By Mr. LEE of Pennsylvania: Memorial of members of Grange No. 1418, Patrons of Husbandry, favoring passage of House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Petition of the Pinkham Class, of Somerville, Mass., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McCOY: Memorial of the International Union of United Brewery Workmen, Newark, N. J., favoring passage of Hamill bill, providing pensions to the aged; to the Committee on Pensions.

By Mr. MAHER: Petition of the San Francisco Labor Council, for enactment of House bill 20423; to the Committee on the Judiciary.

By Mr. MALBY: Resolution of the Legislature of the State of New York, favoring the adoption of Federal legislation for the protection of migratory game birds; to the Committee on Agriculture.

Also, papers to accompany bill for the relief of William M. Lamere (H. R. 15088); to the Committee on Invalid Pensions.

By Mr. MANN: Petition of the Congregational Churches of Chicago, favoring bill to reimburse persons who contributed toward the ransom of Ellen M. Stone; to the Committee on Claims.

By Mr. MOORE of Pennsylvania: Memorial of the Retail Merchants' Association of the Washington Chamber of Commerce, urging passage of Senate bill 3813; to the Committee on the District of Columbia.

Also, memorial of the Philadelphia Board of Trade, protesting against the passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia Board of Trade, urging the passage of House bill 19795; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Conference of the Methodist Church of Philadelphia, urging the speedy passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of St. Peter's Young Men's Beneficial Society, relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of German-American Alliance, of Pottsville, Pa., against the passage of all pending prohibition or interstate-commerce liquor legislation; to the Committee on the Judiciary.

Also, petition of National Association of Army Nurses of the Civil War, urging enactment granting pensions to nurses who served in the Civil War; to the Committee on Invalid Pensions.

Also, petition of National German-American Alliance, protesting against the passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

Also, memorial of Philadelphia Chamber of Commerce, urging the House to appropriate a sufficient sum of money for the Tariff Board to continue its work; to the Committee on Appropriations.

Also, memorial of the Society of Italian Immigrants in Philadelphia, protesting against further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of Natural Bridge (N. Y.) Grange, No. 497, in favor of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Oswego County Pomona Grange, of Oswego County, N. Y., in favor of the Page agricultural bill; to the Committee on Agriculture.

Also, petition of Domestic Grange, of Oswego, N. Y., opposing the Lever bill; to the Committee on Agriculture.

Also, petition of Domestic Grange, of Oswego, N. Y., in favor of a full parcel post; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petition of Nest No. 1259, Order of Owls, for use of 1,000 acres of public land for camp purposes, etc.; to the Committee on the Public Lands.

Also, petition of the Religious Society of Friends of Portsmouth and members of the Men's Baraca Class of the First Baptist Church of North Kingston, R. I., for enactment of House bill 16214; to the Committee on the Judiciary.

Also, petition of Central Grange, No. 34, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorials of the Merchants' Association and Board of Trade of Pawtucket, R. I., relative to construction of the Rhode Island section of intracoastal waterways; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: Petition of citizens of Boston, Mass., for passage of an old-age pension bill; to the Committee on Pensions.

By Mr. POWERS: Petition of various citizens of the eleventh congressional district of Kentucky, for insertion of clause in naval appropriation bill providing for building of one battleship in Government navy yard; to the Committee on Naval Affairs.

By Mr. PRAY: Petition of residents of Lewiston, Mont., protesting against the passage of House bill 17485; to the Committee on the Public Lands.

Also, petition of 100 residents of Cut Bank and Musselshell, Mont., in favor of homestead bill of the three-year proof act; to the Committee on the Public Lands.

By Mr. RAKER: Petition of Charles A. Burrows, of Lancaster, Pa., favoring Berger old-age pension bill; to the Committee on Pensions.

Also, petition of the San Francisco Labor Council, for enactment of House bill 20423; to the Committee on the Judiciary.

By Mr. REILLY: Petition of Kent Grange, No. 154, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Group No. 233 of the Polish National Alliance of United States, protesting against proposed educational test in immigration laws; to the Committee on Immigration and Naturalization.

By Mr. RODENBERG: Memorial of Belleville (Ill.) Typographical Union, No. 74, for enactment of House bill 11032; to the Committee on the Judiciary.

Also, memorial of Belleville Typographical Union, No. 74, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, memorial of Belleville (Ill.) Local, No. 474, United Mine Workers of America, favoring House bill 11032; to the Committee on the Judiciary.

Also, memorial of Belleville (Ill.) Local, No. 21, International Union of United Brewery Workers, favoring House bills 11032 and 13114; to the Committee on the Judiciary.

Also, memorial of Belleville (Ill.) Local, No. 474, United Mine Workers of America, favoring House bill 13114; to the Committee on Pensions.

By Mr. TALBOTT of Maryland: Petition of Highland Grange, No. 255, Patrons of Husbandry, in favor of Senate bill 5474 and House bill 19133; to the Committee on Interstate and Foreign Commerce.

Also, petition of Taneytown (Md.) Grange, No. 184, Patrons of Husbandry, in favor of Senate bill 5474 and House bill 19133; to the Committee on Interstate and Foreign Commerce.

Also, petition of Taneytown Grange, No. 184, Patrons of Husbandry, asking for passage of Senate bill 3; to the Committee on Agriculture.

By Mr. THOMAS: Petition of citizens of Greenville and Luzerne, Ky., asking that one battleship be constructed in a Government navy yard; to the Committee on Naval Affairs.

By Mr. TILSON: Petition of Kent Grange, No. 154, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Petition of citizens of Buffalo, N. Y., for enactment of House bills 19405, 19406, and 19407; to the Committee on the Merchant Marine and Fisheries.

By Mr. STERLING: Petition of citizens of Cullom, Ill., for parcel post; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *April 2, 1912.*

The Senate met at 2 o'clock p. m.

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

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

SENATORS FROM ARIZONA AND NEW MEXICO.

Mr. SMITH of Michigan. Mr. President, the admission of the Territories of Arizona and New Mexico as States in the Union having been accomplished in appropriate and constitutional form, and the representatives of such States duly and regularly chosen for membership in this body now being present, I take pleasure in presenting the credentials of the Senator elect from New Mexico, Mr. FALL, and announce his presence in the Chamber and his readiness to take the oath of office.

The VICE PRESIDENT. The Secretary will read the credentials.

The Secretary read the credentials of ALBERT BACON FALL, chosen by the Legislature of the State of New Mexico a Senator from that State.

The VICE PRESIDENT. The chairman of the Committee on Privileges and Elections having advised the Chair that that committee has passed upon the credentials, without objection the credentials will be referred directly to the Secretary of the Senate for the files of the Senate.

Mr. WARREN. Mr. President, I desire to present the credentials of Mr. CATRON, Senator elect from New Mexico. I will

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state that the Senator elect is in the Chamber and ready to qualify.

The VICE PRESIDENT. The credentials will be read.

The Secretary read the credentials of THOMAS BENTON CATRON, chosen by the Legislature of the State of New Mexico a Senator from that State.

The VICE PRESIDENT. Without objection, the same course will be followed as in the case of Senator elect FALL.

Mr. SHIVELY. Mr. President, I present the certificate of election of Hon. MARCUS A. SMITH, a Senator elect from the State of Arizona. The Senator elect is present in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. The credentials will be read.

The Secretary read the credentials of MARCUS A. SMITH, chosen by the Legislature of the State of Arizona a Senator from that State.

The VICE PRESIDENT. Without objection, the same course will be followed as in the case of Senator elect CATRON.

Mr. CULBERSON. Mr. President, I present the credentials of HENRY F. ASHURST, a Senator elect from the State of Arizona, and ask that they be read and placed on file. The Senator elect is present in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. The Secretary will read the credentials.

The Secretary read the credentials of HENRY F. ASHURST, chosen by the Legislature of the State of Arizona a Senator from that State.

The VICE PRESIDENT. Without objection, the same order will be made as in the case of Senator elect SMITH. The Senators being present in the Senate Chamber, they will present themselves at the desk to take the constitutional oath of office.

Mr. ASHURST, Mr. CATRON, Mr. FALL, and Mr. SMITH advanced to the Vice President's desk, escorted by Mr. CULBERSON, Mr. WARREN, Mr. SMITH of Michigan, and Mr. SHIVELY, respectively, and, the oath prescribed by law having been administered to them, they took their seats in the Senate.

TERMS OF NEW SENATORS.

Mr. DILLINGHAM. I send to the desk a resolution, for which I ask immediate consideration.

The VICE PRESIDENT. The Senator from Vermont presents a resolution, for which immediate consideration is requested. The Secretary will read the resolution for the information of the Senate.

The Secretary read the resolution (S. Res. 274), as follows:

Resolved, That the Senate proceed to ascertain the classes to which the Senators from the States of Arizona and New Mexico shall be assigned, in conformity with the resolution of the Senate of the 14th of May, 1789, and as the Constitution requires.

Resolved, That the Secretary put two papers of equal size in each of two separate ballot boxes, and in each instance one of such papers shall be numbered 1 and the other shall be a blank. The Senators from the State of Arizona shall proceed to draw the papers from one of such ballot boxes, and the Senators from the State of New Mexico shall proceed to draw the papers from the other ballot box, proceeding to draw in the alphabetical order of their names. The Senators who draw papers numbered 1 shall be assigned to the class of Senators whose terms of service will expire on the 3d day of March, 1917. That the Secretary then put into one ballot box two papers of equal size, one of which shall be numbered 2 and the other shall be numbered 3. The two Senators who in the first instance drew blank ballots shall, in the alphabetical order of their names, each draw one paper from said ballot box, and the Senator who shall draw the paper numbered 2 shall be assigned to the class of Senators whose term of service will expire on the 3d day of March, 1913, and the Senator who shall draw the paper numbered 3 shall be assigned to the class of Senators whose term of service will expire on the 3d day of March, 1915.

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

Mr. BAILEY. If I understand the resolution, it makes it possible that the two Senators from one of the States might both draw the six-year terms.

Mr. DILLINGHAM, Mr. WARREN, and others. Oh, no.

Mr. BAILEY. Then I did not understand it. It would obviously be improper that the Senators from the same State might each draw a six-year term.

The VICE PRESIDENT. The resolution expressly provides against that very thing.

Mr. SHIVELY. That can not be done under the terms of the resolution.

Mr. BAILEY. I did not hear the resolution read fully.

The VICE PRESIDENT. Does the Senator from Texas desire to have the resolution read again?

Mr. BAILEY. No.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. Without objection, the resolution is agreed to. The Secretary will proceed to execute the order. The Senators elect will present themselves at the Secretary's desk.

Mr. ASHURST, Mr. CATRON, Mr. FALL, and Mr. SMITH advanced to the Secretary's desk and drew papers from the boxes, pursuant to the resolution.

The VICE PRESIDENT. The Chair makes the following announcement: Mr. ASHURST, of Arizona, and Mr. CATRON, of New Mexico, having drawn papers numbered 1, are, in accordance with the resolution of the Senate, entitled to be classed with Senators whose term of service will expire March 3, 1917.

Mr. FALL, of New Mexico, having drawn a paper numbered 2, is entitled to be classed with those Senators whose term of service will expire March 3, 1913.

And Mr. SMITH, of Arizona, having drawn a paper numbered 3, is entitled to be classed with those Senators whose term of service will expire March 3, 1915.

DISPOSITION OF USELESS PAPERS (H. DOC. NO. 667).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, schedules of useless papers, books, and so forth, on the files of the Department of Commerce and Labor which are not needed in the transaction of public business and have no permanent value or historical interest. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM]. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

THE FAUNA OF BRITISH INDIA (S. DOC. NO. 478).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, under separate cover, for use in the library of the Senate, a copy of the work entitled "The Fauna of British India," which was ordered to be printed and, with the accompanying volume, referred to the Committee on the Library.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the Navy Department, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 483).

He also laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the Post Office Department, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 482).

He also laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by that institution, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 481).

He also laid before the Senate a communication from the Public Printer, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the Printing Office, which was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 480).

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. SHERWOOD, Mr. ADAIR, and Mr. SULLOWAY managers at the conference on the part of the House.

The message further transmitted to the Senate resolutions on the death of Hon. ROBERT LOVE TAYLOR, late a Senator from the State of Tennessee.

LETTER OF CHARLES FRANCIS ADAMS—PENSION SYSTEM.

Mr. LODGE. Mr. President, I desire to make a correction in the RECORD. In the RECORD of March 22, page 3762, I notice in a speech purporting to have been delivered in the House of Representatives a long extract from a newspaper reflecting very severely on Charles Francis Adams, who is a distinguished citizen of my State. I think if that is to appear in the RECORD it is only fair in justice to Mr. Adams that his statement in regard to what is there said by the newspaper quoted should be also printed in the RECORD.

I will not trouble the Senate to read it, but ask that the letter may be printed as a part of what I have just said.

The VICE PRESIDENT. Without objection, an order therefor is entered.

The letter referred to is as follows:

1701 MASSACHUSETTS AVENUE,
Washington, D. C., March 6, 1912.

Hon. H. C. LODGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR LODGE: In a recent publication over my own name, entitled "The Civil War Pension Lack of System," I took occasion to say that it might not unsafely be asserted that "if any Member of Congress—or indeed citizen in private life of sufficient prominence to excite remark at all—ventures on a criticism, much more an analysis, of the pension roll he may with tolerable certainty count on a response in no way dissimilar to that visited on Secretary MacVeagh" because of a recent utterance of his to the effect that the pension roll had lost its patriotic aspects and now become a political list. "Nor need he hope for either fairness of treatment or moderation of speech. He may, on the contrary, rest assured that the denunciation will be personal, abusive, and mendacious—that usually experienced from the sturdy and persistent mendicant to whom alms are denied."

This observation I found forcibly recalled in looking over the CONGRESSIONAL RECORD for Friday, February 23, and Saturday, February 24, in which I found pension matters under discussion, while I myself became, so to speak, somewhat of a storm center.

That either the people of the United States or their Representatives in either body of Congress take any particular interest in me now or in my record 50 years ago is hardly supposable, and discussion of the one or the other is, I apprehend, little better than so much waste of time. None the less under existing pension conditions it seems not improbable I may again come to the fore in congressional discussion, and in the early future, as recently, my record may be subjected to criticism more or less acrimonious.

I wish, therefore, as briefly as may be to put in your hands certain facts as respects that record for such use, should occasion arise, as may commend itself to your judgment.

In the allegations in the issue of the RECORD referred to (p. 2492) I find errors, serious, but not unusual, both of statement and of inference, and little else than error. For instance, on the strength of a speech made in the House of Representatives several years ago by Gen. ISAAC R. SHERWOOD, of Ohio, the present chairman of the House Committee on Invalid Pensions, it is stated that in June, 1863, about half of the squadron under my command in a Cavalry engagement at Aldie, Va., was "captured, but with no fatalities." This is a fair example of erroneous assertion under the circumstances to be expected. The squadron then under my command (96 men) sustained on that occasion some 30 casualties, 10 of which, if I recollect right, proved fatal. The graves of those men are now to be seen at Aldie.

It was next asserted that in the spring of 1864, when "bloody trouble" was threatening, I secured a leave of absence and went to Europe. This statement, in addition to being malicious, is simply silly. At the time named—the winter, not spring, of 1863-64, largely through my exertions and influence my entire command—three years' men whose term was drawing to a close—reenlisted for an additional three years. I at the time took and since have taken no little pride in having brought that result about. In consideration of so doing, under general orders then existing, a long furlough—30 or 60 days—was given the command as a unit. I took the men home and then availed myself of the leave we all enjoyed to pay a hurried visit to my family, then, as you know, in the public service in Europe. I had not then seen the members of it for nearly three years, nor myself had a day's leave of absence for over two years. Returning at the end of my leave, I was again in command long before the "bloody work" referred to began.

It is next alleged that I later commanded a regiment of colored cavalry. This is true; but that this organization was engaged in no battles, sustained no fatalities, etc., is quite as erroneous as the statement in respect to my command at Aldie. I was colonel of that regiment during the closing months only of the war, and I assumed its command greatly to my own prejudice and purely from a sense of obligation. I had previously been connected with the Army of the Potomac. On leaving that army to assume charge of the regiment referred to, I received from its commander, Gen. George G. Meade, a personal letter, specifically referring to various services I had rendered, and expressing his warm appreciation thereof. This letter is, I presume, now among my papers, but the 50-year accumulation is large and I fear I would have difficulty in putting my hands upon it. It was a letter, however, the tenor of which the recipient was not likely to forget. Shortly after Gen. A. A. Humphrey, then Chief of Staff of the Army of the Potomac, was assigned to the command of the Second Army Corps, in place of Gen. Hancock, relieved because of wounds and disability. The Union Army contained no better soldier nor one who sustained a higher reputation for fighting capacity than Gen. Humphrey. He was considered also by no means a poor judge of men. On assuming command of his corps he offered me the most prominent and acceptable position on its staff—that of corps inspector general—and I declined with great regret, because of the responsibility I thought I had assumed in connection with the colored regiment referred to. Perhaps it may not be out of place for me to say that I have since seen reason to question the wisdom of the choice I then made. Nevertheless, in making it I may at least claim I was actuated by a sense of obligation only.

Finally, I have seen it elsewhere asserted that it is a matter calling for explanation that my name appears so rarely in the records of the Civil War. Yet the explanation is obvious. Throughout that war I was a regimental officer. Never in high command, I did not serve for a single day upon the staff. It is altogether unusual for the names of regimental officers to figure largely in general orders. When they do, moreover, it is generally considered indicative of a certain capacity for self-advertisement. This I have not got, and so I shared the common fate. For instance, I imagine that if the record of Gen. SHERWOOD were looked up in the Civil War annals few mentions of his name would be found. I question whether more would be found of him than have been found of me. It has not been my custom either during the war or since to sound my own trumpet or to advertise my somewhat inconspicuous services, however at the time severe. I sincerely wish they had been more considerable.

On the other hand, of the 50 or more officers, with the names and families of very many of whom you are acquainted, who were commissioned in the regiment in which I began my service and continued it until the war was drawing to a close, very, very few—not more, I think, than 1 in 10—served longer than I, none served more assiduously, and not a single one attained a higher rank than was attained by me or received larger recognition for service done.

Finally, I have seen it asserted that the regiment I commanded toward the close of the war was conspicuous for its lack of discipline and that I was placed under arrest because thereof. Those who advanced this charge failed, however, and characteristically failed, to observe that the regiment in question had just entered the field; that many of those in it had come from a state of slavery in Richmond and Virginia, and that, naturally, returning there after the fall of Richmond, they had been somewhat difficult to control. The first notice I had of any irregularity was an order to consider myself under arrest, and I was released therefrom a few days later as the outcome of a most casual further inquiry. It has also been asserted that Col. Samuel R. Chamberlain, an excellent officer and a warm personal friend of mine, had been placed in command of the regiment to bring it into a proper state of discipline and order. This, again, is entirely incorrect. I was reinstated in my command when the order for my release from arrest was issued, and remained in command until invalided and sent home. Nor was another complaint as to defective discipline received. Col. Chamberlain then, and only then, succeeded me in command, and at a considerable interval. Prior to that he was not connected with the regiment in any way. Every statement made in this connection has been inaccurate, ignorant, and malicious.

I feel that some apology is due for thus referring to matters 50 years old and personal to myself. I make the reference, however, for an obvious reason. The purpose of my critics is to draw attention from a criticism of the present pension system as crude, corrupting, indiscriminate, most costly, and altogether scandalous—in a word, as a notoriously discreditable body of legislation—by an acrimonious attack on one who ventures to criticize it or call for a halt in it. In what I have said I have confined myself to criticism of the general pension system, or, rather, lack of system, and carefully avoided controversy over individual cases. I propose to continue so to do. Nevertheless, my own experience illustrates the fact that the present "general pension legislation staff" in Washington is well advised, thoroughly organized, and altogether unscrupulous. All this is, however, matter of common notoriety; but, further, I will add that if during the Civil War the advance on the Confederacy had been as well organized, as skillfully engineered, and at once as dashing and as sustained as the pension onslaught on the National Treasury has since been the conflict would have been shortened by at least one-half, or by two years. Nothing could have stood in its path.

Finally, as to myself. It yet remains to be seen what other mare's nests in connection with my military record may be unearthed as the result of further nosing, invention, and misrepresentation by the gallant and vigilant contingent of mud-slinging mendicants assigned to that task; so I will merely close by saying that what I did, be it less or more, in three and a half years of consecutive military service, terminating nearly 50 years ago, was then done from patriotic and disinterested motives. I did what I felt it incumbent on me to do, and I did it as well as I knew how, not without sacrifice. I wish I had been able to do it better and in a more conspicuous way, provided always that way was in no respect sensational. As a result, however, I am free to say, neither Congress nor the country now owes me anything, either in the way of recognition or in money. Throughout the war I received all that was promised me, and at its close I was honored with a brevet. On the score of any service rendered by me receipts in full were then exchanged. Those receipts I now consider binding, and the closest possible examination of the pension roll will neither now nor hereafter disclose my name upon it.

I remain, etc.,

CHARLES FRANCIS ADAMS,
Colonel and Brevet Brigadier General, 1865.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry citizens of Berea, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Gibbsland, La., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Agricultural Local Union No. 12006, of Porto Real, Vieques, P. R., praying for the creation of a department of labor and agriculture in that Territory, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented resolutions in the nature of a memorial adopted by the Democratic Territorial Central Committee of Hawaii, remonstrating against the removal of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented resolutions adopted by the International Association of Machinists of San Francisco, Cal., favoring the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented petitions of the congregations of the Fifty-sixth Street Baptist Church, of Birmingham, Ala.; the St. Paul's Evangelical Lutheran Church, of Lyons, Pa.; the Reformed Church of Greenville, Pa.; the Methodist Episcopal Church of Alexander City, Ala.; the Methodist Episcopal Church of Nooksack, Wash.; the Presbyterian Church of Milford, Pa.; and the Methodist Church of Woodbine, Iowa; of the Christian Endeavor and temperance societies of Middletown, Md.; of the Men's Bible Classes of the Reformed Church of Greenville, Pa.; of the Woman's Christian Temperance Unions of North Uxbridge, Mass., Loveland, Colo., Wever, Iowa, and La Harpe, Kans.; and of sundry citizens of Ephraim, Utah, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of Local Lodge No. 510, International Association of Machinists, of Chicago, Ill., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a petition of the Retail Merchants' Association of Edwardsville, Ill., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Goneville, Mount Carmel, and Grayville, all in the State of Illinois, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Cook County Bottlers' Protective Association, of Chicago, Ill., praying for the passage of the so-called free-sugar bill, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Sparta, Beardstown, and Coulterville, all in the State of Illinois, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Congregational Club of Chicago, Ill., praying that an appropriation of $66,000 be made to reimburse the contributors to the ransom of Miss Ellen M. Stone, which was referred to the Committee on Appropriations.

He also presented a petition of Local Union No. 765, United Mine Workers of America, of Breese, Ill., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of Peru, Ill., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Galesburg, Ill., praying for the enactment of legislation providing for the registration of the union label in the District of Columbia and the Territories, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Aurora, East St. Louis, and Chicago, all in the State of Illinois, praying for the passage of the so-called employers' liability and workmen's compensation bill, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Woman's Foreign Missionary Society of Berlin, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Foreign Missionary Society of Berlin, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Nashua, N. H., praying for the adoption of certain amendments to the internal-revenue law relating to excess moisture in butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Orient Council, No. 6, Junior Order United American Mechanics, of Newton, N. H., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Wilton and Dover, in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Hillsdale Citizens' Association, of the District of Columbia, praying for the enactment of legislation to provide for the condemnation of roadways and the dedication thereof as public highways, which was referred to the Committee on the District of Columbia.

He also presented a petition of the president of the Parent-Teachers' Association of the Dennison School, of the District of Columbia, praying for the passage of the so-called teachers' pension bill, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Mount Pleasant Citizens' Association, of the District of Columbia, praying for the enactment of legislation to provide for universal transfers in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of Encampments Nos. 69 and 111, Union Veteran Legion, and Colonel James S. Pettit Camp, No. 3, United Spanish War Veterans, of Washington, D. C., praying for the enactment of legislation to give preference in the civil service to those persons who have been honorably discharged from the military or naval service of the United States, which were referred to the Committee on Civil Service and Retrenchment.

Mr. SMITH of Michigan presented petitions of sundry citizens of Harbor Beach and Whitehall, in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Columbiaville and Lowell, in the State of Michigan, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Business Men's Association of Soo, Mich., remonstrating against the proposed abolishment of Fort Brady at Sault Ste. Marie, in that State, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Michigan, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Pomona Grange, Patrons of Husbandry, of Chippewa County, Mich., and a memorial of sundry citizens of Michigan, remonstrating against the enactment of legislation permitting the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of County Line Grange, No. 671, Patrons of Husbandry, of Sand Lake, Mich., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Zeba, Quincy, and Coldwater, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of Byington Camp, No. 55, Sons of Veterans, of Battle Creek, Mich., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Grand Rapids, Mich., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Pontiac, Mich., praying for the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BRISTOW presented a petition of the Woman's Christian Temperance Union of Wichita, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Oswego, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Rozel, Clay Center, Oak Hill, Dayton, Topeka, Baker, Stockton, Bern, Argonia, Effingham, Alexander, Canton, Silver Lake, and Tonganoxie, all in the State of Kansas, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Northwestern Association of Box Manufacturers, praying for the enactment of legislation to exempt from tolls all American ships passing through the

Panama Canal engaged in coastwise traffic, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of sundry citizens of Fort Leavenworth, Kans., praying for the enactment of legislation providing for the adjustment and payment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, which was referred to the Committee on Claims.

Mr. CRAWFORD presented a memorial of sundry citizens of Salem, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Kampeska and Gettysburg, in the State of South Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT (for Mr. WETMORE) presented a resolution adopted by the General Assembly of the State of Rhode Island, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND, ETC.,
In General Assembly, January Session, A. D. 1912.

Resolution recommending to Congress the passage of H. R. 21420, providing for the establishment of a naval base on Narragansett Bay, in the State of Rhode Island, now pending before Congress.

Whereas there has been introduced in the House of Representatives of the United States by Representative GEORGE F. O'SHAUNESSY House bill 21420, providing for the establishment of a naval base on Narragansett Bay, in the State of Rhode Island; and

Whereas both efficiency and economy requires the abolition of the naval establishments along the North Atlantic coast and the construction of a naval base, including a navy yard and dry docks near Newport, on Narragansett Bay, in the State of Rhode Island: Now therefore be it

Resolved, That the General Assembly of the State of Rhode Island heartily approves the provisions of said bill, and respectfully requests its Senators and Representatives in Congress to urge the passage of said bill, and the secretary of state is hereby instructed to send a copy of this resolution to the Senators and Representatives in Congress from Rhode Island.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, March 29, 1912.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 26th day of March, A. D. 1912.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. LIPPITT (for Mr. WETMORE) presented a memorial of the Board of Trade of Pawtucket, R. I., remonstrating against the elimination of the Rhode Island section from the plan of the intercoastal waterway, etc., which was referred to the Committee on Commerce.

He also (for Mr. WETMORE) presented petitions of sundry citizens of Tiverton, Portsmouth, North Kingston, and Providence, all in the State of Rhode Island, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented petitions of sundry citizens of the counties of Nelson, McLean, Adams, Renville, Ward, Morton, and Bottineau, and of McHenry, Lankin, and Cooperstown, all in the State of North Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Hillsboro and Sheyenne, in the State of North Dakota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Mayville and Rainy Butte, in the State of North Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Devils Lake, N. Dak., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Kenmare and McLean County, in the State of North Dakota, praying for the enactment of legislation to provide for the establishment of cooperative land-mortgage banks and rural credit unions, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Williams County, N. Dak., praying for the enactment of legislation to provide for the investigation recently requested by the City Council of Two Harbors, Minn., relating to the consumption and expense of fuel in that section, which was referred to the Committee on Education and Labor.

Mr. PERKINS presented memorials of the Chamber of Commerce of Los Angeles, of members of the Board of Trustees of Sacramento, and of sundry citizens of San Francisco, Santa Ana, Salinas, and Watsonville, all in the State of California, remonstrating against a reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented a petition of members of the California Civic League, of San Francisco, Cal., praying for the appointment of a Federal commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce of San Jose, Cal., and a petition of sundry citizens of Ione, Cal., praying for the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which were referred to the Committee on Interoceanic Canals.

He also presented petitions of sundry citizens of San Francisco, Bakersfield, Oakland, Berkeley, Antioch, Elsinore, Riverside, Alameda, Ferndale, Tropico, Ukiah, Richmond, Hemet, Highland, Santa Rosa, San Jose, Redwood City, Los Angeles, and Ashbury Heights, all in the State of California, praying that an appropriation be made for the suppression of the white-slave trade, which were referred to the Committee on Appropriations.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., and a petition of the California State Retail Hardware Association, praying for the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Labor Council of San Francisco, Cal., praying for the enactment of legislation providing for the registration of the union label in the District of Columbia and the Territories, which was referred to the Committee on the District of Columbia.

He also presented a petition of U. S. Grant Council, No. 19, Junior Order United American Mechanics, of California, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a telegram, in the nature of a memorial, of sundry citizens of Santa Clara County, Cal., remonstrating against the imposition of a tax on proprietary medicines, which was referred to the Committee on Finance.

Mr. NELSON presented a petition of Major A. M. Diggles Camp, No. 13, Department of Minnesota, United Spanish War Veterans, of Duluth, Minn., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Echo, Browerville, and Minneapolis, all in the State of Minnesota, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Crookston, Minn., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of the congregation of the Methodist Episcopal Church of Anoka, Minn., and a petition of the Ladies' Aid Society of the Presbyterian Church of Grand Forks, N. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Cambridge, Minn., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Good Roads Association of New Prague, Minn., praying for the enactment of legislation providing for the construction and improvement of post roads, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Local, Lakefield, and Becker County, all in the State of Minnesota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Hutchinson, Minn., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of St. Cloud, Minn., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of members of the Civil Engineers' Society of St. Paul, Minn., praying for the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

Mr. NIXON presented a petition of the congregation of the Presbyterian Church of Tonopah, Nev., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CUMMINS presented a petition of General Nelson A. Miles Camp, No. 1, Department of the District of Columbia, United Spanish War Veterans, of the District of Columbia, praying for the enactment of legislation to give preference in the civil service to those persons who have been honorably discharged from the military or naval service of the United States, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of sundry citizens of Iowa, praying for the enactment of legislation to provide for the building of one of the proposed new battleships in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. ROOT. I present a petition from the New York Produce Exchange, praying for the enactment of legislation to authorize the President, in certain cases, to increase the duties on products of certain countries or their dependencies imported into the United States. I ask that the petition be read and referred to the Committee on Finance.

There being no objection, the petition was read and referred to the Committee on Finance, as follows:

Petition to the United States Senate:

Whereas negotiations are now in progress in Ottawa, in the Dominion of Canada, between the representatives of the Dominion of Canada and the representatives of various islands composing part of what is commonly known as the British West Indies, for the purpose of concluding certain trade agreements between the Governments who are parties to said negotiations, whereby said British West Indies shall accord a preferential rate of duty on flour imported by them from the Dominion of Canada, as a result of which flour imported from the United States into the British West Indies will be discriminated against in favor of such Canadian flour; and

Whereas the millers and flour exporters of the United States have for many years engaged in the business of manufacturing and exporting to the British West Indies large quantities of flour, which exports from the United States during the past year attained an aggregate value of upwards of $2,000,000, and the millers of the United States have invested large amounts of capital in the construction and equipment of flour mills and other accommodations for the manufacture of such export flour, and have for many years and do now employ many hundreds of employees in the conduct of the business of manufacturing and exporting such flour; and

Whereas the said contemplated trade agreements between Canada and the British West Indies, by discriminating against the importation of flour into the West Indies from the United States in favor of the importation of Canadian flour, would render it impossible for the manufacturers and exporters of flour in the United States successfully to compete in the British West Indies with the manufacturers and exporters of flour in the Dominion of Canada, and would thereby injure the said investments of American capital and throw out of employment many employees of the flour mills and flour exporters of the United States; and

Whereas a bill commonly known as the sugar bill (H. R. 21213) has passed the House of Representatives and is now pending in the United States Senate; and

Whereas said bill, as the same was passed by the House of Representatives, will greatly inure to the benefit of the British West Indies by permitting the free introduction of sugar in various forms from the British West Indies into the United States; and

Whereas the New York Produce Exchange has appointed a committee composed of Messrs. George A. Zabriskie, William Harris Douglass, Walter L. Lascelles, Edward F. Siney, and P. H. Holt for the purpose of representing the interests of the New York Produce Exchange in the premises and for the purpose of taking such action as it may seem fit to preserve the interests of those individuals, firms, and corporations of the United States which are engaged in the manufacture and exportation of flour to the British West Indies: Now therefore be it

Resolved by the undersigned, as such committee of the New York Produce Exchange, That the Senate of the United States be, and it hereby is, respectfully petitioned and urged to amend the said sugar bill, so that when the President of the United States shall be satisfied that any of the British West Indies or other Government or country imposes charges or exactions or grants preferential duties which discriminate or result in discrimination against the export and sale in such country of like products from the United States, he shall issue a proclamation to that effect, and thereafter the same duties shall be levied by the United States upon the articles mentioned in said sugar bill as are now provided by the present tariff laws.

GEO. A. ZABRISKIE,
WM. HARRIS DOUGLASS,
WALTER L. LASCELLES,
EDWARD F. SINEY,
As a Committee of the New York Produce Exchange.

Mr. GAMBLE presented memorials of sundry citizens of Belvidere and Gettysburg, in the State of South Dakota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Dixon, Kampeska, Lucas, Sherman, Wewela, and Whitewood, all in the State of South Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Lone Grove, Healdton, and Hewitt, all in the State of Oklahoma, remonstrating against the discontinuance of the office of district Indian agent in eastern Oklahoma, which were referred to the Committee on Indian Affairs.

He also presented memorials of sundry citizens of Colome, Freeman, Hamill, Linden, Oldham, and Tripp, all in the State of South Dakota, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

Mr. HITCHCOCK presented memorials of sundry citizens of Clearwater, Florence, Beatrice, Belvidere, Jansen, Lincoln, and Somerset, all in the State of Nebraska, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Franklin, Nebr., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of Maine presented a petition of sundry citizens of Stacyville, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BROWN presented memorials of sundry citizens of Central City, Lexington, Grand Island, Kearney, Mitchell, McGrew, Bridgeport, Henry, Lincoln, and Scotts Bluff, all in the State of Nebraska, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of North Platte, Nebr., praying for the adoption of 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented sundry affidavits to accompany the bill (S. 5807) granting an increase of pension to Theodore H. Wilson, which were referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of North Platte, Nebr., praying that permission be given the Bureau of Publicity of the Immigration Bureau to distribute literature as proposed in section 40 of the so-called immigration bill, which was ordered to lie on the table.

Mr. WARREN. I present a telegram, in the nature of a memorial, from the board of directors of the Chamber of Commerce of Powell; also resolutions adopted March 20, 1912, by the legislative committee of the Basin Progressive Association of Basin; of 170 citizens of Byron; of 343 citizens of Lovell, Ionia, and Kane; and of 23 citizens of Penrose, all in the State of Wyoming, remonstrating against the passage of the bill proposing to remove the duty on sugar. I move that the memorials be referred to the Committee on Finance.

The motion was agreed to.

Mr. WARREN presented papers to accompany the bill (S. 5816) granting an increase of pension to Henry H. Helphenstine, which were referred to the Committee on Pensions.

Mr. TOWNSEND presented petitions of sundry citizens of Middleville, Evergreen, Imlay City, Adrian, and Potterville, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Saginaw, Mich., remonstrating against any reduction in the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a petition of the Trades and Labor Council of Grand Rapids, Mich., praying for the passage of the so-called full crew bill, which was referred to the Committee on Commerce.

He also presented a petition of Central City Lodge, No. 121, Brotherhood of Railroad Trainmen, of Jackson, Mich., praying for the passage of the so-called employer's liability and workman's compensation bill, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Bronson, Mich., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Grange No. 1493, of Topaz; Local Grange No. 134, of Bellevue; and of Local Grange No. 1347, of Poseyville, Patrons of Husbandry, and of sundry

citizens of Charlevoix, all in the State of Michigan, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Men's Bible Class of the First Congregational Church of Kalamazoo, Mich., praying for the enactment of legislation to create a commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Grange, Patrons of Husbandry, of Parkville, Mich., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union of St. James, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of East New Market and Taneytown, in the State of Maryland, praying for the establishment of a rural parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented memorials of sundry citizens of North Judson, Garrett, and Palmer, all in the State of Indiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregation of the Wesleyan Church, of the McColl Woman's Christian Temperance Union, and of the Baptist Young People's Union of the Mount Moriah Church, all of Richmond, in the State of Indiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of English and Ethel, in the State of Indiana, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of International Molders' Local Union No. 453, of Hartford, Conn., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Grange No. 154, Patrons of Husbandry, of South Kent, Conn., and a petition of Housatonic Valley Pomona Grange, No. 10, Patrons of Husbandry, of South Kent, Conn., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. BRYAN. I am directed by the Committee on Claims, to which were referred the bills (S. 4159) for the relief of F. M. Lyman, jr. (Rept. No. 532), (S. 4230) for the relief of Robert F. Scott (Rept. No. 533), and (S. 364) for the relief of Ranney Y. Lyman (Rept. No. 534), to submit adverse reports thereon, together with the views of the minority. I ask that the bills be placed on the calendar.

The VICE PRESIDENT. The bills will be placed on the calendar, with the adverse reports.

Mr. JOHNSON of Maine, from the Committee on Naval Affairs, to which was referred the bill (S. 4600) to authorize and direct the President of the United States to place upon the retired list of the United States Navy late Acting Master J. O. Johnson, with the rank of lieutenant, submitted an adverse report (No. 535) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, to report it with amendments, and I submit a report (No. 536) thereon. I will state that at a convenient time, before very long, I will ask the Senate to take up the bill for consideration.

The VICE PRESIDENT. Meanwhile the bill will be placed on the calendar.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 2539) for the relief of George Hallman, reported it with an amendment and submitted a report (No. 537) thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill (S. 111) to authorize the sale and disposition of the surplus and unallotted lands in Washabaugh County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect, reported it with amendments and submitted a report (No. 538) thereon.

He also, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 409) to provide for the erection of a public building in the city of Redfield, S. Dak., reported it with an amendment and submitted a report (No. 539) thereon.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (H. R. 18792) for the relief of homestead entrymen under the reclamation projects in the United States, reported it without amendment and submitted a report (No. 540) thereon.

Mr. LODGE. I am directed by the Committee on Finance, to which was referred the bill (H. R. 20842) to provide for a tax upon white phosphorus matches, and for other purposes, to report it without amendment, and I submit a report (No. 541) thereon.

I give notice that to-morrow, immediately after the routine morning business, I will ask the Senate to take up the bill for consideration. I think it can be disposed of very shortly.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery, reported it with amendments and submitted a report (No. 542) thereon.

Mr. BROWN, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 531) accompanied by a bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 173. Edward S. Allen.
S. 211. Peter S. Brady.
S. 329. Susan R. Lovell.
S. 439. George Reiber.
S. 704. Sylvester J. Hervey.
S. 708. John Murphy.
S. 711. Luzerne Jones.
S. 1025. Frederick Gunther.
S. 1130. Christopher C. Yancey (alias Christopher Columbus).
S. 1163. Samuel H. Atwood.
S. 1222. Ephraim Edmonson.
S. 1833. Joseph H. Graham.
S. 1907. Thomas Fisher.
S. 1938. Robert McKinnis.
S. 1979. Samuel Fletcher.
S. 1985. Peter Lory.
S. 1986. Nelson Miller.
S. 2207. Harvey Ellison.
S. 2290. Andrew Plank.
S. 2419. Daniel S. Jones.
S. 2478. Thomas Boland.
S. 2480. Chauncey M. Carpenter.
S. 2484. John Leavell.
S. 2571. Henry J. Hallowell.
S. 2692. William Hall, jr.
S. 2804. Rufus S. Dixon.
S. 2841. James E. Houghland.
S. 2917. Joseph Hill.
S. 2931. Benjamin F. Mount.
S. 3062. James M. Ard.
S. 3083. Josiah W. Poorman.
S. 3391. William H. Spore.
S. 3396. James B. Wilson.
S. 3400. Seymour B. Young.
S. 3419. David L. McNutt.
S. 3596. Jerry Butts.
S. 3629. William C. Torrence.
S. 3630. John A. Montgomery.
S. 3780. Rufus F. Thorne.
S. 3788. Thomas E. McMillan.
S. 3821. George H. Wilcox.
S. 3878. Thomas Riley.
S. 3910. Eli K. Simonds.
S. 4047. George F. Wonder.
S. 4048. Samuel Heath.

S. 4067. Silas Ebersole.
S. 4121. Anna M. McCartney.
S. 4217. George C. Bucknam.
S. 4285. James T. Taylor.
S. 4427. Marshall Dillon.
S. 4458. George W. Forsythe.
S. 4694. Wesley C. Harvey.
S. 4784. Annie B. Godwin.
S. 4813. William Yeakey.
S. 4874. Josephine Owens.
S. 4964. John W. Page.
S. 4982. James Lewis.
S. 4983. Samuel Randolph.
S. 5094. Amelia Pearce.
S. 5196. Marvin Chapman.
S. 5260. John B. Maberry.
S. 5277. John W. Sperry.
S. 5381. Robert M. Carlton.
S. 5385. Nancy Wilson.
S. 5419. Elisha G. Norton.
S. 5426. Horace W. White.
S. 5427. John Savage.
S. 5501. Justin E. Brown.
S. 5529. George Potter.
S. 5536. Eva J. Clarke.
S. 5553. Daniel Fordham.
S. 5555. Jacob W. Kinsey.
S. 5573. Frank Biermann.
S. 5574. Edward Raubyauer.
S. 5575. Henry Ford.
S. 5611. David P. Wilcox.
S. 5614. Mary J. Chick.
S. 5626. Samuel M. Terry.
S. 5642. Albert F. Whiting.
S. 5644. Isaac W. Hodsdon.
S. 5645. Mary J. Foster.
S. 5646. James M. Lowell.
S. 5650. Charles Bennett.
S. 5687. George A. Evans.
S. 5721. Adelaide E. Harding.
S. 5734. Jeremiah Miles.
S. 5752. Nelson L. Porter.
S. 5753. Rudolph Alff.
S. 5789. Samuel Pincus (alias Jacob Harris).
S. 5816. Henry H. Helphenstine.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (H. R. 16101) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming, reported it without amendment and submitted a report (No. 543) thereon.

He also, from the Committee on the Judiciary, to which was referred the bill (S. 5935) to fix the terms of the district court for the western district of Michigan, reported it with an amendment and submitted a report (No. 544) thereon.

Mr. MYERS. I am directed by the Committee on Public Lands, to which was referred the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana, to report it without amendment, and I submit a report (No. 546) thereon. I ask unanimous consent for the immediate consideration of the bill.

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

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana for the present consideration of the bill?

Mr. ROOT. I object to the consideration of the bill, Mr. President.

The VICE PRESIDENT. Objection is made, and the bill will go to the calendar.

Mr. BOURNE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes, reported it without amendment and submitted a report (No. 547) thereon.

UNITED STATES V. THE AMERICAN TOBACCO CO.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to which was referred the bill (S. 3607) to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States against The American Tobacco Co. and others, to submit an adverse report (No. 545) thereon.

The VICE PRESIDENT. In the absence of objection, action on the bill will be indefinitely postponed.

Mr. CUMMINS. Mr. President, I desire that the bill just reported may go to the calendar.

The VICE PRESIDENT. Without objection, the bill will be placed on the calendar, together with the adverse report.

Mr. CUMMINS. In connection with the majority report, I desire to submit the views of certain members of the Judiciary Committee in opposition to that report, and ask that both the report and the views of the minority may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The report (Rept. No. 545 and part 2) is as follows:

UNITED STATES V. THE AMERICAN TOBACCO CO.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, submitted the following adverse report, to accompany S. 3607.

The Committee on the Judiciary, to whom was referred Senate bill 3607, entitled "A bill to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States against American Tobacco Co. and others," after full consideration thereof report the same adversely with a recommendation that it be not passed.

This bill relates to a suit brought by the United States through the district attorney, acting under the direction of the Attorney General, against the American Tobacco Co. and others, in the Circuit Court of the United States for the Southern District of New York, to prevent and restrain violations of the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890.

