adams Post, No. 151, Department of Minnesota, Grand Army of the Republic, of Eagle Bend, Minn., for removal of restrictions relative to enlisted men in House bill 18899 and Senate bill 4183—to the Committee on Military Affairs.

By Mr. PAYNE: Paper to accompany bill for relief of Samuel Andrews—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: Petition of West Side Republican and Social Club, of Central Falls, R. I., in favor of House bill 2167—to the Committee on Agriculture.

By Mr. SNAPP: Petition of Musicians' Protective Union of Elgin, Ill., for repeal of the 10-cent oleomargarine law—to the Committee on Agriculture.

By Mr. SULZER: Petitions of Robert H. Ingersoll & Bro., William Meyer & Co., J. F. Ogoran, the Roessler & Haslacher Chemical Company, A. Wiltnauer, R. G. Munroe & Co., all of the city of New York, favoring the city of San Francisco as site of the Panama exposition for 1915—to the Committee on Industrial Arts and Expositions.

Also, petition of East Washington Citizens' Association, favoring House bill 26151—to the Committee on the District of Columbia.

Also, petition of Leumann, Boesch & Weingart and Loewenstein Brothers, manufacturers, of New York City, favoring San Francisco as proper site for the Panama exposition—to the Committee on Industrial Arts and Expositions.

By Mr. TAYLOR of Colorado: Petition of C. A. Black, secretary Federation of Women's Clubs of Pueblo, Colo., favoring the establishment of the proposed department of public health, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Petitions of Titusville (N. J.) Grange, No. 163, and Stanton (N. J.) Grange, No. 148, Patrons of Husbandry, for Senate bill 5842, governing traffic in oleomargarine—to the Committee on Interstate and Foreign Commerce.