Upon final hearing judgment was rendered for the complainant, and upon appeal to the Supreme Court of the United States this judgment was reversed May 29, 1911. The case was remanded to the circuit court to proceed in conformity with the opinion and mandate of the Supreme Court. The decision of the Supreme Court held the American Tobacco Co. to be an illegal combination in violation of the statute, and declared:

"Second. That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating, out of the elements now composing it, a new condition which shall be honestly in harmony with and not repugnant to the law.

"Third. That for the accomplishment of these purposes, taking into view the difficulty of the situation, a period of six months is allowed from the receipt of our mandate, with leave, however, in the event, in the judgment of the court below, the necessities of the situation require, to extend such period to a further time not to exceed 60 days.

"Fourth. That in the event, before the expiration of the period thus fixed, a condition of disintegration in harmony with the law is not brought about, either as the consequence of the action of the court in determining an issue on the subject or in accepting a plan agreed upon, it shall be the duty of the court, either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce or by the appointment of a receiver, to give effect to the requirements of the statute.

"Pending the bringing about of the result just stated, each and all of the defendants, individuals as well as corporations, should be restrained from doing any act which might further extend or enlarge the power of the combination, by any means or device whatsoever. In view of the considerations we have stated we leave the matter to the court below to work out a compliance with the law without unnecessary injury to the public or the rights of private property. (221 U. S., 187–189.)"

On the 16th of November, 1911, the circuit court, after hearing the parties as directed by the Supreme Court, rendered a final judgment decreeing that a plan of disintegration of the defendant company which had been presented, discussed, and modified, was a plan which, taken with the injunctive provisions included in the decree, would dissolve the illegal combination and would re-create out of the elements composing it a new condition honestly in harmony with and not repugnant to the law and without unnecessary injury to the public or the rights of private property. The decree then proceeded with a long series of injunctions adapted to the prevention of monopoly or restraint of trade under the new conditions which would be created by the approved plan. This decree was concurred in by all four judges of the circuit court. A copy is appended hereto. Upon the hearing under the mandate of the Supreme Court certain associations interested in the tobacco business and the attorney generals of certain States applied for leave to intervene in the suit. Their application was denied by the circuit court, but leave to be heard without being parties to the suit was granted and availed of. The applicants for leave to intervene then applied to the Supreme Court of the United States for a mandamus to require the circuit court to permit their intervention, and this application was denied by the Supreme Court.

The Attorney General, considering that the decree of the circuit court was in accordance with the mandate and was effective to accomplish the object of dissolving the corporation and creating a new condition which would be honestly in harmony with and not repugnant to the law, determined not to appeal, and no appeal was taken from the decree. The time to appeal expired January 15, 1912.

The pending bill proposes to give to the same parties who applied to the courts to be allowed to intervene—

"The right to intervene and appeal from the said decree of the Circuit Court of the United States for the Southern District of New York approving the said plan of reorganization or re-creation to the Supreme Court of the United States, with the same force and effect as though they, or those of them who seek to exercise the right hereby given, had been parties to said suit."

In the opinion of your committee this is not within the power of Congress.

1. So far as any rights which existed at the time of the final decree of November 16, 1911, or which have existed at any time heretofore are concerned, it is not competent for Congress to reverse the action of the courts and direct them to enter an order allowing an intervention which they had already denied.

2. So far as the assertion of any such existing rights is concerned, such a direction from Congress would be an attempt also to reverse

previous decisions of the Supreme Court holding that State attorneys general and private persons could not be parties to such a suit under the antitrust act. (Minnesota *v.* Northern Securities Co., 194 U. S., 48, 70–72.) The applicants for intervention thus not only were not parties to the suit, but they could not lawfully be parties. The judgment was not a judgment for or against them, it did not bind them or affect any rights of theirs, except of course as every citizen of the United States has a political interest as a citizen represented by the Government of his country in whatever litigation that Government may engage in.

The sole legal rights of individuals under the antitrust act are contained in the seventh section of the act, which provides:

"Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee."

This individual right under the antitrust act was not in any way affected by the judgment of the circuit court.

3. The only way in which the proposed bill could be effective would then be by conferring a new right, a right which did not exist before. What is the right which the bill proposes to confer upon these applicants? It is the right to invoke the action of the Supreme Court of the United States to set aside, change, modify, add to, or take away from a judgment between third parties, a judgment to which the applicants were not parties, rendered in a suit to which they were not and could not have been parties, which did not bind them or determine any legal right of theirs. This would be the creation of a new right of action which did not exist before.

4. The proceeding upon this right would present a different case or controversy from that which was before the circuit court. Chief Justice Marshall said, in the case of Osborne *v.* Bank of the United States (9 Wheat., 819), speaking of the judicial power of the United States:

"That power is capable of acting only when the subject is submitted to it by a party who asserts his rights in the form prescribed by law. It then becomes a case, and the Constitution declares that the judicial power shall extend to all cases arising under the Constitution, laws, and treaties of the United States."

And in Muskrat *v.* United States (219 U. S., 346), the Supreme Court said:

"Judicial power, as we have seen, is the right to determine actual controversy arising between adverse litigants duly instituted in courts of proper jurisdiction."

The case or controversy which would be presented to the Supreme Court by the applicants under the authority of this bill would be a case or controversy in which they assert their rights against the parties to the former suit or some of the parties to the former suit, and assert rights which had no legal existence at the time the former suit was decided.

5. Under the bill this assertion of right by the applicants would be addressed in the first instance to the Supreme Court of the United States. It is the action of that court which is to be invoked. The proceeding would not be in any sense an appeal from the judgment, no matter what the bill may call it. An appeal is an application for a review of a judgment by some party to the judgment, some one whose legal rights were in controversy or are determined by the judgment. An application by a stranger to a judgment to have it set aside in whole or in part is not an appeal. It is an independent proceeding.

It follows that the proceeding which this bill proposes to authorize, and under which these applicants would invoke the action of the Supreme Court to set aside the judgment to which they were strangers, would clearly call for the exercise not of appellate, but of original jurisdiction by the Supreme Court.

6. It is well settled that Congress can not confer original jurisdiction upon the Supreme Court. The Supreme Court of the United States says, in Baltimore & Ohio Railroad Co. *v.* Interstate Commerce Commission (215 U. S., 216, 224):

"It has long been the established doctrine, and we believe now assented to by all who have examined the subject, that the original jurisdiction of this court is confined to the cases specified in the Constitution, and that Congress can not enlarge it."

7. As the decree of the circuit court of November 16, 1911, fixed February 28, 1912, as the limit of time within which the defendants were required to comply with the plan of disintegration, it appears that the defendants in the suit had no option but to proceed to execute the decree by disposing of what seems to have been the greater part of the property of the combination. On the 22d of January the Attorney General, by the invitation of your committee, appeared before the committee and furnished a statement of what had been done up to that time. A copy of this statement is annexed to this report. It is to be presumed that before the time expired the process of divesting the defendant corporations of their property in accordance with the decree was completed. There can be no doubt that this disposition of the property was effective. Even if there had been no decree the defendants in the suit were at liberty to dispose of their property at any time, and a conveyance would have given good title. The grantees would have been subject to the provisions of the antitrust law, but the question whether they were complying with those provisions could have been raised only in a suit to which they were parties. The same consequence ensues upon the conveyance of property by the defandants under the decree. No proceedings in the case of the United States against the American Tobacco Co. et al. could reach or affect the new corporation or new parties in interest who have come into possession of the property of the old American Tobacco Co. except as they can be reached by new proceedings under the antitrust law or by proceedings under the very broad and drastic injunctive provisions of the existing decree, based upon the validity of the decree.

It would seem, therefore, that even if Congress had power to enact such a law as is proposed its action would be ineffective as applied to an executed decree.

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In the Circuit Court of the United States for the Southern District of New York. The United States of America, plaintiff, *v.* The American Tobacco Co. and others, defendants.

DECREE.

Appeals having been taken by the plaintiff and certain defendants in this cause from the decree entered by this court on the 15th day of December, 1908, the Supreme Court of the United States reversed said decree and issued its mandate filed herein on the 30th day of June, 1911, by which the said cause was remanded to this court with directions to enter a decree in conformity with the opinion of the Supreme Court of the United States, and to take such further steps as might be necessary to fully carry out said directions. By the said opinion of the Supreme Court of the United States this court was directed to "hear the parties by evidence or otherwise as it may deem proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination, and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with, and not repugnant to, the law, but without unnecessary injury to the public or the rights of private property." And this cause having come on to be finally heard pursuant to the order or decree of this court, made and entered herein on August 3, 1911, on the mandate of the Supreme Court of the United States as aforesaid, the American Tobacco Co. and the other defendants herein (except United Cigar Stores Co., the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.), and R. P. Richardson, jr., & Co. (Inc.) filed in this court on October 16, 1911, a petition proposing and embodying a plan or method of dissolving the combination, and of re-creating out of the elements now composing it a new condition in harmony with and not repugnant to the law. Due notice was given to the parties hereto that the hearing on the said petition would be had on October 30, 1911, in room 124 of the Federal Building, in New York City; and thereafter, to wit, on the 19th day of October, 1911, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) filed a petition.

At the time and place aforesaid the plaintiff filed answers to the said petitions, embodying proposed modifications of and additions to the plan proposed in said petition of the American Tobacco Co. and other defendants. The parties having been heard by counsel and certain of the modifications of said plan included in the answer of the plaintiff not being opposed by the proponents of said plan and others of said modifications included in said answer having been disposed of by this court in its opinions delivered after said hearing;

Now, it is ordered, adjudged, and decreed that all the defendants—except Welford C. Reed, who died before the final hearing—heretofore became parties to and engaged in the combination assailed in the pleadings, which "in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately," is "in restraint of trade and an attempt to monopolize, and a monopolization within the first and second sections of the antitrust act," and which should be dissolved and a new condition brought about in harmony with and not repugnant to the law, either as a consequence of the action of this court in determining an issue or in accepting a plan agreed upon.

And it is further ordered, adjudged, and decreed that said plan as modified by the consent of the parties or through the action of this court as aforesaid is as follows, to wit:

A.

DISSOLUTION OF AMSTERDAM SUPPLY CO.

Amsterdam Supply Co. is a company engaged in the business of purchasing for a commission or brokerage supplies, other than leaf tobacco, its principal customers being defendant corporations herein. It has $235,000 at par of stock, all held in varying amounts by certain corporation defendants, one or the other of your petitioners, and a surplus of $127,058.74.

It is proposed that Amsterdam Supply Co. be dissolved, converting its assets into cash and distributing them to its stockholders.

B.

ABROGATION OF FOREIGN RESTRICTIVE COVENANTS.

Under the contracts of September 27, 1902, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) and certain of its directors agreed not to engage in the business of manufacturing or selling tobacco in the United States; the American Tobacco Co. and American Cigar Co. and certain of their directors agreed not to engage in the business of manufacturing or selling tobacco in Great Britain and Ireland; and the American Tobacco Co., American Cigar Co., and the Imperial Tobacco Co. agreed not to engage in the business of manufacturing or selling tobacco in countries other than Great Britain and Ireland and the United States. Under the provisions of these contracts British-American Tobacco Co. (Ltd.) was organized and took over the export businesses of the American Tobacco Co. and the Imperial Tobacco Co., with factories, materials, and supplies.

It is proposed that the covenants herein just described, as well as all covenants restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products be rescinded by the affirmative action of the respective parties thereto who are parties to this suit, except such of said covenants, whether or not contained in the contracts of September 27, 1902, as (*a*) relate wholly to business in foreign countries and are covenants the benefit whereof has been assigned or transferred to other parties; or (*b*) are covenants exclusively between foreign corporations and relating wholly to business in or between foreign countries; and that the said contracts of September 27, 1902, be altogether terminated so far as they impose any obligations upon any of the parties thereto to furnish or to refrain from furnishing manufactured tobaccos to any party, each company to treat as its own, but only to the extent provided for in said contracts, all brands and trade-marks which by said contracts it was given the right to manufacture and sell, the said rights having been perpetual and constituting in effect a conveyance of the brands and trade-marks used for the countries in which they were so used by each of said companies as aforesaid.

C.

ABROGATION OF DOMESTIC RESTRICTIVE COVENANTS.

It is proposed that covenants given by vendor corporations, partnerships, or individuals, or by stockholders of vendor corporations, to vendee corporations defendants herein, not to engage in the tobacco business or any other business in any way embraced in the combination be terminated so that all such covenantors shall be at liberty to engage in the business of buying, manufacturing, and dealing in tobacco and its products just as if such covenants had not been made.

D.

DISINTEGRATION OF ACCESSORY COMPANIES.

(1) The Conley Foil Co.—The Conley Foil Co. has a capital stock of $825,000 at par, all of one class, of which the American Tobacco Co. owns $495,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the business of manufacturing tin foil, a product used largely by tobacco manufacturers, but having other uses as well. The Conley Foil Co. has a plant in New York City, and it owns all the stock and bonds of the Johnston Tin

Foil & Metal Co., which has a plant in St. Louis. The value of the output for the year 1910 of the Conley Foil Co. was $1,780,526.85, with a net profit of $273,299.82, and the Johnston Tin Foil & Metal Co. had an output for the year 1910 of the value of $676,520.05 and net profits of $66,255.16. On December 31, 1910, the Conley Foil Co. had tangible assets (excluding its securities of the Johnston Tin Foil & Metal Co.) of $1,215,321, and the Johnston Tin Foil & Metal Co. had assets of the value of $379,802.11. The Conley Foil Co. has a surplus exceeding the value of the securities of the Johnston Tin Foil & Metal Co.

It is proposed that the Conley Foil Co. cancel the bonds of the Johnston Tin Foil & Metal Co. held by it—to wit, $100,000 par value—and distribute to its stockholders its holdings of stock of the Johnston Tin Foil & Metal Co., to wit, 3,000 shares, all of one class.

The American Tobacco Co., being a stockholder of the Conley Foil Co., will participate in this distribution and will, in turn, distribute its dividend, as well as its stock in the Conley Foil Co., to its common-stock holders as hereinafter set forth.

(2) *MacAndrews & Forbes Co.*—MacAndrews & Forbes Co. is a company having a common capital stock of $3,000,000 at par, of which the American Tobacco Co. owns $2,112,900 at par, the balance being held by persons not defendants nor connected with defendants (except less than 3½ per cent of the common stock held by R. J. Reynolds Tobacco Co.), and $3,758,300 at par of 6 per cent nonvoting preferred stock, of which the American Tobacco Co. holds $750,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the production of licorice paste, with two plants, one at Camden, N. J., and the other at Baltimore, Md. It had tangible assets December 31, 1910, of the value of $5,683,824.89 (including $2,118,448.36 licorice root, with plants for its collection in foreign countries), and its sales for the year 1910 were of the value of $4,427,023.44. MacAndrews & Forbes Co. succeeded to the business of MacAndrews & Forbes, a partnership, who were pioneers in this country in the production of licorice paste, and who had for many years before any acquisitions of other business, and before they had any connection with the other defendants herein, more than 50 per cent of all the licorice-paste business of the United States.

It is proposed that a new corporation be organized, called the J. S. Young Co., and that it shall acquire the Baltimore plant of MacAndrews & Forbes Co., with the assets used therein and in connection therewith, of a total value of $1,000,000, and the brands of licorice paste manufactured in said Baltimore plant; that it issue in payment therefor, with the good will connected therewith, $1,000,000 at par of 7 per cent preferred nonvoting stock, and $1,000,000 at par of common stock; that MacAndrews & Forbes Co. distribute the common stock of the J. S. Young Co. as a dividend to its common-stock holders, charging the amount thereof to its surplus account; that MacAndrews & Forbes Co. offer to its preferred-stock holders proportionately to exchange the 7 per cent preferred stock of the J. S. Young Co. at par for their preferred stock of MacAndrews & Forbes Co.; that so far as the preferred stock of MacAndrews & Forbes Co. is thus exchanged it be retired; that so far as this preferred stock of the J. S. Young Co. is not forthwith thus exchanged, MacAndrews & Forbes Co. be enjoined from using it to exercise, or otherwise exercising or attempting to exercise, influence or control over the J. S. Young Co.; and with the further provision that on or before January 1, 1915, the whole of this preferred stock of the J. S. Young Co. not theretofore taken out of the treasury of MacAndrews & Forbes Co. by exchange as aforesaid be disposed of by MacAndrews & Forbes Co.

This would give to MacAndrews & Forbes Co. a licorice business, including Spanish licorice and powdered goods, of the net selling value, based upon the year 1910, of $2,514,184.64, of which $2,214,127.51 arise from sales of one brand, to wit, the old "Ship" brand. The J. S. Young Co., upon the basis of the business for the year 1910, would have an output of the net selling value of $1,201,109.86.

The American Tobacco Co., being a holder of the common stock of MacAndrews & Forbes Co., will participate in the distribution above provided, and will in turn distribute its dividend, as well as its stock in MacAndrews & Forbes Co., to its common stockholders as hereinafter set forth.

(3) American Snuff Co.—American Snuff Co. is a manufacturer of snuff. It holds all of the stock of De Voe Snuff Co., to wit, $50,000 at par, and one-half, to wit, $26,000 at par, of the stock of National Snuff Co. It owns no other interest in any company manufacturing or selling snuff.

It is proposed that there be organized two new snuff companies, one to be called the George W. Helme Co. and the other Weyman-Bruton Co., and that American Snuff Co. convey to these two companies, respectively, factories, with the brands manufactured in them, as follows: To the George W. Helme Co. the factories at Helmetta, N. J., and Yorklyn, Del., except factory No. 5; to Weyman-Bruton Co. the factories at Chicago and Nashville, also all the stock of De Voe Snuff Co., and the one-half of the stock of National Snuff Co. held by American Snuff Co. Based upon the business for the year 1910 and the assets at the end of the year, with proper provision for leaf, materials, cash, and book accounts for the two vendee companies, this would leave the three companies equipped as follows:

Manufacturing tangible assets:	
American Snuff Co	[1] $5,075,969.72
George W. Helme Co	4,909,000.40
Weyman-Bruton Co	3,691,588.20
Sales value during 1910:	
American Snuff Co	5,520,422.15
George W. Helme Co	4,494,556.66
Weyman-Bruton Co	4,297,486.71
Net income:	
American Snuff Co	[1] 1,591,280.49
George W. Helme Co	1,259,280.89
Weyman-Bruton Co	1,293,759.39

Each of these vendee corporations will pay for the property and business conveyed to it by the issue of $4,000,000 at par of 7 per cent voting preferred stock and $4,000,000 at par of common stock. American Snuff Co. will thus receive the $16,000,000 at par of these stocks into its treasury and will distribute to its common stockholders, as a dividend, the common stock, aggregating $8,000,000, to be charged to its surplus account. American Snuff Co. will offer to its preferred stockholders proportionately to exchange these 7 per cent preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. for their preferred stock of American Snuff Co. at par. So much of the preferred stock of American Snuff Co. as is thus exchanged will be retired. As to so much of the preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. as is not forthwith thus exchanged, American Snuff Co. to be enjoined from voting it or using it to exercise or otherwise exercising, or attempting to exercise, influence or control over the George W. Helme Co. or the Weyman-Bruton Co.; and on or before January 1, 1915, all of these preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. not theretofore taken out of the treasury of American Snuff Co. by exchange as aforesaid to be disposed of by American Snuff Co.

The American Tobacco Co., being a holder of the common stock of American Snuff Co., will participate in the distribution above provided and will, in turn, distribute its dividend, as well as its stock in American Snuff Co., including that to be acquired from P. Lorillard Co., to its common stockholders, as hereinafter set forth.

(4) American Stogie Co.—American Stogie Co. is a corporation whose only asset is all of the issued stock of Union-American Cigar Co., which latter company has cigar factories located at Pittsburgh, Allegheny, Lancaster, and Newark. Its total production, based upon business for the year 1910, is only 1.58 per cent of the entire production of cigars in the United States in volume, and, as these petitioners believe, about the same percentage in value. American Stogie Co. has $976,000 at par of 7 per cent cumulative preferred stock, of which American Cigar Co. owns $40,000 at par, and none of the other defendants own any; it has $10,879,000 at par of common stock, of which American Cigar Co. owns $7,303,775 at par, and none of the other defendants own any. There are accumulated and unpaid dividends on the preferred stock to the amount of $399,000, as of December 31, 1910.

It is proposed that American Stogie Co. dissolve, with leave granted to the trustees in dissolution to either convert the assets into cash and distribute them among the stockholders according to their rights or to effect such reorganization as they may be able to effect: *Provided*, That in either event there shall be a separation into at least two different ownerships of the factories and businesses now owned and operated by Union-American Cigar Co. If the dissolution is followed by a conversion of the assets of American Stogie Co. into cash, American Cigar Co. will take such cash as it may receive into its treasury; if it receives upon such dissolution securites of cigar manufacturing concerns, it will distribute such as a dividend to its common stockholders, to be charged to its surplus, as hereinafter set forth.

(5) American Cigar Co.—American Cigar Co. is a manufacturer of cigars. It has various factories of its own, and it owns all or a part of the stock of several companies engaged in the manufacture of cigars, all of which companies have been organized by it and which have received from it conveyances of part of its business, operating in this way as separate corporations for trade purposes. Among these companies is Federal Cigar Co.

American Cigar Co. also owns a part of the stock of Habana Tobacco Co., which controls factories manufacturing cigars in Habana; and a part of the stock of Porto Rican-American Tobacco Co., engaged in the manufacture of cigars and cigarettes in Porto Rico; and half of the stock of Porto Rican Leaf Tobacco Co., engaged in growing tobacco in Porto Rico. American Cigar Co. itself uses large quantities of Porto Rican grown leaf. Neither American Cigar Co. nor any of the companies in which it is interested, except Habana Tobacco Co. and Porto Rican-American Tobacco Co., is engaged in the manufacture of cigars outside of the United States.

American Cigar Co., including with its production the production of companies of which it owns in whole or in part the stock, has, in volume, based on the business for the year 1910, 13.36 per cent of the cigar business of the United States, and in value, as your petitioners believe, substantially the same percentage. Habana Tobacco Co. has, directly or indirectly, control of 24.06 per cent of the total production of cigars in Cuba; 46 per cent of the total exportation of cigars from Cuba to all countries of the world, including the United States; and 38.15 per cent of the total exportation of cigars from Cuba to the United States.

It is proposed that American Cigar Co. dispose of properties belonging to it and thus disintegrate its business, as follows:

(*a*) That it sell to the American Tobacco Co. for cash its stock, being all thereof of Federal Cigar Co., at a fair price, to wit, $3,965,616.05.

(*b*) That it sell to the American Tobacco Co., for cash, the stock it owns of Porto Rican-American Tobacco Co., to wit, $657,600 at par, at a fair price, to wit, $350 per share, or $2,301,600.

(*c*) That American Cigar Co. dispose of any interest in American Stogie Co. by receiving cash proceeds of its stock in dissolution thereof, if American Stogie Co. upon dissolution converts its assets into cash; or by distributing as a dividend to its common-stock holders out of its surplus the securities which it receives upon the dissolution of American Stogie Co., if it receives such.

All stocks thus to be acquired by the American Tobacco Co. from American Cigar Co. are to be disposed of by the American Tobacco Co. as hereinafter set out.

E.

DISTRIBUTION BY THE AMERICAN TOBACCO CO. OF STOCKS OWNED OR TO BE ACQUIRED BY IT.

(1) Immediate distribution of stocks.—The American Tobacco Co. will buy from P. Lorillard Co., for cash at par, the 11,247 shares of the preferred stock of American Snuff Co. held by P. Lorillard Co., and will receive, as the sole common stockholder of P. Lorillard Co., and by way of dividends 34,594 shares of the common stock of American Snuff Co. held by P. Lorillard Co.

The American Tobacco Co. will distribute among its common stockholders by way of dividends, and to be charged to its surplus, all of its securities of the following-described classes, whether now owned by it or bought by it from American Cigar Co., as hereinbefore set forth, or bought by it from P. Lorillard Co., as just hereinbefore set forth, or received by it by way of dividends from any of the accessory companies defendant, as hereinbefore set forth, to wit:

American Snuff Co. common stock.
American Snuff Co. preferred stock.

[1] American Snuff Co. holds securities not connected with the snuff business, to wit, stock and bonds of the American Tobacco Co., preferred stock of American Cigar Co., aggregating in book value $2,530,216.69, upon which American Snuff Co. received in interest and dividends during the year 1910 $176,680. It is proposed that American Snuff Co. sell or otherwise dispose of these securities within three years, and that in the meantime they be held under an injunction, as is provided in this paragraph with respect to securities of the George W. Helme Co. and Weyman-Bruton Co., to be temporarily held by it. It also owns, all, to wit, $100,000 at par, of the stock of Garrett Real Estate Co., which will be dissolved and liquidated.

George W. Helme Co. common stock.
Weyman-Bruton Co. common stock.
MacAndrews & Forbes Co. common stock.
J. S. Young Co. common stock.
The Conley Foil Co. stock.
The Johnston Tin Foil & Metal Co. stock.
R. J. Reynolds Tobacco Co. stock.
Corporation of United Cigar Stores stock.
British-American Tobacco Co. (Ltd.) ordinary shares.
Porto Rican-American Tobacco Co. stock.
American Stogie Co. stock (or what is received by way of dividends from American Cigar Co. upon dissolution of American Stogie Co.).

Including the amount to be paid to American Cigar Co. and P. Lorillard Co. for such of these securities as are to be acquired by the American Tobacco Co. from them, respectively, and excluding those to be acquired by way of dividends, and which, therefore, do not affect the surplus of the American Tobacco Co., never having been set upon its books, these securities had a book value as of December 31, 1910, of $35,011,865.03. The earning capacity of all the above securities thus to be distributed, based upon the results of the year 1910, is $9,860,-410.76, though not all thereof was distributed as dividends.

(2) Deferred disposition of stocks.—The American Tobacco Co. will sell or otherwise dispose of, or distribute by way of dividends to its common stockholders out of its surplus at the time existing, before January 1, 1915, all of its holdings of the following securities:

British-American Tobacco Co. (Ltd.), nonvoting preference shares.

The Imperial Tobacco Co., of Great Britain and Ireland (Ltd.), ordinary shares.

Corporation of United Cigars Stores bonds.

MacAndrews & Forbes Co. nonvoting preferred stock.

During the time these securities are left in the treasury of the American Tobacco Co., the American Tobacco Co. to be enjoined from voting any thereof that under the terms thereof might be voted, or using any thereof to exercise, or otherwise exercising or attempting to exercise, influence, or control over the said companies which issued the said securities, respectively, and from gaining possesion of any of the said companies by buying in at a foreclosure had under any of the securities for any default with respect thereto or otherwise.

F.

SALE BY THE AMERICAN TOBACCO CO. OF MANUFACTURING ASSETS AND BUSINESS TO COMPANIES TO BE FORMED.

(1) There will be organized a new corporation called Liggett & Myers Tobacco Co., and a new corporation called P. Lorillard Co., and the American Tobacco Co. will sell, assign, and convey to these two companies factories, plants, brands, and businesses, and capital stocks of tobacco-manufacturing corporations, as follows:

To Liggett & Myers Tobacco Co.:

Liggett & Myers branch of the American Tobacco Co., engaged in the manufacture of plug tobacco at St. Louis, with the brands connected therewith.

Spaulding & Merrick, a company of which the American Tobacco Co. owns and has always owned all the stock, engaged in Chicago in the manufacture of fine-cut tobacco and smoking tobacco.

Allen & Ginter branch of the American Tobacco Co., engaged in the manufacture of cigarettes at Richmond, Va., and the brands connected therewith. (This does not include the brand "Sweet Caporal," made partly there and partly at New York.)

Chicago branch of the American Tobacco Co., a factory at Chicago engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Catlin branch of the American Tobacco Co., a factory at St. Louis engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Nall & Williams Tobacco Co., a company of which the American Tobacco Co. owns all the stock, engaged in the manufacture of plug and smoking tobacco at Louisville, Ky.

The John Bollman Co., a company engaged in the manufacture of cigarettes at San Francisco. Of this corporation the American Tobacco Co. owns 90 per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

Pinkerton Tobacco Co., a corporation engaged in the manufacture of scrap tobacco (a kind of smoking tobacco) at Toledo, Ohio. Of this corporation the American Tobacco Co. owns 77½ per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

W. R. Irby branch of the American Tobacco Co. at New Orleans, engaged in the manufacture of cigarettes and smoking tobacco, the principal brands being "Home Run" and "King Bee."

The Duke-Durham branch of the American Tobacco Co., engaged in the manufacture of cigarettes and smoking tobacco at Durham, N. C.; principal cigarette brands, "Piedmont" and "American Beauty"; principal smoking tobacco brand, "Duke's Mixture."

Two little cigar factories, located the one at Philadelphia and the other at Baltimore, branches of the American Tobacco Co.; principal brand, "Recruits."

To P. Lorillard Co.:

All the rights of the American Tobacco Co. in the present P. Lorillard Co., to wit: All the common stock and $1,596,100 at par out of a total issue of $2,000,000 of 8 per cent preferred stock. It is contemplated that as a part of these reorganizations the Lorillard Co., as at present constituted, be wound up and the new company be organized, taking over assets of the P. Lorillard Co.

S. Anargyros, a company engaged in the manufacture of cigarettes, in which the American Tobacco Co. owns all the stock and of which it has always owned all the stock.

Luhrman & Wilbern Tobacco Co., a company engaged in the manufacture of scrap tobacco (a kind of smoking tobacco), of which the American Tobacco Co. owns, and has for many years owned, all the stock.

Philadelphia branch B at Philadelphia, Wilmington branch B at Wilmington, Penn Street branch at Brooklyn, Danville branch B at Danville, and Ellis branch B at Baltimore, branches of the American Tobacco Co. manufacturing little cigars, the principal brand being "Beteween the Acts."

Federal Cigar Co., a company all of whose stock is and has always been owned by American Cigar Co., but which, as hereinbefore provided, is to be purchased for cash by the American Tobacco Co.

each of these conveyances to include proper and adequate storage houses, leaf tobacco and other materials and supplies, provision for book accounts, including in each case a ratable proportion of the cash held by the American Tobacco Co. on December 31, 1910, so that each of the new corporations will be fully equipped for the conduct of the business of manufacturing and dealing in tobacco.

(2) Resources and capitalization of companies and provisions for exchanging and retiring securities of American Tobacco Co.—The American Tobacco Co. has securities issued and outstanding as follows:

6 per cent bonds	$52, 882, 650
4 per cent bonds (including outstanding 4 per cent bonds of Consolidated Tobacco Co.)	51, 354, 100
6 per cent preferred stock	78, 689, 100
Common stock	40, 242, 000

The American Tobacco Co., in October, 1904, immediately after the merger, had an outstanding issue of its own 4 per cent bonds and the Consolidated Tobacco Co. 4 per cent bonds which it assumed, amounting to $78,689,100, but it has purchased on the market and retired $27,335,000 at par of these 4 per cent bonds, charging the amount thus expended to surplus.

The 6 per cent bonds and 4 per cent bonds aforesaid are what are ordinarily known as debenture bonds, and are issued under a trust indenture which imposes a general charge on the property, income, and earnings of the company in favor, first, of the 6 per cent bonds, and, second, of the 4 per cent bonds. The American Tobacco Co., after the reduction of the surplus through the acquisition by it of 4 per cent bonds as aforesaid, had on December 31, 1910, a surplus of $61,119,-991.63, which will be increased by the surplus earnings of the current year. The distribution of securities herein provided for to be forthwith made would diminish the said surplus by $35,011,865.03, the book value of securities to be so distributed. This book value is less than actual value, but in view of the fact that none of the assets of the American Tobacco Co. are overvalued, the advance of the book value of the securities to be distributed as hereinbefore set forth to their actual value would operate at the same time to increase the surplus of the company, and so its surplus, after such distribution, would remain just the same as though the advance to actual value had not been made on the books of the company.

The properties to be conveyed to the Liggett & Myers Tobacco Co. and P. Lorillard Co., based upon conditions as of December 31, 1910, the last completed year, including in such conveyances the proper and proportionate storage houses, leaf tobacco, supplies and materials, and cash, but without anything for value of brands, trade-marks, formulæ, recipes, and good will, but including stocks of companies, are of the value of $30,607,261.96 to Liggett & Myers Tobacco Co. and $28,091,-748.86 to P. Lorillard Co. So far as these conditions shall be changed before the day of the conveyance, any deficiency is to be made good in cash, so that these two companies will have said amounts in tangible assets, as aforesaid, useful, and such as have been used, in the manufacture of the brands to be conveyed to them, respectively, and cash. The American Tobacco Co. will be left with tangible assets, including stocks of companies employed in manufacturing tobacco and its products, cash, and bills and accounts receivable, of the value of $53,408,-498.94 as of December 31, 1910. The profits earned during the year 1910 on the brands and businesses to be conveyed by the American Tobacco Co. to Liggett & Myers Tobacco Co. amounted to $7,468,172.02, and the profits on the brands and businesses to be conveyed by the American Tobacco Co. to P. Lorillard Co. amounted to $5,264,729.38.

It is proposed that the value of the brands, trade-marks, recipes, formulæ and good will to be sold to each of these companies be determined by their earning capacity, based upon the results for the year 1910, so that each shall have an earning capacity of 11.02 per cent per annum upon its total property, including both tangible property and brand value and good will. Upon this basis the consideration to be paid by the Liggett & Myers Tobacco Co. will be $30,607,261.96, value of tangile assets as above stated, and $36,840,237.04, value of brands, trade-marks, recipes, formulæ, and good will, making a total of $67,447,499; and the consideration to be paid by the P. Lorillard Co. will be $28,091,748.86, value of tangible assets as above stated, and $19,460,752.14, value of brands, trade-marks, recipes, formulæ, and good will, making a total of $47,552,501. The brands, trade-marks, recipes, farmulæ, and good will of the American Tobacco Co. on December 31, 1910, were of the book value of $101,324,964.07. The payments for brand value, etc., to the American Tobacco Co. to be made by Liggett & Myers Tobacco Co. and P. Lorillard Co., as aforesaid, makes an aggregate of $56,300,989.18, and would thus leave the book value of brands, trade-marks, recipes, formulæ, and good will retained by the American Tobacco Co. at $45,023,974.89, which, added to the $53,408,498.94 of tangible manufacturing assets to be retained by the American Tobacco Co., will make the total book value of manufacturing property to be retained by that company $98,432,473.83, upon which its earnings, based upon the results for the year 1910, would be $11,369,809.82, or 11.55 per cent.

The Liggett & Myers Tobacco Co. and the P. Lorillard Co. would pay for these conveyances, therefore, the aggregate as aforesaid, to wit:

Liggett & Myers Tobacco Co	$67, 447, 499
P. Lorillard Co	47, 552, 501
Aggregating	115, 000, 000

or each with its earnings on the business for the year 1910 so capitalized that said earnings represent 11.02 per cent upon the capital.

Liggett & Myers Tobacco Co. and P. Lorillard Co. will issue securities to cover such capitalization in the aggregate as follows: To an amount equal to one-half of the outstanding 6 per cent bonds of the American Tobacco Company; that is, $26,441,325 at par in 7 per cent bonds; to an amount equal to one-half of the outstanding 4 per cent bonds of the American Tobacco Co., that is, $25,677,050 at par in 5 per cent bonds; to an amount equal to one-third of the outstanding preferred stock of the American Tobacco Co., that is, $26,229,700 at par, in 7 per cent cumulative voting preferred stock; which, upon liquidation of the company, shall be paid at par with accrued unpaid dividends before any amount shall be paid to common stock, with balance of assets distributable ratably to the common stock; and the balance of said $115,000,000, that is, $36,651,925 in common stock; the 7 per cent bonds and the 5 per cent bonds to mature at the time fixed, respectively, for the maturity of the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. now outstanding, and to be issued under an indenture of substantially like tenor and terms with the present indenture of the American Tobacco Co. under which its 6 per cent bonds and 4 per cent bonds were issued, the 7 per cent bonds to have priority in charge over the 5 per cent bonds in the same way that the 6 per cent bonds of the American Tobacco Co. have priority of charge over the 4 per cent bonds.

Thus the capitalization of the Liggett & Myers Tobacco Co. and P. Lorillard Co. will be as follows:

	Liggett & Myers.	Lorillard.	Total.
7 per cent bonds	$15,507,837	$10,933,488	$26,441,325
5 per cent bonds	15,059,589	10,617,461	25,677,050
7 per cent preferred stock	15,383,719	10,845,981	26,229,700
Common stock	21,496,354	15,155,571	36,651,925
	67,447,499	47,552,501	115,000,000

All of these securities of the Liggett & Myers Tobacco Co. and the P. Lorillard Co. to be turned over to the American Tobacco Co. in payment of the purchase price for the factories, plants, brands, and businesses and capital stocks of tobacco manufacturing corporations so to be conveyed to Liggett & Myers Tobacco Co. and P. Lorillard Co., respectively, as hereinbefore set out.

These securities will be disposed of by the American Tobacco Co. as follows:

The common stock will be offered for cash at par to the holders of the common stock of the American Tobacco Co. in proportion to their holdings, and any not purchased by the person thus entitled thereto shall be sold to persons other than the individual defendants, to the end that such offer of common stock of the two new companies to the common stockholders of the American Tobacco Co. shall not be used by the individual defendants to increase their ownership therein beyond the proportion of their holdings of the common stock of the American Tobacco Co.

To each holder of the 6 per cent bonds of the American Tobacco Co., an offer shall be made to acquire his bonds for cancellation, and to give in exchange therefor, as to one-half thereof, new 7 per cent bonds of Liggett & Meyers Tobacco Co. and P. Lorillard Co. at par, and in payment for the other half thereof, cash at the rate of $120 and accrued interest for each $100 face value of the bonds.

To each holder of the 4 per cent bonds of the American Tobacco Co., an offer shall be made to acquire his bonds for cancellation, and to give in exchange therefor, as to one-half thereof, new 5 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. at par, and, in payment for the other half thereof, cash at the rate of $96 and accrued interest for each $100 face value of the bonds.

To each holder of the preferred stock of the American Tobacco Co., an offer shall be made to acquire one-third of his stock for cancellation in exchange for an equal amount at par of Liggett & Myers Tobacco Co. and P. Lorillard Co.

On account of the larger capitalization of the Liggett & Myers Tobacco Co. as compared with the P. Lorillard Co., each class of the new securities will issue in the proportion of 58.65 per cent thereof of Liggett & Myers Tobacco Co. securities and 41.35 per cent thereof of P. Lorillard Co. securities. The stocks will be issued in shares of $100, and coupon bonds in denominations of $1,000, and registered bonds in larger denominations, and in denominations of $100 and $50, and in actual issue fractions will be eliminated.

The common stocks of the two companies aforesaid are to be sold as above set out prior to March 1, 1912, with three years to be allowed for the retirement of the bonds and preferred stock of the American Tobacco Co., as above set out. Pending such, the said 7 per cent bonds, 5 per cent bonds, and 7 per cent preferred stocks of the Liggett & Myers Tobacco Co. and the P. Lorillard Co., together with an amount in cash, or in securities owned by the American Tobacco Co., at their book value, or partly in cash and partly in such securities, equal to the amounts required if all such sales and exchanges are made, will be deposited with the Guaranty Trust Co. of New York, the trustee in the indenture under which the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. are issued, as the agency to effect the purchase and exchange. Such deposit will be made not to secure nor create a trust fund for the bonds, but for the purpose of sequestrating and taking from the control of the American Tobacco Co. the securities and cash so deposited. During the time of such deposit the securities shall be in the name of as well as in the custody of said trust company, with any voting rights attaching thereto, but the American Tobacco Co. shall receive from the trust company all dividends and interest collected by it on account of such securities; and the American Tobacco Co. shall have the right at any time and from time to time to sell, at such price as it may determine, and direct the delivery of any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.), the consideration therefor to go into the hands of said trust company, or to withdraw any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.) for the purpose of distribution among its common stockholders if its surplus at the time permits, or to substitute other securities of like book value for the securities so deposited (except as to the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.), or to alter the relative proportion of cash and securities, it being the intent of this provision that there shall be sequestrated from the control of the American Tobacco Co. all the securities of the Liggett & Myers Tobacco Co. and P. Lorillard Co. and an additional amount of cash or other securities equal, upon the purchase basis aforesaid, to the value of the 4 per cent bonds and the 6 per cent bonds of the American Tobacco Co. at the time outstanding. At the end of the three years if there are any of such securities of the Liggett & Myers Tobacco Co. or P. Lorillard Co. in the hands of such trust company undisposed of by such exchange as aforesaid, then the American Tobacco Co. shall apply to this court for an order as to the disposition thereof. Nothing contained in this provision and nothing done under this provision shall be construed as providing for the creation of, or as creating, any lien or security on anything deposited with the trust company in favor of the 6 per cent bonds or the 4 per cent bonds of the American Tobacco Co. outstanding or otherwise.

G.

VOTING RIGHTS TO PREFERRED STOCK.

By proper amendment of the certificate of incorporation of the American Tobacco Co. the preferred stock will be given full voting rights.

H.

CERTAIN INCIDENTAL PROVISIONS.

(1) P. Lorillard Co. is a New Jersey company with $3,000,000 of common stock, all of which is owned by the American Tobacco Co., and $2,000,000 of 8 per cent preferred stock. Of this preferred stock the American Tobacco Co. holds $1,596,100 at par, and there is held by others $403,900 at par. Under the laws of New Jersey the present P. Lorillard Co. may be dissolved by the holders of two-thirds of the outstanding stock, and upon such dissolution the preferred stock is entitled to be paid at par, the balance of the assets going to the common stock. In view of the fact, however, that the preferred stock of the present P. Lorillard Co. is an 8 per cent preferred stock with abundant assets and earnings to make the principal and income secure, it is deemed fair to the holders of this outstanding $403,900 of preferred stock that they be given an opportunity to take, at their option, either cash at par, which they are legally entitled to, or the 7 per cent preferred stock of the proposed new P. Lorillard Co. As the preferred stock of the new P. Lorillard Co. is to be a 7 per cent preferred stock, the holders of said $403,900 of said present preferred stock will be offered stock of the new company at the rate of $114.25 for each share. It is therefore proposed that the new P. Lorillard Co. provide for an additional amount of preferred stock sufficient to take care of $403,900 preferred stock on that basis, to wit, $114.25 in new 7 per cent preferred stock for each $100 of said stock, amounting to $461,600 at par of preferred stock in addition to that set out hereinbefore. In view of the fact that in the statements hereinbefore made as to earnings of the P. Lorillard Co. there is included only such part of the earnings of the present P. Lorillard Co. as accrued to the proportion of its stock held by the American Tobacco Co., this increase of preferred stock would increase proportionately the profits of the P. Lorillard Co., and does not derange any of the figures hereinbefore given or given in any of the exhibits hereto and hereinafter referred to.

(2) American Snuff Co. manufactures and sells a brand of snuff called "Garrett," which has a large sale in the southern and southwestern sections of the country. Originally this brand was manufactured at Yorklyn, Del., and in part packed in Philadelphia. Several years ago American Snuff Co. determined, on account of freight-rate conditions, to manufacture this brand at Clarksville, Tenn., and to pack it at Memphis, Tenn., and that the factories at Yorklyn, Del., should be given up to the manufacture of other brands. It has yet, though, been unable to produce in Clarksville, Tenn., goods similar to the goods heretofore and now made by it at Yorklyn, Del., although the experiment is still in progress, and with hope of success. Under the plan hereinbefore outlined the brand "Garrett" snuff is allotted to American Snuff Co., and the factories other than one factory at Yorklyn, Del., are allotted to George W. Helme Co. Your petitioners pray that in the approval and adoption by this court of this plant, American Snuff Co. and George W. Helme Co. be permitted to manufacture brands the one for the other, for a period not exceeding one year from March 1, 1912, each company paying to the other as consideration for such manufacture the cost thereof plus 5 per cent; the necessity of paying 5 per cent above cost is sufficient inducement to each company to manufacture its own goods as soon as American Snuff Co. is able to manufacture factory, thus leaving the Yorklyn factories, other than No. 5, for the "Garrett" snuff of the requisite character and kind in its Clarksville manufacture by the George W. Helme Co. of its own brands.

This court, having heard the parties as directed by the Supreme Court of the United States, it is further ascertained and determined, and—

Ordered, adjudged, and decreed that said plan hereinabove set forth is a plan or method which, taken with the injunctive provisions hereinafter set forth, will dissolve the combination heretofore adjudged to be illegal in this cause, and will re-create out of the elements now composing it a new condition which will be honestly in harmony with, and not repugnant to, the law, and without unnecessary injury to the public or the rights of private property.

It is further ordered, adjudged, and decreed that the said plan as hereinabove set forth be, and it is hereby, approved by this court, and the defendants herein are respectively directed to proceed forthwith to carry the same into effect.

The necessities of the situation, in the judgment of this court, requiring the extension of the period for carrying into execution said plan to a further time not to exceed 60 days from December 30, 1911,

It is further ordered, adjudged, and decreed that the defendants be allowed until February 28, 1912, to carry said plan into execution.

It is further ordered, adjudged, and decreed that the defendants, their officers, directors, servants, agents, and employees be, and they are hereby, severally enjoined and restrained as follows:

From continuing or carrying into further effect the combination adjudged illegal in this cause and from entering into or forming any like combination or conspiracy the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products among the States or in the Territories or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants, as adjudged herein in violation of the act of Congress approved July 2, 1890, either—

1. By causing the conveyance of the factories, plants, brands, or business of any of the 14 corporations among which the properties and businesses now in the combination are to be distributed, to wit, the American Tobacco Co., Liggett & Myers Tobacco Co., P. Lorillard Co., American Snuff Co., George W. Helme Co., Weyman-Bruton Co., R. J. Reynolds Tobacco Co., British-American Tobacco Co. (Ltd.), Porto Rican-American Tobacco Co., Mac Andrews & Forbes Co., J. S. Young Co., the Conley Foil Co., the Johnston Tin Foil & Metal Co., and the United Cigar Stores Co., to any other of said corporations, by placing the stocks of any one or more of said corporations in the hands of voting trustees or controlling the voting power of such stocks by any similar device; or

2. By making any express or implied agreement or arrangement together or one with another like those adjudged illegal in this cause relative to the control or management of any of said 14 corporations or the price or terms of purchase or of sale of tobacco or any of its products or the supplies or other products dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco or its products, or supplies or other products dealt with as aforesaid, by any of the parties hereto, which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination the operation of which is enjoined in this cause; or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations in respect either to customers or localities.

3. By any of said 14 corporations retaining or employing the same clerical organization, or keeping the same office or offices, as any other of said corporations.

4. By any of said 14 corporations retaining or holding capital stock in any other corporation any part of whose stock is also retained and held by any other of said corporations; provided, however, that this

prohibition shall not apply to the holding by the Porto Rican-American Tobacco Co. and American Cigar Co. of stock in Porto Rican Leaf Tobacco Co., nor shall it apply to the holding of stock of the National Snuff Co. (Ltd.) by Weyman-Bruton Co. and British-American Tobacco Co. (Ltd.).

5. By any of said 14 corporations doing business directly or indirectly under any other than its own corporate name or the name of a subsidiary corporation controlled by it; provided, however, that in case of a subsidiary corporation the controlling corporation shall cause the products of such subsidiary corporation which are sold in the United States and bear the name of the manufacturer to bear also a statement indicating the fact of such control.

6. By any of said 14 corporations refusing to sell to any jobber any brand of any tobacco product manufactured by it except upon condition that such jobber shall purchase from the vendor some other brand or product also manufactured and sold by it; provided, however, that this prohibition shall not be construed to apply to what are known as "combination orders" under which some brand or product may be offered to a jobber or dealer at a reduced price on condition that he purchase a given quantity of some other brand or product.

It is further ordered, adjudged, and decreed that during a period of 5 years from the date hereof, each of said 14 corporations hereinbefore named, its officers, directors, agents, servants, and employees, are hereby enjoined and restrained as follows:

1. None of the said 14 corporations shall have any officer or director who is also an officer or director in any other of said corporations.

2. None of said 14 corporations shall retain or employ the same agent or agents for the purchase in the United States of tobacco leaf or other raw material, or for the sale in the United States of tobacco or other products, as that of any other of said corporations.

3. None of said 14 corporations shall directly or indirectly acquire any stock in any other of said corporations or purchase or acquire any of the factories, plants, brands, or business of any other of said corporations, or make loans or otherwise extend financial aid to any other of said corporations.

The provisions of this decree shall apply only to trade and commerce in or between the several States and Territories and the District of Columbia, and trade and commerce between the United States and foreign nations.

It is further ordered, adjudged, and decreed that British-American Tobacco Co. (Ltd.) and the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) shall not act as agent for each other, nor employ a common agent, for the purchase of leaf tobacco in the United States, and neither of said 2 companies shall unite with any of the said 14 corporations among which the properties and businesses now in the combination are to be distributed, in the employment of a common agent for the purchase of tobacco leaf in the United States.

It is further ordered, adjudged, and decreed that each of the 29 individual defendants in this suit be enjoined and restrained from at any time within three years from the date of this decree acquiring, owning, or holding, directly or indirectly, any stock or any legal or equitable interest in any stock in any one of said 14 corporations, except British-American Tobacco Co. (Ltd.), in excess of the amount to which he will is entitled under the provisions of the plan when the same shall have been carried out as proposed as the present owner of the amount of stocks in said several companies shown by the affidavits of said several defendants filed herein on the 16th day of November, 1911; provided, however, that any of said defendants may, notwithstanding this prohibition, acquire from any other or others of said defendants, or in case of death from their estates, any of the stock held by such other defendant or defendants in any of said corporations.

It is further ordered, adjudged, and decreed that the new companies whose organization is provided for in the plan hereinabove set forth, to wit, Liggett & Myers Tobacco Co., P. Lorillard Co., George W. Helme Co., Weyman-Bruton Co., and J. S. Young Co., shall, after their formation and by appropriate proceeding, be made parties defendant to this cause and subject to the provisions of this decree and bound by the injunctions herein granted.

It is further ordered, adjudged, and decreed that any party hereto may make application to the court for such orders and directions as may be necessary or proper in relation to the carrying out of said plan and the provisions of this decree.

It is further ordered, adjudged, and decreed that the costs of this action shall be paid by the defendants other than R. P. Richardson, Jr., & Co. (Inc.), as to whom the suit has heretofore been dismissed, and the payment by the defendant the American Tobacco Co. of the reasonable costs and counsel fees of the committees organized for the protection of the 6 per cent bonds, 4 per cent bonds, and preferred stock of the American Tobacco Co., is hereby approved.

It is further ordered, adjudged, and decreed that the defendants the American Tobacco Co., MacAndrews & Forbes Co., American Snuff Co., and each of them, and their and each of their officers, directors, servants, agents, and employees, be severally enjoined and restrained as in said plan set forth from voting stocks, exercising influence or control over other companies or gaining possession of other companies through the use of securities temporarily held by them, respectively, under said plan in each and every case in which it is provided in and by the said plan that any of said three last-named defendants shall be so enjoined.

It is further ordered, adjudged, and decreed that such books and papers of the defendants the American Tobacco Co. and S. Anargyros, or either of them, as relate to the suit of the Ludington Cigarette Machine Co. *v.* S. Anargyros and the American Tobacco Co., or the subject matter thereof or any part thereof, be preserved by the said defendants, respectively, until after the accounting, if any shall take place in said suit, and said suit be finally determined and ended.

It is further ordered, adjudged, and decreed that jurisdiction of this cause is retained by this court for the purpose of making such other and further orders and decrees, if any, as may become necessary for carrying out the mandate of the Supreme Court.

November 16, 1911.

E. HENRY LACOMBE, *Circuit Judge.*
ALFRED C. COXE, *Circuit Judge.*
H. G. WARD, *Circuit Judge.*
WALTER C. NOYES, *Circuit Judge.*

STATEMENT OF THE ATTORNEY GENERAL.

As soon as it was practicable after November 16, 1911, the date of the decree in the case of United States of America against the American Tobacco Co. and others, the defendants affected by the decree began, following the directions of the court, to put into operation the plan of disintegration provided for in the decree. The five new companies provided for in the said decree, to wit, Liggett & Myers Tobacco Co., P. Lorillard Co., George W. Helme Co., Weyman-Bruton Co., and J. S. Young Co. were duly chartered and organized, elected directors and officers. After the organization of these new companies, each of them made offers to acquire businesses, properties, etc., as provided in said decree, and the offers were accepted. The offers made by Liggett & Myers Tobacco Co. and P. Lorillard Co. were to the American Tobacco Co.; the offers made by George W. Helme Co. and Weyman-Bruton Co. were to the American Snuff Co.; and the offer made by J. S. Young Co. was to MacAndrews & Forbes Co. Each of these offers and acceptances provided for issuing of securities of the vendee company as provided in said decree, all to be as of December 1, 1911, the vendor company receiving the securities as of that date so as to receive interest or dividends on the bonds or stock representing the purchase price from that date, and the vendee companies to take the businesses with the profits accruing from that date. All real estate conveyances were promptly made and recorded; assignments of trade-marks duly executed; division of leaf tobacco and other materials and supplies made; cash in large part turned over to the vendee companies; and since December 1, 1911, the vendee companies have been operating on their own account—Liggett & Myers with its offices in St. Louis, P. Lorillard Co. with its offices in Jersey City, and J. S. Young Co. with its offices in Baltimore. American Snuff Co. is proceeding to open its main offices in Memphis, Tenn., but the actual removal of offices has not yet occurred.

Each of the vendee corporations, Liggett & Myers Tobacco Co. and P. Lorillard Co., by proper resolution authorized their transfer agents and the trustee under the trust indenture securing the bonds to deliver these to the treasurer of the American Tobacco Co. or his written nominees—the vendee companies at the time delivering to the transfer agent and trustee properly signed certificates of stock and bonds in blank—and the treasurer of the American Tobacco Co. under this power of nomination directed the transfer agent and trustee to honor requisitions from time to time made by the Guaranty Trust Co. of New York, the agency for transfer and issuance of securities appointed by the decree. Under this method there had gone out, up to the close of business January 19, $21,438,000 of the common stock of Liggett & Myers Tobacco Co. out of a total issue of $21,496,400, and $15,116,000 of the common stock of P. Lorillard Co. out of a total issue of $15,155,600. All of the money received by the Guaranty Trust Co. of New York for this common stock, to wit, $36,554,000, has been used in the payment, under the said decree, for cancellation of the bonds of the American Tobacco Co., and additional money has been supplied by the American Tobacco Co. to said Guaranty Trust Co.

Under the said decree each holder of the 6 per cent bonds of the American Tobacco Co. may turn in his bonds to the Guaranty Trust Co. of New York and thereupon receive cash at the rate of $120 for one half thereof and new 7 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. for the other half thereof. Each holder of the 4 per cent bonds of the American Tobacco Co., including some outstanding 4 per cent bonds of Consolidated Tobacco Co., may turn in his bonds to Guaranty Trust Co. of New York, receiving as to one half thereof cash at the rate of $96 and for the other half new 5 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. And each holder of the preferred stock of the American Tobacco Co. may turn in his stock, receiving for one-third thereof new 7 per cent preferred stock of the Liggett & Myers Tobacco Co. and P. Lorillard Co. and as to the other two-thirds new certificates of stock of the American Tobacco Co., which show on their face that they are not entitled to participate in any further exchange and that the holders have voting rights.

The Guaranty Trust Co. had at the close of business January 19 taken in from the holders thereof for cancellation, in accordance with said decree, and either paid in cash or delivered new securities therefor, as follows: $41,561,000 of the 6 per cent bonds, out of $52,882,650 theretofore outstanding; $38,823,650 of 4 per cent bonds (including outstanding 4 per cent bonds of Consolidated Tobacco Co.), out of $51,354,100 theretofore outstanding; $43,181,700 of 6 per cent preferred stock, out of $78,689,100 theretofore outstanding. All of these new securities and cash have been delivered and paid to the many hundreds of individuals entitled thereto under the said decree, the common stock of Liggett & Myers Tobacco Co. and P. Lorillard Co. having been delivered, as aforesaid, to at least 1,200 different people, and presumably the bonds and preferred stock of an even larger number.

American Snuff Co. received the securities of George W. Helme Co. and Weyman-Bruton Co., to wit: $4,000,000 of 7 per cent preferred stock and $4,000,000 of common stock of each company, and MacAndrews & Forbes Co. received all of the securities of J. S. Young Co., to wit: $1,000,000 of preferred stock and $1,000,000 of common stock. Each of these companies, under the decree aforesaid, was to distribute the common stocks received by it to its own common-stock holders. All of this common stock has been actually distributed.

The Conley Foil Co., under the decree, was to distribute the stock it held in the Johnston Tin Foil & Metal Co. among its stockholders, and it has done so. It has also canceled the bonds of the Johnston Co. which it held.

The American Tobacco Co., under the said decree, was to distribute among its common-stock holders the stocks heretofore held by it in American Snuff Co., Corporation of United Cigar Stores, R. J. Reynolds Tobacco Co., British-American Tobacco Co. (Ltd.) ordinary shares, the Conley Foil Co., MacAndrews & Forbes Co., and Porto Rican-American Tobacco Co.; and the stocks received by it as a common-stock holder of American Snuff Co. in Weyman-Bruton Co. and George W. Helme Co.; and the common stock received by it as a stockholder of MacAndrews & Forbes Co. in J. S. Young Co.; and the stock received by it as a stockholder of the Conley Foil Co. in the Johnston Tin Foil & Metal Co. It has entirely completed this distribution among more than 1,200 stockholders of the American Tobacco Co., and many sales of the distributed stocks have been made on the market by those who received the same on distribution.

The certificate of incorporation of the American Tobacco Co. has been amended and full voting rights given to the holders of the preferred stock.

All domestic covenants, referred to in the decree, have been released by proper instruments, and such instruments have been duly filed in the court.

All of the defendant companies, including the new companies, are in active business life and competition, each with its own buying and selling organizations, each with a license to do business in every State in which it is engaged in business, and each receiving orders and billing goods.

The only things that have not been wholly accomplished is the disintegration of American Stogie Co., which is now in progress, the resolution of dissolution having been adopted by the stockholders and the business now being in the hands of trustees in liquidation; final adjustments between Liggett & Myers Tobacco Co., L. Lorillard Co., and the American Tobacco Co., with final checking of tentative invoices of leaf

tobacco, materials, and supplies, and cash to be furnished to them; and making the exchange by American Snuff Co. of the preferred stocks received by it from Weyman-Bruton Co. and George W. Helme Co. in reduction of its own stock, and the exchange to be effected by MacAndrews & Forbes Co. of the preferred stock of J. S. Young Co. received by it in reduction of its own stock. As to these exchanges of preferred stock, they have not been completed because of lack of time, but the offer to the holders of preferred stock of American Snuff Co. has been printed and is to be issued Monday. MacAndrews & Forbes Co. has only a few holders of its preferred stock, most of them resident in England, and letters have already been written them making the offer of exchange.

Among the properties turned over by the American Tobacco Co. to P. Lorillard Co. was all of the common stock and three-fourths of the preferred stock of the old P. Lorillard Co. The old P. Lorillard Co. has been dissolved in accordance with New Jersey law and its physical properties turned over to the new P. Lorillard Co., formed in accordance with the decree.

As part of the process of dividing the manufacturing properties of the American Tobacco Co. between itself and Liggett & Myers Tobacco Co. and P. Lorillard Co. the holders of a majority of the 6 per cent bonds of the American Tobacco Co. and the holders of a majority of the 4 per cent bonds of that company have each executed and delivered instruments approving the plan of reorganization and modifying, as such majorities were authorized to do, by the indenture securing said bonds, the rights of the bondholders in so far as they might be affected by the carrying out of said plan.

To sum up what has thus far been wholly accomplished:

(a) The entire distribution of stocks by the American Tobacco Co. as a dividend to its common-stock holders under the provision of the plan has been completed. This covers not only the stocks held in the treasury of the company at the time of the decree, but also the stocks which it has received into its treasury through the process of disintegration of accessory companies and the distribution of their stocks, in which the American Tobacco Co. participated.

The stocks thus distributed have been largely dealt in on the market in the city of New York and very many transactions therein have been reported. Between the 11th of December and the 19th of January over 184,000 shares of stock of British-American Tobacco Co. (Ltd.) have been reported in the financial papers to have been sold. This stock was never dealt in. Between the date of the decree (Nov. 16) and January 19 between 17,000 and 18,000 shares of the stocks of Corporation United Cigar Stores have been reported by the financial papers as being sold on the market in New York City. Prior to this time dealings in this stock were so rare as to be almost unknown.

We are informed that the stock transfer books of United Cigar Stores Co. show that prior to the distribution the total number of stockholders was 250, which has increased in consequence of the distribution, so that on January 19, 1912, there were 1,170 stockholders. The number of shares distributed by the American Co. was 60,000 shares. Since the date of the decree 36,636 shares have been transferred of record by stockholders, including stockholders who received their stock upon the distribution by the American Tobacco Co. We are also credibly informed that a large number of the individual defendants have parted with their entire holdings of their stock of United Cigar Stores. The detailed statement upon which this information is based, received by us from officials of the Corporation United Cigar Stores, is annexed hereto, marked "Exhibit A."

(b) Each of the accessory companies, with the exception of the stogie company, has actually been disintegrated as provided in the decree; new companies having been created, to which properties have been conveyed, in consideration of the issue of securities by the vendee companies, and the securities so issued by the vendee companies have, excepting only the preferred stocks of the snuff company and MacAndrews & Forbes Co., reached the hands of and are now held by their ultimate holders, to wit, the public.

(c) Liggett & Myers Tobacco Co. and P. Lorillard Co. have been organized, have acquired the properties conveyed to them by the American Co., and have been in separate operation since December 1. Properties conveyed to them were paid for by the issue by them of all the securities called for by the plan, which securities were taken into the treasury of the American Tobacco Co. and thence placed with the Guaranty Trust Co., the agency for exchange.

The total authorized common stock of Liggett & Myers and Lorillard was	$36, 652, 000
Of this the common stockholders of the American Co. have purchased and paid for at par	36, 554, 000
Leaving still to be paid only	98, 000

Many thousand shares of Liggett & Myers and Lorillard common stocks have been sold on the market since the date of the decree.

The preferred stocks of Liggett & Myers and Lorillard were turned over to the Guaranty Trust Co. as the agency for exchange, to be by it exchanged for one-third of the former preferred stock of the American Tobacco Co. More than one-half of these preferred stocks of the new companies have been exchanged at par for an equal amount of the preferred stock of the old company, which latter has been canceled.

The total amount of the preferred stock of the American Co. outstanding at the date of the decree was	$78, 689, 100
Of which there has been surrendered for the exchange above mentioned	43, 181, 700
Leaving now outstanding of old preferred stock only	35, 507, 400
The total amount of 6 per cent and 4 per cent bonds of the American Tobacco Co. outstanding at the date of the decree was	104, 436, 750
Of this there have been actually retired and canceled through payment of one-half in cash and exchange of the other half for new 7 per cent and 5 per cent bonds of the new companies	80, 384, 650
Leaving now outstanding only	24, 052, 100
The total amount of 5 per cent and 7 per cent bonds issued by the new companies, all of which were placed with Guaranty Trust Co. for purposes of exchange, was	52, 218, 375
Of this amount there have been actually delivered to the holders of old 4 per cent and 6 per cent bonds in exchange therefor	40, 192, 375
Leaving still in the hands of Guaranty Trust Co. still subject to further exchange only	12, 026, 000

The $40,000,000 of 5 per cent and 7 per cent bonds of the new companies so delivered to the holders of the 4 per cent and 6 per cent bonds of the American Co. have been largely dealt in on the market since the date of the decree. The transactions in these bonds have been constant and large, and the financial papers report sales in them since the decree of an aggregate amount of more than $18,000,000.

EXHIBIT A.

Corporation of United Cigar Stores.

Number of stockholders prior to distribution by American Tobacco Co. of stock held by it in Corporation of United Cigar Stores, Dec. 14, 1911	250
Number of stockholders of record Jan. 19, 1912	1, 170
Number of shares of stock distributed by American Tobacco Co.	60, 000
Number of shares of stock transferred of record by stockholders, including those who received stock on distribution by American Tobacco Co	36, 636

Of the 29 individual defendants named in the "bill," the records show that 12 have already disposed of their entire holdings of stock of Corporation of United Cigar Stores and that a large part of the stock held by the remainder of the individual defendants has already been transferred.

[Senate Report No. 545, part 2, Sixty-Second Congress, second session.]

VIEWS OF SENATORS WILLIAM E. BORAH, CHARLES A. CULBERSON, KNUTE NELSON, NORRIS BROWN, AND ALBERT B. CUMMINS.

The undersigned Senators, a minority of the Committee on the Judiciary, beg leave to submit to the Senate their views upon S. 3607, being a bill to give the right of appeal to certain organizations and persons in the suit of the United States against the American Tobacco Co. and others.

The purpose of the bill under consideration is to give to certain tobacco-trade associations and to the attorneys general of certain States and to the State of Wisconsin the right to intervene in the suit of the United States *v.* The American Tobacco Co. and others, lately pending in the District Court of the United States for the Southern District of New York; and having so intervened to appeal from the decree entered therein on the 16th day of November, 1911, to the Supreme Court of the United States; or, to state it somewhat more generally and broadly, the object of the bill is to secure a review by the Supreme Court of the decree of the court below approving a plan for the reorganization of the business of the American Tobacco Co.

In order to make it clearly apparent that the public interest imperatively requires that the reorganization decree entered by the lower court ought to be reviewed by the Supreme Court it will be necessary to recite briefly the history of what has been done.

The suit was originally instituted in the Circuit Court for the Southern District of New York under section 4 of the act commonly known as the antitrust law. There were 67 corporations and 29 individuals made defendants. The corporations were the American Tobacco Co. and such other corporations as were under the control of the American Tobacco Co., which corporations had not only restrained but had monopolized, substantially, the trade in which they were engaged.

The individual defendants were the officers and the chief stockholders of the American Tobacco Co. Without referring to the character of the decree which the circuit court rendered originally, it is sufficient to say that from it the United States appealed, and upon the appeal the Supreme Court announced its decision in an opinion which has now become famous in the judicial literature of the subject.

The decree of the court below was reversed and the combination was denounced not only as a whole but in all its parts and practices. The vice of the combination consisted in the destruction of competition and the consequent establishment of a monopoly. The injury to the public welfare was inflicted by the control which the stockholders of the American Tobacco Co. exerted, through the corporation, over all the subsidiary or incidental corporations.

After considering the case with the greatest care and finding the most flagrant violations of the law, the Supreme Court proceeded to the consideration of the remedy that should be awarded. To the end that the Senate may have a full understanding of just what the Supreme Court said and did in this respect we quote that part of the opinion and mandate:

"Under these circumstances, taking into mind the complexity of the situation in all its aspects and giving weight to the many-sided considerations which must control our judgment, we think, so far as the permanent relief to be awarded is concerned, we should decree as follows:

"First. That the combination in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately, be decreed to be in restraint of trade and an attempt to monopolize and a monopolization within the first and second sections of the antitrust act.

"Second. That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties, by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating, out of the elements now composing it, a new condition which shall be honestly in harmony with and not repugnant to the law.

"Third. That for the accomplishment of these purposes, taking into view the difficulty of the situation, a period of six months is allowed from the receipt of our mandate, with leave, however, in the event, in the judgment of the court below, the necessities of the situation require, to extend such period to a further time not to exceed 60 days.

"Fourth. That in the event, before the expiration of the period thus fixed, the condition of disintegration in harmony with the law is not brought out, either as a consequence of the action of the court in determining an issue of the subject or in accepting a plan agreed upon, it shall be the duty of the court, either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce, or by the appointment of a receiver, to give effect to the requirements of the statute."

The case was thus returned to the circuit court for further proceedings carrying out the directions above given.

After several months of negotiation between the parties and the court, and after public argument, the circuit court on the 16th day of November, 1911, entered a decree approving and apparently adjudicating the plan of reorganization. We attach to this report a copy of the decree and also of the opinions of the four circuit court judges then comprising the circuit court.

The decree itself, together with the opinion of the Supreme Court (United States *v.* The American Tobacco Co. et al., 221 U. S., 106), will furnish all the facts that are material in determining whether the interests of the people require that the things ordered and adjudged

by the circuit court shall be subjected to the scrutiny and the power of the Supreme Court.

We will presently point out some of the obvious errors found in the decree and plan of reorganization, but before doing so, we suggest that the Attorney General representing the United States, being satisfied with the adjudication of the lower court did not appeal, and he publicly declared that he would not appeal, at the same time entering upon a defense of the decree and his refusal to seek a review in the Supreme Court.

Under the law the time for appeal in such cases is limited to 60 days, a time that elapsed about the middle of January of the present year. The Judiciary Committee invited the Attorney General to come before it and explain his reasons for refusing to appeal. This he did, and there reannounced the position which he had theretofore given to the public.

It is not our intent to go at length into the plan of reorganization. A more appropriate time for the details of the matter will come when the report of the majority of the committee and these views of the minority are under discussion before the Senate. It is enough to point out that, with the exception of whatever influence the preferred stockholders of these corporations may exert, and this we believe to be negligible, the whole business formerly under the control technically of the corporation known as the American Tobacco Co. is now under the control of the same persons who then controlled the American Tobacco Co., and in the same proportions. Some of the corporations which were found to be violating the law were left without any change, but the 14 corporations, among which was distributed the property of the American Tobacco Co. and the property of the subsidiary corporations, were left under the control of the stockholders of the American Tobacco Co. and their proportionate holdings in the new companies were the same as their holdings in the original company. It is difficult to be patient with the argument that through any such circumlocution the competition which was destroyed by the crimes of these defendants was restored by this extraordinary performance.

The independent tobacco manufacturers and dealers are unanimous in asserting that the grip of monopoly instead of being weakened has been strengthened. This assertion is sustained by the fact that since the decree the stock of both the old company and the new corporations has commanded a higher price in the market than the stock of the old company ever reached before. The plight of these independents challenges our consideration, but the people as a whole are the chief sufferers. The principal reason for the review we seek is the high necessity that the legislative branch of the Government shall know definitely whether the outcome of the American Tobacco Co. prosecution is the real outcome of the antitrust law; whether the decree which we have mentioned is all that this law will do in the way of relief against the suppression of competition and the annihilation of competitors in the commerce of the country. If the decree is to be accepted as the full and final expression of the law, then it is manifest that Congress must amend it so that it will accomplish its purpose more effectually.

As important as the considerations which we have already mentioned are, there is another which is thought to be of still greater consequence. The circuit court has apparently adjudged that certain corporations enumerated in the decree, and which are a part of the plan of reorganization, have received a judicial approval of a character which we think is beyond the power of a court to confer. There seems to be no escape from the conclusion that the circuit court has endeavored to adjudicate and legalize the organization of these corporations, their relations to each other and the public, and give them an immunity hitherto unknown to judicial procedure. We can not believe that under our system of government a court can, in advance, do for corporations, their stockholders and bondholders, what the circuit court in New York has attempted to do for the corporations which have taken their place in the business world as parts of the plan of reorganization. We are not willing that this new venture on the part of this court shall pass unchallenged.

After carefully reflecting upon the facts and history of the case, of which we have given but a mere outline, we are firmly of the opinion that the public interest requires that there should be an appeal to the Supreme Court of the United States, and we are further of the opinion that the Congress has the constitutional power to enact such legislation as will provide for such appeal.

It has been suggested that instead of endeavoring to bring in new parties and give them the right to appeal that we should direct the Attorney General to take an appeal on behalf of the United States and enlarge the time for appeal in order to make the direction effective. The members of the committee who join in this report are of the opinion that it is within the power of Congress to so direct the Attorney General and to so enlarge the time for the appeal. Inasmuch, however, as there was no amendment of that kind offered in the committee, the Senators who sign the body of this report do not commit themselves for or against such an amendment if offered in the Senate.

Certain formal amendments were made in the committee, the principal one being to strike out the preamble. This made necessary some changes in the body of the bill, in order that definite descriptions might take the place of references to parts of the preamble. We append hereto the bill as amended in the committee, so that when printed the amendments may be made to appear in the ordinary way.

Respectfully submitted.

WM. E. BORAH.
C. A. CULBERSON.
ALBERT B. CUMMINS.

We believe the decree of the circuit court should be passed upon and reviewed by the Supreme Court, and that the Attorney General should be directed to take the necessary appeal, and that the time for appeal should be extended for such purpose. We further believe that we have the power to extend the time and to so direct the Attorney General.

KNUTE NELSON.
NORRIS BROWN.

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[In the Circuit Court of the United States for the Southern District of New York. United States of America *v* The American Tobacco Co. and others.]

OPINIONS OF THE COURT AND DECREE.

Before Lacombe, Coxe, Ward, and Noyes, circuit judges.

The United States *v.* The American Tobacco Co. and others.

OPINION OF CIRCUIT JUDGE LACOMBE.

In compliance with the directions of the Supreme Court we have heard the parties upon a plan proposed by the American Tobacco Co. for "dissolving the combination and for re-creating out of the elements now composing it a new condition which shall honestly be in harmony with and not repugnant to the law." The proposed plan was filed two weeks before this hearing, at which not only the parties but any persons interested who might wish to express their views as friends of the court were given opportunity so to do.

While the plan is correctly described as the proposed plan of the American Tobacco Co., since that corporation and the other defendants offer to carry it out, it should be remembered that in its present form the plan is the fruit of much discussion. For upward of two months successive conferences, in the presence of two or more members of the court, were had between the Attorney General and the counsel and representatives of the Tobacco Co. Objections of the Attorney General were followed by modifications of the plan, some of its most drastic provisions being inserted in order to meet or avoid his criticisms. When a point was reached where such adjustment of differences ceased to be practicable, a time was fixed for a hearing before the whole court upon the matters remaining in dispute. It was in the course of these conferences that a very material reduction of the holdings of the American Tobacco Co. was brought about. According to the plan as originally proposed it was to retain in its treasury, in addition to its working capital, sufficient to pay the outstanding bonds when they matured, about $104,000,000. To this the Attorney General at once objected, insisting that the possession of this enormous amount of money over and above its capital invested in the tobacco business was fraught with possibilities of evil use, that it would be a standing menace to all competitors and could not be tolerated. While not fully conceding the justice of this criticism, counsel for defendants promptly stated that they would undertake to eliminate it.

After discussion of two different methods of so doing, which themselves presented other difficulties, defendants at the last conference submitted the present scheme, whereby half of the outstanding bonds would be bought up (and canceled) at a price in excess of their present value, thus insuring a willing surrender of them by present holders, and for the other half securities of the new companies would be offered on a basis of exchange which would insure acceptance of the offer. Since the plan was filed the market reports have given quotations of such bonds of the new companies "if and when." While such reports are possibly not competent evidence in the trial of a cause, they seem to indicate that if the present plan be approved a very brief period will suffice for the disappearance of substantially all the old bonds and the elimination from the treasury of the American Co. of the money or securities required to make them good at maturity. Thus the menace of holding an enormous amount of money, additional to what is legitimately used in the business of the American Co., will disappear. Upon the hearing committees representing a majority of the holders of both issues of bonds appeared and requested the court to approve the plan. Out of the entire two issues, amounting to over $100,000,000, one holder only of ten 4 per cent bonds appeared to object on the ground that the terms offered for sale and exchange were not satisfactory to him. Inasmuch as he is under no obligation to accept the offer if it does not please him, and the security for his bonds, if the plan be carried out, will be ample, no modification of the plan is necessary to protect him or others similarly situated. A committee representing a majority of the preferred-stock holders also asked that the proposed plan be approved.

The plan contains very many provisions, necessarily so because of the intricate nature of the combination of corporations about to be disrupted. It would unreasonably extend this opinion to undertake to epitomize these provisions. An admirably clear summary of them has been filed by the proponents and may be considered as in the nature of a recital to this opinion. Besides distributing among its common-stock holders a large amount of the stock it now holds in other companies, the American Tobacco Co. will be split into three companies, which, with a fourth set free of control by the American Co. through such distribution of stock, will divide between themselves the property now owned and the business now done by the American Co. Each of these four companies will thus have a business which, in every branch of it, will fall materially below a percentage sufficient to control. There are similar disruptions among the accessory companies, for the details of which the plan or the summary may be consulted.

Some of those who have been heard in opposition insist that no plan is practicable; that in conformity with the statute as construed by the Supreme Court the only thing for this court to do is to seize the property through receivership and proceed to sell it. This proposition need not be discussed. Evidently the Supreme Court believed some plan was practicable, or it would not have directed this court to inquire into the matter.

Upon the hearing other plans for dissolving and re-creating were submitted, plans not merely suggesting modifications of the one proposed, but differing widely from it in form and scope. One of them calls for a division into upward of 60 different companies. Others for a distribution of properties by specific allotments, as in the case of a partition of real estate. No time need be given to a consideration of any of these, since there is no suggestion that the defendants will adopt them. On the contrary, counsel for the defendants expressly stated on the argument that they would not undertake to carry them out. Presumably they think they might better take their chances at receiver's sale. This court has neither authority nor power to carry out and enforce any plan of readjustment without the cooperation of the owners of the property, the holders of these stocks and bonds. It would be a sheer waste of time, therefore, to consider any plan radically different from the one now before us. If we find this plan would not create the condition defined in the opinion of the Supreme Court, or if such modifications as we may require as a condition of giving our approval are not accepted by defendants, we must obey the mandate of that court, must seize the property and sell it at public auction, in appropriate and convenient lots, applying the proceeds of the sale to the payment of the debts, including the mortgages, or of such dividend thereon as the proceeds may allow, turning over the surplus, if any, to the owners of the equity.

The main objection to the proposed plan, an objection found in every document filed by those who were given permission to be heard and which seemed to be principally relied on by those who spoke, is what is referred to as "common-stock holding." For instance, under the plan two new companies, "Lorillard" and "Liggett & Myers," will be formed out of the American, which will itself, thus reduced in size, continue in existence. The same individuals, the present 1,800 or more common-stock holders of the American, will hold the entire common stock of each of the other two companies. A similar condition will exist with some, at least, of the other companies. It is contended that, although under such circumstances there may be potential competition, no real competition can exist. With this argument or the reply to it, it seems to me this court is not concerned. In two recent cases (the Northern Securities and the Standard Oil) the Supreme Court found a combination of corporations to have offended against the antitrust act. As a result of such finding there was a disintegration of the combination. In each case the disintegration left the stock of the separate

entities into which the group was split in the hands of the same body of individual stockholders. Since there was no disapproval of this method of disintegration indicated in either opinion, it would seem that the question whether or no common-stock holding is "repugnant to the law"—that is, repugnant to the antitrust act—has been settled for this court by controlling authority.

It is true that the Supreme Court did not enter into any discussion of this question of "common ownership," but its existence in both cases was so plainly manifest that it is difficult to understand how the court could have approved of the new arrangement unless it was satisfied that such arrangement did not contain the same vice as the old one which they held must be terminated. If this be so, discussion here of the question whether or not common ownership is within the prohibition of the statute would seem to be academic. This also seems to be the view of the Government, which does not discuss common-stock holding.

The next objection presented by those, not parties, who have been heard is directed to the size of the companies. As an illustration, it appears from the statistics submitted that of the total smoking-tobacco business of the country four companies will have the following percentages: American, 33.08; Liggett & Myers, 20.05; Lorillard, 22.82; Reynolds, 2.66. It is insisted that these large companies should be still further disintegrated. The plan is further criticized because each of these companies is described as "completely equipped for the conduct of a large tobacco business," whereas existing independent concerns are none of them so equipped; and it is argued that there can be no effective competition until the several concerns which are to carry forward the business of the trust are put into the same condition as to size and equipment as now prevails among existing independent concerns. It is further contended that no company engaged in the plug-tobacco business should be allowed to take over any cigarette or cigar business; that a company taking a cigarette business should not take over any smoking-tobacco, plug, or cigar business, and so on. That there should be a rearrangement of factories and brands, an intricate subject which is fully discussed in a report from the Bureau of Corporations filed at the hearing. Manifestly, the minuter the fragments into which the old combination is split and the more they are prohibited from conducting business as other companies are free to conduct it, the less will be their ability to compete with such other companies. This whole line of argument deals with the economics of the tobacco business. No doubt the novel problem presented to this court is connected with questions of economics as well as with questions of law. But this is a court of law, not a commerce commission, and the legal side of the proposition would seem to be the controlling one. The true way to state the problem, as I understand it, is this: Assume that a group of corporations engaged in some business which comes within the domain of interstate commerce is charged before the Supreme Court with violation of the antitrust act. Assume that they are organized as the companies provided for in this plan will be, that they are similarly capitalized, that the business they do is similar in amount and similarly distributed, that their stock is similarly held, with the natural temptation to cooperate with such common-stock holding may be calculated to induce, but are also curbed and restrained from yielding to such temptation as these companies will be by the injunction which will accompany our approval of this plan—a permanent injunction binding all defendants in this suit and their privies, and all new companies created under the plan and their privies. Would the Supreme Court hold that the condition thus presented was "repugnant to the law"; that is, repugnant to the antitrust statute? A long and careful study of the last two deliverances of that court (in the Standard Oil case and in this case) has convinced me that its answer to that question would be in the negative. I may be wrong in interpretation of its deliverances—if so, it will not be for the first time—but since such is my conviction there would seem to be no necessity for discussing, on its economic side, a question already settled by controlling authority.

Leaving for the moment the objections and suggestions of persons not parties, those of the Attorney General may be next considered. He does not attack the general features of the proposed plan, with its division of the business controlled by the old company among 14 companies, nor does he contend that "common-stock holding" is in and by itself an infraction of the antitrust statute. His suggested modifications are directed mainly toward providing such safeguards for the future that the 14 companies may not so conduct their operations as to violate the provisions of the statute. He requests that the following conditions to any approval of the plan submitted be imposed. Presumably the more convenient way to impose most of such restrictions would be by injunctive provisions incorporated in the final decree.

1. That during a period of not less than five years no one of the corporations among which the properties and businesses now in the combination are to be distributed shall have any officer or director who is also an officer or director in any other of such corporations. This suggestion is approved.

2. That the plan be so modified that the principal company shall dispose of and, when the disintegration is complete, shall not retain any of the stocks of any of the accessory companies, and each of the accessory companies shall dispose of all of the stocks held by it of the principal and of each of the other accessary companies held by it.

The general proposition here advanced is sound and is approved, but the last clause seems to be already provided for and there is probably an exception or two necessary to be made in the first clause, by reason of the rights of outstanding stockholders not connected with the American Tobacco Co. Counsel can probably agree as to a phraseology which will conform more especially to the facts.

3. That no one of the corporations among which the property and businesses now in the combination are to be distributed shall, during the same period, retain or employ the same agency for the purchase of tobacco leaf or other raw material, or for the sale of tobacco or other products, as that of any other of such corporations.

There should be a change of phraseology in this and some of the other requests. It is not entirely clear whether the prohibition is directed to all the 14 companies or only to a part of them; it should apply to all. After the words "agency for the purchase" there should be added the words "in the United States." This request, with such modifications is approved, and counsel may agree on a phraseology which will cover any possible exceptions arising from the allotments in the plan.

4. That no one of the corporations among which the property and businesses now in the combination are to be distributed shall retain or employ the same clerical or other organization, or occupy the same office or offices as any other of the said corporations.

This is approved, with modifications similar to those indicated as to the request next above.

5. That no one of the corporations among which the properties and businesses now in the combination are to be distributed shall retain and hold capital stock in any other corporation, any part of whose stock is also retained and held by any of the other of the corporations among which such properties and businesses are to be distributed, or shall purchase or acquire any stock in any other of such corporations.

This is approved, but should contain an exception, upon which it is understood counsel are in accord, in the single case of the Porto Rican Leaf Tobacco Co. Counsel may agree upon the phraseology to be inserted in the decree.

6. That no one of the corporations among which the properties and businesses now in the combination are to be distributed shall, during a period of five years, directly or indirectly, acquire any stock in any one of the others of said corporations, or purchase or acquire the property or business, or both, of any other of said corporations.

With a change of phraseology which will make this applicable to all the 14 companies this request is approved. A similar request is found among those submitted by other objectors, with an additional clause forbidding any 1 of these 14 companies "from making loans or otherwise extending credit to any of the others." This suggestion is a proper one, and may be embodied in the Attorney General's request.

7. To the end that the 29 individual defendants in this suit shall not increase their control over any of the corporations among which the properties and businesses now in the combination are to be distributed, pursuant to the plan, that such defendants be severally enjoined from, at any time within five years from the date of the decree, acquiring, directly or indirectly, the legal or equitable ownership of any amount of stock in any one of said corporations in addition to the amounts which they will respectively hold if and when the plan shall have been carried out as proposed.

This is approved, but the phraseology should be modified, as already indicated.

Upon the argument the Attorney General stated that he would be willing to substitute "three years" for "five years." Such change seems desirable; it would probable result in a more rapid distribution of present holdings. There should also be a proviso excepting from the operation of this prohibition any and all sales and purchases by these 29 individuals inter sese, the phraseology of which counsel may agree upon.

It may not be a wise public policy to make it easy for foreigners to take over the control of the British American Co., with its large and growing business in foreign countries, notably in South Africa and the Far East, now in American hands. That is what would probably happen if the 29 defendants be prohibited from increasing their holdings of that stock. We do not undertake to determine this question of public policy, which is one for the consideration of the executive branch of the Government. It is sufficient to say that a further exception of the shares of that company from the operation of this paragraph would not, in our opinion, make the plan repugnant to the law.

8. That the preferred stock of the American Cigar Co., aggregating in book value $2,530,216.69, held by the American Snuff Co., and the stock and bonds of American Tobacco Co., held by the American Snuff Co., referred to on page 11 of the plan (see decree, p. 43 hereof), be sold or otherwise disposed of within one year instead of three years, as proposed in the plan, with leave to defendants to apply to the court to extend such period for not more than two years.

There seems to be no good reason for modifying the plan in this particular.

9. That in the distribution of the properties and businesses now held in the combination pursuant to the plan of disintegration, no corporation shall be allowed to acquire property, tangible or intangible, which would invest it with as much as 40 per cent in volume or in value of any particular line of the tobacco business.

This is substantially what the plan now provides. The few instances in which the 40 per cent limitation is exceeded result from inherent difficulties of distribution, which it seems impracticable to eliminate. These instances are so few and the excess in each instance so small as to be fairly negligible. The request is denied.

10. That the stock of the Liggett & Myers Tobacco Co. and P. Lorillard Co., provided to be in accordance with the plan, be deposited with the Guaranty Trust Co. of New York, as the agent or depository of this court in this cause, for the purposes specified in the plan, and that at the end of the period designated the court make an order for their further disposition. That in the meantime no voting right with respect to such stock shall be exercised, except as the court may from time to time order.

All of this is already sufficiently provided for in the plan.

11. That all covenants in any way restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products should be rescinded by the affirmative action of the respective parties thereto who are parties to this suit.

This is approved, except that there should be a proviso excepting certain foreign business, the phraseology of which counsel may agree upon.

12. That the action proposed in subdivision C of the plan on page 6 (see decree, p. 38 hereof) terminating certain covenants be amplified so as to include like action with respect to all covenants not only concerning the tobacco business, but any other business which is in any way embraced in the combination.

This is approved. We understand the proposed plan as so providing in spirit if not in letter.

13. That all contracts or covenants between the American Tobacco Co., or any other companies in the combination, and the British-American Tobacco Co., giving to the latter company the exclusive right to manufacture or sell brands belonging to any of the companies in the combination be rescinded or otherwise terminated.

The brands thus sold passed to the purchaser for a valuable consideration under an executed contract. The request is denied.

The fourteenth request deals with the United Cigar Co., a subject which will be treated separately infra.

The Attorney General further asks for a comprehensive injunction to be incorporated in the final decree providing:

"That the defendants named in the petition, their respective officers, directors, agents, servants, and employees, be forever enjoined and prohibited from continuing or carrying into further effect the combination adjudged illegal by the Supreme Court, and from entering into or forming any like combination or conspiracy, the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products, among the States or in the Territories or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants, as adjudged herein in violation of the act of Congress approved July 2, 1890, either—

"1. By causing the conveyance of the physical property and business of any of the corporations among which the properties and businesses now in the combination are to be distributed to any other of said cor-

porations; by placing the stocks or any one or more of said corporations in the hands of voting trustees or controlling the voting power of such stocks by any similar device; or

"2. By making any express or implied agreement or arrangements together or one with another like those adjudged illegal by the Supreme Court in this cause relative to the control or management of any of said corporations, or the price or terms of purchase, or of sale, of tobacco or any of its products, or the supplies of other product dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco, or its product or supplies or other product dealt with as aforesaid, by any of the parties hereto, which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination the operation of which is enjoined in this cause; or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations, in respect either to customers or localities; or by any of such corporations doing business directly or indirectly, under any other than their own corporate respective names; by refusing to sell to any jobber any brands of any tobacco product manufactured by it except upon condition that such jobber shall purchase from the vender some other brand or product also manufactured and sold by it; or

"3. By the British-American Co. and the Imperial Co. employing a common agent for the purchase of leaf tobacco in the United States, or by either of said two companies uniting with any of the corporations among which the properties and business now in the combination are to be distributed, in the employment of a common agent for the purchase of tobacco leaf."

The clause in the latter part of subdivision 2 as to each company doing business under its own corporate name should be more specific, especially in view of the requests of other objectors that tobacco products should be sold only under the name of the owner. There should be nothing in the decree destroying the value of a brand or altering the classification of products in the records of the Internal-Revenue Bureau. Counsel may agree upon a modified phraseology to avoid any such difficulty, leaving the 14 companies to pursue all ordinary methods prevailing in the tobacco business.

The clause as to refusing to sell to any jobber should be reconstructed so as not to prohibit any of the 14 companies from methods of business which are open to and practiced by all their competitors. Counsel may agree to a phraseology which will formulate this expression of opinion.

Clause 3 should be amended by adding the words "within the United States."

With these modifications, the entire section providing for injunctions is approved.

Returning, now, to the requests of the various other objectors, we find that nearly all of them are covered by those of the Attorney General or have been already disposed of by the discussion of the general features of the plan. Among those not so disposed of are noted requests that the 14 companies be enjoined—

A. From giving away or selling at or below the cost of manufacture and distribution any of its products; from giving rebates, allowances, or other special inducements to purchasers or users; and from refusing to sell to any jobber any special brand he may require.

The record in this case shows that these are the common methods of the tobacco business, practiced by all alike. It is only by giving away samples or by offering on favorable terms, irrespective of cost, that new brands of tobacco products can be introduced or old brands extended into new territory. All other companies are free to employ these methods, which are obnoxious to no statute, and there is no reason why the 14 companies should be forbidden to do so. This request is denied.

B. From espionage on the business of any competitor, from bribery of employees of such competitors, and from obtaining information from any United States revenue official.

Why any one individual or corporation engaged in this business may not acquire such information as he or it can legitimately obtain from private or public sources as to the business of a competitor we fail to see. When illegitimate methods are proved they may be dealt with. This request is denied.

C. That every independent or other person interested should, in the event of any alleged violation of the injunction, have liberty to apply to the court for protection and for such action as may appear to be appropriate.

The result of such a provision would be to overwhelm the court with a multitude of applications, mainly frivolous. Anyone who feels aggrieved should take his complaint to the Attorney General, who will winnow the wheat from the chaff. If he finds substance in any allegation he can bring it before the court. This request is denied.

D. It is requested that the majority stock of the Lippfert Scales Co., now owned by the R. J. Reynolds Tobacco Co., be sold, "with an injunction against any present stockholder in the Reynolds Co., in the American Co., or any of the allied companies, from purchasing at such sale." A similar request for a sale, under like restrictions, is made as to the stock of five other companies now owned by the American Tobacco Co.

This request is denied for reasons set forth infra in discussing the disposition of the stock of the United Cigar Stores Co.

E. The attorney general of the State of New York suggests that the proposed plan may violate the antimonopoly laws of this State. He does not indicate in what respect it will do so.

We think it unnecessary to make any investigation on the line suggested. Our approval of this plan will not secure to these 14 companies immunity for violation of the laws of this or of any other State.

Referring next to the defendant, the Imperial Tobacco Co., the Attorney General asks that the plan shall include provisions terminating all executory contracts or agreements between the Imperial Tobacco Co., on the one hand, and the American Tobacco Co. and the British-American Tobacco Co. and each and every of the corporations parties defendant hereto, on the other; and also a provision enjoining the said American Tobacco Co. from uniting with the British-American Co. in the employment of a common agent for the purchase of leaf tobacco in the United States and from uniting with any of the corporations among which the properties and business now in the combination are to be distributed, in the employment of a common agent for the purchase of leaf tobacco or any of the products of tobacco.

These provisions, of course, should be restricted to such as affect trade or commerce between the States or between the United States and foreign countries. We understand that the proposed plan in substance so provides; but if there be any doubt as to its doing so, counsel may agree on the form of amendments which will insert these provisions.

The disposition of the United Cigar Stores Co. has been discussed by most of the objectors. Those who represent the independents insist that it shall be split up into separate concerns, "preferably 10."

It is not one of the so-called accessory companies, and the Supreme Court has not directed that it be disintegrated. Upon the trial much testimony was taken as to this company, and the question whether or not it was a combination obnoxious to the provisions of the antitrust act was carefully examined. We reached the conclusion unanimously that it was not. A succinct statement of our reasons for reaching that conclusion will be found in Judge Coxe's opinion (164 F. R., 700).

We therefore dismissed the bill as to that company. The Supreme Court, however, held that we erred in so doing, solely because the American Tobacco Co. had bought and held two-thirds of its capital stock which brought it into the general combination. Under the proposed plan all this stock held by the American Tobacco Co. is to be distributed to its own common-stock holders, and the sole ground upon which the Supreme Court reversed this court is thus removed. The situation will then stand, as to all other grounds, as it did before and we see no reason to change the opinion expressed on the original hearing. No new evidence is offered, except to the fact that it has, in the interim, largely increased the number of its stores. Such increase, however, leaves it in control of less than 4 per cent of the entire business in which it is engaged. The request to disintegrate it is denied.

The Attorney General does not ask that it be disintegrated. He has, however, argued at length and with much earnestness that the continued growth of this enterprise affects the small retail dealer, who is without capital to compete with it and applies to the Government to protect him. There may come a time when the growth of this company or the methods by which such growth is stimulated may bring it within the prohibition of the statute. But that time has not yet come, and the only request the Attorney General, in response to appeals for aid, has formulated is this:

That the stock of the United Cigar Stores Co. be sold and distributed to parties other than the 29 individual defendants or others of the common stockholders of the American Tobacco Co., to the end that the corporation be entirely separated from any connection with the corporations to which the properties and businesses now in the combination are to be distributed.

We have no power to grant any such request. The antitrust act carefully enumerates the penalties for a violation of its provisions—fines, imprisonment, injunction against continuing to transact interstate business, treble damages to all persons injured by any unlawful combination, seizure and forfeiture of property in course of interstate transportation. These are certainly ample to enforce obedience. By confiscation of property in transit and injunction against continuance in interstate business an offender may be put out of active existence into a state of paralysis as helpless as dissolution. It might be said that to these penalties the Supreme Court has added another, a qualified confiscation of property not in transit by receivership and forced sale.

Nowhere, however, is there any authority for the proposition that this court may seize the property of private persons, who may have offended against the statute and sell it under conditions which would preclude the holder of the title or the owner of the equity from bidding at the sale so as to compel the purchaser to pay a reasonable price for it, or from buying it himself if no one else will pay full value for it. That is confiscation; none the less so because the proceeds of such a sale, after paying outstanding debts and expenses, are to be turned over to the owner. Until Congress shall expressly give such power to this court, or until some obscure language in its grant of power shall be construed by the Supreme Court as in effect conveying such power, this court is not prepared to assume that it possesses any such authority. The request is denied.

The Ludington Cigarette Machine Co., which has a decree for an accounting against the Anargyros Co., has applied for relief. The stock of the last-named company is by the plan to be transferred to P. Lorillard Co. The Ludington Co. asks for the insertion of a provision which will secure it against any resulting difficulty on such accounting.

Provision should be made in carrying out the plan for keeping intact the books and records of the American Tobacco Co., its present constituents, and branches, so that they shall be available and subject to examination to the same extent as at present in suits for accounting and other existing litigation.

The Attorney General further requests that there should be reserved to the Government the right at any time within five years from date of entry to apply to the court for other and further relief upon a showing that, as a matter of fact, such plan has not resulted in creating a new condition which shall be honestly in harmony with and not repugnant to the law.

It is not apparent that this court has the power so to do. Had it not been for the mandate of the Supreme Court it might be questioned whether a circuit court of the United States had any jurisdiction to recreate a new group of corporations out of the elements into which a preexisting group of corporations had been split or to formulate a plan or method according to which individuals, natural or corporate, were to be invited to invest money and embark in business. All such questions are, of course, resolved for us by the decision of the court of last resort. But neither in its mandate nor in its opinion is there any warrant for the conclusion that this court is to prescribe the temporary terms of a modus vivendi, with power to reassemble five years hence—ourselves or our successors and survivors—and modify those terms, while in the interim by purchase or exchange of these bonds upward of $100,000,000 worth of property shall have changed hands irrevocably. The only function assigned to us is to consider any proposed plan—which responsible parties engaged to carry out—and approve or reject it. In the event of rejection the only alternative is injunction, receivership, and sale. The time limit fixed in the mandate, six months and possibly two more, precludes any other construction of its terms.

Circuit Judge Ward concurs.

OPINION OF CIRCUIT JUDGE COXE.

I approve of the proposed plan, not because I think it perfect, but because it is the best plan attainable. Perfection is impossible. The condition existing before the illegal combination was formed can not be restored; it has gone beyond the hope of recall. The plan, which we have sanctioned eliminates the objectionable features prohibited by the antitrust act and permits no unreasonable or unlawful restraint of trade. In short, were the various corporations which the plan authorizes organized for the first time to-day they would not be within the letter or the mischief of the statute. We have endeavored, while punishing the guilty defendants—corporations and individuals—to remember that the rights of many innocent bondholders and shareholders are at stake and should be protected as far as is consistent with a complete

compliance with the requirements of the law. The plan disintegrates the combination, destroys the monopoly, and liberates trade, but it accomplishes all this without a wanton destruction of property.

I have been impressed with the evident intention of counsel representing the various defendants to accept without reservation the result of the litigation and faithfully to carry out the plan, not only in letter but in spirit as well. Many suggestions have been advanced by counsel representing persons not parties to the suit which from an economic or ethical viewpoint are important. When, however, it is remembered that we are acting only under the command of the Supreme Court, limited as to scope and time, it will be seen how powerless we are to make conditions favorable to the so-called "independents" when we can exact no reciprocal obligations from them. We are to ascertain and determine upon "some plan or method of dissolving the combination and of recreating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law." This we can do, and when it is done our commission ends. The consideration which has the greatest weight with me is that no one has proposed a better plan, the only alternative offered being the appointment of a receiver—a receiver for corporations solvent and prosperous. I agree with the Attorney General that such a calamity should be avoided, except as a last resort. It is impossible to forecast the disaster which would follow such a step. It would wreck a flourishing business upon which an army of employees are depending for a livelihood, it would unsettle trade, and it would punish with equal severity the innocent and the guilty. More than this, I am by no means convinced that it would not produce the very evil which this action was instituted to destroy. A receiver can dispose of the property in his hands only by a judicial sale to the highest bidder, who will take title sanctioned by a decree of the court creating the receivership. In the present case the men best equipped to make this bid are the very men who now control the condemned corporations. It is surely possible, if not probable, that the property might thus come under their control with a title which will render them immune from further prosecution. For these reasons, thus briefly stated, I think that the plan, with the amendments directed by this court, should be adopted.

OPINION OF CIRCUIT JUDGE NOYES (CONCURRING).

The Supreme Court of the United States, after finding the illegality of this combination, placed the duty upon this court of hearing the parties "for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of recreating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law."

And the Supreme Court added these words:

"In view of the considerations which we have stated, we leave the matter to the court below to work out a compliance with the law without unnecessary injury to the public or the rights of private property."

By these directions this court is required to enter into the examination of questions economical as well as legal, and to depart from the function of determining existing controversies to the decision of the legality of future proposed action. The duty imposed is extraordinary because the Supreme Court in imposing it was dealing with an extraordinary situation.

The question was as to the relief to be afforded. A decree forbidding corporate stockholding would have been inadequate, because the combination was largely based upon property ownership. Original conditions could not be restored. Immediate extreme measures would have inflicted irreparable injury upon innocent interests. It was necessary to provide a method for determining in advance whether a proposed plan of disintegration would harmonize with the law, and hence the direction to this court.

The magnitude and varied nature of the assets of the combination, the extent of its liabilities, the ramifications of its business, and the complexity of its affairs would make our duty difficult if we were required merely to apply rules of dissolution and re-creation prescribed by the Supreme Court. But from the very intricacy of the case there are no rules. We are left without guide to turn a condition in violation of the law into a condition honestly in harmony with it. The only measure of the extent of rehabilitation required is the object to be attained. The evils found to exist alone indicate the measures required to meet them.

If, then, we approach the performance of our duty without an appreciation of the complexity of the problem and of the difficulties under which the formulators of any plan must labor, we will not go far. If we are not satisfied with a substantial compliance with the law; if we strain after the ideal and put aside the practicable, it will be easy to bring on a receivership with its attendant losses to innocent investors. But that result was what the Supreme Court was solicitous of avoiding, and I think it intended that we should recognize the problem presented to us as a very practical one to be disposed of in a practical way. Moreover, in the performance of our duty we owe much to the Attorney General, who, while always insisting upon the rights of the public, and by such insistence bringing the plan into its present shape, has, nevertheless—as it has seemed to me—felt that he, too, owed a duty to protect innocent interests and not to cause ruin and disaster by forcing extreme measures which might, even from the public point of view, in the end produce no better results than those at hand, and possibly infinitely worse.

Taking up the plan, we know at the outset that it is an honest one. It has been built up almost in our presence, and whatever question there may be as to its merits there is none of the good faith of its authors nor of the ability and conscientiousness with which they have performed their tasks.

The present combination has vast capitalization and assets. The corporations of the plan will have large capitalization and assets. Whether that is an objection should be considered.

The Supreme Court did not condemn the combination on account of the great amount of property which it had acquired. Indeed, it must now be accepted that magnitude of business in and of itself does not constitute unlawful monopoly, at least up to the point where economy of production and management are thereby promoted. There must be something more—some unlawful or oppressive act or purpose in acquiring the business or after its acquisition—to come within the condemnation of the statute. But it can not be denied that there is an enormous inherent and collateral power incident to the holding by a single corporation of vast assets which no group of individuals, although having similar possessions, could obtain. There is such a potentiality of monopolization that a court in striving to bring about a condition in harmony with the law should hesitate to approve the existence of a producing corporation having vast assets not necessary for the work of production. Consequently, when it appeared in the formulation of this plan that the American Tobacco Co. was to receive from the other corporations over $100,000,000 in cash and securities which it was required to hold to meet its indebtedness, but which it did not need in its business, the plan, notwithstanding many valuable features, seemed unacceptable. But, meeting the objections of the Attorney General, a way was found, as shown in the plan, of appropriating those funds to the payment of debts so that the readjusted American Co.—still the largest of all—will possess some one hundred millions of property—mostly working assets and brand values—as compared with the three hundred millions it formerly held. In view of modern commercial conditions, I think that the court should make no objection to the mere size of the corporations of the plan.

Taking up the question, then, whether the plan gives effect to the statute, the answer, as we have seen, depends upon whether it remedies the conditions found to violate the statute, and it is necessary to turn to the decision of the Supreme Court to find out those conditions.

Without examining the decision in detail, it is sufficient here to say that the court found broadly the combination to be in restraint of trade within the first section, and an attempt to monopolize and a monopolization within the second section, of the statute. In particular, the court found among the bases for its conclusions (*a*) covenants of vendors and others binding themselves for long periods not to compete with the combination; (*b*) the absorption of the control of corporations supplying the elements essential to the manufacture of tobacco products and other corporate stock holding; (*c*) the existence of controlling "power in the hands of the few"; (*d*) the obtaining of control of the tobacco trade by wrongful and oppressive acts, agreements, and arrangements.

Obviously the evil of restrictive covenants must be met by the termination of such covenants, and that is accomplished by the plan. It provides for the abrogation of all covenants made by vendor corporations, partnerships, or individuals not to engage in the tobacco business and for the termination of foreign restrictive covenants.

The evil of controlling the production of the elements essential to tobacco manufacture must be met by requiring the tobacco-manufacturing corporations to be disconnected from the production of such elements. This seems to be fairly accomplished by the plan. The shares held by the combination in the corporation manufacturing tin foil and the voting shares held in the corporation manufacturing licorice are to be distributed. When that is done none of the tobacco-manufacturing companies of the plan will have any legal domination over the production of those essentials. So the evil of corporate stock holding is met by divesting the American Co. of any interest in the snuff business, in the retail cigar business, and of its shares in other important corporations.

The evils pointed out by the Supreme Court growing out of the existence of power in the hands of a few to control the combination must be met by the destruction of such power. This power had its basis in the holding of a majority of the voting shares of the American Co. by the individual defendants in this suit. It is proposed to destroy this power by giving the preferred stock of the American Co., which has heretofore had no voting rights, full voting power, by creating voting rights in the preferred shares of other corporations and by so distributing shares that, in the language of the petition—

"No small group of men, nor even the 29 individual defendants in the aggregate, will own the control of any of the principal, accessory, or subsidiary companies defendant, and the control of the American Tobacco Co. itself and of the new companies to be formed will be vested in a body of more than 6,000 stockholders."

In addition to these provisions this court, at the instance of the Attorney General, will guard against the acquisition by the defendants of control in the future by enjoining them from increasing their aggregate share holdings.

With this additional provision I think the requirement that power of control be taken out of the hands of the individual defendants sufficiently met. It is true that, while shorn of legal control, they will own substantial minority interests in the different corporations, and that in the practical workings of the affairs of a corporation a minority interest, through the inaction of the majority, may often control it. But the control of a corporation lies in the majority of its shares, and if we see that the legal control of these corporations is placed in other hands than those of the defendants, I think that we go far enough. In my opinion we are not called upon to guard against the possible failure of the majority to exercise its power.

The next inquiry is whether the plan fairly meets the evil of obtaining control of the tobacco trade by oppressive tactics as well as the broad conclusion of illegality. And my opinion is that it does in case, but only in case, the state of monopoly found to exist is ended by a division of business and a state of reasonably competitive conditions established.

This is the state of monopoly which now exists: The American Co., either directly or through its ownership of stock in other corporations, controls the manufacture of 75 per cent of the smoking tobacco manufactured in the United States; 80 per cent of the plug tobacco; 79 per cent of the fine cut; 80 per cent of the cigarettes; 13 per cent of the cigars; 90 per cent of the snuff; and 93 per cent of the little cigars.

Broadly speaking, the proposed plan of disintegration is to divide the tobacco business among four corporations, no one of which is to have a controlling interest therein. When the disintegration is accomplished the business will be so distributed that no company will have substantially over 40 per cent in volume or value of any particular line. Furthermore, I am satisfied that there is to be a fair distribution of brands as well as of business.

Without examining the details of the plan, it is enough to say that careful study of it has convinced me that in so far as the distribution of business is concerned, sufficient has been done to end the state of monopoly and to establish reasonable competitive conditions. If practicable, it might have been more desirable to divide the business into a greater number of parts. But as the plan stands it can not, in my opinion, be said that any one of the corporations will have such preponderating influence in the tobacco industry as to give it power to control the market either as manufacturer, seller, or purchaser. The possibility of future acts of oppression is to be guarded against by a comprehensive injunction.

This brings us to the final question, which is whether the fact of common-stock holding is a material objection to the plan.

Obviously common ownership in the shares of the various corporations can not well be avoided. Each stockholder of the American Co. has an undivided interest in its property remaining after the payment of its debts. When its assets are distributed among stockholders, each is entitled to his proportionate share. When such distribution takes the shape of corporate shares, the necessary result is a common ownership of stock in different corporations. I am not convinced that in the absence of statutory authority any division by valuation and allotment

could be effected, and if legally possible it is evident that the complicated conditions which would necessarily arise in carrying it out would render it impracticable within the time prescribed by the Supreme Court for the disintegration of this combination.

The objection to mutual stock holding is not that competition is eliminated in principle. Potential competition necessarily exists. The same conditions do not continue indefinitely. Stockholders die and estates are divided. Differences of opinion upon values lead to sales and exchanges. Potential competition with an open market must fairly end in real competition. But the objection is to present and not future conditions, and from an economic point of view I have always thought it entitled to serious consideration. Manifest difficulties must attend the establishment of real competition between different corporations having the same body of stockholders. In the case of small corporations having few stockholders who directly participate in their management they would be perhaps insuperable. They would decrease in proportion to the increase in the size of the corporations and the separation of the stockholders from the active management of their affairs until, as I view it, in the case of the disintegration of a corporation having vast assets and a very large number of scattered stockholders they would be so minimized as hardly to warrant consideration even from an economic standpoint.

That which has made me pause in the present case is the concentrated common-stock holding of the individual defendants, but after careful consideration I have reached the conclusion that the objection should not operate to prevent the acceptance of the plan, but should call for most rigorous measures of injunctive relief to keep the various corporations apart, independent and free from connections or arrangements to prevent competition. In reaching this conclusion I am influenced by the proposition stated at the outset, that we should take care that we do not by seeking the ideal reject the practicable and put in peril innocent property interests, and I am controlled, as I view it, by the decisions of the Supreme Court in the Northern Securities and Standard Oil cases. It is impossible for me to read those decisions without being convinced that the Supreme Court in remanding this case to us did not intend that we should reject a plan upon the ground of pro rata distribution. I am also influenced, if not controlled, by the position taken by the Attorney General, the representative of the party plaintiff in the cause.

So, taking the plan as a whole, with the essential measure of injunctive relief proposed by the Attorney General, I think that it meets the principal evils pointed out in the opinion of the Supreme Court; that it brings about a condition fairly in harmony with the law, and that it is the duty of this court to approve it as the best solution possible under all the circumstances of a very difficult practical problem.

In conclusion: The extent to which it has been necessary to tear apart this combination and force it into new forms, with the attendant burdens, ought to demonstrate that the Federal antitrust statute is a drastic statute which accomplishes effective results; which, so long as it stands on the statute books, must be obeyed, and which can not be disobeyed without incurring far-reaching penalties. And, on the other hand, the successful reconstruction of this organization should teach that the effect of enforcing this statute against industrial combinations is not to destroy, but to reconstruct; not to demolish, but to re-create in accordance with the conditions which the Congress has declared shall exist among the people of the United States.

I concur in the opinion of Judge Lacombe and fully approve his deposition of the subjects not considered in this opinion.

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[In the Circuit Court of the United States for the Southern District of New York.]

The United States of America, plaintiff, against The American Tobacco Co. and others, defendants.

DECREE.

Appeals having been taken by the plaintiff and certain defendants in this cause from the decree entered by this court on the 15th day of December, 1908, the Supreme Court of the United States reversed said decree and issued its mandate filed herein on the 30th day of June, 1911, by which the said cause was remanded to this court with directions to enter a decree in conformity with the opinion of the Supreme Court of the United States, and to take such further steps as might be necessary to fully carry out said directions. By the said opinion of the Supreme Court of the United States this court was directed to "hear the parties by evidence or otherwise as it may deem proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination, and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with, and not repugnant to, the law, but without unnecessary injury to the public or the rights of private property." And this cause having come on to be finally heard pursuant to the order or decree of this court, made and entered herein on August 3, 1911, on the mandate of the Supreme Court of the United States as aforesaid, the American Tobacco Co. and the other defendants herein, except United Cigar Stores Co., the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.), and R. P. Richardson, jr., & Co. (Inc.), filed in this court on October 16, 1911, a petition proposing and embodying a plan or method of dissolving the combination, and of re-creating out of the elements now composing it a new condition in harmony with, and not repugnant to, the law. Due notice was given to the parties hereto that the hearing on the said petition would be had on October 30, 1911, in room 124 of the Federal Building, in New York City; and thereafter, to wit, on the 19th day of October, 1911, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.), filed a petition.

At the time and place aforesaid, the plaintiff filed answers to the said petitions, embodying proposed modifications of and additions to the plan proposed in said petition of the American Tobacco Co. and other defendants. The parties having been heard by counsel, and certain of the modifications of said plan included in the answer of the plaintiff not being opposed by the proponents of said plan, and others of said modifications included in said answer having been disposed of by this court in its opinions delivered after said hearing.

Now, it is ordered, adjudged, and decreed that all the defendants—except Welford C. Reed, who died before the final hearing—heretofore became parties to and engaged in the combination assailed in the pleadings, which "in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately," is "in restraint of trade and an attempt to monopolize, and a monopolization within the first and second sections of the antitrust act," and which should be dissolved and a new condition brought about in harmony with and not repugnant to the law, either as a consequence of the action of this court in determining an issue or in accepting a plan agreed upon.

And it is further ordered, adjudged, and decreed that said plan as modified by the consent of the parties, or through the action of this court as aforesaid, is as follows, to wit:

A.

DISSOLUTION OF AMSTERDAM SUPPLY CO.

Amsterdam Supply Co. is a company engaged in the business of purchasing for a commission or brokerage supplies other than leaf tobacco, its principal customers being defendant corporation herein. It has $235,000 at par of stock, all held in varying amounts by certain corporation defendants, one or the other of your petitioners, and a surplus of $127,058.74.

It is proposed that Amsterdam Supply Co. be dissolved, converting its assests into cash and distributing them to its stockholders.

B.

ABROGATION OF FOREIGN RESTRICTIVE COVENANTS.

Under the contracts of September 27, 1902, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) and certain of its directors agreed not to engage in the business of manufacturing or selling tobacco in the United States, the American Tobacco Co. and American Cigar Co. and certain of their directors agreed not to engage in the business of manufacturing or selling tobacco in Great Britain and Ireland; and the American Tobacco Co., American Cigar Co., and the Imperial Tobacco Co. agreed not to engage in the business of manufacturing or selling tobacco in countries other than Great Britain and Ireland and the United States. Under the provisions of these contracts the British-American Tobacco Co. (Ltd.) was organized and took over the export businesses of the American Tobacco Co. and the Imperial Tobacco., with factories, materials, and supplies.

It is proposed that the covenants herein just described, as well as all covenants restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products, be rescinded by the affirmative action of the respective parties thereto who are parties to this suit, except such of said covenants, whether or not contained in the contracts of September 27, 1902, as (*a*) relate wholly to business in foreign countries and are covenants the benefit whereof has been assigned or transferred to other parties; or (*b*) are covenants exclusively between foreign corporations and relating wholly to business in or between foreign countries; and that the said contracts of September 27, 1902, be altogether terminated so far as they impose any obligations upon any of the parties thereto to furnish or to refrain from furnishing manufactured tobaccos to any party, each company to treat as its own, but only to the extent provided for in said contracts, all brands and trade-marks which by said contracts it was given the right to manufacture and sell, the said rights having been perpetual and constituting in effect a conveyance of the brands and trade-marks used for the countries in which they were so used by each of said companies as aforesaid.

C.

ABROGATION OF DOMESTIC RESTRICTIVE COVENANTS.

It is proposed that covenants given by vendor corporations, partnerships, or individuals, or by stockholders of vendor corporations, to vendee corporations defendants herein, not to engage in the tobacco business or any other business in any way embraced in the combination, be terminated so that all such covenanters shall be at liberty to engage in the business of buying, manufacturing, and dealing in tobacco and its products just as if such covenants had not been made.

D.

DISINTEGRATION OF ACCESSORY COMPANIES.

(1) The Conley Foil Co.—The Conley Foil Co. has a capital stock of $825,000 at par, all of one class, of which the American Tobacco Co. owns $495,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the business of manufacturing tin foil, a product used largely by tobacco manufacturers, but having other uses as well. The Conley Foil Co. has a plant in New York City, and it owns all the stock and bonds of the Johnston Tin Foil & Metal Co., which has a plant in St. Louis. The value of the output for the year 1910 of the Conley Foil Co. was $1,780,526.85, with a net profit of $273,299.82, and the Johnston Tin Foil & Metal Co. had an output for the year 1910 of the value of $676,520.05 and net profits of $66,255.16. On December 31, 1910, the Conley Foil Co. had tangible assets (excluding its securities of the Johnston Tin Foil & Metal Co.) of $1,215,321, and the Johnston Tin Foil & Metal Co. had assets of the value of $379,802.11. The Conley Foil Co. has a surplus exceeding the value of the securities of the Johnston Tin Foil & Metal Co.

It is proposed that the Conley Foil Co. cancel the bonds of the Johnston Tin Foil & Metal Co. held by it, to wit, $100,000 per value, and distribute to its stockholders its holdings of stock of the Johnston Tin Foil & Metal Co., to wit, 3,000 shares, all of one class.

The American Tobacco Co., being a stockholder of the Conley Foil Co., will participate in this distribution, and will in turn distribute its dividend, as well as its stock in the Conley Foil Co., to its common-stock holders as hereinafter set forth.

(2) MacAndrews & Forbes Co.—MacAndrews & Forbes Co. is a company having a common capital stock of $3,000,000 at par, of which the American Tobacco Co. owns $2,112,900 at par, the balance being held by persons not defendants nor connected with defendants (except less than 3½ per cent of the common stock held by R. J. Reynolds Tobacco Co.), and $3,758,300 at par of 6 per cent nonvoting preferred stock, of which the American Tobacco Co. holds $750,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the production of licorice paste, with two plants—one at Camden, N. J., and the other at Baltimore, Md. It had tangible assets, December 31, 1910, of the value of $5,683,824.89 (including $2,118,448.36 licorice root, with plants for its collection in foreign countries), and its sales for the year 1910 were of the value of $4,427,023.44. MacAndrews & Forbes Co. succeeded to the business of MacAndrews & Forbes, a partnership, who were pioneers in this country in the production of licorice paste, and who had, for many years before any acquisitions of other business and before they had any connection with the other defendants herein, more than 50 per cent of all the licorice-paste business of the United States.

It is proposed that a new corporation be organized, called the J. S. Young Co., and that it shall acquire the Baltimore plant of MacAndrews & Forbes Co., with the assets used therein and in connection therewith, of a total value of $1,000,000, and the brands of licorice paste manufactured in said Baltimore plant; that it issue in payment therefor, with the good will connected therewith, $1,000,000 at par of 7 per cent pre-

ferred nonvoting stock and $1,000,000 at par of common stock; that MacAndrews & Forbes Co. distribute the common stock of the J. S. Young Co. as a dividend to its common-stock holders, charging the amount thereof to its surplus account; that MacAndrews & Forbes Co. offer to its preferred-stock holders proportionately to exchange the 7 per cent preferred stock of the J. S. Young Co. at par for their preferred stock of MacAndrews & Forbes Co.; that so far as the preferred stock of MacAndrews & Forbes Co. is thus exchanged, it be retired; that so far as this preferred stock of the J. S. Young Co. is not forthwith thus exchanged, MacAndrews & Forbes Co. be enjoined from using it to exercise, or otherwise exercising or attempting to exercise, influence or control over the J. S. Young Co.; and with the further provision that on or before January 1, 1905, the whole of this preferred stock of the J. S. Young Co., not theretofore taken out of the treasury of MacAndrews & Forbes Co. by exchange as aforesaid, be disposed of by MacAndrews & Forbes Co.

This would give to MacAndrews & Forbes Co. a licorice business, including Spanish licorice and powdered goods, of the net selling value, based upon the year 1910, of $2,514,184.64, of which $2,214,127.51 arise from sales of one brand, to wit, the old "Ship" brand. The J. S. Young Co., upon the basis of the business for the year 1910, would have an output of the net selling value of $1,201,109.86.

The American Tobacco Co., being a holder of the common stock of MacAndrews & Forbes Co., will participate in the distribution above provided and will in turn distribute its dividend, as well as its stock in MacAndrews & Forbes Co., to its common-stock holders as hereinafter set forth.

(3) American Snuff Co.—American Snuff Co. is a manufacturer of snuff. It holds all of the stock of De Voe Snuff Co., to wit, $50,000 at par; and one-half, to wit, $26,000 at par, of the stock of National Snuff Co. It owns no other interest in any company manufacturing or selling snuff.

It is proposed that there be organized two new snuff companies, one to be called the George W. Helme Co. and the other Weyman-Bruton Co., and that American Snuff Co. convey to these two companies, respectively, factories, with the brands manufactured in them, as follows: To the George W. Helme Co. the factories at Helmetta, N. J., and Yorklyn, Del., except factory No. 5; to Weyman-Bruton Co. the factories at Chicago and Nashville, also all the stock of De Voe Snuff Co. and the one-half of the stock of National Snuff Co. held by American Snuff Co. Based upon the business for the year 1910 and the assets at the end of the year, with proper provision for leaf, materials, cash and book accounts for the two vendee companies, this would leave the three companies equipped as follows.

Manufacturing tangible assets.	
American Snuff Co.	[1] $5,075,969.72
George W. Helme Co.	4,909,000.40
Weyman-Bruton Co.	3,691,588.20
Sales value during 1910.	
American Snuff Co.	$5,520,422.15
George W. Helme Co.	4,494,556.66
Weyman-Bruton Co.	4,297,486.71
Net income.	
American Snuff Co.	[1] $1,591,280.49
George W. Helme Co.	1,259,280.98
Weyman-Bruton Co.	1,293,759.39

Each of these vendee corporations will pay for the property and business conveyed to it by the issue of $4,000,000 at par of 7 per cent voting preferred stock and $4,000,000 at par of common stock. American Snuff Co. will thus receive the $16,000,000 at par of these stocks into its treasury, and will distribute to its common-stock holders, as a dividend, the common stock, aggregating $8,000,000, to be charged to its surplus account. American Snuff Co. will offer to its preferred-stock holders proportionately to exchange these 7 per cent preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. for their preferred stock of American Snuff Co. at par. So much of the preferred stock of American Snuff Co. as is thus exchanged will be retired. As to so much of the preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. as is not forthwith thus exchanged, American Snuff Co. to be enjoined from voting it, or using it to exercise, or otherwise exercising or attempting to exercise, influence or control over the George W. Helme Co. or the Weyman-Bruton Co.; and on or before January 1, 1915, all of these preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. not theretofore taken out of the treasury of American Snuff Co. by exchange as aforesaid to be disposed of by American Snuff Co.

The American Tobacco Co., being a holder of the common stock of American Snuff Co., will participate in the distribution above provided, and will, in turn, distribute its dividends as well as its stock in American Snuff Co., including that to be acquired from P. Lorillard Co., to its common-stock holders as hereinafter set forth.

(4) American Stogie Co.—American Stogie Co. is a corporation whose only asset is all of the issued stock of Union-American Cigar Co., which latter company has cigar factories located at Pittsburgh, Allegheny, Lancaster, and Newark. Its total production, based upon business for the year 1910, is only 1.58 per cent of the entire production of cigars in the United States in volume, and, as these petitioners believe, about the same percentage in value. American Stogie Co. has $976,000 at par of 7 per cent cumulative preferred stock, of which American Cigar Co. owns $40,000 at par, and none of the other defendants own any; it has $10,879,000 at par of common stock, of which American Cigar Co. owns $7,303,775 at par, and none of the other defendants own any. There are accumulated and unpaid dividends on the preferred stock to the amount of $399,000 as of December 31, 1910.

It is proposed that American Stogie Co. dissolve, with leave granted to the trustees in dissolution to either convert the assets into cash, and distribute them among the stockholders according to their rights, or to effect such reorganization as they may be able to effect, provided that in either event there shall be a separation into at least two different ownerships of the factories and businesses now owned and operated by Union-American Cigar Co. If the dissolution is followed by a conversion of the assets of American Stogie Co. into cash, American Cigar Co. will take such cash as it may receive into its treasury; if it receives upon such dissolution securities of cigar-manufacturing concerns, it will distribute such as a dividend to its common-stock holders, to be charged to its surplus as hereinafter set forth.

(5) American Cigar Co.—American Cigar Co. is a manufacturer of cigars. It has various factories of its own, and it owns all or a part of the stock of several companies engaged in the manufacture of cigars, all of which companies have been organized by it and which have received from it conveyances of part of its business, operating in this way as separate corporations for trade purposes. Among these companies is Federal Cigar Co.

American Cigar Co. also owns a part of the stock of Havana Tobacco Co., which controls factories manufacturing cigars in Havana; and a part of the stock of Porto Rican-American Tobacco Co., engaged in the manufacture of cigars and cigarettes in Porto Rico; and half of the stock of Porto Rican Leaf Tobacco Co., engaged in growing tobacco in Porto Rico. American Cigar Co. itself uses large quantities of Porto Rican grown leaf. Neither American Cigar Co. nor any of the companies in which it is interested, except Havana Tobacco Co. and Porto Rican-American Tobacco Co., is engaged in the manufacture of cigars outside of the United States.

American Cigar Co., including with its production the production of companies of which it owns in whole or in part the stock, has, in volume, based on the business for the year 1910, 13.36 per cent of the cigar business of the United States, and in value, as your petitioners believe, substantially the same percentage. Havana Tobacco Co. has, directly or indirectly, control of 24.06 per cent of the total production of cigars in Cuba, 46 per cent of the total exportation of cigars from Cuba to all countries of the world, including the United States, and 38.15 per cent of the total exportation of cigars from Cuba to the United States.

It is proposed that American Cigar Co. dispose of properties belonging to it, and thus disintegrate its business, as follows:

(*a*) That it sell to the American Tobacco Co. for cash its stock, being all thereof, of Federal Cigar Co., at a fair price, to wit, $3,965,616.05.

(*b*) That it sell to the American Tobacco Co. for cash the stock it owns of Porto Rican-American Tobacco Co., to wit, $657,600 at par, at a fair price, to wit, $350 per share, or $2,301,600.

(*c*) That American Cigar Co. dispose of any interest in American Stogie Co. by receiving cash proceeds of its stock in dissolution thereof, if American Stogie Co. upon dissolution converts its assets into cash; or by distributing as a dividend to its common-stock holders out of its surplus the securities which it receives upon the dissolution of American Stogie Co., if it receives such.

All stocks thus to be acquired by the American Tobacco Co. from American Cigar Co. are to be disposed of by the American Tobacco Co. as hereinafter set out.

E.

DISTRIBUTION BY THE AMERICAN TOBACCO CO. OF STOCKS OWNED OR TO BE ACQUIRED BY IT.

(1) Immediate distribution of stocks.—The American Tobacco Co. will buy from P. Lorillard Co., for cash at par, the 11,247 shares of the preferred stock of American Snuff Co. held by P. Lorillard Co., and will receive, as the sole common-stock holder of P. Lorillard Co. and by way of dividends, 34,594 shares of the common stock of American Snuff Co. held by P. Lorillard Co.

The American Tobacco Co. will distribute among its common-stock holders by way of dividends, and to be charged to its surplus, all of its securities of the following-described classes, whether now owned by it or bought by it from American Cigar Co., as hereinbefore set forth, or bought by it from P. Lorillard Co., as just hereinbefore set forth, or received by it by way of dividends from any of the accessory companies defendant, as hereinbefore set forth, to wit: American Snuff Co. common stock; American Snuff Co. preferred stock; George W. Helme Co. common stock; Weyman-Bruton Co. common stock; MacAndrews & Forbes Co. common stock; J. S. Young Co. common stock; the Conley Foil Co. stock; the Johnston Tin Foil & Metal Co. stock; R. J. Reynolds Tobacco Co. stock; Corporation of United Cigar Stores stock; British-American Tobacco Co. (Ltd.) ordinary shares; Porto Rican-American Tobacco Co. stock; American Stogie Co. stock (or what is received by way of dividends from American Cigar Co. upon dissolution of American Stogie Co.).

Including the amount to be paid to American Cigar Co. and P. Lorillard Co. for such of these securities as are to be acquired by the American Tobacco Co. from them, respectively, and excluding those to be acquired by way of dividends, and which therefore do not affect the surplus of the American Tobacco Co., never having been set up on its books, these securities had a book value as of December 31, 1910, of $35,011,865.03. The earning capacity of all the above securities thus to be distributed, based upon the results of the year 1910, is $9,860,410.76, though not all thereof was distributed as dividends.

(2) Deferred disposition of stocks.—The American Tobacco Co. will sell or otherwise dispose of, or distribute by way of dividends to its common-stock holders out of its surplus at the time existing, before January 1, 1915, all of its holdings of the following securities: British-American Tobacco Co. (Ltd.) nonvoting preference shares; the Imperial Tobacco Co. (of Great Britain and Ireland) (Ltd.) ordinary shares; Corporation of United Cigar Stores bonds; MacAndrews & Forbes Co. nonvoting preferred stock.

During the time these securities are left in the treasury of the American Tobacco Co. the American Tobacco Co. to be enjoined from voting any thereof that under the terms thereof might be voted, or using any thereof to exercise, or otherwise exercising or attempting to exercise, influence or control over the said companies which issued the said securities, respectively, and from gaining possession of any of the said companies by buying in at a foreclosure had under any of the securities for any default with respect thereto or otherwise.

F.

SALE BY THE AMERICAN TOBACCO CO. OF MANUFACTURING ASSETS AND BUSINESS TO COMPANIES TO BE FORMED.

(1) There will be organized a new corporation called Liggett & Myers Tobacco Co. and a new corporation called P. Lorillard Co., and the American Tobacco Co. will sell, assign, and convey to these two companies factories, plants, brands, and businesses and capital stocks of tobacco-manufacturing corporations, as follows:

TO LIGGETT & MYERS TOBACCO CO.

Liggett & Myers branch of the American Tobacco Co., engaged in the manufacture of plug tobacco at St. Louis, with the brands connected therewith.

[1] American Snuff Co. holds securities not connected with the snuff business, to wit: Stock and bonds of the American Tobacco Co., preferred stock of American Cigar Co., aggregating in book value $2,530,216.69, upon which American Snuff Co. received in interest and dividends during the year 1910 $176,680. It is proposed that American Snuff Co. sell or otherwise dispose of these securities within three years, and that in the meantime they be held under an injunction as is provided in this paragraph with respect to securities of the George W. Helme Co. and Weyman-Bruton Co. to be temporarily held by it. It also owns all, to wit, $100,000 at par, of the stock of Garrett Real Estate Co., which will be dissolved and liquidated.

Spaulding & Merrick, a company of which the American Tobacco Co. owns and has always owned all the stock, engaged in Chicago in the manufacture of fine-cut tobacco and smoking tobacco.

Allen & Ginter branch of the American Tobacco Co., engaged in the manufacture of cigarettes at Richmond, Va., and the brands connected therewith (this does not include the brand "Sweet Caporal," made partly there and partly at New York).

Chicago branch of the American Tobacco Co., a factory at Chicago engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Catlin branch of the American Tobacco Co., a factory at St. Louis engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Nall & Williams Tobacco Co., a company of which the American Tobacco Co. owns all the stock, engaged in the manufacture of plug and smoking tobacco at Louisville, Ky.

The John Bollman Co., a company engaged in the manufacture of cigarettes at San Francisco; of this corporation the American Tobacco Co. owns 90 per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

Pinkerton Tobacco Co., a corporation engaged in the manufacture of scrap tobacco (a kind of smoking tobacco) at Toledo, Ohio; of this corporation the American Tobacco Co. owns 77½ per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

W. R. Irby branch of the American Tobacco Co. at New Orleans, engaged in the manufacture of cigarettes and smoking tobacco, the principal brands being "Home Run" and "King Bee."

The Duke-Durham branch of the American Tobacco Co., engaged in the manufacture of cigarettes and smoking tobacco at Durham, N. C.; principal cigarette brands, "Piedmont" and "American Beauty"; principal smoking tobacco brand, "Duke's Mixture."

Two little cigar factories located, the one at Philadelphia and the other at Baltimore, branches of the American Tobacco Co.; principal brand, "Recruits."

TO P. LORILLARD CO.

All the rights of the American Tobacco Co. in the present P. Lorillard Co., to wit: All the common stock and $1,596,100 at par out of a total issue of $2,000,000 of 8 per cent preferred stock; it is contemplated that as a part of these reorganizations the Lorillard Co., as at present constituted, be wound up and the new company be organized, taking over assets of the P. Lorillard Co.

S. Anargyros, a company engaged in the manufacture of cigarettes, in which the American Tobacco Co. owns all the stock, and of which it has always owned all the stock.

Luhrman & Wilbern Tobacco Co., a company engaged in the manufacture of scrap tobacco (a kind of smoking tobacco), of which the American Tobacco Co. owns and has for many years owned all the stock.

Philadelphia branch B, at Philadelphia; Wilmington branch B, at Wilmington; Penn Street branch at Brooklyn; Danville branch B, at Danville; and Ellis branch B, at Baltimore, branches of the American Tobacco Co., manufacturing little cigars, the principal brand being "Between the Acts."

Federal Cigar Co., a company all of whose stock is, and has always been, owned by American Cigar Co., but which, as hereinbefore provided, is to be purchased for cash by the American Tobacco Co.

Each of these conveyances to include proper and adequate storage houses, leaf tobacco, and other materials and supplies, provision for book accounts, including in each case a ratable proportion of the cash held by the American Tobacco Co. on December 31, 1910, so that each of the new corporations will be fully equipped for the conduct of the business of manufacturing and dealing in tobacco.

(2) Resources and capitalization of companies and provisions for exchanging and retiring securities of American Tobacco Co.—The American Tobacco Co. has securities issued and outstanding as follows:

6 per cent bonds	$52, 882, 650
4 per cent bonds (including outstanding 4 per cent bonds of Consolidated Tobacco Co.)	51, 354, 100
6 per cent preferred stock	78, 689, 100
Common stock	40, 242, 400

The American Tobacco Co. in October, 1904, immediately after the merger, had an outstanding issue of its own 4 per cent bonds and the Consolidated Tobacco Co. 4 per cent bonds which it assumed, amounting to $78,689,100, but it has purchased on the market and retired $27,355,000 at par of these 4 per cent bonds, charging the amount thus expended to surplus. The 6 per cent bonds and 4 per cent bonds aforesaid are what are ordinarily known as debenture bonds, and are issued under a trust indenture which imposes a general charge on the property, income, and earnings of the company in favor, first, of the 6 per cent bonds, and, second, of the 4 per cent bonds. The American Tobacco Co. after the reduction of the surplus through the acquisition by it of 4 per cent bonds as aforesaid, had on December 31, 1910, a surplus of $61,119,991.63, which will be increased by the surplus earnings of the current year. The distribution of securities herein provided for to be forthwith made, would diminish the said surplus by $35,011,865.03, the book value of securities to be so distributed. This book value is less than actual value, but in view of the fact that none of the assets of the American Tobacco Co. are overvalued, the advance of the book value of the securities to be distributed as hereinbefore set forth to their actual value, would operate at the same time to increase the surplus of the company, and so its surplus, after such distribution, would remain just the same as though the advance to actual value had not been made on the books of the company.

The properties to be conveyed to the Liggett & Myers Tobacco Co. and P. Lorillard Co., based upon conditions as of December 31, 1910, the last completed year, including in such conveyances the proper and proportionate storage houses, leaf tobacco, supplies and materials, and cash, but without anything for value of brands, trade-marks, formulæ, recipes, and good will, but including stocks of companies, are of the value of $30,607,261.96 to Liggett & Myers Tobacco Co. and $28,091,748.86 to P. Lorillard Co. So far as these conditions shall be changed before the day of the conveyance, any deficiency is to be made good in cash, so that these two companies will have said amounts in tangible assets as aforesaid, useful, and such as have been used, in the manufacture of the brands to be conveyed to them, respectively, and cash. The American Tobacco Co. will be left with tangible assets, including stocks of companies employed in manufacturing tobacco and its products, cash and bills and accounts receivable of the value of $53,408,498.94 as of December 31, 1910. The profits earned during the year 1910 on the brands and businesses to be conveyed by the American Tobacco Co. to Liggett & Myers Tobacco Co. amounted to $7,468,172.02, and the profits on the brands and business to be conveyed by the American Tobacco Co. to P. Lorillard Co. amounted to $5,264,729.38.

It is proposed that the value of the brands, trade-marks, recipes, formulæ, and good will to be sold to each of these companies be determined by their earning capacity, based upon the results for the year 1910, so that each shall have an earning capacity of 11.02 per cent per annum upon its total property, including both tangible property and brand value and good will. Upon this basis the consideration to be paid by the Liggett & Myers Tobacco Co. will be $30,607,261.96, value of tangible assets as above stated, and $36,840,237.04, value of brands, trade-marks, recipes, formulæ, and good will, making a total of $67,447,499; and the consideration to be paid by the P. Lorillard Co. will be $28,091,748.86, value of tangible assets as above stated, and $19,460,752.14, value of brands, trade-marks, recipes, formulæ, and good will, making a total of $47,552,501. The brands, trade-marks, recipes, formulæ, and good will of the American Tobacco Co. on December 31, 1910, were of the book value of $101,324,964.07. The payments for brand value, etc., to the American Tobacco Co. to be made by Liggett & Myers Tobacco Co. and P. Lorillard Co., as aforesaid, makes an aggregate of $56,300,989.18, and would thus leave the book value of brands, trade-marks, recipes, formulæ, and good will retained by the American Tobacco Co. at $45,023,974.89, which, added to the $53,408,498.94 of tangible manufacturing assets to be retained by the American Tobacco Co., will make the total book value of manufacturing property to be retained by that company $98,432,473.83, upon which its earnings, based upon the results for the year 1910, would be $11,369,809.82, or 11.55 per cent.

The Liggett & Myers Tobacco Co. and the P. Lorillard Co. would pay for these conveyances, therefore, the aggregate as aforesaid, to wit:

Liggett & Myers Tobacco Co	$67, 447, 499
P. Lorillard Co	47, 552, 501
Aggregating	115, 000, 000

or each with its earnings on the business for the year 1910 so capitalized that said earnings represent 11.02 per cent upon the capital.

Liggett & Myers Tobacco Co. and P. Lorillard Co. will issue securities to cover such capitalization in the aggregate as follows: To an amount equal to one-half of the outstanding 6 per cent bonds of the American Tobacco Co., that is, $26,441,325 at par in 7 per cent bonds; to an amount equal to one-half of the outstanding 4 per cent bonds of the American Tobacco Co., that is, $25,677,050 at par in 5 per cent bonds; to an amount equal to one-third of the outstanding preferred stock of the American Tobacco Co., that is, $26,229,700 at par in 7 per cent cumulative voting preferred stock, which, upon liquidation of the company, shall be paid at par with accrued unpaid dividends before any amount shall be paid to common stock, with balance of assets distributable ratably to the common stock, and the balance of said $115,000,000, that is, $36,651,925 in common stock. The 7 per cent bonds and the 5 per cent bonds to mature at the time fixed, respectively, for the maturity of the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. now outstanding and to be issued under an indenture of substantially like tenor and terms with the present indenture of the American Tobacco Co. under which its 6 per cent bonds and 4 per cent bonds were issued. The 7 per cent bonds to have priority in charge over the 5 per cent bonds in the same way that the 6 per cent bonds of the American Tobacco Co. have priority of charge over the 4 per cent bonds. Thus the capitalization of the Liggett & Myers Tobacco Co. and P. Lorillard Co. will be as follows:

	Liggett & Myers.	Lorillard.	Total.
7 per cent bonds	$15,507,837	$10,933,488	$26,441,325
5 per cent bonds	15,059,589	10,617,461	25,677,050
7 per cent preferred stock	15,383,719	10,845,981	26,229,700
Common stock	21,496,354	15,155,571	36,651,925
Total	67,447,499	47,552,501	115,000,000

All of these securities of the Liggett & Myers Tobacco Co. and the P. Lorillard Co. to be turned over to the American Tobacco Co. in payment of the purchase price for the factories, plants, brands, and businesses and capital stocks of tobacco manufacturing corporations so to be conveyed to Liggett & Myers Tobacco Co. and P. Lorillard Co., respectively, as hereinbefore set out.

These securities will be disposed of by the American Tobacco Co. as follows:

The common stock will be offered for cash at par to the holders of the common stock of the American Tobacco Co. in proportion to their holdings, and any not purchased by the person thus entitled thereto shall be sold to persons other than the individual defendants, to the end that such offer of common stock of the two new companies to the common-stock holders of the American Tobacco Co. shall not be used by the individual defendants to increase their ownership therein beyond the proportion of their holdings of the common stock of the American Tobacco Co.

To each holder of the 6 per cent bonds of the American Tobacco Co. an offer shall be made to acquire his bonds for cancellation and to give in exchange therefor, as to one-half thereof, new 7 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. at par, and in payment for the other half thereof cash at the rate of $120 and accrued interest for each $100 face value of the bonds.

To each holder of the 4 per cent bonds of the American Tobacco Co. an offer shall be made to acquire his bonds for cancellation, and to give in exchange therefor, as to one-half thereof, new 5 per cent bonds of Liggett & Myers Tobacco Co. and P. Lorillard Co. at par, and in payment for the other half thereof cash at the rate of $96 and accrued interest for each $100 face value of the bonds.

To each holder of the preferred stock of the American Tobacco Co. an offer shall be made to acquire one-third of his stock for cancellation in exchange for an equal amount at par of Liggett & Myers Tobacco Co. and P. Lorillard Co.

On account of the larger capitalization of the Liggett & Myers Tobacco Co., as compared with the P. Lorillard Co., each class of the new securities will issue in the proportion of 58.65 per cent thereof of Liggett & Myers Tobacco Co. securities and 41.35 per cent thereof of P. Lorillard Co. securities. The stocks will be issued in shares of $100, and coupon bonds in denominations of $1,000 and registered bonds in larger denominations, and in denominations of $100 and $50, and in actual issue fractions will be eliminated.

The common stocks of the two companies aforesaid are to be sold as above set out prior to March 1, 1912, with three years to be allowed for the retirement of the bonds and preferred stock of the American To-

bacco Co., as above set out. Pending such, the said 7 per cent bonds, 5 per cent bonds, and 7 per cent preferred stocks of the Liggett & Myers Tobacco Co. and the P. Lorillard Co., together with an amount in cash, or in securities owned by the American Tobacco Co., at their book value, or partly in cash and partly in such securities, equal to the amounts required if all such sales and exchanges are made, will be deposited with the Guaranty Trust Co. of New York, the trustee in the indenture under which the 6 per cent bonds and the 4 per cent bonds of the American Tobacco Co. are issued, as the agency to effect the purchase and exchange. Such deposit will be made, not to secure nor create a trust fund for the bonds, but for the purpose of sequestrating and taking from the control of the American Tobacco Co. the securities and cash so deposited. During the time of such deposit the securities shall be in the name of, as well as in the custody of, said trust company, with any voting rights attaching thereto, but the American Tobacco Co. shall receive from the trust company all dividends and interest collected by it on account of such securities; and the American Tobacco Co. shall have the right at any time and from time to time to sell, at such price as it may determine, and direct the delivery of any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.), the consideration therefor to go into the hands of said trust company; or to withdraw any of such securities (except the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.) for the purpose of distribution among its common-stock holders, if its surplus at the time permits; or to substitute other securities of like book value for the securities so deposited (except as to the securities of Liggett & Myers Tobacco Co. and P. Lorillard Co.); or to alter the relative proportion of cash and securities, it being the intent of this provision that there shall be sequestrated from the control of the American Tobacco Co. all the securities of the Liggett & Myers Tobacco Co. and P. Lorillard Co., and an additional amount of cash or other securities equal, upon the purchase basis aforesaid, to the value of the 4 per cent bonds and the 6 per cent bonds of the American Tobacco Co. at the time outstanding. At the end of the three years, if there are any of such securities of the Liggett & Myers Tobacco Co. or P. Lorillard Co. in the hands of such trust company undisposed of by such exchange as aforesaid, then the American Tobacco Co. shall apply to this court for an order as to the disposition thereof. Nothing contained in this provision, and nothing done under this provision, shall be construed as providing for the creation of, or as creating, any lien or security on anything deposited with the trust company in favor of the 6 per cent bonds or the 4 per cent bonds of the American Tobacco Co., outstanding or otherwise.

G.

VOTING RIGHTS TO PREFERRED STOCK.

By proper amendment of the certificate of incorporation of the American Tobacco Co. the preferred stock will be given full voting rights.

H.

CERTAIN INCIDENTAL PROVISIONS.

(1) P. Lorillard Co. is a New Jersey company with $3,000,000 of common stock, all of which is owned by the American Tobacco Co., and $2,000,000 of 8 per cent preferred stock. Of this preferred stock the American Tobacco Co. holds $1,596,100 at par, and there is held by others. $403,900 at par. Under the laws of New Jersey the present P. Lorillard Co. may be dissolved by the holders of two-thirds of the outstanding stock, and upon such dissolution the preferred stock is entitled to be paid at par, the balance of the assets going to the common stock. In view of the fact, however, that the preferred stock of the present P. Lorillard Co. is an 8 per cent preferred stock, with abundant assets and earnings to make the principal and income secure, it is deemed fair to the holders of this outstanding $403,900 of preferred stock that they be given an opportunity to take, at their option, either cash at par, which they are legally entitled to, or the 7 per cent preferred stock of the proposed new P. Lorillard Co. As the preferred stock of the new P. Lorillard Co. is to be a 7 per cent preferred stock, the holders of said $403,900 of said present preferred stock will be offered stock of the new company at the rate of $114.25 for each share. It is therefore proposed that the new P. Lorillard Co. provide for an additional amount of preferred stock sufficient to take care of $403,900 preferred stock on that basis, to wit, $114.25 in new 7 per cent preferred stock for each $100 of said stock, amounting to $461,600 at par of preferred stock in addition to that set out hereinbefore. In view of the fact that in the statements hereinbefore made as to earnings of the P. Lorillard Co. there is included only such part of the earnings of the present P. Lorillard Co. as accrued to the proportion of its stock held by the American Tobacco Co., this increase of preferred stock would increase proportionately the profits of the P. Lorillard Co., and does not derange any of the figures hereinbefore given or given in any of the exhibits hereto and hereinafter referred to.

(2) American Snuff Co. manufactures and sells a brand of snuff called "Garrett," which has a large sale in the southern and southwestern sections of the country. Originally this brand was manufactured at Yorklyn, Del., and in part packed in Philadelphia. Several years ago American Snuff Co. determined, on account of freight-rate conditions, to manufacture this brand at Clarksville, Tenn., and to pack it at Memphis, Tenn., and that the factories at Yorklyn, Del., should be given up to the manufacture of other brands. It has yet, though, been unable to produce in Clarksville, Tenn., goods similar to the goods heretofore and now made by it at Yorklyn, Del., although the experiment is still in progress, and with hope of success. Under the plan hereinbefore outlined the brand "Garrett" snuff is allotted to American Snuff Co. and the factories other than one factory at Yorklyn, Del., are allotted to George W. Helme Co. Your petitioners pray that, in the approval and adoption by this court of this plan, American Snuff Co. and George W. Helme Co. be permitted to manufacture brands the one for the other for a period not exceeding one year from March 1, 1912, each company paying to the other as consideration for such manufacture the cost thereof plus 5 per cent. The necessity of paying 5 per cent above cost is sufficient inducement to each company to manufacture its own goods as soon as American Snuff Co. is able to manufacture "Garrett" snuff of the requisite character and kind in its Clarksville factory, thus leaving the Yorklyn factories, other than No. 5, for the manufacture by the George W. Helme Co. of its own brands.

This court having heard the parties, as directed by the Supreme Court of the United States, it is further ascertained and determined and ordered, adjudged, and decreed that said plan hereinbefore set forth is a plan or method which, taken with the injunctive provisions hereinafter set forth, will dissolve the combination heretofore adjudged to be illegal in this cause and will re-create out of the elements now composing it a new condition which will be honestly in harmony with, and not repugnant to, the law, and without unnecessary injury to the public or the rights of private property.

It is further ordered, adjudged, and decreed that the said plan as hereinabove set forth be, and it is hereby, approved by this court, and the defendants herein are, respectively, directed to proceed forthwith to carry the same into effect.

The necessities of the situation, in the judgment of this court, require the extension of the period for carrying into execution said plan to a further time, not to exceed 60 days, from December 30, 1911.

It is further ordered, adjudged, and decreed that the defendants be allowed until February 28, 1912, to carry said plan into execution.

It is further ordered, adjudged, and decreed that the defendants, their officers, directors, servants, agents, and employees, be, and they are hereby, severally enjoined and restrained as follows:

From continuing or carrying into further effect the combination adjudged illegal in this cause, and from entering into or forming any like combination or conspiracy, the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products among the States or in the Territories or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants as adjudged herein in violation of the act of Congress approved July 2, 1890, either:

1. By causing the conveyance of the factories, plants, brands, or business of any of the 14 corporations among which the properties and businesses now in the combination are to be distributed, to wit, the American Tobacco Co., Liggett & Myers Tobacco Co., P. Lorillard Co., American Snuff Co., George W. Helme Co., Weyman-Bruton Co., R. J. Reynolds Tobacco Co., British-American Tobacco Co. (Ltd.), Porto Rican-American Tobacco Co., Mac Andrews & Forbes Co., J. S. Young Co., the Conley Foil Co., the Johnston Tin Foil & Metal Co., and United Cigar Stores Co., to any other of said corporations, by placing the stocks of any one or more of said corporations in the hands of voting trustees or controlling the voting power of such stocks by any similar device; or

2. By making any express or implied agreement or arrangement together or one with another like those adjudged illegal in this cause relative to the control or management of any of said 14 corporations, or the price or terms of purchase or of sale of tobacco or any of its products or the supplies or other products dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco or its products or supplies or other products dealt with as aforesaid by any of the parties hereto which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination, the operation of which is enjoined in this cause, or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations in respect either to customers or localities.

3. By any of said 14 corporations retaining or employing the same clerical organization, or keeping the same office or offices, as any other of said corporations.

4. By any of said 14 corporations retaining or holding capital stock in any other corporation any part of whose stock is also retained and held by any other of said corporations: *Provided, however,* That this prohibition shall not apply to the holding by the Porto Rican-American Tobacco Co. and American Cigar Co. of stock in Porto Rican Leaf Tobacco Co., nor shall it apply to the holding of stock of the National Snuff Co. (Ltd.), by Weyman-Bruton Co. and British-American Tobacco Co. (Ltd.).

5. By any of said 14 corporations doing business directly or indirectly under any other than its own corporate name or the name of a subsidiary corporation controlled by it: *Provided, however,* That in case of a subsidiary corporation the controlling corporation shall cause the products of such subsidiary corporation which are sold in the United States and bear the name of the manufacturer, to bear also a statement indicating the fact of such control.

6. By any of said 14 corporations refusing to sell to any jobber any brand of any tobacco product manufactured by it except upon condition that such jobber shall purchase from the vendor some other brand or product also manufactured and sold by it: *Provided, however,* That this prohibition shall not be construed to apply to what are known as "combination orders" under which some brand or product may be offered to a jobber or dealer at a reduced price on condition that he purchase a given quantity of some other brand or product.

It is further ordered, adjudged, and decreed that during a period of five years from the date hereof, each of said 14 corporations hereinbefore named, its officers, directors, agents, servants, and employees, are hereby enjoined and restrained as follows:

1. None of the said 14 corporations shall have any officer or director who is also an officer or director in any other of said corporations.

2. None of said 14 corporations shall retain or employ the same agent or agents for the purchase in the United States of tobacco leaf or other raw material, or for the sale in the United States of tobacco or other products, as that of any other of said corporations.

3. None of said 14 corporations shall directly or indirectly acquire any stock in any other of said corporations, or purchase or acquire any of the factories, plants, brands, or business of any other of said corporations, or make loans or otherwise extend financial aid to any other of said corporations.

The provisions of this decree shall apply only to trade and commerce in or between the several States and Territories and the District of Columbia, and trade and commerce between the United States and foreign nations.

It is further ordered, adjudged, and decreed that British-American Tobacco Co. (Ltd.) and the Imperial Tobacco Co. (of Great Britain and Ireland, Ltd.) shall not act as agent for each other nor employ a common agent, for the purchase of leaf tobacco in the United States, and neither of said two companies shall unite with any of the said 14 corporations among which the properties and businesses now in the combination are to be distributed, in the employment of a common agent for the purchase of tobacco leaf in the United States.

It is further ordered, adjudged, and decreed that each of the 29 individual defendants in this suit be enjoined and restrained from at any time within three years from the date of this decree, acquiring, owning, or holding, directly or indirectly, any stock, or any legal or equitable interest in any stock in any one of said 14 corporations, except British-American Tobacco Co. (Ltd.), in excess of the amount to which he will be entitled under the provisions of the plan when the same shall have been carried out as proposed as the present owner of the amount of stocks in said several companies shown by the affidavits of said several defendants filed herein on the 16th day of November, 1911: *Provided, however,* That any of said defendants may, notwithstanding this prohibition, acquire from any other or others of said defendants, or in case of death from their estates, any of the stock held by such other defendant or defendants in any of said corporations.

It is further ordered, adjudged, and decreed that the new companies whose organization is provided for in the plan hereinabove set forth,

to wit: Liggett & Myers Tobacco Co., P. Lorillard Co., George W. Helme Co., Weyman-Bruton Co., and J. S. Young Co., shall, after their formation and by appropriate proceeding, be made parties defendant to this cause and subject to the provisions of this decree and bound by the injunctions herein granted.

It is further ordered, adjudged, and decreed that any party hereto may make application to the court for such orders and directions as may be necessary or proper in relation to the carrying out of said plan, and the provisions of this decree.

It is further ordered, adjudged, and decreed that the costs of this action shall be paid by the defendants other than R. P. Richardson, jr., & Co. (Inc.), as to whom the suit has heretofore been dismissed, and the payment by the defendant, the American Tobacco Co., of the reasonable costs and counsel fees of the committees organized for the protection of the 6 per cent bonds, 4 per cent bonds, and preferred stock of the American Tobacco Co. is hereby approved.

It is further ordered, adjudged, and decreed that the defendants, the American Tobacco Co., MacAndrews & Forbes Co., American Snuff Co., and each of them and their and each of their officers, directors, servants, agents, and employees, be severally enjoined and restrained, as in said plan set forth, from voting stocks, exercising influence or control over other companies or gaining possession of other companies through the use of securities temporarily held by them, respectively, under said plan in each and every case in which it is provided in and by the said plan that any of said three last-named defendants shall be so enjoined.

It is further ordered, adjudged, and decreed that such books and papers of the defendants, the American Tobacco Co. and S. Anargyros, or either of them, as relate to the suit of the Ludington Cigarette Machine Co. *v.* S. Anargyros and the American Tobacco Co., or the subject matter thereof or any part thereof, be preserved by the said defendants, respectively, until after the accounting, if any shall take place in said suit, and said suit be finally determined and ended.

It is further ordered adjudged, and decreed that jurisdiction of this cause is retained by this court for the purpose of making such other and further orders and decrees, if any, as may become necessary for carrying out the mandate of the Supreme Court.

November 16, 1911.

E. HENRY LACOMBE,
Circuit Judge.
ALFRED C. COXE,
Circuit Judge.
H. G. WARD,
Circuit Judge.
WALTER C. NOYES,
Circuit Judge.

[S. 3607, Sixty-second Congress, second session.]

A BILL To give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States *v.* American Tobacco Co. et al.

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the National Cigar Leaf Tobacco Association, the Cigar Manufacturers' Association of America, the Independent Tobacco Salesmen's Association of America, the Leaf Tobacco Board of Trade of the City of New York, or any tobacco board of trade named or referred to in the written request entitled in the said suit and presented to the said circuit court on the 18th day of October, 1911; the attorneys general of the States of Virginia, North Carolina, South Carolina, New York, and Kentucky, and the State of Wisconsin, or either of said organizations or attorneys general, or the said State of Wisconsin, shall have the right to intervene in the suit entitled "United States *v.* The American Tobacco Co. et al., approving the plan of reorganization or recreation to the Supreme Court of the United States, with the same force and effect as though they, or those of them who seek to exercise the right hereby given, had been parties to said suit, and upon such appeal they shall have in the public interest all the rights and privileges and be governed by all the procedure that the United States would have had or would be required to observe if it had taken an appeal from said decree, the intent being to hereby confer upon the Supreme Court of the United States that jurisdiction over the said decree of the District Court, formerly the Circuit Court of the United States for the Southern District of New York, upon the appeal sought to be taken by said organizations or said attorneys general, or the said State of Wisconsin, or either of them, that it would have had if the United States had taken the proper proceedings for such an appeal.

SEC. 2. That all provisions of the law now existing or which were in existence at the time of the entry of the said decree fixing the time within which an appeal from the said decree shall be taken and perfected, and within which any other procedure in connection with such appeal shall be initiated, shall apply to the right of appeal hereby given: *Provided, however,* That the said respective times shall, for the purpose of such appeal, be deemed to begin with the day of the approval of this act.

SEC. 3. That this act shall take effect immediately.

UNVEILING OF STATUE OF BARON VON STEUBEN.

Mr. SMOOT, from the Committee on Printing, to which was referred House concurrent resolution No. 39, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That the concurrent resolution passed August 21, 1911, providing for the printing of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, be amended by adding the following sentence after the last word thereof: "There shall be included in the same volume, as herein provided for, the proceedings relating to the unveiling of the statue of Baron von Steuben in Berlin, September 2, 1911; and this document shall be compiled and printed under the direction of the Joint Committee on Printing."

BILLS INTRODUCED.

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

By Mr. GAMBLE:

A bill (S. 6085) to authorize the acceptance of trusts from the Pueblo Indians of New Mexico; to the Committee on Indian Affairs.

A bill (S. 6086) granting a pension to Jane Smith (with accompanying paper); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6087) for the relief of scientific institutions, hospitals, or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder; to the Committee on Finance.

A bill (S. 6088) for the relief of Mason M. Maxon; to the Committee on Military Affairs.

By Mr. JOHNSON of Maine:

A bill (S. 6089) granting an increase of pension to Francis Cyr (with accompanying papers);

A bill (S. 6090) granting an increase of pension to Nathaniel M. Milliken (with accompanying papers); and

A bill (S. 6091) granting an increase of pension to Joseph Hurd (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. GARDNER):

A bill (S. 6092) granting an increase of pension to William J. Gardner (with accompanying papers); to the Committee on Pensions.

By Mr. BRYAN (for Mr. FLETCHER):

A bill (S. 6093) providing for the filling in of the ponds and lowlands of the Fort Taylor Military Reservation, Fla.; to the Committee on Appropriations.

By Mr. PERCY:

A bill (S. 6094) for the relief of heirs of Dr. Samuel R. Dunn and Elizabeth Ann Dunn, deceased (with accompanying paper); to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 6095) to increase the limit of cost for the erection and completion of the United States post-office and courthouse building on the site already acquired and possessed at Brattleboro, Vt.; to the Committee on Public Buildings and Grounds.

By Mr. GALLINGER:

A bill (S. 6096) to amend subchapter 2, chapter 19, of the Code of Law for the District of Columbia, by providing a penalty for willful omission to return library property in the District of Columbia (with accompanying paper); to the Committee on the District of Columbia.

By Mr. ROOT:

A bill (S. 6097) to provide a keeper's house for the lighthouse keeper at Crown Point, N. Y.; to the Committee on Commerce.

By Mr. SUTHERLAND:

A bill (S. 6098) providing for the military status of John Gray; to the Committee on Military Affairs.

By Mr. GRONNA (for Mr. KENYON):

A bill (S. 6099) to amend section 15 of the act to regulate commerce as amended June 29, 1906, and June 18, 1910; to the Committee on Interstate Commerce.

A bill (S. 6100) appropriating $100,000 for the use of the Interstate Commerce Commission in addition to the sum or sums already appropriated for their use; to the Committee on Interstate Commerce.

By Mr. PENROSE:

A bill (S. 6101) granting a pension to John D. Sullivan (with accompanying paper); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 6102) granting an increase of pension to Francis McCabe; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 6103) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Finance.

By Mr. WARREN:

A bill (S. 6104) for the relief of Daniel Hampton; to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 6105) for the creating of country parks and community centers, and referring especially to one created in the State of Montana, in the Fort Shaw unit of the Sun River reclamation project; to the Committee on Public Lands.

By Mr. McLEAN:

A bill (S. 6106) granting an increase of pension to George W. Youngs (with accompanying papers); and

A bill (S. 6107) granting a pension to Mary E. Maher (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6108) for the relief of persons suffering damages by the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River; to the Committee on Claims.

A bill (S. 6109) for the protection and increase of State game resources; to the Committee on Forest Reservations and the Protection of Game.

By Mr. BOURNE:

A bill (S. 6110) to provide for the erection of a public building on a site already acquired at Roseburg, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. RAYNER:

A bill (S. 6111) granting an increase of pension to Emily C. Gardiner (with accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6112) granting an increase of pension to Jacob Roberts;

A bill (S. 6113) granting an increase of pension to Martin B. Richardson;

A bill (S. 6114) granting an increase of pension to Samuel E. Prather;

A bill (S. 6115) granting an increase of pension to Benjamin F. Miller;

A bill (S. 6116) granting an increase of pension to Frankie E. Bedell;

A bill (S. 6117) granting a pension to Emily J. Chambers; and

A bill (S. 6118) granting an increase of pension to Albert M. Belcher; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6119) granting an increase of pension to Robert H. Overley (with accompanying papers); and

A bill (S. 6120) granting an increase of pension to Samuel P. Murrell (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 6121) granting an increase of pension to Mary L. Wilson; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6122) granting an increase of pension to John Bowman (with accompanying paper); to the Committee on Pensions.

By Mr. NIXON:

A bill (S. 6123) granting an increase of pension to Ada P. Armstrong; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6124) to provide for the purchase of the coal and asphalt deposits belonging to the Choctaw and Chickasaw Tribes of Indians by the Government of the United States, and for other purposes;

A bill (S. 6125) permitting lands in the State of Oklahoma subject to restrictions to be taxed under the laws of Oklahoma for road improvements; and

A bill (S. 6126) for the purpose of removing restrictions on encumbrance and alienation of allotted lands within the Cherokee Nation; to the Committee on Indian Affairs.

By Mr. CURTIS:

A bill (S. 6127) for the relief of C. E. Moore; to the Committee on Post Offices and Post Roads.

A bill (S. 6128) to correct the military record of H. S. Harring; and

A bill (S. 6129) to correct the military record of William H. Cooper (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 6130) granting an increase of pension to George Stamm (with accompanying paper);

A bill (S. 6131) granting an increase of pension to I. M. Brandon (with accompanying papers);

A bill (S. 6132) granting an increase of pension to John D. Kirkpatrick (with accompanying papers);

A bill (S. 6133) granting an increase of pension to Job Knight (with accompanying paper);

A bill (S. 6134) granting an increase of pension to George W. Klise (with accompanying papers);

A bill (S. 6135) granting an increase of pension to Lemuel Abbott (with accompanying papers);

A bill (S. 6136) granting an increase of pension to A. S. Bouden (with accompanying papers);

A bill (S. 6137) granting a pension to Reason Walker (with accompanying papers);

A bill (S. 6138) granting a pension to Chauncy S. Pratt (with accompanying papers);

A bill (S. 6139) granting an increase of pension to F. M. Oldredge (with accompanying papers);

A bill (S. 6140) granting a pension to George E. McCumber (with accompanying papers);

A bill (S. 6141) granting an increase of pension to Joseph McMullen;

A bill (S. 6142) granting an increase of pension to George R. Baucous;

A bill (S 6143) granting an increase of pension to John McFadden;

A bill (S. 6144) granting a pension to Clark W. Hines;

A bill (S. 6145) granting a pension to Catherine Burgett;

A bill (S. 6146) granting an increase of pension to Sarah A. Winans;

A bill(S. 6147) granting an increase of pension to Isaac M. Risley; and

A bill (S. 6148) granting a pension to Josiah C. Ury; to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 6149) granting an increase of pension to Willard M. White (with accompanying papers); to the Committee on Pensions.

REGENTS OF SMITHSONIAN INSTITUTION.

Mr. LODGE. I introduce a joint resolution and ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 94) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, caused by the resignation of James B. Angell, of Michigan, be filled by the appointment of Charles W. Fairbanks, of Indiana.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

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

Mr. LODGE. I ask that the accompanying letter from the Secretary of the Smithsonian Institution may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the letter referred to will be printed in the RECORD.

The letter is as follows:

SMITHSONIAN INSTITUTION,
Washington, U. S. A., March 27, 1912.

The Hon. JAMES S. SHERMAN,
Vice President of the United States,
Washington, D. C.

SIR: I have the honor to inform you that a vacancy exists in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, caused by the resignation of Dr. James B. Angell, a citizen of Michigan, who was appointed under joint resolution of Congress approved February 9, 1911.

Very respectfully, yours, CHARLES D. WALCOTT,
Secretary.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. GAMBLE submitted an amendment proposing to appropriate $10,000 for improving Lake Traverse, Minn. and S. Dak., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRYAN (for Mr. FLETCHER) submitted an amendment proposing to appropriate $100,000 for deepening and widening the main ship channel at the entrance and at Triangle Shoals, Key West, Fla., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also (for Mr. FLETCHER) submitted an amendment proposing to increase the appropriation for improving Mystic River, Conn., from $3,500 to $4,500, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted an amendment relative to the construction of a waterway connecting Similk Bay with Padilla Bay, Wash., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of the Columbia River between Vancouver and the mouth of the Willamette River, Wash., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of the Columbia River from and through Rickey and Grand Rapids, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of Nasel, North, and other streams entering Willapa Harbor, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the Columbia River between

Bridgeport and Kettle Falls, Wash., from $25,000 to $50,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the modification or relocation of any navigable channels in Padilla Bay necessary in connection with the reclamation of tide lands in that bay, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $1,000,000 for materials and work necessary for the improvement of the Delaware River, Pennsylvania, New Jersey, Delaware, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. RAYNER submitted an amendment relative to the improvement of the channel of Cabin Branch and Curtis Creek, Anne Arundel County, Md., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of a channel off Pooles Island, Chesapeake Bay, Md., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $156,000 for improving the harbor at Manistee, Mich., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $30,000 for the improvement and maintenance of the harbor at Arcadia, Mich., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $111,000 to improve the harbor at South Haven, Mich., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $650,000 to improve the harbor at Manistee, Mich., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BOURNE submitted an amendment providing for the economical future development of water power, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for improving Nehalem Bar and entrance to Nehalem Bay, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $800,000 for improving the Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the improvement of Yaquina Bay and Bar Entrance and Port Orford Harbor, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $155,000 to improve the Columbia and Lower Willamette Rivers below Portland, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the improvement of Tillamook Bay and Bar, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for the maintenance of Tillamook Bar and Bay, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to change the route of the channel from Aransas Pass to Pass Cavallo so as to pass by the town of Port O'Connor, Tex., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the appointment of a board of five engineer officers to examine Port Aransas (Aransas Pass and the Harbor Island Basin), Tex., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERCY submitted an amendment proposing to increase the appropriation for drainage investigations from $96,700 to $250,000, intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil from $332,960 to $382,960, intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $25,750 for the purchase of lands necessary and suitable for a target range for Vancouver Barracks, Wash., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the extension and maintenance of the irrigation system on lands allotted to the Yakima Indians in Washington from $15,000 to $75,000, intended to be proposed by him to the Indian appropraition bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment relative to the appropriation for the procuring of any field-artillery material from any person, firm, or corporation which has not at the time of the commencement and during the prosecution of the work on said field-artillery material established an eight-hour workday for all employees, laborers, and mechanics engaged by them, etc., intended to be proposed by him to the Army appropriation bill (H. R. 18956), which was ordered to lie on the table and be printed.

He also submitted an amendment relative to the appropriation for the purchase or manufacture of ordnance stores to fill requisitions of troops as can be manufactured at Government arsenals, etc., intended to be proposed by him to the Army appropriation bill (H. R. 18956), which was ordered to lie on the table and be printed.

He also submitted an amendment relative to the appropriation for the purchase or manufacture of any automatic machine rifles made at Government arsenals, etc., intended to be proposed by him to the Army appropriation bill (H. R. 18956), which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to increase the appropriation for investigations of methods for wood distillation and for the preservative treatment of timber, etc., from $165,000 to $175,000, intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $2,220 for salary of compiler of Navy Yearbook and Senate report on river and harbor bill, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $60,000 for special mail facilities from the United States naval station at Pago Pago, island of Tutuila, via Honolulu, to San Francisco, etc., intended to be proposed by him to the post-office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. OWEN submitted an amendment proposing to pay the legal representatives of John W. Noble and R. V. Belt $3,569.95 for legal services rendered to and expenses incurred on behalf of the members of the Lyman family, Osage allottees, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to increase the appropriation for investigation and improvement of

sugar-producing plants, etc., from $30,795 to $40,795, etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

WATERSHEDS OF NAVIGABLE STREAMS.

Mr. GALLINGER submitted an amendment relative to the carrying out of the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams," etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CLERKS OF DISTRICT COURTS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

THE SUGAR SCHEDULE.

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was referred to the Committee on Finance and ordered to be printed.

Mr. BRISTOW submitted an amendment intended to be proposed by him to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was referred to the Committee on Finance and ordered to be printed.

SENATOR FROM ILLINOIS (S. DOC. NO. 484).

Mr. DILLINGHAM submitted the following resolution (S. Res. 273) which was read, considered by unanimous consent, and agreed to:

Resolved, That the hearings held before the committee of the Senate to investigate the election of WILLIAM LORIMER as a Senator from the State of Illinois, together with the Digest Index, be printed as a Senate document.

LAND AT MAGDALENA BAY.

Mr. LODGE submitted the following resolution (S. Res. 272) which was read, considered by unanimous consent, and agreed to:

Resolved, That the President is respectfully requested, if not incompatible with the public interest, to transmit to the Senate any information in possession of the Government relating to the purchase of land at Magdalena Bay by the Japanese Government or by a Japanese company.

THE YELLOWSTONE NATIONAL PARK.

Mr. HEYBURN submitted the following resolution (S. Res. 275) which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to submit to the Senate as early as practicable an estimate of the cost of construction of new roads or changes in the present roads in the Yellowstone National Park in order to permit of the use of automobiles and motor cycles therein without interfering with the present mode of travel in vehicles drawn by horses or other animals.

EMPLOYEES OF COMMON CARRIERS.

Mr. NELSON submitted the following resolution, which was read, considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized to have printed for its use 5,000 copies of the hearings held March 26 before the subcommittees of the Committees on the Judiciary of the Senate and House of Representatives relative to the bills to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers, etc.

INTERSTATE SHIPMENTS OF INTOXICATING LIQUORS (S. DOC. NO. 488).

Mr. GRONNA. For the junior Senator from Iowa [Mr. KENYON] I present the argument of Fred S. Caldwell, former State enforcement attorney of Oklahoma, Oklahoma City, Okla., in favor of the Kenyon and McCumber bills relating to the interstate shipments of intoxicating liquors. The argument is taken from hearings held before the Committee on the Judiciary. I move that it be printed as a Senate document.

The motion was agreed to.

OSAGE INDIAN LANDS (S. DOC. NO. 487).

Mr. OWEN. I present resolutions adopted by members of the Osage tribal council of the Osage Indians of Oklahoma relative to the right to grant leases for mining purposes on certain Osage Indian lands. I move that the resolutions be printed as a document for the information of the Senate and referred to the Committee on Indian Affairs.

The motion was agreed to.

IOWA INDIANS IN OKLAHOMA (S. DOC. NO. 486).

Mr. OWEN. I present the petition of members of the Iowa Tribe of Indians in Oklahoma relative to the payment for certain Indian reservation lands ceded to the United States by the treaty with these Indians. I move that the petition be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

BROTHERHOOD OF NORTH AMERICAN INDIANS (S. DOC. NO. 489).

Mr. OWEN. I present a memorial of the Brotherhood of North American Indians remonstrating against the reimbursement of money appropriated for the benefit of Indian tribes and praying for the right of representation and of self-government by the Indian people. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

PROTECTION OF LEVEES OF THE MISSISSIPPI (H. DOC. NO. 662).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I am advised by the Secretary of War, whose report I transmit herewith, that the flood in the Mississippi Valley, by reason of the rise in all of the rivers tributary to the Mississippi and Missouri at nearly the same time, is likely in the lower part of the valley—that is, Missouri, Kentucky, Arkansas, Tennessee, Mississippi, and Louisiana—to reach a higher point along the levees than it has ever reached within recent memory, and that there is very grave danger that the levees may give way under this unusual pressure and that great damage may be done to property in the States mentioned, requiring, unless prompt action is taken, great future outlay in preserving the proper navigation of the streams.

These levees contribute not only to the safety of the adjoining agricultural lands and settlements, but are also a part of the great governmental projects for the maintenance of navigation in the lower waters of the Mississippi.

It seems proper, therefore, that the Government should take immediate action to make the loss impending as little as possible. In view of the character of the emergency and the safeguards surrounding expenditures made under the Corps of Engineers, I have no hesitation in asking for an appropriation of $500,000 as recommended by the Secretary of War.

I urgently recommend an immediate appropriation, so that no time may be lost in taking the necessary steps to prevent what but for governmental action may be a loss not only of many millions, but of lives as well.

WM. H. TAFT.

THE WHITE HOUSE, *April 2, 1912.*

The VICE PRESIDENT. The message will be printed and referred to the Committee on Commerce.

Mr. WARREN. Mr. President, I think the message should be referred to the Committee on Appropriations.

The VICE PRESIDENT. The Chair hesitated whether or not it should be referred to the Committee on Appropriations or to the Committee on Commerce.

Mr. WARREN. I think it should go to the Committee on Appropriations, not only in itself, but I am informed there is danger in the upper country along the Missouri, and that other matters of this kind will be presented perhaps to-day or tomorrow. Therefore I suggest that it be referred to the Committee on Appropriations.

The VICE PRESIDENT. Without objection, reference will be changed, and the message will be referred to the Committee on Appropriations and printed.

APPRAISAL OF UNALLOTTED INDIAN LANDS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

Mr. GAMBLE. I move that the Senate nonconcur in the amendment of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. GAMBLE, Mr. MCCUMBER, and Mr. STONE conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 22195. An act to reduce the duties on wool and manufactures of wool was read twice by its title and referred to the Committee on Finance.

PROPOSED PARCEL POST (S. DOC. NO. 485).

Mr. BAILEY. I ask unanimous consent that a letter written by the Hon. JOSEPH T. JOHNSON to Mr. D. A. Davis, of Laurens, S. C., on the 22d of March, shall be printed as a public document.

The VICE PRESIDENT. Without objection, an order therefor is entered.

Mr. BAILEY. I make this request on behalf of my good friend the senior Senator from South Carolina [Mr. TILLMAN]. I am personally opposed to the parcel post, to which this letter refers.

Mr. POINDEXTER. Not for the purpose of objection, but for the purpose of information, can the Senator state the general subject of this letter?

Mr. BAILEY. It relates to the parcel post. I have just stated that I presented it on behalf of the Senator from South Carolina [Mr. TILLMAN], though personally I am unalterably opposed to the proposition.

Mr. HEYBURN. Mr. President, do I understand that it is an argument in favor of the parcel post?

Mr. BAILEY. I have not read the communication. It is a letter written by a Member of the House of Representatives from a South Carolina district to one of his constituents. The senior Senator from that State deems it worthy of distribution. Being called home, he left a note requesting that I have it printed as a public document and send copies of it to him at his home, in order that he might distribute them among his constituents.

Mr. HEYBURN. While I would be loath to interpose an objection, I regret——

Mr. BAILEY. I hope the Senator will be too loath to do it in this case.

Mr. HEYBURN. I regret the electioneering for a parcel post through the medium of a public document. In the first place, I am so strongly opposed to a parcel-post law that if anyone is to advocate it, I should like not only not to have that advocacy made free by the Government, but to have it pay an entrance fee. I think that strongly on the subject.

Mr. BAILEY. Mr. President, the Senator from Idaho is not more earnestly opposed to that proposition than I am. I am looking forward myself to the time when the post office will be the most important place in all the towns and villages, and even in the smaller cities. They now have a savings bank there. When they have the parcel post they will have the express company. When the present Postmaster General succeeds in buying the telegraph lines, we will have a telegraph office there, and all of that combined with the post office will make it the most important place in many communities.

I am opposed to the whole system, but I am not afraid to have such arguments as can be made in its behalf printed and distributed, especially when it is done at the request of a Senator.

Mr. HEYBURN. I am not going to raise an objection; but this is an appropriate time to say that there is a method now being adopted of sending out forms all over this country, with the request that those to whom they are sent will copy them in their own handwriting for the purpose of deceiving Members of Congress.

Mr. BAILEY. Of course, this is not a case of that kind.

Mr. HEYBURN. I suppose there is not a mail in which every Senator does not receive a number of them. They evidently emanate from one source or from a combination intended to promote this enterprise of a parcel post.

Mr. BAILEY. Mr. President, I think more than half of the people of this country are in favor of doing anything at this time that will extend the activities of the Government. I hardly think it is necessary now for a special interest to move them. In this age of "uplift" and distrust of each other, breeding, I must believe, at last a distrust of ourselves, people lean on the Government. The Senator and the rest of us who oppose that tendency, however, instead of objecting to the arguments in favor of it, ought to occupy ourselves with making arguments against it.

Mr. HEYBURN. Mr. President, with the consent of the Senate, I should like to say a word regarding this matter that will counter the evident plan that is being carried out for the purpose of creating an unrighteous and an unfair sentiment.

As the Senator from Texas well says, the people—that is, some of them, the ones that we hear make a noise—seem to be in favor of anything as an excuse for making the noise. Of course, the great majority of the people are not giving any attention to this matter and are not favoring it. It would work such a radical change in the whole social system of our Government as is not comprehended by those who are saying, "Oh, yes; give us the parcel post; give us this and that." They think they want something; they have the spirit of restlessness and discontent that I think is perhaps due to bad example, and the result is that we are being importuned every day to do something that we ought not to do. We can not reach all of those people, but I sincerely trust that the conservative wisdom of the country will reach them and that we will not do those things.

They are talking about abolishing the village and small-town element of our civilization by putting it out of business; that is, by making it unprofitable for the people in the towns and villages to do business. They would have everything brought to their doors; they would stay there in the solitude of their solitude; and they would never learn anything except what they read—if they do read them—in the papers brought to them at the expense of the people who do not want such a system or scheme of government. They would have their vegetables brought to them; they would not be acquainted with anybody in the county except themselves, and we would return to that isolated condition of social life that is the very opposite of civilization and advancement. Why, half the education of the American people has been obtained by the casual coming together at the country store and the post office in the ordinary walks of life.

You get to know how men look in that way. Under this proposed system you would not know how a man appeared who lived 5 miles away from you, because you never would have any occasion to see him. Some of these people will vote by letter, I suppose, and pretty soon they will have some system devised by which a man will not know anybody else.

That is the bane of this foolish direct primary—I do not know why I should hesitate to mention it, but that is the bane of it. Nobody knows what the candidate looks like. Some one comes around with a petition for him. It is not like the men selected who are chosen by selected men coming together in an open convention, where the exigencies of the occasion call upon men to get up and state themselves, and be looked at and heard and known something about, and considered as to their fitness for nomination for the position. Many a time we have all known men that we never heard of before to come to the front for the first time in a convention. Some occasion impelled them to arise, and they exhibited an unexpected knowledge of affairs and a fitness for the confidence of their fellow men. We have seen them, and we have heard them here—men who started in a little or a big convention.

Now, this is along the same line. If you want to send the districts outside of the big cities back into the wilderness, just establish such a ridiculous system as this, so that every man will have to send to Chicago or some other central place for his daily bread by and by. Nobody will support stores for the purpose of trading off eggs for sugar. The result is that we will have none of the small, beautiful centers that we call villages and towns, and we will have two or three big trading points at which commerce will seek to supply the whole body of the American people.

When the question comes before the Senate for responsible action (which I hope it never will, although I should like to have a chance to be in at the killing of it) I will probably ask the patience of the Senate for further remarks.

HEARINGS BEFORE THE COMMITTEE ON FISHERIES.

Mr. JONES. I ask unanimous consent for the present consideration of Senate resolution 252, authorizing the Committee on Fisheries to conduct hearings, employ stenographers, and so forth.

Mr. SMOOT. Is the morning business over?

The VICE PRESIDENT. The morning business is finished. The Senator from Washington asks unanimous consent for the present consideration of a resolution.

Mr. GALLINGER. Is it on the calendar?

The VICE PRESIDENT. It is on the calendar.

Mr. GALLINGER. I will say that I will not object to it, but I hope we will devote a little time to the consideration of bills on the calendar.

The VICE PRESIDENT. The Chair hears no objection, and the resolution is before the Senate.

The resolution (S. Res. 252) was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Fisheries or any subcommittee thereof is hereby authorized, during the Sixty-second Congress, to send for persons and papers, to administer oaths, to employ stenographers from time to time, to report such hearings as may be had during the

present session of Congress in connection with any subject that may be pending before said committee, and to have the testimony and proceedings of such hearings printed for the use of the committee. The expense of such hearings shall be paid out of the contingent fund of the Senate, and said committee and subcommittees thereof may sit during the session of the Senate.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed. The calendar is in order under Rule VIII. The Secretary will report the first bill on the calendar.

The bill (S. 2518) to provide for raising the Volunteer forces of the United States in time of actual or threatened war was announced as first in order on the calendar.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

The next business on the calendar was Senate concurrent resolution 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. BRISTOW. I ask that it may go over.

Mr. HEYBURN. Let it go over.

The VICE PRESIDENT. The concurrent resolution will go over.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

The resolution (S. Res. 176) requesting the President to make certain inquiries of the Governments of Great Britain and France touching the arbitration of justiciable controversies or disputes was announced as next in order.

Mr. GALLINGER. Let it go over.

The VICE PRESIDENT. It will go over.

The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

The VICE PRESIDENT. The bill will go over at the request of the Senator from Massachusetts [Mr. LODGE].

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

ANNIVERSARY CELEBRATION OF ACT OF EMANCIPATION.

Mr. BRADLEY. I ask for the consideration at this time of Senate bill 180.

Mr. GALLINGER. That has just been reached.

The bill (S. 180) providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Industrial Expositions with amendments.

The first amendment was, after the enacting clause, to strike out all down to and including line 10 and to insert:

That whenever the President of the United States shall be satisfied that the Semicentennial American Emancipation Exposition Co., a corporation organized under the laws of the State of Georgia, has made provision for an exposition to be held during the year 1913, to illustrate the history, progress, and present condition of the Negro race, and to celebrate the fiftieth anniversary of the proclamation of emancipation by President Lincoln, on the 1st day of January, 1863, and that the said corporation has raised and secured money or property to the amount of not less than $50,000 for the purposes of such exposition, the President is authorized and respectfully requested to make proclamation of the time and place and purpose of such exposition and celebration and of such other information in relation thereto as he may deem expedient.

The amendment was agreed to.

Mr. HITCHCOCK. The bill calls for an appropriation. I ask that it may go over.

The VICE PRESIDENT. The bill will go over.

Mr. BRADLEY. I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. The Senator from Kentucky moves that the Senate proceed to the consideration of the bill notwithstanding the objection of the Senator from Nebraska.

The motion was agreed to.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was continued. The next amendment was, on page 3, beginning with section 3, to strike out the remainder of the bill and to insert in lieu of section 3 the following:

SEC. 3. That the location, plan and scope, designs for buildings, provisions for public health and comfort, and rules for the conduct of the business and affairs of the exposition shall be subject to the approval and control of the Secretary of Commerce and Labor, who shall exercise supervision over the exposition through such representatives of the department as he shall designate.

The amendment was agreed to.

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

Mr. SMITH of Georgia. Has the entire bill been read? The amendments seem to have been read as in Committee of the Whole.

The VICE PRESIDENT. The Secretary informs the Chair that the entire bill has been read.

Mr. SMITH of Georgia. I was listening, but heard only the amendments.

The VICE PRESIDENT. The Chair simply goes by what the Secretary informs him.

Mr. SMITH of Georgia. Do the amendments take the place of the original bill?

The VICE PRESIDENT. All the amendments have been read.

Mr. SMITH of Georgia. I heard the amendments read.

The VICE PRESIDENT. Does the Senator from Georgia desire to have the parts proposed to be stricken out read?

Mr. SMITH of Georgia. No. Will the amendments take the place of the original bill?

The VICE PRESIDENT. They have all been read.

Mr. SMITH of Georgia. The amendments will take the place of the bill?

The VICE PRESIDENT. All those have been read.

Mr. SMITH of Georgia. There is nothing left of the bill but the amendments?

The VICE PRESIDENT. That is all, except section 2.

Mr. HITCHCOCK. Mr. President, I should like to have some one in charge of the bill explain any benefit that is to be derived in consideration of the appropriation of $250,000. I think we have reached a point where people are not disposed to vote money for participation in any exhibition or celebration unless there is some very direct and unquestioned benefit to be derived from it. Here, apparently, there is a disposition to pass a bill involving an appropriation of $250,000 without a word said as to what is to be the benefit from the bill.

Mr. BRADLEY. Mr. President, I will try to explain the purpose and object of this bill. In all the appropriations that have been made by Congress for different expositions in this country, there has never been anything asked by or given for the negro race. The object of this bill is to enable them by an exposition to celebrate the semicentennial of their freedom, one of the most notable events in history, to call their people together, to assemble their inventions, their products of field and shop, to show to the United States and the world the progress they have made, thereby inspiring their race with more activity, earnestness, ambition, and desire to be valuable citizens.

Since the negroes were freed they have increased from 4,000,000 to 10,000,000 in population. They own to-day, notwithstanding they were freed without any property, more than $600,000,000. They have 135 private high schools. They have 30,000 teachers; 82 banks; 500 newspapers and periodicals. They have decreased in illiteracy 47 per cent. They have 1,500 lawyers, 2,500 physicians, several thousand ministers, some of whom are among the ablest men in the United States. They have 149 wholesale houses, 9,098 retail merchants, and 1,186 manufactories. Among them are scientists, poets, authors, musicians, artists, and inventors, and they have 2,000,000 children in the schools.

The object of this bill is to give them a chance to call prominently to the attention of the people of this Nation what they have accomplished and to show their progress, to encourage their people to the accomplishment of greater things, and to show the white people the extent of their improvement in order that they may better merit their help and sympathy.

Mr. President, it seems to me when we consider the fact that these people for so many years bent their backs in bondage in unrequited toil in order to make fortunes for others; that they were denied every right of manhood, every opportunity of education; that during the Civil War, notwithstanding their freedom was at stake, in the whole southern country not one of them ever committed an outrage, although they were left in charge of the wives and children of the Confederate soldiers who were fighting to continue them in slavery, now that they are citizens of the United States it is our duty to lift them up, to help them, to strengthen them, to encourage them, to make them better citizens, and to make them of more value, force, and virtue in this great Republic.

This is but a pittance, and it is conditioned upon their raising among themselves $50,000 before they can enjoy the appropriation. I do not think that the spirit of economy should be such as to prevent the passage of any bill which has for its purpose the betterment of humanity, the betterment of our country, and the improvement of its citizens. I hope the bill may pass.

Mr. HITCHCOCK. Mr. President, I have never seen an appropriation which in its terms is more loosely or recklessly drawn than this particular bill appears to be for the use of the money of the people. It is proposed to give, apparently without any restrictions, without any qualifications, $250,000 to any corporation formed with a capital of $50,000 for the purpose of holding a celebration.

I want to say in the first place, Mr. President, that I have taken the position that I believe is justified by public opinion in this country, that the country has expended enough money in expositions, that a great deal of it has been done recklessly, and that the purpose of the exposition as originally designed has been run in the ground. I took a position against the appropriation of any money for the Panama Exposition, and I intend to stand by it. I intend to take a strong position against the appropriation of a quarter of a million dollars proposed in this bill if for no other reason than because the bill utterly fails to provide any safeguards at all to see that there is any benefit derived from the expenditure of the money.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire.

Mr. HITCHCOCK. I do.

Mr. GALLINGER. I ask the Senator if he can inform the Senate what the appropriation of the Government was for an exposition held in his own State a little while ago?

Mr. HITCHCOCK. I can. Would the Senator like to hear it?

Mr. GALLINGER. I should like to know it.

Mr. HITCHCOCK. Congress appropriated $100,000 for the Trans-Mississippi Exposition, to be held in Omaha, but that money was not turned over to the Trans-Mississippi Exposition Co. That money was used by the Government of the United States itself in the erection of a Government building, in the installation of Government exhibits for the purpose of educating the people in the Middle West into the various functions of the Government of the United States. There was exhibited there, for instance, to those people the life-saving apparatus of the Government of the United States, something that the people upon the coast are familiar with, but something the people in the interior of the country, of course, can rarely see and is seen only by those who travel extensively. This bill, however, proposes bodily, as I understand it, to take $250,000 out of the Treasury of the United States and turn it over to a company with $50,000.

Mr. GALLINGER. Now, Mr. President, if the Senator will permit me, I think he is mistaken about that. Section 2 of the bill specifically provides that this money shall be "expended under rules and regulations to be prescribed by the Secretary of the Treasury and upon vouchers to be approved by him."

Mr. HITCHCOCK. Can the Senator from New Hampshire or any other Senator tell the Senate and tell the people what the money is to be expended for?

Mr. GALLINGER. I think the bill states that specifically.

Mr. HITCHCOCK. What is it?

Mr. GALLINGER. It is to enable these people who were held in slavery more than 100 years and who have been making such progress since they were emancipated to make an exhibit of their products and of their prosperity.

Mr. HITCHCOCK. It is proposed, then, to have this money expended by the Government of the United States?

Mr. GALLINGER. Precisely. That is what section 2 provides.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. May I call the attention of the Senator from Nebraska to the third section of the bill, in connection with the second section, to which the Senator from New Hampshire has called his attention? This money is to be expended under rules and regulations to be prescribed by the Secretary of the Treasury, and upon vouchers to be approved by him, under section 2, and section 3 provides—

> That the location, plan, and scope, designs for buildings, provisions for public health and comfort, and rules for the conduct of the business and affairs of the exposition shall be subject to the approval and control of the Secretary of Commerce and Labor, who shall exercise supervision over the exposition through such representatives of the department as he shall designate.

Under the third section I am sure the Senator will find it difficult to present appropriations of money which are more carefully guarded as to expenditure than these appropriations, which follow the appropriations of millions upon millions of dollars made by Congress for expositions to be attended by the white race, for the benefit of the white race, and from which these 9,000,000 citizens of the United States have been practically excluded. Now we are for the first time asked to allow, under these careful safeguards, the expenditure of $250,000 for a portion of our people who comprise one-tenth of the number of the citizens of the United States.

Mr. President, the whole trend of social development is toward the separation of the two races in the affairs of life. It is not enough that the blacks be excluded from participation with the whites. If that is to be, it should also be accompanied by encouragement of the blacks to work out their own salvation among themselves. Thrift, industry, energy, ambition, the acquisition of learning, of education, of the useful arts, and of all that goes to make good citizenship by the blacks among themselves should be encouraged. This is the first step proposed to be taken by the Government of the United States to help these people, who are excluded from ordinary association in the social affairs of our country, to help themselves to become useful, law-abiding, thrifty, industrious, self-supporting citizens.

Mr. President, as was said by the representatives of that race who came before the committee which reported this bill, it will put heart into the colored people to show them what their fellow negroes have been able to do by being thrifty and industrious; it will encourage them to be good citizens, to strive to build up homes, to educate their children for useful lives. I can conceive of no more graceful, no more appropriate, no more sensible act than for the people of the United States to help these poor blacks to celebrate the emancipation proclamation which half a century ago accomplished their liberation and was the most significant single act that ever happened in the history of the world as bearing upon the fortunes of a race; to help them celebrate the anniversary of that proclamation by showing to the white people of the country what are the pathways along which they can be helped, and by showing to each other what have been the rewards of a useful and industrious life on their own part.

We have done little enough, sir, for these people. We have done much in pushing them away, in saying, "You shall not go here or there or do this or that." We have done very little to help them do what is necessary to make them less of a burden to us and more of a satisfaction to the people of their own race.

I hope, Mr. President, that the Senator from Nebraska will not press his opposition to this bill. The last place from which I looked to see objection to this little aid to the blacks was from the soil where the Kansas-Nebraska conflict raged at the time when I first heard the echoes of the strife and controversy of the great world. This is to enable the people for whom the Kansas-Nebraska settlers sacrificed and fought to celebrate the great act of freedom which was the consummation of the sacrifices and the heroism of the people of Kansas and Nebraska.

Mr. HITCHCOCK. Mr. President, I am really obliged to the Senator from New York for his contribution to the occasion, but it in nowise answers my objection. I do not yield to the Senator from New York in my desire to promote the development, the prosperity, and the welfare of the colored race. I am frank to say that on the soil of Nebraska, which the Senator is kind enough to mention, the colored man is probably doing as well in a material and in an intellectual sense as he is doing in the State of New York, which the Senator in part represents; but I am morally certain that very few, if any, colored men from my State would be able to visit a far-away exposition on the Atlantic coast; and I am positive that they would gain no material benefit by such an excursion.

I am very suspicious, moreover, that there is a design behind the attempt to appropriate $250,000 for the alleged benefit of the colored race, and that a large part of that appropriation would be used, as a large part of other appropriations for so-called participation in expositions has been used in the past, for the payment of salaries, the incurring of expenses, and perhaps the erection of buildings which would be of no sort of benefit to the persons in whose name and for whose pretended benefit the appropriation is sought from Congress.

Mr. LODGE. Mr. President——

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

Mr. HITCHCOCK. Yes.

Mr. LODGE. The Senator from Nebraska has stated—I am not familiar with this bill—that this exposition was to be held on the Atlantic coast. Is it so provided in the bill?

Mr. GALLINGER. It is not.

Mr. HITCHCOCK. I am not sure that it is fixed even to that extent, although the exposition corporation is located in Georgia, and I assume that the exposition would be held there, and probably if it were to benefit the largest number of colored people, it would be held in the South, where a majority of the colored people are found.

Mr. LODGE. I thought, as I heard the bill read, that the question of the place for holding the exposition was to be left to the decision of the Secretary of Commerce and Labor or the Secretary of the Treasury.

Mr. HITCHCOCK. It is quite likely——

Mr. SMITH of Georgia. Can the Senator tell me whether the charter settles that question?

Mr. LODGE. I do not know. I am not familiar with the bill. I was asking for information.

Mr. BRADLEY. The charter does not settle it.

Mr. SMITH of Georgia. I have not read the bill.

Mr. BRADLEY. The bill does not designate any place for the holding of the exposition.

Mr. SHIVELY. Mr. President——

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

Mr. HITCHCOCK. I do.

Mr. SHIVELY. Section 3 of the bill clearly leaves the selection of the place for the holding of the exposition to the Secretary of Commerce and Labor.

Mr. LODGE. Then, it can hardly be said that it is to be located on the Atlantic coast.

Mr. HITCHCOCK. Mr. President, wherever the exposition is to be held it must, from the very nature of the case, be largely local. The Senator from Massachusetts [Mr. LODGE] is well aware that the average colored man will not be able to travel any considerable distance to attend this exposition; and, if he were able to do so, he would receive no particular benefit by spending his money in that way. The most practical teachers of the colored race, those who attempt in the most practical way to benefit them, do not attempt to do so in this manner. They attempt to do it in the way of that training and that education which fits them for the practical life in which they must engage if they would be successful, happy, and worthy citizens.

The Senator from Massachusetts and the Senator from New York must know that of late so-called expositions, held for various purposes, have degenerated largely into amusement enterprises, charging admission at the gate, and that nine-tenths of those who visit those expositions go to the "midway" and spend their time upon the "midway," in the side shows and circus performances. That has been true practically of every exposition held in the United States since the Centennial Exposition in Philadelphia, which was really the only educational exposition for which the money of the United States has been appropriated.

I am against this appropriation, just as I would be against any appropriation of the people's money for the purpose of holding an exposition, whether for white people or for black people. Moreover, Mr. President, I am against this measure for the reason that it is a most reckless attempt to take $250,000 out of the Treasury and allow it to be expended as the Secretary of Commerce and Labor may hold to be fit. It is practically turning over to him a quarter of a million dollars. We know that the Secretary of Commerce and Labor is one of those Cabinet officers who are already overwhelmed with duties. His connection with that money will be simply to turn it over to those who are already preparing to get hold of it, and the result will be simply a waste of $250,000 of the people's money, and the colored man will not be benefited one iota. I can hardly conceive that the Senator from New York can sincerely believe that there is to be a great uplift of the colored race in this country by taking $250,000 out of the Treasury for the purpose of holding an exposition. Can anyone here deny the fact that every exposition held on American soil in recent years has degenerated into a mere amusement enterprise?

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. I deny that that is true of the Pan American Exposition at Buffalo in my State. The Senator from Nebraska may assert it regarding the exposition at Omaha in his State, and I can not deny it, for I do not know; but I infer from the fact that after having one exposition at Omaha the people of Nebraska proceeded to have another, they considered the first one to be beneficial.

Mr. HITCHCOCK. Well, Mr. President, I am not disposed to disparage the exposition held at Omaha. The Trans-Mississippi Exposition held at Omaha, I believe, was equal in its educational features to any other exposition recently held.

Mr. ROOT. Mr. President, I ask the Senator from Nebraska why, if he considers that the Trans-Mississippi Exposition held at Omaha for white people was beneficial in its educational influences, he is unwilling to have the same kind of benefit given to the black people?

Mr. HITCHCOCK. I will answer the Senator from New York by saying that the Trans-Mississippi Exposition held in Omaha was not held for white people alone, but was held for all the people, including blacks as well as whites. I reprehend and condemn the purpose of this bill in another respect, the very one named by the Senator from New York. It is an attempt to distinguish between the whites and the blacks, the very thing that he has condemned and denounced. It involves the idea of separating the two races. Why label an exposition for the blacks only? Why label it for their benefit alone? They participate just as the whites do in any exposition held; they have the same opportunity to visit the art galleries and the various buildings, and to study the objects exhibited in the exposition; and they have the same opportunity to exhibit in those expositions that the white people have; so that there is no need to set them aside as "goats," with the idea that they must go off by themselves and have their exposition.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. May I ask the Senator from Nebraska whether he would close the schools at Tuskegee, at Hampton, and the Howard University because they take only blacks among their pupils? If he would not, why does he oppose the educational influence of an exposition for blacks?

Mr. HITCHCOCK. Has the Senator finished his question?

Mr. ROOT. I have.

Mr. HITCHCOCK. I would rather appropriate the $250,000 to build an educational institution, to endow a college, than to appropriate it for the purpose of holding what inevitably will degenerate into an amusement enterprise, into an enterprise in which a number of the favored few of the corporation or of the Government will draw large salaries, in which the commissioners will draw large salaries out of the Treasury, and in which favored contractors will receive their share in the construction of buildings. I would rather use $250,000, if it is desired to do something for the colored man, for the purpose of endowing a school to teach the colored man.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield further to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. I ask the Senator from Nebraska whether he is now stating the experience which he had with the Omaha exposition?

Mr. HITCHCOCK. I have no hesitation at all in meeting that issue. We undertook the Omaha exposition for a material purpose. At that time Omaha was in a serious condition of depression. I joined the business men of Omaha who undertook to establish an exposition there for the material good of that section of the country. It was a success; it enabled our people to come together in cooperation, and we made of the exposition a great success.

We not only made an exposition which returned 92 cents on the dollar to the stockholders, but we made an exposition which restored our city to prosperity. We did not do it for the purpose of educating the people; we did not do it for the mere purpose, stated in this bill, of conferring a great benefit upon a class of people; but we entered into it as a business proposition. It was a success as a business proposition; but I want to state to the Senator from New York that it was like every other exposition of recent years, in that it degenerated into a mere amusement proposition. The art gallery was deserted, and the "midway," with all its side shows, was crowded. What is true of the Omaha exposition is true of every exposition recently held in the United States, and my experience with that exposition is one which has led me to stand opposed to any appropriation of the people's money for the purpose of promoting an exposition.

Mr. GALLINGER. Mr. President——

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

Mr. HITCHCOCK. I do.

Mr. GALLINGER. I was interested in the Senator's statement that the Omaha exposition was held for material purposes. There seems to have been a business depression in Omaha, and they had an exposition to enable the people to get out of that unfortunate business condition. In reading the most excellent report on the pending bill, presented by the distinguished Senator from New York, I find that this exposition is for a very different purpose; that it is for an educational and a religious purpose, which I think quite as important as holding an exposition for material purposes.

The Senator says that the Omaha exposition was open to the blacks as well as the whites. I will ask the Senator if there was any black man on the board of directors or on any committee connected with the Omaha exposition, or were they invited to make exhibits——

Mr. HITCHCOCK. When the Senator has finished his question, I shall be glad to answer it.

Mr. GALLINGER. I am pretty nearly through—or were they invited to make exhibits at all?

Mr. HITCHCOCK. It is a sort of compound question that the Senator is asking, and I shall have to take my time in answering it.

Mr. GALLINGER. The Senator can answer it in sections if he chooses.

Mr. HITCHCOCK. I will answer it in sections.

The Senator starts out with the proposition that this exposition differs from the Omaha exposition in that the prospectus of the proposed colored exposition declares its purpose to be an educational one. Our prospectus in Omaha set forth the same thing. We sought a lofty pedestal upon which to place our exposition. It was to be a great educational enterprise. But I repeat what I said; it largely degenerated into an amusement—an entertainment. All of these expositions travel that course, and this one will travel that course. The buildings for exhibits will be not only lacking in exhibits but lacking in spectators, and the midway will be crowded. The amusement field will get into the foreground; and the money appropriated here, instead of going for the benefit of the class for whose benefit it is intended, will go to pay salaries and to construct useless buildings.

Now I will answer the Senator's other question. He asks whether there were any colored men upon the board of directors of the Omaha exposition. There were no colored men upon the board of directors. I do not recall whether or not there were any colored men who made exhibits; but I know there were colored men who went to the grounds. I was one of the directors who insisted that the evening charge and some of the day charges should be only half price, in order that people of that class should have the benefit of the exposition.

I am sure any exposition held anywhere, for any purpose, will have its fair proportion of colored attendants. This idea of attempting to set apart a particular exposition to be held by the colored people for their benefit, to exhibit their progress, while it may be theoretically a lovely idea, will degenerate just as all the other exposition ideas have degenerated; and I, for one, object to the expenditure of public money for this purpose.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. Yes.

Mr. ROOT. May I ask the Senator from Nebraska if he does not think it would be more useful to the colored race to enable them to exhibit the fruits of their industry and progress for the encouragement of each other than it is to lower the entrance fee to a white exposition in order that they may come into the midway?

Mr. HITCHCOCK. Has the Senator finished his question?

Mr. ROOT. I have finished.

Mr. HITCHCOCK. It would be an admirable thing if the colored people could encourage each other—and they are encouraging each other. I want to say to the Senator from New York that every time a colored man makes an honest success in life, finds himself in an honest and useful occupation, and meets that share of success which many of them are meeting, he is the best exhibit that his brothers can have. He points the way. Industry with the colored man will win, as industry with the white man will win; and it will win, I suppose, in New York as it has been winning in Nebraska.

The Senator from New York must realize that there is nothing the colored man can exhibit at an exposition in Georgia or anywhere else that he can not exhibit in his everyday life. The best exhibit the colored man can make is the exhibit the successful colored men are making. I am glad to say they are making such progress that the truth is that the colored race has progressed in the few years it has had emancipation probably faster than any other race has ever progressed after its emancipation. But it has not made that progress as the result of expositions. It has made it as the result of having an open field, an opportunity; it has made it as the result of industry; it has made it as the result of sacrifice; it has made it as the white man has made his success in life—by encouraging those virtues and adhering to those precepts which mean success.

I can not conceive that the Senator from New York is sincere in his idea that the colored man is to be benefited by an exposition when he knows that if he is benefited at all he can be benefited only by adhering to those precepts in life which bring success and merit success.

Mr. SMITH of Michigan. Mr. President——

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

Mr. HITCHCOCK. I do.

Mr. SMITH of Michigan. I should like to suggest to the honored Senator from Nebraska [Mr. HITCHCOCK] that it may not be beyond the realm of hope that the white race may benefit somewhat by an exposition of the colored man's achievements, products, and genius. I want to say to the Senator that while there are many colored people who are too poor to go to such an exposition, there are hundreds and thousands of them that are prosperous. Indeed, no people in the history of the world have risen from bondage to such a glorious height in 50 years under more discouraging circumstances. In the last decade and a half the colored people of this country have acquired and own in their own right, unencumbered, more land than is embraced in the entire Kingdom of Holland and the entire Kingdom of Belgium combined. They have made a tremendous record in creditable achievements. All the professions are honored by them; every vocation is enjoyed by them; and wherever they have had a fair chance they have shown adaptability and earnestness in caring for themselves in the struggle of life.

The white people should be proud of their record in a half century of freedom, and the colored people should be proud of themselves. If this exposition will disclose to the white people the genius and the strength and the progress of the colored race and make them more self-reliant, it will have done a genuine service to mankind.

Mr. HITCHCOCK. I think what the Senator says is undoubtedly true. But he prefaced his proposition with an "if;" and that is just the sticking point. If the exposition would do that, I should be for it. But because I know the exposition will not do it, I am against it. I am against the promiscuous appropriation of money, raised from the people by taxation, for enterprises of this sort; and I want to say to the Senator from New York that in my opinion the hard-head colored men of this country will not approve the appropriation of this amount of money for this purpose.

Mr. ROOT. The Senator from Nebraska has expressed a doubt of my sincerity in asserting that the exposition will be beneficial to the colored people. I hope he does not really entertain that doubt. I can assure him that if he had heard the colored men who came before the Committee on Industrial Expositions even his hard heart would have been stirred with sympathy for their condition and with a strong desire to do something to help them. One of them said this exposition would be an object lesson "in bringing forward such an exhibit to inspire and encourage our own people who at times feel a little as though life was scarcely worth living."

Mr. President, my heart has many a time ached as I have considered men with colored blood in their veins against whom all the avenues or all the ends that are held here by men are closed. Never in my life have I been more sincere in the recognition of a duty or in an earnest hope than I am in pressing upon the Members of the Senate that they shall avail themselves of this opportunity to lift a little the cloud that hangs over these people and give them some glimpse of hope for ambition and for progress that may make their lives worth living under the hard conditions that surround them.

Mr. NEWLANDS. Mr. President, I am a member of the Committee on Industrial Expositions, and was present at the meeting at which this grant was urged. My impressions at the commencement of the hearing were similar to those made upon the mind of the Senator from Nebraska [Mr. HITCHCOCK]. But as the hearing progressed, the representatives of the colored race conducted themselves with such modesty, and were so distinguished in clearness, conciseness, and dignity of statement regarding this organization, that I concluded to vote for the measure. There were three Members of the minority party present at that meeting—the late lamented Senator from Tennessee [Mr. Taylor], the Senator from Kentucky [Mr. PAYNTER], and myself; and my recollection is that there was no dissent.

There is hardly any Senator upon this floor who is more radical than myself upon the race question. I believe we should preserve this country for the white man and for the white race. I would by law bar out from immigration all save those of the white race, without invidiously referring to any other race. If I had the power, I would write in the Constitution to-morrow a provision confining the franchise to people of the white race, without taking the privilege from those of a dif-

ferent race who now have it, but confining the exclusion to the future. I do not believe two races differing in color can live upon the same soil without the one being subservient or subordinate to the other. I believe race intolerance alone will keep the two races from mingling; and I regard amalgamation as the greatest curse that could afflict a country. I believe race intolerance will ultimately end in race conflict, and I would save our country the dreadful problems of the future.

But there seems to be no disposition to legislate upon this great question in so comprehensive a way as in the future gradually to lead to an aided emigration of this race to the land of their origin, under conditions of assistance by this country that will make the way easy. So we must struggle with this problem as best we may to-day, only realizing that more serious problems are in the future for those who shall succeed us.

But no reflecting man can fail to observe that the constant tendency is toward race separation in this country, and it is a desirable tendency. The negroes are separating themselves more and more from the whites in separate localities, in separate communities. Ultimately they will probably control, so far as population is concerned, large areas of the fairest portion of our country, as they are now controlling, so far as population is concerned, the richest part of our country, the great black belt of Louisiana and of Mississippi.

Mr. GALLINGER. Mr. President——

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

Mr. NEWLANDS. If the Senator will permit me to go along without interruption, I shall close in a few minutes.

Mr. GALLINGER. I was going——

The VICE PRESIDENT. The Senator asks not to be interrupted.

Mr. NEWLANDS. I prefer not to be interrupted.

Mr. GALLINGER. I prefer not to interrupt the Senator.

Mr. NEWLANDS. Mr. President, the leaders of the negro race are prominent in this movement. They are establishing such institutions as Tuskegee. We have already the Hampton Institute, the workings of which I had the opportunity of seeing last year. They are proceeding now upon lines of industrial education—the training of the hand and not simply the training of the head. They are realizing that that is the best kind of training they can receive, and they are showing the advantage of it every day in the progress which they have made.

Without realizing it, we were absolutely inhuman to the negroes when, at the close of the war, we gave them the suffrage as a matter of self-protection. The right to vote did not protect them. It simply gave them the power to oppress, in the South, the superior race, and produced a reaction which again has put them in subjection. We erred in our whole method of education, being of the impression that the best thing to do was to train their heads rather than their hands, and we substituted no material or practical training whatever for the training which the blacks had been receiving upon the plantation in all the industrial and mechanic arts. We allowed the South after the war to sustain the whole burthen of training a race for whose slavery the whole country, North as well as South, was responsible.

We have blundered in our treatment of them, and they have blundered out of the difficulties in which our mistaken humanity involved them. Led by people of their own race, they are now advancing in all the industrial arts, and their leaders are inculcating in them a certain pride of race itself.

I was glad to hear a prominent black man at Hampton declare that he believed in his race, that he was proud of his race, and that he would not object to entire race separation in this country and the assignment of the negro race to specified parts of a town or a community, provided that the people of that locality were treated as fairly in public matters as the white portion. That pride of race, if it develops, will make them a stronger and more vigorous race, and I trust it will lead them into such dissatisfaction with the subservient position which they now occupy and which they will continue to occupy throughout all time in this country that they themselves will head a movement for a return to their own soil, which to-day opens up more opportunities for immigration than almost any other part of the world. It is a country in which enterprise of every kind is now being developed, and if the whites can migrate to Africa, why should it be regarded as a misfortune that the blacks should migrate there?

Mr. President, I was impressed by the appearance of the black men who appeared before us, by the clearness of their statements, by the dignity of their expressions. I am sure that if the men who appeared before us have control of this exposition, it will be an exposition worthy of the development which that race has shown at Hampton and at Tuskegee. While I entertain the views that I do regarding the presence of the blacks upon American soil, I feel it is our highest duty to aid them in the lines of development which they have selected for themselves, and therefore I shall vote for this bill with the greatest satisfaction.

Mr. LODGE. Mr. President, in past years I have opposed many of these examples of exposition industry as they have been presented to the Congress of the United States. I thought that industry was carried to great extremes. It seemed to me it had degenerated, under the guise of a celebration of this or that event, into land speculations or efforts to promote the prosperity of some particular locality. I have opposed such appropriations of the public money many times. It was neither a grateful nor a pleasant task.

I confess, Mr. President, that I have been a little surprised at the opposition developed to this not large appropriation for this purpose. The Senator from Nebraska seems to overlook the fact that the emancipation of the slaves 50 years ago was rather a remarkable event. In fact, I think it may be said without exaggeration that it was one of the great events of the nineteenth century. It ranks with the emancipation of the serfs in Russia and the unification of Italy, and forms a very important part of our own history.

The people who were emancipated under the proclamation of Abraham Lincoln were the Negroes of this country. They had not come here voluntarily. They were a forced immigration. We were all responsible for their presence here, North and South alike. Finally, in the agony of war, they were set free. It was a very great event. Fifty years afterwards it is proposed that there shall be a celebration, and that the people thus set free shall have an opportunity, and be aided by the Government in that opportunity, to show to the white race that set them free from slavery what they have done with their freedom. I think it will be good for them. I think it will help them in the right way along the paths which have been followed at Tuskegee and Hampton. But I think also, Mr. President, that it will be a good thing for the white people of the United States to have an opportunity to learn what progress the Negroes have made under freedom.

I am willing for one to vote for this not excessive appropriation to celebrate the act of emanicipation, if nothing else. I am very glad that the celebration of that great act should take the form of an exposition furnished with exhibits by the people who were emancipated, for the benefit and the instruction of all the people of the United States.

Mr. BRADLEY. Mr. President, I will not undertake at this late hour to enter into a discussion of the negro problem. I will say this, however, that I do not believe that there will be a conflict of races in this country. Certainly one of the ways to prevent any conflict is for the superior race to extend a helping hand to the inferior race and show they are willing to do them justice.

I am not at all alarmed about the supremacy of the negro over the white man. If one-tenth of our population, composed of negroes, can overcome us or surpass us in any respect, it will be our own fault, and we should not complain.

The Senator from Nebraska [Mr. HITCHCOCK] said that the exposition in Omaha was for educational purposes, but I am sure that those who heard his remarks will conclude that it failed in its purpose.

All his talk about the negro having an equal chance in that exposition is ridiculous. What chance had the negro to take his comparatively few articles there to contend with the white man? Every officer in the exposition was a white man. The negro was literally left out of the concern. If the exposition held in Omaha finally turned entirely into a Midway Plaisance, or whatever you might call it, as the Senator says, that does not argue that other expositions will do the same.

Mr. President, I wish to read a very short extract from what one of the men said who came before this committee while this bill was being heard:

First of all we see in it an opportunity to emphasize the real value of our splendid form of government. You will pardon me for adverting to personal experience, but when I think of my birthplace in a log cabin between two mountains in the State of Tennessee and of the opportunity of appearing before such an august body as this I feel that that is one of the great things in the minds of my race in their desire in a practical, tangible way to show to the civilized world the great opportunity afforded every American citizen, regardless of previous condition or creed. Secondly, there would be the object lesson in bringing forward such an exhibit to inspire and encourage our own people, who at times feel a little as though life was scarcely worth living. They are not even informed as a mass of the material progress that has been made by the race in the short period of time in which we have been practically relying upon our own resources. That is No. 2.

Then it comes to you as a desire of the various religious organizations of this country, and we feel that the Christian Church is possibly the greatest asset and the most practical and clear demonstration of

the possibilities of the race. We have to-day, as Bishop Arnett was wont to say, sufficient seating capacity in the churches to give every negro in the United States a comfortable pew in a church, and we come asking this opportunity of showing to the world that we live in a land where, if a man will put forth the proper endeavor, he may rise, and then we come asking that we shall have an opportunity to show to those of our own race who may be somewhat discouraged and despondent that there is light ahead, and to that end I simply appear representing the moral side of this question and from a ministerial point of view.

As the Senator from Nevada [Mr. NEWLANDS] said, the conduct of the men who appeared before that committee was dignified, modest, and proper, and not only so, but they demonstrated that they were men of rare intelligence.

Mr. President, it seems to me as though this is a very small favor asked by the negro. I was glad to see that on that the committee were unanimously in favor of the bill.

We do not want to close the door of hope against these people. Let us give them a chance to show to the world what they have done; whether or not they merit the freedom that came to them through years of agony and blood and toil. Let us do something to encourage them. If we want fairness and good fellowship, let the great white race be fair and just to the colored race, which labors under so many disadavantages.

But the Senator from Nebraska seems to fear that the negroes can not pay their way to the exposition, and in his imagination he thought it was going to be held on the Atlantic coast. No wonder, for there have been so many expositions in that direction; but this exposition is to be in the South. It will be held there for the purpose of showing to the negroes of the South, in the States in which they were held in bondage, exactly their opportunities and their chances of betterment as well as their material advancement.

We should remember, Mr. President, that the negroes have been faithful to this country; that they have made wonderful progress; and we should not forget that upon the field of battle they have stood side by side with the whites and preserved their lives more than once; and that their feats of bravery have found most complimentary mention throughout the civilized world.

I plead for this humble and unfortunate race. I plead for simple justice. I plead they may be extended this little help. I plead they may be given more light; they be permitted to show what they are and what they have done.

I do not fear that the time will ever come when they will be in the way of the white man. This can not be expected, on account of their past history, their bondage, and their lack of education; but, instead of crushing them to the earth, I would reach out and take them by the hand and say, "Come up here, higher into the atmosphere of freedom; come up higher on the plane of equality before the law; come up into the highway of progress; come up higher in the standard of citizenship, and show to the people of the world what you have done, and you will merit the confidence and respect of all."

Mr. HEYBURN. Mr. President, I do not know that I would say to them, "Come up here." I would say, "There is an open opportunity guaranteed to you by the Constitution of the United States, and the law undertakes to protect you in taking advantage of that opportunity."

There is too much patronage in this Government. We have heard much Jack Horner talk here in the last month. I am not referring to any particular Senator, but it is always, "I am giving you something, I am doing something for you," and then he "puts in his thumb," and he "takes out a plum," and he says, "What a good boy am I." Let us speak to the American citizen on the basis of their rights under the law, and when we have done that we owe them nothing more; we have completed our duty as the dispensers of law.

Mr. President, of course this is not giving these people anything, because they are a part of the people of the United States on exactly an even political status with everybody else. I say on an equal political status. I have no patience with the talk of social equality. No man can be my social equal or that of any other Senator without my consent or his. Men establish their grade of equality by their conduct and the demands that they are able to make good; that is all. I do not care what a man's color is, if he can establish to my satisfaction that he is my superior, he and I will walk off in opposite directions.

Mr. President, there is no such question involved in this one-tenth of the people of the United States who own one-tenth of its revenues. They are entitled to the voice of a tenth of the people in the disposition of them. So they want to hold an exposition.

It is not new. I have known little cities scattered around over the United States who would form a committee for the public good and send a delegation down to Congress, and we have given them hundreds of thousands, and in some cases millions, of dollars, some of which they never repaid, and we have given it to them at the expense of these negroes as well as our own expense. The losses have fallen upon them as well as upon those of our own Caucasian race.

So there is no question of patronage, no question of giving them this, any more than there is a question of giving to any community of our own white race the benefits of the operation of the Government in connection with such things as expositions are intended to develop. We want to know—the white people of the country want to know—what these negroes have accomplished. We ought to want to know it, unless we are cowards. We ought to be willing to face any problem of that kind in this country. I want to know it. I want to know how much land they own; I want to know what advance they have made in the attainment of artistic or socialistic workmanship. I want to know it, and I want to estimate the price that stands opposite to it.

They were entitled to freedom before the war, in my judgment, and they were entitled to it when they got it. No man has the right to hold another in slavery. Is there a man in this Chamber who dares to assert his belief in the right to hold another human being in slavery in this hour?

It was a great act. It was a great act for the Caucasian race. It was a majority of the people of the United States who said, We will throw off this disgrace among the nations of the earth, and it was a majority that was brave enough and true enough to the principles of our Government to make good this statement. Are we going to apologize for it to-day? Are we going to shrink back from an acknowledgment of it? I think not. We will celebrate the vindication of the spirit of freedom upon which rests the declaration of our forefathers in the making of the Constitution of the United States.

These people have rights in this Chamber, however they may be considered outside of it. There is not a man in this Chamber who has not held up his hand and sworn before his God that he would maintain that charter of rights. There is no race question in this Chamber under the conscience of Senators. I would give the negro no more than he is entitled to under the law, and I would be ashamed to pilfer from him something that he is entitled to. I would regard the man who would deprive him of a constitutional right as I would regard one who thieved from him in his tangible property.

It is duty here with Senators, right, justice under the law, without any attempt to either evade or violate the law. That is all they are asking here. They are asking that they may be granted the privileges that have been granted to other citizens out of the Treasury of the United States. They have the right to hold the exposition, and if they were to see fit to furnish the financial aid necessary, who could object to it? They have not asked for anything like the sums of money that we have freely granted on other occasions.

Now, let us stand up here and treat this question fairly. I am glad to know that the report of the committee was a unanimous one; it reflects credit upon the fairness of the members of this great body, no matter from whence they come or what community they may represent.

These people have not all been idle. Whether the average standard for industry is equal to that of our race I do not know. There never will come a time when the races will be amalgamated, or where the line will be lost sight of. It is not necessary that it should, and it is anything but desirable that it should.

Now, Mr. President, it was my intention to make only a few remarks that would leave the RECORD to show I was not absent on this occasion. I want in closing to call attention to the next to the last words ever pronounced by Mr. Lincoln, and I am going to hark back to-day on the argument that was made in the Senate in behalf of a man who followed the wrong flag. I did not have it with me on that occasion, but it fits this occasion. Next to the last public utterance of President Lincoln, on the 17th of March, 1865, the question had been put up to him as to the status of this race of people, and he said:

> There are but few aspects of this great war on which I have not already expressed my views by speaking or writing. There is one—

I want this to be heard because it is probably the most typical thing in print of Abraham Lincoln—

> There is one—the recent effort of "our erring brethren"—

In quotation—

> sometimes so called, to employ the slaves in their armies.

Now, that was broken. I am going to read it again unbroken into the RECORD. President Lincoln said:

> There are but few aspects of this great war on which I have not already expressed my views by speaking or writing. There is one—the

recent effort of "our erring brethren," sometimes so called, to employ the slaves in their armies. The great question with them has been, "Will the negro fight for them?" They ought to know better than we, and doubtless do know better than we. I may incidentally remark that having in my life heard many arguments—or strings of words meant to pass for arguments—intended to show that the negro ought to be a slave. If he shall now really fight to keep himself a slave, it will be a far better argument why he should remain a slave than I have ever before heard. He perhaps ought to be a slave if he desires it ardently enough to fight for it. Or if one out of four will, for his own freedom, fight to keep the other three in slavery, he ought to be a slave for his selfish meanness. I have always thought that all men should be free; but if any should be slaves it should be, first, those who desire it for themselves, and, secondly, those who desire it for others. Whenever I hear anyone arguing for slavery I feel a strong impulse to see it tried on him personally.

That fits a case we had before us on a former occasion and expresses a characteristic sentiment in a characteristic way of one of the two greatest men whose names have adorned American history. Washington was the other.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

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

The VICE PRESIDENT. The committee recommends that the preamble to the bill be stricken out. Without objection, the committee recommendation is concurred in.

Mr. GALLINGER. I ask unanimous consent that the report of the committee be printed in the RECORD.

The VICE PRESIDENT. Without objection, consent is granted.

The report is as follows:

[Senate Report No. 311, Sixty-second Congress, second session.]

SEMICENTENNIAL ANNIVERSARY OF ACT OF EMANCIPATION.

Mr. ROOT, from the Committee on Industrial Expositions, submitted the following report, to accompany S. 180:

The Committee on Industrial Expositions recommends the passage of Senate bill 180, entitled "A bill providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes," with the following amendments:

Strike out the preamble and the first section of the bill and insert the following:

"That whenever the President of the United States shall be satisfied that the Semicentennial American Emancipation Exposition Co., a corporation organized under the laws of the State of Georgia, has made provision for an exposition to be held during the year 1913, to illustrate the history, progress, and present condition of the Negro race, and to celebrate the fiftieth anniversary of the proclamation of emancipation by President Lincoln, on the 1st day of January, 1863, and that the said corporation has raised and secured money or property to the amount of not less than $50,000 for the purposes of such exposition, the President is authorized and respectfully requested to make proclamation of the time and place and purpose of such exposition and celebration, and of such other information in relation thereto as he may deem expedient."

Strike out sections 3, 4, and 5 and insert the following:

"SEC. 3. That the location, plan and scope, designs for buildings, provisions for public health and comfort, and rules for the conduct of the business and affairs of the exposition shall be subject to the approval and control of the Secretary of Commerce and Labor, who shall exercise supervision over the exposition through such representatives of the department as he shall designate."

The bill proposes that the fiftieth anniversary of the emancipation of the Negro race in the United States by President Lincoln's proclamation shall be celebrated by an exposition to show the progress of the race during their first half century of freedom.

The committee think that such an exposition will be of value by encouraging the negroes in the country toward thrift, industry, and effort to become more useful citizens; that it will be instructive to all the people of the country by pointing out the ways in which they can most practically and usefully help the negroes of the country to improve their condition.

That it will be a sensible and appropriate way of celebrating the event which was of vital importance to millions of Americans. That having in view the relative amounts of expenditures by the National Government for the improvement of the Negro race as compared with expenditures for purposes from which that race has but little benefit, the request for an appropriation is reasonable and should be granted.

The proceedings in a hearing before the committee upon the bill were brief and instructive, and a transcript thereof is appended as a part of this report.

HEARING BEFORE THE SENATE COMMITTEE ON INDUSTRIAL EXPOSITIONS ON S. 180, PROVIDING FOR THE CELEBRATION OF THE SEMICENTENNIAL ANNIVERSARY OF THE ACT OF EMANCIPATION, AND FOR OTHER PURPOSES.

SENATE OFFICE BUILDING,
Washington, D. C., February 2, 1912.

The committee met at 11.05 a. m.

Present: Senators ROOT (chairman), JONES, CRANE, STEPHENSON, GRONNA, WORKS, TAYLOR, PAYNTER, and NEWLANDS. Senator BRADLEY, of Kentucky, also appeared; also the clerk, Mr. Phillips B. Robinson.

The CHAIRMAN. The committee will come to order. Some constituents of Senator BRADLEY, of Kentucky, desire to be heard, I believe, upon the bill introduced by him (S. 180), entitled "A bill providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes."

Senator BRADLEY. This bill was originally introduced by Senator Depew. After he went out of the Senate it was reintroduced by me, and I understand that this preamble is objectionable to some Senators. It is a very beautiful assortment of language, well handled, and well put together; but I want to suggest to the committee that the preamble might be stricken from this bill in order to relieve any criticism of that sort.

The object of this bill is to make an appropriation to enable the negroes of the United States to celebrate the fiftieth year of their emancipation—the anniversary—by an exposition. In the latter part of the bill I want to call attention to the fact that on page 5 it is suggested that the words "one hundred" should be stricken out and "fifty" inserted, so as to make it at least 50,000 instead of 100,000.

The CHAIRMAN. On what line?

Senator BRADLEY. The first line on page 5. And I suggest also that the preamble should be stricken out. Now, I want to say to the committee that while I am here I can speak to you at any time; but we have some very distinguished negroes here to-day who are leaders of their race, some of whom are intimately known to me to be men of high character, and they would like to make a short statement. It has already been explained by the chairman that the statements must necessarily be short. I now suggest that Mr. Wright, the president of a large industrial school in Georgia, be heard.

STATEMENT OF MR. R. R. WRIGHT, SR., OF SAVANNAH, GA., PRESIDENT EMANCIPATION EXPOSITION COMMITTEE.

The CHAIRMAN. We will be very glad to hear from Mr. Wright.

Senator BRADLEY. I will get you to state, Mr. Wright, right now, what position you hold, if any.

Mr. WRIGHT. I am president of the State College of Georgia and am also president of this organization that is promoting this semicentennial exposition. I have been for a number of years president of our State fair in Georgia. We have held a State fair there for the last six years on which we have expended something like $100,000 gathered out of the colored people. This fair has brought together the farmers and the mechanics and the industrial workers from all over the State of Georgia and has elicited from the best people—white people as well as colored people—the very best sentiment. The fair has been held at Macon, Ga., and the mayor of that city has very heartily indorsed it and other officials there have indorsed it. The governor of the State of Georgia has done so also, and it has brought about a very pleasant feeling between the white people of the State of Georgia and the colored people.

We began it during the administration of Gov. SMITH, and at that time there seemed to be a very bitter feeling existing in that State; but the pleasant feeling that was brought about by this fair has allayed a great deal of that bitterness and has brought out the very best feeling toward the colored people. They have shown their hand, so to speak, and the colored people and the white people have, I think, mutually more respect for each other because of this fair.

We have thought, therefore, that a fair of this kind would be that which would bring out for the colored people of the United States and the white people of the United States a greater respect for each other because it will bring together these evidences of their progress during the past 50 years.

I talked with Senator SMITH yesterday with regard to this matter, and he had some objections, but he finally agreed that those objections would be dropped and he would vote for the bill if the bill came out. I also talked with Senator BACON, who also had some objections to the preamble, and he agreed that if the preamble were changed he himself would support it. Thus I think that a movement like this ought to bring about a very strong feeling of respect and one that will be helpful in the whole country.

Of course this is the first time the colored people have ever asked anything of this sort. Since 1876 there has been spent in the United States for fairs perhaps $25,000,000. The colored people, of course, have had no opportunity for expositions of this kind. The small amount we ask for at this time is 1 per cent possibly of that amount and about 2½ cents for each colored person of this country. We simply come to ask that you take this under consideration and help us get before the country; help us show that we are striving our best to develop the resources of this country; and help us to gain the hearty good will of all the people of the country. I shall not detain you any longer, and I simply want to ask that Mr. R. R. Wright, jr., of Philadelphia, may now make a short statement with reference to other matters connected with this question. I thank you, Mr. Chairman.

STATEMENT OF MR. R. R. WRIGHT, JR., OF PHILADELPHIA, EDITOR OF THE CHRISTIAN RECORDER OF PHILADELPHIA.

Senator BRADLEY. What is your business; what position do you hold, if any, Mr. Wright?

Mr. WRIGHT. I am the editor of the Christian Recorder, which is the official organ of the A. M. E. Church, which is the largest and oldest organization of the colored people of this country, having about 800,000 members scattered over every State in the United States and some in South Africa, West Africa, and South America.

I was asked to say a word about the progress of the colored people in having an exposition such as we hope to have. The question naturally arises, What is there to exhibit? Has there been any substantial progress among the colored people of the country? It has been my opportunity to examine into the history of colored people under the auspices of the Carnegie Institution of Washington and the University of Pennsylvania and the Bureau of Commerce and Labor, and one thing which has struck me very forcibly has been the progress of these people in various lines of endeavor.

There has first been a great progress in the growth of the population and the number of negroes. Fifty years ago there were about four million and a half colored people in the country. To-day there are more than 9,000,000. By the census of 1910 there were between 9,000,000 and 10,000,000 colored people who are scattered over all the States of the Union, chiefly in the lower Southern States.

Now, 50 years ago these people were largely illiterate. The best estimate of their illiteracy is about 96 per cent. Slowly that has been cut down until to-day it is reckoned at less than 40 per cent. The census of 1900 gave it at 45½ per cent. Within 50 years the illiteracy of the people has been cut down to less than half.

This has been done chiefly by the growth of the public-school system. Fifty years ago there was practically no public-school system. There are to-day more than 2,000,000 colored children in the public schools and these are taught by colored teachers who have developed within the last 50 years. There are some 30,000 colored teachers who teach the colored children. There have also developed during these years a number of colored schools manned and controlled by colored people, and of the higher and secondary schools there are about 100. The colored people have contributed during these 50 years to these schools something over $6,000,000 besides the amount which they have contributed in taxes. The best information with regard to the contributions of colored people in taxes shows that they have given something like $45,000,000 of their earnings in the form of taxes to these schools; but the real thing which we are all interested in is the material development—the development in industry.

The development of industry has been along two particular lines; one the increase in the number and the diversification of the industries. Take the farming industry. There were, in 1900, 1,300,000 who were returned as farm laborers. There are as many farm laborers to-day as there were in 1860; but they have developed also a large number of other industries. About 1,000,000 of the farms in the country, by the census of 1910, were under the control of colored farmers, and about 200,000 of these farms are owned by these colored people, as against practically no farms owned 50 years ago.

There has also been developed during these years a number of new avenues; for instance, take the professions. There were in 1900 something like 42,000 negroes in professions. They represented physicians, lawyers, teachers, clergymen, journalists, engineers, literary people, artists, and others. This is a new line and one which is very little known among the colored people of our country.

There has also developed in these 40 years a home-owning negro. It was my privilege to study for the State department in Pennsylvania home owning in that State, and to my surprise and to the surprise of the head of the bureau of industrial statistics, without covering half of the State, we received the names of nearly 4,000 negro property holders as against three thousand and some odd returned in 1900 for the whole State, and the estimate of property in Pennsylvania is something like $15,000,000. Now, we have only in Pennsylvania and Georgia and Arkansas and Virginia, I think, and possibly North Carolina, definite statistics as to home owning; but the census has given to us over 343,000 negroes who own their homes. That was known. Now, this has been an entirely new development during these 50 years. It is understood that in 1860 there were very few people who owned homes. Now there are possibly 500,000. In 1900 there were 343,000 who owned their homes. We think there is something in this line to show.

Then there are other lines; for instance, in literary pursuits. That is a new line. In our Congressional Library here there are registered upward of 500 names of colored people who are authors and have copyrighted books. In the Patent Office there are patents of 300 colored people. Some most valuable patents have been granted to colored men, connected with the telephone system, and the railway system, the telegraph system, and very many other things which are of value in the development of our country. The inventions of colored men have never been brought out. I think that only one or two studies of inventions have been made. I think this would show an amount of progress which would well warrant a small appropriation to the colored people.

The music of colored people would offer an excellent exhibit; a great deal of the popular music of to-day one hears hummed on the streets and sung at popular banquets is written by negroes. The University of Pennsylvania, when I was a student there, employed two negroes to write the music for what was called the Mask and Whig Club; and much of their music was written by two men, both born in the South. The development in this line has been such if brought together would not only inspire respect in the colored people for themselves, but I think would also have the approbation of all friends of the colored race. I am glad to have the opportunity of laying these few things before you.

Senator BRADLEY. Do you know what the total value of the property owned by the negroes in the United States is?

Mr. WRIGHT. No, sir. There have been estimates from $600,000,000 to $1,000,000,000. I think it is nearer $1,000,000,000 than $600,000,000, but there have never been any definite figures made. After the report of the Bureau of Statistics came out, in Pennsylvania we discovered that a great number of large property holders were omitted. A similar investigation was made in Philadelphia, and after it was published a negro who had nearly $6,000,000 worth of property was overlooked. It is most difficult to get hold of the property values of colored people, because very few of the States keep records as to color.

Senator BRADLEY. Now, at this exposition, if held, you would have exhibits from the farms and from the factories, and so on, all over the country?

Mr. WRIGHT. I would say that there would be such. There have already grown up spontaneously among negroes State fairs. These have been held in Georgia, North Carolina, Virginia, Kentucky, and in South Carolina known to myself, the exhibits being of the farm products chiefly and the products of the women in domestic arts, sewing, cooking, and so on. These have been uniformly successful.

The CHAIRMAN. Mr. Wright, to what extent has the development of the mechanic arts gone?

Mr. WRIGHT. In mechanic arts the colored people have held their own.

The CHAIRMAN. Some of them have become, I suppose, carpenters and masons, and so forth.

Mr. WRIGHT. Of the 140 divisions of labor given by the census the negroes were in every one. They are not only carpenters and joiners, bricklayers, but in fact they are employed in every line of industrial activity. There are bankers—

Senator BRADLEY. Have you any manufacturers?

Mr. WRIGHT. I will give you the figures from the 1900 statistics: 1,186 manufacturers, 82 bankers and brokers, 9,098 retail merchants, 149 wholesale merchants, 150 officials in banks. Now, in lines of manufacturing, for instance, to give some concrete illustrations, take a line unknown to colored people 50 years ago—the printing business. In 1896, I think it was, in Nashville, Tenn., there was started a small printing business. I visited it last year, when there were 120 employees. They make a book; they take the sheet and turn it out bound in cloth or leather, as the case may be. There are a number of these printing establishments over the country. In Ohio there is a large buggy manufactory that employs a large number of colored people, and only colored people are employed. There are hosiery factories and tobacco factories and various other manufacturing industries among colored people scattered over the country.

Senator BRADLEY. How many newspapers have you in the United States?

Mr. WRIGHT. There are about 200. Mr. John D. Rockefeller, in his operations for the schools to which he gave contributions, had a large number of negro mechanics. I do not know that you have ever been in that beautiful library at Bryn Mawr College—the Rockefeller Library. The inside work there was all done by colored men. The Virginia Institute, at Virginia, work and all the underground conduit work at the University of Chicago was done by the same colored men, some of whom are contracting now in Philadelphia and are personally known to me. An exhibit of that kind could be secured which would be, I am sure, an eye opener, not only to those who are not in close touch with this problem but to those who study it.

The CHAIRMAN. As to the particular terms of this bill, Senator BRADLEY stated it was introduced originally by Senator Depew. How far are the specific terms of the bill the result of consideration and study?

Mr. WRIGHT. The chairman and president of the State fair and of the association can answer that question better than I can.

I wish to say that the incorporation was submitted to Judge Charlton, of Savannah, Ga., who is judge of the superior court there, and he was asked to go over the terms we were using in regard to this; and this is the term he agreed upon, "The American Emancipation Exposition Co.," as the name. Now, there was an objection made to the word "emancipation." Otherwise there has been no objection.

The CHAIRMAN. Mr. Wright, this corporation has been organized; it is an existing corporation?

Mr. WRIGHT. Yes, sir.

The CHAIRMAN. And the name is "The Semicentennial American Emancipation Exposition Co."?

Mr. WRIGHT. Yes, sir. We took in all the best features and gave a term that seemed to be less objectionable than any other term. Of course, it could be called by a shorter term; simply "Semicentennial Exposition."

The CHAIRMAN. Some of the language of the bill is a little unusual for the purposes of legislation. I suppose that what you really want is the appropriation in aid of an exposition to illustrate the progress of your race?

Mr. WRIGHT. Decidedly.

The CHAIRMAN. Since emancipation?

Mr. WRIGHT. Decidedly; yes, sir.

The CHAIRMAN. And these particular forms of provisions are not essential?

Mr. WRIGHT. Not at all; not in the slightest.

The CHAIRMAN. Senator CRANE informs me that he has a constituent who would like to be heard.

STATEMENT OF DR. WILLIAM EDWIN B. DU BOIS, PH. D., OF ATLANTA, GA., EDITOR OF THE CRISIS MAGAZINE.

Dr. DU BOIS. I wanted to say a word to the committee about the kind of exposition we would like to have. I think a committee like this must be a little chary of expositions, because they have grown so enormous in size and they cost so much money. It has been in our minds that we could organize an exposition in this case upon a lot of new lines, distinctly educational, for the people of the United States, both for the colored people and for the white people. As a center of those exhibits it has been thought we should have a section devoted to a scheme which should be the same exhibits, something on the order of the child welfare that the committee of women have been doing—or tuberculosis, and so on—that this main scheme should try to show the condition of the colored people throughout the United States. For instance, it should have something of the African background, and in this department, and in all departments, we could make use of all the different things that can be shown to illustrate the concrete things and spiritual things which affect the colored people. For instance, maps and charts and models and mechanical figures of various sizes, and marble, pictures, and, perhaps, phonographs could be shown.

I presume most of you know that in nearly all of the great countries of the world there is an African exhibit. The African museums in London, Paris, and Berlin are sources in each of those cities of great educational value, and there is very little information of that sort in the United States. Something might be done to get together the things which show the wonderful mechanical genius of certain African tribes, especially their work in iron and in cloth. Then, in the second place, the question of the development of the negro race throughout the world, and the distribution of the negroes in the United States could be shown by relief maps with groups of figures showing this distribution, and movable figures, perhaps, showing the migration. Then the question of the physique of the negro could be shown. Very little has been done in this country to show what is the typical negro physique. A great deal could be done by photographs and by plaster casts. Then the question of health and disease could be covered. My idea is that this exhibit should be a truthful exhibit. It should not be simply a thing that would be exaggerated in any way. It should be a real picture so far as possible of the condition of the negro people so that not only would it show the progress but also the dangers and the diseases to which they are liable.

Then the question of occupation could be covered. Of course, that would be one of the most interesting parts of the exhibit. This could be shown perhaps by mechanical figures of correct relative size showing the occupations of the negroes and the value of their services in a relative manner in all the different departments in which the negro takes a considerable part.

Then the matter of education has been spoken of. We could have models and charts showing illiteracy, and conditions in cities, and photographs of institutions and especially photographs and models showing the work of the graduates of institutions as the work of the institution filters down to the actual mass of the people. In no department has the negro shown more genius for modern organization than in his churches, and the models of churches and of the work in churches be shown. The younger Mr. Wright here is a representative of one of the great churches, and there is a great publishing house, as he says, in Nashville, Tenn., and there are several other organizations. That work could be shown and a person could grasp it and it would show the tremendous development that has taken place in that line.

Then in the matter of civics—I suppose most of you would be surprised to know the number of negro towns and quarters throughout the United States more or less organized as independent entities. Exhibits could be had showing those towns and the workings of those towns which would be of great interest. Then there would be of course charts and diagrams and models showing the organized life, the business life, the social life, the work of social uplift among the Negro people. There are orphan asylums and there are a good number of hospitals and homes. The family life, the interior of the homes could be shown. And then the question of art, which has been mentioned. Negro music could be shown and photographs of art and other work, and a collection of negro books. There are something like 200 weekly newspapers. And finally statistics of crimes and of delinquencies could be shown. In this way it seems to me we might build up a comparatively small central exhibit and then around that could come the various voluntary exhibits which are always sent to expositions of this sort. Then there could be congresses held in connection with it—congresses on agriculture and on industry, on education, on health, on music.

There should be, of course, awards and medals. Then there might be a historical pageant. I have been looking up the history of the negro, and it is interesting, indeed, to know what a continuous history would show in connection with the development of the negro from the time of the Egyptian civilization down through the negro kingdoms in the Sudan and the migration of the Buntu tribes from North Africa to South Africa; and, as you know, the negro has been connected with

almost every event in American history. Then, finally, our idea is that this central exhibit could be kept or established as a permanent exhibit and placed in a permanent museum. Perhaps from time to time it might be moved from place to place where people who wanted to could obtain exact information concerning the negro in a definite form.

With these ideas it seems to me that we could have an exposition which would not be costly—and we are not asking for very much money—that would be educational, and something that we could pay for with the amount of money that we got from the Government and which we could raise among ourselves.

Senator BRADLEY. Mr. Chairman, I will ask now that you hear the Rev. Dr. Ross for a few minutes, and that will be all, I believe.

STATEMENT OF REV. I. N. ROSS, PASTOR METROPOLITAN AFRICAN METHODIST EPISCOPAL CHURCH, OF WASHINGTON, D. C.

Mr. ROSS. As a plain African Methodist preacher I simply come to emphasize the moral of this whole situation as we see it. First of all we see in it an opportunity to emphasize the real value of our splendid form of government. You will pardon me for adverting to personal experience, but when I think of my birthplace in a log cabin between two mountains in the State of Tennessee and of the opportunity of appearing before such an august body as this I feel that that is one of the great things in the minds of my race in their desire in a practical, tangible way to show to the civilized world the great opportunity afforded every American citizen, regardless of previous condition or creed. Secondly, there would be the object lesson in bringing forward such an exhibit to inspire and encourage our own people, who at times feel a little as though life was scarcely worth living. They are not even informed as a mass of the material progress that has been made by the race in the short period of time in which we have been practically relying upon our own resources. That is No. 2.

Then it comes to you as a desire of the various religious organizations of this country, and we feel that the Christian church is possibly the greatest asset and the most practical and clear demonstration of the possibilities of the race. We have to-day, as Bishop Arnett was wont to say, sufficient seating capacity in the churches to give every negro in the United States a comfortable pew in a church, and we come asking this opportunity of showing to the world that we live in a land where, if a man will put forth the proper endeavor, he may rise, and then we come asking that we shall have an opportunity to show to those of our own race who may be somewhat discouraged and despondent that there is light ahead, and to that end I simply appear representing the moral side of this question and from a ministerial point of view, and I thank you for the opportunity.

The CHAIRMAN. Is that all?

Senator BRADLEY. Yes; that is all.

Mr. WRIGHT. Mr. Chairman, may I thank the committee very heartily for your kindness in granting us such a long time to make our plea?

The CHAIRMAN. We are very glad to have heard you, Mr. Wright, and we have been very much interested in the statements you have made to-day.

Thereupon (at 11.50 o'clock a. m.) the committee went into executive session.

AMENDMENT OF PRINTING LAWS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Printing with amendments.

Mr. SMOOT. The bill has not been read.

The VICE PRESIDENT. Is there objection to dispensing with the formal reading? The Chair hears none, and the bill will be read for amendment, the committee amendments first to be considered, if there be no objection.

The Secretary proceeded to read the bill.

Mr. HEYBURN. Mr. President, I desire to make a parliamentary inquiry as to whether or not this is the first reading of the bill for amendment?

The VICE PRESIDENT. This is the first reading for amendment as in Committee of the Whole, the formal reading having been dispensed with by unanimous consent. The bill is now being read for the presentation of amendments.

Mr. HEYBURN. I did not understand—my attention perhaps was distracted—that there was unanimous consent to dispense with the formal reading. I think the Secretary perhaps has inadvertently omitted to read some of the bill, and inasmuch as there are amendments to be offered, I think all of the bill should be read. I have some amendments to offer.

The VICE PRESIDENT. The Chair should have stated that the Secretary was simply reading the bill for committee amendments.

Mr. HEYBURN. If the bill is being read for the purpose of offering amendments, that makes it necessary that the bill should be carefully read.

The VICE PRESIDENT. The Secretary will read the bill in full. The Chair did not mean to misstate the facts, but misunderstood the situation.

The Secretary resumed the reading of the bill, at page 7, section 6, paragraph 5. The first amendment of the Committee on Printing was, on page 9, section 6, paragraph 9, before the word "court," to strike out "district" and insert "circuit," so as to make the paragraph read:

SEC. 6. PAR. 9. In case of the default of any contractor to furnish paper, as provided in this section, he and his sureties shall be responsible for any increase of cost to the Government in procuring a supply of such paper which may be consequent upon such default. The Public Printer shall report every such default, with a full statement of all the facts in the case, to the Attorney General, who shall prosecute the defaulting contractor and his sureties upon their bond in the district court of the United States in the district in which such defaulting contractors reside or such suretyship is undertaken.

The amendment was agreed to.

The next amendment was, on page 17, section 18, paragraph 1, line 10, after the word "buildings," to insert "and equipment," so as to make the paragraph read:

SEC. 18. PAR 1. There shall be appointed by the Public Printer a superintendent of buildings and equipment, who must possess a practical knowledge of mechanical, civil, and electrical engineering, and who shall receive a compensation of $3,000 per annum.

The amendment was agreed to.

The next amendment was, on page 17, section 18, paragraph 2, line 14, after the word "buildings," to insert "and equipment," so as to make the paragraph read:

SEC. 18. Par. 2. The superintendent of buildings and equipment shall have direct charge of the Government Printing Office buildings and the power plant, and the maintenance and repair of the same, and general charge of all machinery and equipment in and pertaining to the Government Printing Office. He shall perform such other duties as may be required of him by the Public Printer.

The amendment was agreed to.

The next amendment was, on page 18, section 20, paragraph 1, line 11, after the words "compensation of," to strike out "three thousand" and insert "two thousand seven hundred and fifty," so as to make the paragraph read:

SEC. 20. PAR. 1. There shall be appointed by the Public Printer a foreman of binding, who shall be a practical bookbinder, and who shall receive a compensation of $2,750 per annum.

The amendment was agreed to.

The next amendment was, on page 19, section 23, paragraph 1, line 16, after the word "buildings," to insert "and equipment," so as to make the paragraph read:

SEC. 23. Par. 1. The inspector for the Joint Committee on Printing, the foreman of printing, and the foreman of presswork shall constitute a board to examine and report in writing to the Public Printer on all paper, machinery, equipment, material, and supplies, except bindery machinery and bindery material other than paper, delivered under contract, or by purchase or otherwise, at the Government Printing Office: *Provided*, That the superintendent of buildings and equipment shall join with said board of inspection in approving all machinery, equipment, and building supplies before the same shall be recommended for acceptance.

The amendment was agreed to.

The next amendment was, on page 20, section 24, paragraph 1, line 6, after the word "buildings," to insert "and equipment," so as to make the paragraph read:

SEC. 24. PAR. 1. The inspector for the Joint Committee on Printing, the foreman of presswork, and the superintendent of buildings and equipment shall constitute a board of condemnation, which, on request of the Public Printer, shall ascertain the condition of presses and other machinery, equipment, and material in the Government Printing Office when there is reason to believe that the same is no longer serviceable to the Government, and report its findings in writing to the Public Printer. Should machinery, equipment, or material be found to be unserviceable by the said board of condemnation, the same shall, when approved by the Joint Committee on Printing, be condemned and sold for cash to the highest bidder, after due advertising: *Provided*, That should any member of the board of condemnation be absent or unable to serve the Joint Committee on Printing shall designate a person to fill the vacancy until such absence or disability shall cease.

The amendment was agreed to.

The next amendment was, on page 44, section 46, paragraph 4, line 8, after the words "Executive Office," to insert "two copies"; in the same line, before the words "to the Library," to strike out "and"; and in line 9, before the word "copies," to strike out "each, two" and insert "three," so as to make the paragraph read:

SEC. 46. PAR. 4. Of the Senate and House documents and reports, excepting reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, as follows: To the Executive Office, 2 copies; to the Library of Congress, 3 copies; to the Department of State, 20 copies; to each foreign embassy and legation to the United States the Government of which extends a like courtesy to the American embassy or legation thereto, 1 copy, to be supplied by the superintendent of documents upon requisition of the Secretary of State; to the Governor General of the Philippine Islands at Manila, 3 copies; to the Government Printing Office, for official use, 5 copies; to the office of the superintendent of documents, 2 copies; to the Pan American Union, 2 copies; to each executive department, independent office, and establishment of the Government, upon requisition of the head thereof, 1 copy for each bureau or division therein, and the heads of the executive departments, independent offices, and establishments of the Government shall cause daily examination to be made of the CONGRESSIONAL RECORD for the purpose of noting the publication of documents and reports of interest to their respective department, independent office, or establishment of the Government, and shall cause an immediate requisition to be sent to the Public Printer for the number of copies required for official use.

The amendment was agreed to.

The next amendment was, on page 48, section 48, line 19, before the word "sets," to strike out "four" and insert "five"; in line 21, after the word "Congress," to strike out "two for the Senate and two for the House" and insert "two, each, for the Senate and House, respectively, and one for the Library

of Congress"; and on page 49, line 1, after the words "in the," to insert "Library of Congress and," so as to make the section read:

SEC. 48. The Public Printer shall bind five sets of Senate and House bills and simple, concurrent, and joint resolutions of each Congress, two, each, for the Senate and House, respectively, and one for the Library of Congress, to be furnished him from the files of the Senate and House document rooms, the volumes when bound to be kept in the Library of Congress and document room of each House for reference.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I desire to ask the Senator having charge of the bill whether or not on page 50, section 49, paragraph 4, in lines 16 and 17, the words "*Provided*, That the provisions of this paragraph shall not apply to bills, resolutions, or committee reports" would prevent the printing of committee reports on the order of the chairman of a committee as we are in the habit of doing now?

Mr. SMOOT. It will not, Mr. President. The section provides as to committee hearings that 1,000 copies may be printed just as is provided in the existing law.

Mr. HEYBURN. That is as to hearings, but I do not see the purpose in referring to committee reports. In most of the committees we are in the habit of having our reports printed before they are given out.

Mr. SMOOT. That is the case where the Secretary of the Senate orders it, and this provision does not apply to that.

Mr. HEYBURN. No; the chairman of the committee now orders the printing.

Mr. SMOOT. But it is done through the Secretary of the Senate, and always has been.

Mr. HEYBURN. But the Secretary could not prevent the chairman of the committee having it done.

Mr. SMOOT. No; but that has always been done through the Secretary. He can do it under this bill just the same as under the present law.

Mr. HEYBURN. I will reserve the right to call attention to it later. It would be a very great inconvenience if the chairmen of committees were prevented from ordering the printing of reports.

Mr. SMOOT. It would; but I will say to the Senator that under the bill that can be done just as it can be done under the present provisions of law.

The reading of the bill was resumed.

The next amendment of the Committee on Printing was, on page 67, section 65, paragraph 1, line 24, before the word "copies," to strike out "two" and insert "three," so as to read:

Librarian of Congress, three copies.

The amendment was agreed to.

The next amendment was, in section 68, paragraph 4, page 75, line 3, after the word "direct," to insert:

To the press galleries of the Senate and the House, respectively, two copies each of the daily RECORD and one copy each of the bound RECORD.

The amendment was agreed to.

The next amendment was, in section 68, paragraph 4, page 75, line 8, after the words "daily RECORD," to insert:

To the undersecretary of state for external affairs of Canada, in exchange for a copy of the Parliamentary Hansard, one copy of the daily RECORD and one copy of the bound RECORD.

Mr. SMOOT. Mr. President, I desire to withdraw that amendment and will offer one to-morrow morning to take its place.

The VICE PRESIDENT. Without objection, the amendment is withdrawn.

Mr. HEYBURN. Mr. President, the Secretary has read down to line 14 on page 75, if I am not mistaken.

The VICE PRESIDENT. The Senator is correct.

Mr. HEYBURN. I send to the desk certain amendments and offer them at this point.

The VICE PRESIDENT. The Senator from Idaho offers the amendments, which will be stated.

The Secretary read as follows:

On page 75, line 15, strike out the word "eight" and insert the word "two."

In line 16, the same page, strike out the word "four" and insert the word "one."

In line 17, same page, strike out the words "one dollar and a half" and insert the words "50 cents," so that the paragraph shall read:

The superintendent of documents is authorized to furnish to subscribers the daily CONGRESSIONAL RECORD at $2 for the long session and $1 for the short session, or 50 cents per month, payable in advance.

After the word "advance," in lines 17 and 18, page 75, insert the following:

The Postmaster General is hereby authorized and directed to make, on or before the 1st of July, 1912, such rules and regulations as will enable all postmasters in the United States to receive popular subscriptions for the daily CONGRESSIONAL RECORD at the aforesaid terms per year, and report all such subscriptions and account for and pay the amount received therefor to the Public Printer.

Mr. SMOOT. Mr. President, I should like to have these amendments go over and be considered to-morrow. I do not wish to discuss them at this time, but would prefer to have them passed over for the present.

Mr. HEYBURN. After the amendments are in the RECORD they may go over, so far as I am concerned, until to-morrow. I want to get them in the RECORD.

The VICE PRESIDENT. The amendments will go over until to-morrow, and be considered pending then, or when the bill is next taken up.

The reading of the bill was resumed.

The next amendment of the Committee on Printing was, in section 68, paragraph 4, page 82, line 16, after the word "that," to strike out "the same shall be printed uniform with the preceding volumes of the series, and that," so as to read:

(36) Annual Report of the Bureau of American Ethnology with its accompanying papers: *Provided*, That not to exceed 3,500 copies are authorized to be printed for distribution by the Smithsonian Institution.

The amendment was agreed to.

The next amendment was, in section 68, paragraph 4, page 83, after line 10, to insert:

(40) Publications of the Bureau of Mines, as provided for in section 71 of this act.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I have a number of committee amendments which I expect to offer to-morrow.

The VICE PRESIDENT. The reading of the bill has not been concluded.

Mr. SMOOT. I should like to have the reading of the bill concluded, and reserve the right on behalf of the committee to present amendments to the bill to-morrow.

The VICE PRESIDENT. The Senator desires that the reading of the bill shall be concluded?

Mr. SMOOT. I ask that the Secretary continue the reading of the bill. The amendments reported by the committee in print may be agreed to now; but there are some other amendments that I desire to offer to-morrow.

The VICE PRESIDENT. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Printing was, in section 71, page 90, line 22, after the word "year," to insert:

Provided further, That the Secretary of the Treasury is authorized to print Public Health Reports and Bulletins and extracts therefrom in such numbers as he may deem for the best interest of the Government.

The amendment was agreed to.

The next amendment was, in section 71, page 93, line 9, after the words "Nautical Almanac," to strike out "and of the papers" and insert "extracts therefrom, and papers"; in line 11, after the word "thousand," to strike out "copies" and insert "500 copies of each"; and in line 13, after the word "distribution," to strike out "and sale"; so as to read:

(8) American Ephemeris and Nautical Almanac, extracts therefrom, and papers supplementary thereto: *Provided*, That not to exceed 1,500 copies of each are authorized to be printed for distribution by the Navy Department: *Provided further*, That the American Ephemeris and Nautical Almanac shall be published for the third calendar year in advance.

The amendment was agreed to.

The next amendment was, in section 71, page 97, line 6, after the word "edition," to insert "of the annual report of the director, not to exceed 4,000 copies shall be printed," so as to read:

(11) Publications of the Bureau of Mines: *Provided*, That said publications shall be published in such editions as may be recommended by the Secretary of the Interior, but not to exceed 10,000 copies for the first edition; of the annual report of the director, not to exceed 4,000 copies shall be printed.

The amendment was agreed to.

The next amendment was, in section 72, paragraph 1, page 100, line 16, after the word "Government," to strike out "except substitute employees of the postal service or temporary employees of the Government whose appointment is for a period of less than six months," and insert "except as otherwise provided in this section"; and on page 101, after line 4, to insert: *Provided*, That the Official Register shall not include the names of temporary employees of the Government whose appointment is for a period of less than six months, nor shall it contain the names of those persons heretofore published in Volume II, relating to the postal service, namely, postmasters, assistant postmasters, clerks in post offices, city and rural carriers, employees of the sea post service, employees of the Railway Mail Service, employees

of the mail messenger service, and mail contractors," so as to make the section read:

SEC. 72. PAR. 1. The Director of the Census shall cause to be edited, indexed, and published, on or before the first Monday of December in each year in which a new Congress is to assemble, an official register of the United States, which shall contain a full and complete list of all officers, agents, clerks, and other employees of the Government (except as otherwise provided in this section), whose salaries or compensation are paid from the Treasury of the United States, including military and naval officers of the United States, cadets, midshipmen, bank examiners, receivers of national banks, and attorneys for receivers, clerks employed by such examiners and receivers, or any person connected with the work of the office of the Comptroller of the Currency in Washington or elsewhere, whose salary or compensation is paid from the Treasury of the United States or assessed against or collected from existing or failed banks under their supervision or control: *Provided*, That the Official Register shall not include the names of temporary employees of the Government whose appointment is for a period of less than six months, nor shall it contain the names of those persons heretofore published in Volume II, relating to the postal service, namely, postmasters, assistant postmasters, clerks in post offices, city and rural carriers, employees of the sea post service, employees of the Railway Mail Service, employees of the mail messenger service, and mail contractors.

The amendment was agreed to.

The next amendment was, in section 72, paragraph 4, page 103, line 6, before the word "copies," to strike out "fifteen" and insert "twenty-five," so as to make the paragraph read:

SEC. 72. PAR. 4. Of the Official Register there shall be printed and bound a sufficient number of copies for the following distribution to be made by the superintendent of documents: To the President of the United States, 4 copies, 1 copy of which shall be for the library of the Executive Office; to the Vice President, each Senator, Representative, Delegate, and Resident Commissioner, 2 copies, to be delivered to the document room of the Senate and the House of Representatives, respectively; to the Secretary and the Sergeant at Arms of the Senate and the Clerk and the Sergeant at Arms of the House of Representatives, 1 copy each; to the library of the Senate and House of Representatives, not to exceed 10 copies each; to the Department of State, not to exceed 100 copies; to the Treasury Department, not to exceed 150 copies; to the War Department, not to exceed 50 copies; to the Navy Department, not to exceed 20 copies; to the Department of Justice, not to exceed 30 copies; to the Department of the Interior, not to exceed 200 copies; to the Post Office Department, not to exceed 100 copies; to the Department of Agriculture, not to exceed 25 copies; to the Department of Commerce and Labor, not to exceed 150 copies; to the Smithsonian Institution, 4 copies; to the Government Printing Office, 4 copies; to the Interstate Commerce Commission, 2 copies; to the Civil Service Commission, 4 copies; to the Commissioners of the District of Columbia, 1 copy each; to the Public Library of the District of Columbia, 2 copies; to the Pan American Union, 2 copies.

The amendment was agreed to.

The next amendment was, in section 73, page 103, line 16, after the words "Supreme Court," to strike out "and the digests of the reports of the Supreme Court" and insert "the Federal Reporter, and digests thereof"; in line 19, after the word "under," to strike out "section 683 of the Revised Statutes and the acts amendatory thereof" and insert "sections 227 and 229, respectively, of the judiciary act, approved March 3, 1911"; in line 25, after the words "by the," to strike out "Secretary of the Interior" and insert "Attorney General"; and on page 104, line 2, after the word "courts," to insert "and digests thereof," so as to make the section read:

SEC. 73. The superintendent of documents shall hereafter distribute the reports of the Supreme Court, the Federal Reporter, and digests thereof, to such officials as are entitled to receive them under sections 227 and 229, respectively, of the judiciary act approved March 3, 1911, and the superintendent of documents shall exercise all the functions heretofore exercised by the Attorney General in the distribution of said reports and digests: *Provided*, That the reports of United States courts and digests thereof shall not be distributed under section 65 of this act.

The amendment was agreed to.

The next amendment was, in section 80, paragraph 1, page 111, line 13, after the words "Weather Bureau," to insert: "and one in the Geological Survey: *Provided further*, That nothing in this section shall be held to apply to the printing and distribution of orders, circulars, and blank forms for the Army, the Navy, or the Marine Corps: *Provided further*, That any executive department, independent office, or establishment of the Government may sell or make free distribution of its publications in accordance with the provisions of this act, unless otherwise provided by law," so as to make the paragraph read:

SEC. 80. PAR. 1. There shall be established in the office, and under the immediate control of the head of every executive department, independent office, and establishment of the Government, a division of publications: *Provided*, That there shall be a division of publications in the Weather Bureau, and one in the Geological Survey: *Provided further*, That nothing in this section shall be held to apply to the printing and distribution of orders, circulars, and blank forms for the Army, the Navy, or the Marine Corps: *Provided further*, That any executive department, independent office, or establishment of the Government may sell or make free distribution of its publications in accordance with the provisions of this act, unless otherwise provided by law.

The amendment was agreed to.

The next amendment was, in section 80, paragraph 2, page 111, line 24, after the words "Weather Bureau," to insert "and Geological Survey"; so as to read:

SEC. 80. PAR. 2. All printing and binding and the distribution of publications for every executive department, independent office, or establishment of the Government and for the Weather Bureau and the Geological Survey shall be centralized in its respective division of publications.

The amendment was agreed to.

The next amendment was, in section 84, page 114, line 19, after the word "contract," to insert "for a period not exceeding four years"; in line 21, after the word "by," to strike out "his own or other departments," and insert "any executive department, independent office, or establishment of the Government"; so as to read:

SEC. 84. The Postmaster General shall contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public, or for use by any executive department, independent office, or establishment of the Government, and may contract for them to be plain or with such printed matter as may be prescribed by the department making requisition therefor.

The amendment was agreed to.

The next amendment was, on page 115, after line 4, to strike out:

SEC. 85. Hereafter all bonds, notes, and checks shall be printed from intaglio plates on presses of such style and character as may be determined by the Secretary of the Treasury: *Provided*, That should the Secretary of the Treasury decide to print bonds, notes, and checks on other presses than hand-roller presses, not more than one-fifth of the total number of hand-roller presses now employed in printing such bonds, notes, and checks shall be displaced in any one fiscal year.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SMOOT. Mr. President, I ask that the bill may be temporarily laid aside.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the bill be temporarily laid aside. Without objection, that will be done.

FIVE CIVILIZED TRIBES.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," to report it without amendment. I submit a report (No. 548) thereon. I ask unanimous consent for the present consideration of the bill.

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

The Secretary read the bill.

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

Mr. SMOOT. Mr. President, I should like to ask the Senator if the bill is reported unanimously by the committee?

Mr. OWEN. Yes; it is a unanimous report from the committee. The Senator from Kansas [Mr. CURTIS] reserved the right to raise a question with regard to it, provided there was no report from the Interior Department with regard to the case of Harris *v.* Gale, which was passed on by the District Court for the Eastern District of Oklahoma.

The purpose of the bill I will explain to the Senate. Congress in the act of 1908 provided, in section 9:

That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions from the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of such deceased allottee.

The previous act of 1906, two years before, had allowed full-blood heirs to sell their land with the approval of the Secretary. The act of 1908 leaves it "subject to the approval of the probate court." The Federal court in Oklahoma and the State Supreme Court of Oklahoma have held that the act of Congress of 1908, the last act, intended to make no discrimination as to whether an allottee died prior to May 27, 1908, or subsequent to that time. The question has been settled in the case of Harris *v.* Gale, before Judge Campbell's court. In the report there is an extract from Judge Campbell's report as follows:

There being no conceivable reason why Congress should have intended to distinguish between conveyances by full-blood heirs of inherited lands made subsequent to the act of May 27, 1908, where the ancestor died prior to that date and where the ancestor died subsequent to that date, and the language of the act itself not so clearly evincing such an intention as to preclude the contrary construction, it is decided that by the said act any full-blood Indian heir of any deceased allottee of the Five Civilized Tribes is authorized to convey any interest in the lands inherited by him from such deceased allottee upon approval thereof by the court having jurisdiction of the settlement of the estate of such deceased allottee, whether such death occurred before or after May 27, 1908, and the approval of such conveyance by the Secretary of the Interior is not required. Of course, in cases where such heir is a minor, the procedure to secure the necessary order and approval of the court must be as in cases of other minors.

There was an opinion of an Attorney General some time ago which was at variance with the decision of the courts. The purpose of this bill is to remove the possibility of a cloud because of that opinion of the Attorney General.

Mr. SMOOT. Mr. President, the senior Senator from Kansas [Mr. CURTIS], before leaving the Chamber, asked if there was going to be any business outside of the consideration of the printing bill, and I told him I knew of none. He said that if not he had some pressing business at his office that he would like to attend to, and he would leave. I will ask the Senator——

Mr. OWEN. I have no objection to its going over, if the Senator thinks that course would be better.

Mr. SMOOT. I was going to say that if the Senator has no objection, on that account and that only, I will ask that it go over.

Mr. OWEN. I have no objection to its going over.

The VICE PRESIDENT. The bill will go to the calendar.

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

Mr. DU PONT. I will ask the Senator from New Hampshire if he will withhold his motion for a minute.

Mr. GALLINGER. Very well.

JOHN T. HAINES.

Mr. DU PONT. I ask unanimous consent to call up the bill (S. 4778) to correct the military record of John T. Haines.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent for the present consideration of a bill which the Secretary will read.

The Secretary read the bill, as follows:

Be it enacted, etc., That John T. Haines, deceased, who was a captain in the Eleventh Regiment United States Cavalry, and who was nominated by the President for appointment as major of Cavalry to rank from the 3d day of March, 1911, said nomination being confirmed by the Senate after the death of said Haines, which occurred after his nomination, shall hereafter be held and considered to have become a major of Cavalry in the service of the United States on the 3d day of March, 1911, and to have held that office until the date of his death; and the President is hereby authorized to issue a commission as major of Cavalry in the name of John T. Haines with rank to date from March 3, 1911.

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

Mr. SMOOT. I should like to ask the Senator to explain the bill.

Mr. DU PONT. I can do so best by reading the report, which I will proceed to do, if that will be agreeable to the Senator from Utah:

Capt. John T. Haines, Eleventh Cavalry, became entitled to promotion to the grade of major from March 3, 1911, as the result of the provisions of the Army appropriation act approved that date; he passed the prescribed examination for promotion April 6, 1911; was nominated to the Senate by the President on May 4, 1911, for the promotion, and the nomination was confirmed by the Senate May 15, 1911. In the meantime his death occurred May 11, 1911.

In view of the facts as above stated, Capt. Haines having served as a captain through the years necessary to secure his majority, and his failure of confirmation as a major being due to the delay of the Senate to act upon his nomination, your committee reports the bill favorably, with the recommendation that it be passed.

Indorsement of the Secretary of War on this bill is as follows:

WAR DEPARTMENT,
Washington, February 3, 1912.

Respectfully returned to the chairman Committee on Military Affairs, United States Senate, inviting attention to the inclosed statement of The Adjutant General with reference to the case of Capt. John T. Haines. It is recommended that this bill receive favorable consideration.

H. L. STIMSON, *Secretary of War.*

Mr. SMOOT. That is sufficient. I withdraw the objection.

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

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

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

LLOYD L. R. KREBS.

Mr. DU PONT. I ask unanimous consent to call up the bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act.

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

The Secretary read the bill.

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

Mr. GALLINGER. This is a pretty serious matter, increasing the retired list by a special act. In glancing at the report, I find it says:

Capt. Krebs failed in his examination for promotion. He did not make the required general average in his professional examination, and his general efficiency, as established by his work in the Army, was very unsatisfactory.

Mr. DU PONT. At the request of the Senator from Utah [Mr. SMOOT], I will let the bill go over.

Mr. GALLINGER. All right.

The VICE PRESIDENT. The Senator from Delaware withdraws his request.

ESTATE OF T. B. COWAN AND OTHERS.

Mr. GALLINGER. I yield to the Senator from Louisiana [Mr. THORNTON].

Mr. THORNTON. I ask for the present consideration of the bill (S. 4661) for the relief of the estate of T. B. Cowan and others.

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

The Secretary read the bill.

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

Mr. HEYBURN. I ask that it may go over.

The VICE PRESIDENT. Objection is made to the present consideration of the bill. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 22772) appropriating $350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River, in which it requested the concurrence of the Senate.

PROTECTION OF LEVEES OF THE MISSISSIPPI.

Mr. GALLINGER. I will yield to the Senator from Louisiana [Mr. FOSTER], who desires to have the bill just received from the House laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives, which will be read at length.

The bill (H. R. 22772) appropriating $350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the sum of $350,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River between the Head of Passes and Cape Girardeau, Mo.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. I was wondering whether under the rules we could consider the bill, it not having been referred to a committee.

The VICE PRESIDENT. The request is that it be considered regardless of the rule, by unanimous consent. The Senate can do anything it chooses by unanimous consent.

Mr. SMOOT. The bill can be reported to-morrow.

Mr. FOSTER. I will state that the importance of this measure and of its immediate passage is very great.

Mr. OWEN. The flood will not wait.

Mr. SMOOT. I have not the least objection to it, but I recognize that it is a very important matter. The only question in my mind is as to whether it is proper to take up the House bill and have it considered by the Senate without having it referred to the committee. I will say to the Senator I do not think there will be any question but that the Committee on Appropriations will report it out to-morrow morning and have it immediately considered, and I do not think there is a Senator who would object to it. If it will make no material difference to the Senator, I would very much prefer to have it go to the committee; but if there is anything of urgency so great that the short delay will interfere in any way, I will waive the point.

Mr. FOSTER. I will state to the Senator that the urgency is very great.

Mr. DU PONT. The only objection I have to the bill is that the President has recommended an appropriation of $500,000, and I was wondering whether the appropriation made by the House will be adequate to meet the necessities of the case.

Mr. FOSTER. I have considered that matter also, but the importance of the measure passing with as little delay as possible has forced me to accept the appropriation of $350,000 made by the House instead of urging $500,000 as recommended by the President.

Mr. SMOOT. If it becomes necessary we can make an appropriation of $150,000 subsequently.

Mr. FOSTER. Yes; if it becomes necessary we can make a further appropriation.

Mr. SMOOT. I should like to ask the Senator if he does not think that to-morrow morning would be soon enough to act upon the bill to meet all questions of emergency?

Mr. FOSTER. The chairman of the Committee on Rivers and Harbors of the House is now present in the Chamber, and the difficulty of securing a quorum——

The VICE PRESIDENT. The President's message was sent to the Committee on Appropriations.

Mr. FOSTER. I fear it is going to be extremely difficult to get a quorum of the committee together. The Senator himself knows how difficult it is to get a quorum of the committee together.

Mr. SMOOT. If the Senator thinks that by going over until to-morrow it will interfere with the object in view, I shall not make any objection whatever to present consideration, but if not, I think it is best that it should go over and be reported to-morrow. The committee can be polled. Of course I do not know, but I have not any doubt in my mind but that the committee will be favorable to to it.

Mr. FOSTER. This appropriation is urged by the War Department, by the Chief of Engineers, and by the President, feeling that the work should begin as soon as possible, as the river is now at the highest flood ever known in the history of that stream of which there is any record. These various departments recognize the urgency of the appropriation. The President himself has recognized it by sending a special message to Congress, and unless there be some rule or tradition of the Senate that is violated I would like to have the measure put through to-day. Of course I do not want to violate any rule or any of the traditions of the Senate, and if any of them would be violated I would rather not press it. I fear, however, if it is referred to the committee there is going to be difficulty in getting a quorum of the committee to-morrow morning. The Committee on Appropriations is a very large committee, and I very much fear there will be some difficulty in getting the committee together to act upon it; and the flood is not going to wait.

Mr. BURTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. FOSTER. Certainly.

Mr. BURTON. May I ask for what purpose this appropriation is to be applied? I understand it is for the repair of levees made necessary by the floods and that it is not for the relief of individuals.

Mr. FOSTER. No, sir; it is for the maintenance and support of levees which have already been built.

Mr. WARREN entered the Chamber.

Mr. SMOOT. The chairman of the Committee on Appropriations is now present.

Mr. WARREN. Will the Senator allow me to have the bill read?

Mr. FOSTER. Certainly.

The VICE PRESIDENT. Without objection, the Secretary will again read the bill.

The Secretary again read the bill.

Mr. WARREN. May I ask the Senator from Louisiana to let the bill go to the Committee on Appropriations under the rule, and a meeting will be called early in the morning to consider it, together with the President's message, which refers to the same subject. I think we can get immediate consideration in the morning.

Mr. FOSTER. Does the Senator think he can secure a quorum of the committee?

Mr. WARREN. If the members who are present will be favorable to it, we can obtain a poll of the remainder.

Mr. FOSTER. Is it simply in obedience to a rule of the Senate that the Senator asks this procedure or is it on account of objection to the bill?

Mr. WARREN. It is not only in obedience to a rule of the Senate, but it is late now, and I would like to get in telephonic communication with the Chief of Engineers.

Mr. FOSTER. I have a letter from the Chief of Engineers here.

Mr. WARREN. That is as to the general subject, but as to the manner of applying it.

Mr. NELSON. Will the Senator from Louisiana yield to me?

Mr. FOSTER. Certainly.

Mr. NELSON. This is manifestly a measure that ought to go to the Committee on Commerce and not to the Committee on Appropriations. It is for improving and protecting the levees of the Mississippi River.

Mr. WARREN. I asked to-day that the President's message covering the same subject go to the Committee on Appropriations, because I considered that it was a matter of extreme urgency, not for the general improvement of rivers and harbors, but a matter of money asked for an emergency. I do not care, however, to take it from the Committee on Commerce if the chairman of the committee thinks it belongs there, but it seems to me that coming up as a matter of emergency it rather belongs to the Committee on Appropriations.

Mr. NELSON. It seems to me it belongs to the Committee on Commerce, but I made no objection to-day about the reference of the message to the Committee on Appropriations, and I shall make none now.

Mr. FOSTER. I do not want to violate any of the rules of procedure of this body, but I want to impress upon the Senators present the importance and urgency of this appropriation. I know that the Engineer Department is ready, as soon as the bill passes, to prepare for the protection and repair of the levees at once. Six hours delay may mean a great deal to the people in that portion of the country, and I urge immediate action only because of the absolute urgency of work being undertaken by the department at once. The bill safeguards the appropriation. All funds must go through the Secretary of War. The different branches of the Government are ready to take up this great work, because, as Col. Townsend, the engineer in charge, states it as his opinion that the flood will be the highest of which there has been any Government record, and it is pressing down with its unrelenting force upon the people in the whole Mississippi Valley. Unless there be some good reason why the bill should be sent to the committee, I would ask the Senators present to forego the usual procedure, which we all recognize to be a wise rule, in view of the great emergency which is confronting the entire people of the Mississippi Valley, involving probably millions and millions of dollars of property and the lives of many people by the delay of a few hours.

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

Mr. WARREN. I am not going to insist upon an objection. Of course it is against the rules of the Senate. We so often have trouble in cleaning up work of this kind of hasty legislation that nothing except the appeal the Senator has made would cause me to refrain from requesting enforcement of the rule, but, under the circumstances, I am not going to raise any further objection.

Mr. SMOOT. I have been in the Senate nearly 10 years, and I believe this is the first time anything like this has happened during that time, but on account of the urgency of the matter and the appeal of the Senator from Louisiana I shall not object at all.

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

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

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 3, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate April 2, 1912.

SURVEYOR OF CUSTOMS.

Ernest I. Edgcomb, of New York, to be surveyor of customs for the port of Syracuse, in the State of New York. (Reappointment.)

COLLECTOR OF CUSTOMS.

Edward R. Stackable, of the Territory of Hawaii, to be collector of customs for the district of Hawaii, in the Territory of Hawaii. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

Charles C. Cole, of New York, to be collector of internal revenue for the twenty-first district of New York in place of Peter E. Garlick, resigned.

UNITED STATES ATTORNEY.

John L. McNab, of California, to be United States attorney for the northern district of California, vice Robert T. Devlin, resigned.

SURVEYOR GENERAL OF IDAHO.

Darwin A. Utter, of Idaho, to be surveyor general of Idaho, his term having expired February 10. (Reappointment.)

UNITED STATES MARSHAL.

George L. Townsend, of Delaware, to be United States marshal for the district of Delaware, vice William R. Flinn, deceased.

ASSISTANT AGENT ALASKA SALMON FISHERIES.

Ward T. Bower, of Michigan, to be assistant agent Alaska salmon fisheries, Division of Alaska Fisheries, Bureau of Fisheries, Department of Commerce and Labor, vice John N. Cobb, resigned.

PROMOTIONS IN THE ARMY.

Chaplain Timothy P. O'Keefe, Thirteenth Cavalry, to be chaplain with the rank of major from March 2, 1912, vice Chaplain Joseph H. Sutherland, Twelfth Infantry, retired from active service March 21, 1912.

CAVALRY ARM.

First Lieut. James Huston, Tenth Cavalry, to be captain from March 17, 1912, vice Capt. Holland Rubottom, Ninth Cavalry, detailed in the Signal Corps on that date.

FIELD ARTILLERY ARM.

Second Lieut. Frederick A. Prince, Fifth Field Artillery, to be first lieutenant from April 1, 1912, vice First Lieut. Harry D. R. Zimmerman, Fourth Field Artillery, who died March 31, 1912.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from March 25, 1912.

Edward Lucien Aymé, of New York.
Frank Bernard Baldwin, of New York.
Albert Fitzhugh Beverly, of Texas.
Paul Clements, of Tennessee.
Emile Louis De Lanney, of Nebraska.
William Lawrence Estes, of Pennsylvania.
Albert Adolph Fricke, of Nebraska.
John Cooper Graham, of New York.
Harold M. Hays, of New York.
John Hunter Selby, of Minnesota.
Harlan Shoemaker, of North Carolina.
William Dey Herbert, of New Jersey.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Ferdinand L. Reichmuth to be a lieutenant in the Navy from the 17th day of October, 1911, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Frank R. King,
Jacob H. Klein, jr.,
Roy P. Emrich,
Walter F. Lafrenz,
George C. Logan,
Richard E. Cassidy,
David S. H. Howard,
Francis D. Pryor, and
Ralph B. Horner.

Boatswain Albert Seeckts to be a chief boatswain in the Navy from the 23d day of February, 1912, upon the completion of six years' service as a boatswain.

POSTMASTERS.

ALASKA.

Severin J. Bakke to be postmaster at Nome, Alaska, in place of Frank J. Kolash. Incumbent's commission expired January 9, 1912.

CALIFORNIA.

Joseph Charles Beard to be postmaster at Burlingame, Cal., in place of George W. Gates. Incumbent's commission expires April 2, 1912.

Mrs. J. C. Miller to be postmaster at Bishop, Cal., in place of J. W. Clark. Incumbent's commission expired December 10, 1911.

COLORADO.

David Sloan to be postmaster at Crested Butte, Colo., in place of Mabel F. Curren, resigned.

Carl D. Van Dorn to be postmaster at Oak Creek, Colo. Office became presidential January 1, 1912.

CONNECTICUT.

Harry W. Crane to be postmaster at Wethersfield, Conn., in place of Harry W. Crane. Incumbent's commission expired March 11, 1912.

George P. Edwards to be postmaster at Collinsville, Conn., in place of George P. Edwards. Incumbent's commission expired March 30, 1912.

George W. Randall to be postmaster at Rockville, Conn., in place of George W. Randall. Incumbent's commission expired March 30, 1912.

Charles T. Welch to be postmaster at Windsor, Conn., in place of Charles T. Welch. Incumbent's commission expired March 30, 1912.

DELAWARE.

Harry B. Johnson to be postmaster at Wyoming, Del., in place of Harry B. Johnson. Incumbent's commission expired January 13, 1912.

FLORIDA.

H. K. Murphy to be postmaster at Mulberry, Fla., in place of John B. White, resigned.

David B. Raulerson to be postmaster at Lake City, Fla., in place of Berry E. Raulerson, resigned.

GEORGIA.

Fred J. Allen to be postmaster at East Point, Ga., in place of Fred J. Allen. Incumbent's commission expired February 27, 1912.

Albert S. Anderson to be postmaster at Millen, Ga., in place of Albert S. Anderson. Incumbent's commission expired March 10, 1912.

Nemie F. Awtrey to be postmaster at Lagrange, Ga., in place of Nemie F. Awtrey. Incumbent's commission expired February 27, 1912.

Charles B. Beacham to be postmaster at Lumber City, Ga., in place of Charles B. Beacham. Incumbent's commission expired March 10, 1912.

John H. Boone to be postmaster at Hazlehurst, Ga., in place of John H. Boone. Incumbent's commission expired February 27, 1912.

James F. Boughton to be postmaster at Madison, Ga., in place of James F. Boughton. Incumbent's commission expired February 27, 1912.

William J. Campbell to be postmaster at Fairburn, Ga., in place of William J. Campbell. Incumbent's commission expired February 27, 1912.

William H. Carroll to be postmaster at La Fayette, Ga., in place of William H. Carroll. Incumbent's commission expired February 27, 1912.

William O. De Loache to be postmaster at Talbotton, Ga., in place of William O. De Loache. Incumbent's commission expired February 27, 1912.

William E. Dunham to be postmaster at Cochran, Ga., in place of William E. Dunham. Incumbent's commission expired February 27, 1912.

John W. English to be postmaster at Helena, Ga., in place of John W. English. Incumbent's commission expired March 10, 1912.

Augusta Glover to be postmaster at Monticello, Ga., in place of Augusta Glover. Incumbent's commission expired March 11, 1912.

Lizzie Hamilton to be postmaster at Buford, Ga., in place of Lizzie Hamilton. Incumbent's commission expired February 27, 1912.

Mattie H. Hanson to be postmaster at Forsyth, Ga., in place of Mattie H. Hanson. Incumbent's commission expired February 27, 1912.

Edward A. Hollis to be postmaster at Reynolds, Ga., in place of Edward A. Hollis. Incumbent's commission expired February 27, 1912.

Newton T. Jones to be postmaster at Pelham, Ga., in place of Newton T. Jones. Incumbent's commission expired February 27, 1912.

John W. Kitchens to be postmaster at Fayetteville, Ga. Office became presidential January 1, 1912.

John C. Massey to be postmaster at Hartwell, Ga., in place of John C. Massey. Incumbent's commission expired February 27, 1912.

James W. Riley to be postmaster at Butler, Ga. Office became presidential January 1, 1912.

John W. Spinks to be postmaster at Dallas, Ga., in place of John W. Spinks. Incumbent's commission expired February 27, 1912.

George P. Whigham to be postmaster at Bartow, Ga., in place of George P. Whigham. Incumbent's commission expired February 27, 1912.

William M. Wilson to be postmaster at Blue Ridge, Ga., in place of William M. Wilson. Incumbent's commission expired February 27, 1912.

ILLINOIS.

William Folkerts to be postmaster at Witt, Ill., in place of Edward H. Ramsdell. Incumbent's commission expired December 11, 1911.

John Grierson to be postmaster at Morrison, Ill., in place of John Grierson. Incumbent's commission expires April 22, 1912.

George Isherwood to be postmaster at Tampico, Ill., in place of Frederick H. Richardson. Incumbent's commission expired February 12, 1912.

Yale T. Kiblinger to be postmaster at Morton, Ill., in place of Yale T. Kiblinger. Incumbent's commission expired March 11, 1912.

IOWA.

Isaac W. Abbott to be postmaster at New Market, Iowa. Office became presidential January 1, 1912.

William A. Grummon to be postmaster at Rockwell, Iowa, in place of William A. Grummon. Incumbent's commission expires April 22, 1912.

Richard Hudgel to be postmaster at Anthon, Iowa, in place of Edmund B. Booher. Incumbent's commission expired December 12, 1908.

KANSAS.

George Delaney to be postmaster at Axtell, Kans., in place of George Delaney. Incumbent's commission expired December 11, 1911.

Joshua M. Roney to be postmaster at Norcatur, Kans., in place of Joshua M. Roney. Incumbent's commission expired February 12, 1912.

J. L. Stevens to be postmaster at Stockton, Kans., in place of Floyd E. Young, resigned.

Anna R. Wood to be postmaster at Selden, Kans., in place of Anna R. Wood. Incumbent's commission expired January 22, 1912.

MAINE.

Fred H. Atwood to be postmaster at Rumford, Me., in place of Fred H. Atwood. Incumbent's commission expires April 17, 1912.

Horace K. Purinton to be postmaster at Fairfield, Me., in place of Edward P. Mayo, deceased.

MASSACHUSETTS.

Harry E. Clough to be postmaster at South Acton, Mass., in place of Harry E. Clough. Incumbent's commission expired March 25, 1912.

Martin E. Stockbridge to be postmaster at Dalton, Mass., in place of Martin E. Stockbridge. Incumbent's commission expired April 2, 1912.

MICHIGAN.

Will S. Carpenter to be postmaster at Gaylord, Mich., in place of Faustina M. Towle, deceased.

George L. Curtis to be postmaster at Birch Run, Mich. Office became presidential January 1, 1912.

Edmund O. Dewey to be postmaster at Owosso, Mich., in place of Edmund O. Dewey. Incumbent's commission expires April 21, 1912.

Orlo S. Pattison to be postmaster at Caro, Mich., in place of Orlo S. Pattison. Incumbent's commission expires April 28, 1912.

MINNESOTA.

Harry A. Allen to be postmaster at Verndale, Minn., in place of Grace M. Henderson, resigned.

Robert M. Mills to be postmaster at Maple Plain, Minn. Office became presidential April 1, 1912.

Samuel B. Scott to be postmaster at Zumbrota, Minn., in place of Samuel B. Scott. Incumbent's commission expires April 7, 1912.

MISSOURI.

August W. Enis to be postmaster at Clyde, Mo., in place of August W. Enis. Incumbent's commission expired April 2, 1912.

Edward W. Flentge to be postmaster at Cape Girardeau, Mo., in place of Edward W. Flentge. Incumbent's commission expired March 10, 1912.

Henry Puls to be postmaster at Jackson, Mo., in place of Henry Puls. Incumbent's commission expired April 1, 1912.

James Tait to be postmaster at Polo, Mo., in place of James Tait. Incumbent's commission expires April 28, 1912.

MONTANA.

Thomas Hanlon to be postmaster at Hobson (late Philbrook) Mont., in place of Thomas Nicholson, resigned. To change name of office.

Patrick H. Tooley to be postmaster at Moore, Mont., in place of Patrick H. Tooley. Incumbent's commission expires May 15, 1912.

NEBRASKA.

Robert E. Chittick to be postmaster at Stuart, Nebr., in place of John W. Wertz. Incumbent's commission expired December 11, 1911.

James H. Overman to be postmaster at Stella, Nebr., in place of James H. Overman. Incumbent's commission expires April 24, 1912.

NEW JERSEY.

Patrick J. Carney to be postmaster at Grantwood, N. J. Office became presidential January 1, 1912.

Charles F. Hopkins to be postmaster at Boonton, N. J., in place of Charles F. Hopkins. Incumbent's commission expired February 10, 1912.

Frank M. O'Shea to be postmaster at Westwood, N. J., in place of Frank M. O'Shea. Incumbent's commission expired January 9, 1912.

Willis D. Robbins to be postmaster at Port Norris, N. J. Office became presidential January 1, 1912.

NEW MEXICO.

S. M. Wharton to be postmaster at Tucumcari, N. Mex., in place of Albert R. Carter. Incumbent's commission expired March 11, 1912.

NEW YORK.

William E. Clark to be postmaster at Fredonia, N. Y., in place of William E. Clark. Incumbent's commission expires April 13, 1912.

John Hopkins to be postmaster at Hyde Park, N. Y., in place of John Hopkins. Incumbent's commission expired February 4, 1912.

Reuben Kline to be postmaster at Port Leyden, N. Y. Office became presidential April 1, 1911.

Judson A. C. Knapp to be postmaster at Churchville, N. Y., in place of Judson A. C. Knapp. Incumbent's commission expires April 7, 1912.

Solomon A. Royce to be postmaster at Liberty, N. Y., in place of Solomon A. Royce. Incumbent's commission expired April 1, 1912.

Thomas A. McWhinney to be postmaster at Lawrence, N. Y., in place of Thomas A. McWhinney. Incumbent's commission expired February 10, 1912.

Charles Voss to be postmaster at Tannersville, N. Y., in place of Charles Voss. Incumbent's commission expired March 27, 1912.

Charles H. Whitson to be postmaster at Briarcliff Manor, N. Y., in place of Charles H. Whitson. Incumbent's commission expired March 24, 1912.

OHIO.

Sheridan G. Dowds to be postmaster at Mount Vernon, Ohio, in place of Sheridan G. Dowds. Incumbent's commission expires April 29, 1912.

OKLAHOMA.

Clarence W. Early to be postmaster at Durant, Okla., in place of William H. Hilton, deceased.

H. O. Jeffries to be postmaster at Nowata, Okla., in place of Frank McCartney. Incumbent's commission expired February 28, 1912.

W. H. Staggers to be postmaster at Wakita, Okla., in place of Philo R. Smith, resigned.

John B. Willeford to be postmaster at Olustee, Okla., in place of John B. Willeford. Incumbent's commission expires April 28, 1912.

OREGON.

Harry H. Martin to be postmaster at Carlton, Oreg. Office became presidential January 1, 1912.

Elizabeth Thompson to be postmaster at Nyssa, Oreg. Office became presidential January 1, 1912.

C. H. Van Denburg to be postmaster at Cottage Grove, Oreg., in place of Daniel M. C. Gault. Incumbent's commission expired February 4, 1912.

PENNSYLVANIA.

Daniel W. Bedea to be postmaster at Shenandoah, Pa., in place of Daniel W. Bedea. Incumbent's commission expires May 14, 1912.

Joseph A. Buchanan to be postmaster at Ambler, Pa., in place of Joseph A. Buchanan. Incumbent's commission expired April 1, 1912.

Thomas D. Davis to be postmaster at Girardville, Pa., in place of Thomas D. Davis. Incumbent's commission expires May 14, 1912.

Alonzo M. Frederick to be postmaster at New Kensington, Pa., in place of Alonzo M. Frederick. Incumbent's commission expired February 10, 1912.

Mary C. Fruth to be postmaster at Economy, Pa., in place of Harry W. Fabian, resigned.

John H. McDermott to be postmaster at McKees Rocks, Pa., in place of John H. McDermott. Incumbent's commission expires May 7, 1912.

Charles S. Madeira to be postmaster at Fleetwood, Pa., in place of Charles S. Madeira. Incumbent's commission expires April 28, 1912.

Nathaniel B. Miller to be postmaster at Clarendon, Pa., in place of Nathaniel B. Miller. Incumbent's commission expired March 10, 1912.

Renwick Rowan to be postmaster at Parnassus, Pa., in place of Renwick Rowan. Incumbent's commission expired December 17, 1911.

SOUTH CAROLINA.

James M. Byrd to be postmaster at Branchville, S. C., in place of James M. Byrd. Incumbent's commission expires April 29, 1912.

Charles J. Shannon to be postmaster at Camden, S. C., in place of Charles J. Shannon. Incumbent's commission expired February 21, 1912.

John R. Tolbert, jr., to be postmaster at Abbeville, S, C., in place of Frederic Minshall, deceased.

SOUTH DAKOTA.

Elmer G. Houston to be postmaster at Oelrichs, S. Dak., in place of William W. Smithson, resigned.

James H. Reed to be postmaster at Timber Lake, S. Dak. Office became presidential January 1, 1912.

VIRGINIA.

John S. Cecil to be postmaster at Dublin, Va., in place of John S. Cecil. Incumbent's commission expires April 21, 1912.

Floyd L. Harless to be postmaster at Christiansburg, Va., in place of Floyd L. Harless. Incumbent's commission expired June 7, 1910.

W. F. Harvey to be postmaster at Blacksburg, Va., in place of Lulu O. Hoge. Incumbent's commission expired December 13, 1909.

John H. Steele to be postmaster at Coeburn, Va., in place of John H. Steele. Incumbent's commission expires April 21, 1912.

WASHINGTON.

Fred E. Kirby to be postmaster at Friday Harbor, Wash., in place of Fred E. Kirby. Incumbent's commission expired March 21, 1912.

John O. Wilson to be postmaster at Cosmopolis, Wash., in place of John O. Wilson. Incumbent's commission expires April 24, 1912.

WISCONSIN.

William F. Prochnow to be postmaster at Almond, Wis., in place of Etta F. Cowan. Incumbent's commission expired January 27, 1912.

WYOMING.

Joseph Munz to be postmaster at Saratoga, Wyo., in place of Joseph Munz. Incumbent's commission expires April 29, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 2, 1912.

COLLECTOR OF INTERNAL REVENUE.

Charles C. Cole to be collector of internal revenue, twenty-fifth district of New York.

SURVEYOR GENERAL.

Darwin A. Utter to be surveyor general of Idaho.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. Edward Burr to be colonel.
Maj. William V. Judson to be lieutenant colonel.
Capt. Thomas H. Jackson to be major.
First Lieut. Joseph H. Earle to be captain.
First Lieut. Thomas M. Robins to be captain.
First Lieut. Roger D. Black to be captain.
First Lieut. Theodore H. Dillon to be captain.
First Lieut. De Witt C. Jones to be captain.
First Lieut. Ernest Graves to be captain.
Second Lieut. Edwin H. Marks to be first lieutenant.
Second Lieut. Earl North to be first lieutenant.
Second Lieut. Albert H. Archer to be first lieutenant.
Second Lieut. Gilbert Van B. Wilkes to be first lieutenant.
Second Lieut. John C. H. Lee to be first lieutenant.
Second Lieut. Frank S. Besson to be first lieutenant.

SUBSISTENCE DEPARTMENT.

Capt. Theodore B. Hacker to be commissary with the rank of major.

CAVALRY ARM.

Capt. George E. Stockle to be major.
First Lieut. Timothy M. Coughlan to be captain.

COAST ARTILLERY CORPS.

Lieut. Col. John W. Ruckman to be colonel.
Maj. Delamere Skerrett to be lieutenant colonel.
Capt. William E. Cole to be major.
First Lieut. Charles R. Alley to be captain.
First Lieut. Mark L. Ireland to be captain.
Second Lieut. John W. Wallis to be first lieutenant.
Second Lieut. Clement C. Heth to be first lieutenant.

INFANTRY ARM.

Lieut. Col. William L. Buck to be colonel.
Lieut. Col. Arthur C. Ducat to be colonel.
Lieut. Col. Hunter Liggett to be colonel.
Maj. Frederick Perkins to be lieutenant colonel.
Maj. James M. Arrasmith to be lieutenant colonel.
Maj. William P. Burnham to be lieutenant colonel.
Capt. La Roy S. Upton to be major.
Capt. Harry A. Smith to be major.
Capt. George C. Saffarrans to be major.
First Lieut. John J. Miller to be captain.
First Lieut. Kirwin T. Smith to be captain.
First Lieut. William W. Bessell to be captain.
Second Lieut. John S. Davis to be first lieutenant.
Second Lieut. James G. Taylor to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Frederick William Baeslack.
Alexander Willis Blain, jr.
Henry Colmore Bradford.
James Nathaniel Jenne.
Frederick Clyde Lamar.
John Rich McDill.
William Keith Mittendorf.
Randell Hunt.
Edward Clarence Rumer.
Meyer Maurice Stark.
Willis Bryant Jones.

COAST ARTILLERY CORPS.

To be second lieutenants.

Clarence Leslie Gilbert.
Arthur Eugene Rowland.
Leon R. Cole.
Lee Roland Watrous, jr.
Joseph Dowd Brown.
Spencer Bridgman Lane.
Paul Leo Ferron.
Leslie MacDill.
Charles Augustus French.
John Albert Hoag.
Oscar A. Eastwold.
William Hooper Jouett.
Earl Herbert Metzger.

POSTMASTERS.

OHIO.

O. W. Whitney, Sunbury.

PENNSYLVANIA.

Alonzo W. Frederick, New Kensington.
Renwick Rowan, Parnassus.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 2, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we realize that we are indeed fearfully and wonderfully made. "The philosophy of six thousand years has not searched the chambers and magazines of the soul; there has always remained, in the last analysis, a residuum it could not resolve." But Thou hast made it clear that we are here for action, and since Thou hast given us the power of choice, help us to act intelligently, wisely, discreetly, without prejudice, ever keeping our minds open to conviction, that we may with all diligence and perseverance act in accordance with Thy will as revealed in the spirit of the Lord Jesus Christ, the world's great exemplar, and thus prove ourselves worthy of the trust Thou hast reposed in us. For Thine is the kingdom, and the power, and the glory forever. Amen.

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

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The business to-day is the business that would have been transacted yesterday if the transfer of business had not been made, and the Clerk will report the first bill on the Calendar for Unanimous Consent.

INDIAN DEPREDATION CLAIMS.

The Clerk read as follows:

H. R. 14667, a bill to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that this bill be passed over at the present time, without prejudice, for the reason that it is also on the calendar for to-morrow and will be considered under Calendar Wednesday.

The SPEAKER. The gentleman from Texas asks that this bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

BRIDGE ACROSS WILLAMETTE RIVER, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20486) authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress be, and it is hereby, given to the construction and maintenance of a highway bridge and approaches thereto over the Willamette River at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906. Such bridge may be constructed and maintained by the county of Yamhill, in the State of Oregon, by the county of Marion, in said State, or by said counties of Yamhill and Marion acting jointly.

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

Also a committee amendment, as follows:

On page 1, line 4, strike out the word "highway."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, line 4, strike out the word "highway."

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

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

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

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALARY OF UNITED STATES MARSHAL, DISTRICT OF CONNECTICUT.

The next business on the Calendar for Unanimous Consent was the bill (S. 2434) providing for an increase of salary for the United States marshal for the district of Connecticut.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the United States marshal for the district of Connecticut shall be at the rate of $3,000 a year.

Also a committee amendment, as follows:

In line 5 strike out "three thousand" and insert "two thousand five hundred."

The SPEAKER. Is there objection to the present consideration of the Senate bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to have a statement in regard to it.

Mr. HIGGINS. Mr. Speaker, this is a unanimous report from the Committee on the Judiciary. The salary of the United States marshal of Connecticut, $2,000, is now the lowest salary paid any marshal in the country. The report of the committee, which shows that the matter was very carefully considered, goes into an analysis of the salaries paid to other marshals and makes comparisons, and shows the business transacted in the courts of that district, and gives the salary of the clerk of the Connecticut district, and states other facts, which seem to your committee to make it an exceedingly worthy case and one in which it was only justice to take such action as the committee did take.

Mr. MANN. Mr. Speaker, will the gentleman yield to me for a question?

Mr. HIGGINS. I would be very glad to.

Mr. MANN. I see this bill, as it passed the Senate, provides for a salary of $3,000, instead of $2,000, as is now provided.

Mr. HIGGINS. Yes.

Mr. MANN. The Judiciary Committee has recommended a salary of $2,500.

Mr. HIGGINS. Yes.

Mr. MANN. If the bill passes the House in that shape, in what shape does the gentleman expect it to become a law, at $2,500 or $3,000, or does the gentleman expect to split the difference?

Mr. HIGGINS. I suppose it will go into conference, as any other disagreeing action of the two Houses would go.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. Is there not a bill already pending on the calendar seeking to regulate the salaries of all the different clerks throughout the country?

Mr. MANN. This is not a clerk. This is a marshal. I would like to ask the gentleman from Connecticut if he is satisfied to increase this salary to $2,500 if he can pass the bill here by unanimous consent?

Mr. HIGGINS. I do not get the import of the gentleman's question. I will be frank with the gentleman. I do not know, and I do not usually cross bridges until I get to them.

Mr. MANN. But the gentleman is right at the bridge now.

Mr. HIGGINS. At one end of the bridge. I have not got over yet.

Mr. MANN. No; I know the gentleman has not got over yet.

Mr. HIGGINS. I will be frank with the gentleman and say that, so far as I am personally concerned, in my view of it the salary ought to be $3,000. And I will say further that the committee were of that opinion. The United States district attorney for that district gets a salary of $2,500 a year. The business of that court has very largely increased since salaries were fixed 16 years ago. We have 804 cases on the docket now. I think I violate no proprieties in saying that the reason the committee did not agree to give the marshal the salary fixed by the Senate was that they did not care to have the salary of the marshal higher than that of the district attorney, though I think it will certainly appeal to the judgment and fairness of the gentleman from Illinois that the salary of United States marshal for the district of Connecticut ought to be more than $2,500. I can not indulge in prophecies, which would be of no avail and exceedingly vain, it seems to me, as to what ultimately will happen.

Mr. MANN. The gentleman understands very well that there are four United States marshals who now receive salaries of $2,000. The gentleman desires to have the salary of the marshal in his district increased. He now offers the House a proposition to make the salary $2,500, which is an increase of $500, and in these times that is quite an increase. The gentleman brings the bill to the House for unanimous consent on that proposition. It seems to me that if the House gives unanimous consent it ought to understand whether the gentleman intends to stand for $2,500 or whether the committee intends to make the salary $3,000. The gentleman ought to state that so that the House, in considering the bill, may know what the intentions of the committee are.

Mr. HIGGINS. I think the committee have no intention at all different from that expressed in their action. I think they have expressed their views in that way.

Mr. MANN. The gentleman knows very well that in a matter of this sort it would be necessary for the Senate to yield to the House amendments if the House stood for those amendments in conference. I think we are entitled to frankness on the part of the gentleman as to whether it is his intention to favor a conference report increasing the salary from $2,500 to $3,000, or whether he intends to let it pass at $2,500.

Mr. HIGGINS. Mr. Speaker, I have every disposition to be frank, and if I have impressed the gentleman otherwise I do not think the fault is with me. The gentleman can not say that I have been anything except frank. I do not expect to be one of the conferees. I can not say what may happen in the conference.

Mr. HAMMOND. What is the salary of the marshal at the present time?

Mr. HIGGINS. Two thousand dollars.

Mr. HAMMOND. Does he receive any fees for travel or for any other service?

Mr. HIGGINS. He receives no fees. He receives a very small allowance, about $200, as I recollect it, for travel.

Mr. HAMMOND. Does he receive mileage?

Mr. HIGGINS. No.

Mr. HAMMOND. In the service of process?

Mr. HIGGINS. No; he does not. The fees which he receives are all turned into the Government, except his mileage of 10 cents a mile for travel with Federal prisoners and necessary expenses incurred in the performance of his duties.

Mr. HAMMOND. How about the commitment of prisoners? Does he receive fees for that?

Mr. HIGGINS. No; except his mileage, as I have stated.

Mr. GARNER. Does the gentleman mean to say that the marshal does not receive mileage when he goes after a Federal prisoner to bring him to his district?

Mr. HIGGINS. I will say to the gentleman that the report of the Attorney General, which, as the gentleman knows, gives the transactions of that office in a very complete form, shows that this marshal receives about $200 a year or less than $200 a year for travel. He is allowed only one office deputy, at $1,000 a year. The State of Connecticut is the district, and it has about 1,125,000 people in it.

Mr. HAMMOND. Does this allowance of $200 cover all that the marshal is allowed for mileage in carrying prisoners to the penitentiary?

Mr. HIGGINS. Yes. The gentleman knows that about 16 years ago we changed from the fee system to the salary system. This salary was fixed 16 years ago, when the method of compensating marshals was changed.

Mr. HAMMOND. So that the marshal receives no fees whatsoever, except those that may be included in the $200?

Mr. HIGGINS. I have not the report of the Attorney General before me and I do not suppose the gentleman expects me to be bound to the precise figures, but I have given substantially the amount that he receives in excess of his salary, as I remember it. The balance of his fees are turned over to the Treasury of the United States under the law that was passed about 16 years ago applying to all marshals.

Mr. OLMSTED. Does the $200 any more than actually cover the expenses of the marshal incurred in the performance of his duties?

Mr. HIGGINS. That is all.

Mr. KINDRED. I desire to ask the gentleman from Connecticut a question. The gentleman has stated that the marshal for the district of Connecticut now receives only $2,000. I desire to ask what is the average salary of marshals in the United States.

Mr. HIGGINS. The average salary is $3,848.10.

Mr. FOSTER. Mr. Speaker, along the line of questions asked by my colleague [Mr. MANN], I did not quite understand what the gentleman's statement is in reference to the amendment proposed here cutting this salary from $3,000 to $2,500, and whether it is likely this bill would go through and have it go to conference, and then the House be compelled to adopt the Senate proposition of $3,000.

Mr. HIGGINS. Mr. Speaker, there has not been a suggestion to me of such a thing. The matter has never been discussed in my presence, and the committee made no intimation of such a thing. The suggestion of the gentleman from Illinois [Mr. MANN] is the first that I have heard on the subject.

Mr. FOSTER. The only reason that I asked the question was that I thought possibly the gentleman might be able to state to the House that it was the intention, so far as the House conferees could control the matter, to stand for the $2,500.

Mr. HIGGINS. I beg the gentleman's pardon, I did not quite catch his language.

Mr. FOSTER. I say I thought the gentleman might be able to state that the intention on the part of the House, so far as the conferees were able to control the matter when it did go to conference, would be to stand for the $2,500.

Mr. HIGGINS. Of course the gentleman knows that I could not speak for the conferees. I probably will not be one of them. It would have to be a full and free conference. I would not assume that the conferees would go into the conference with any ulterior motive, and, of course, the gentleman from Illinois would not expect them to.

Mr. FOSTER. No; I would not; but I would like to inquire if some of these other marshals who are getting $2,000 will not be likely to come to the House and ask that their salaries be raised to $2,500 or $3,000 as a result of granting this raise to this particular marshal.

Mr. HIGGINS. I can only say for myself, as a member of the committee, that I do not favor any such action; that there are no bills indicating any such legislation before the committee; and while I am asked again to go into the realms of prophecy, I say that I do not think there would be any such movement.

Mr. FOSTER. The gentleman from Connecticut knows that when one salary is raised usually there is an importuning to raise the salaries of officers of a like character.

Mr. HIGGINS. Yes; but I am quite sure that the sense of fairness which always possesses the gentleman from Illinois will compel him to see the absolute justice of this proposition. I say that, as compared with the salaries of other marshals in the 85 districts of the country, this is the most meritorious proposition.

Mr. NORRIS. Will the gentleman yield to me for a suggestion to the gentleman from Illinois?

Mr. HIGGINS. Certainly.

Mr. NORRIS. I would like to say that the committee considered these other cases with a view of reaching a conclusion as to the identical situation which the gentleman from Illinois has pointed out, whether these other marshals that are getting $2,000 would be likely to ask to have their salaries increased. The committee reached the conclusion that in all the districts where the salary was only $2,000—and I think there were only four—there was no one so meritorious as this; that conditions did not exist in the other three districts that existed in this one.

Mr. FOSTER. So the gentleman's opinion as a lawyer, after investigation of this case, leads him to believe that the increase is fair and proper?

Mr. NORRIS. I think so.

Mr. HIGGINS. Will not the gentleman from Nebraska give me the benefit of his observation? I did not hear it.

Mr. NORRIS. I stated to the gentleman from Illinois that in the investigation the committee took into consideration the other districts where the salary is only $2,000, and while there was no one representing the other three districts, the committee looked into the facts as much as they could and reached the conclusion that this particular district in Connecticut was more meritorious and had reasons for an increase of the amount of salary that do not exist in the other districts where the salary is only $2,000.

Mr. HIGGINS. Mr. Speaker, I will print the report of the committee on this proposition, which furnishes ample reasons for this legislation:

[House Report No. 386, Sixty-second Congress, second session.]

SALARY UNITED STATES MARSHAL, DISTRICT OF CONNECTICUT.

Mr. WEBB, from the Committee on the Judiciary, submitted the following report to accompany S. 2434:

The Committee on the Judiciary, to whom was referred the bill (S. 2434) providing for an increase of salary of the United States marshal for the district of Connecticut, having had the same under consideration, report thereon with an amendment striking out "three thousand," in line 5, and substituting in lieu therefor "two thousand five hundred," and do unanimously recommend that the bill thus amended do pass.

The State of Connecticut comprises one judicial district, and the law provides for the holding of court at New Haven and Hartford. The salary of marshal for the district of Connecticut has remained the same for about 16 years. It was represented to your committee by those most familiar with the busines transacted that the volume of work for the United States marshals and the bailiffs and deputies whom they appoint had increased in the vicinity of 40 per cent in the last 16 years. The duties of the office require the constant attention of the marshal, and he is allowed one office deputy only, at a salary of $1,000 a year. The district since the salary of the marshal was fixed at $2,000, his present compensation, has increased more than 400,000 in population, until now, by the census of 1910, the population of the district is 1,114,756. There is no district in the United States with a population of a million or more but what the marshal receives a salary of $3,000 a year.

The salaries paid the marshals in the 85 districts are as follows:

In 1 district	$5,500
In 10 districts	5,000
In 5 districts	4,500
In 44 districts	4,000
In 8 districts	3,500
In 10 districts	3,000
In 3 districts	2,500
In 4 districts	2,000

Three districts out of the four that receive $2,000 salary, viz, Delaware (202,322), New Hampshire (430,572), and Rhode Island (542,610), have a combined population of 1,175,504, only about 60,000 more than the Connecticut district has.

There were pending July 1, 1911, 804 civil and criminal cases, and the business is increasing from year to year. The clerk was paid in 1911 $4,939.60. The average salary received by the marshals in the different districts is $3,848.10.

The bill as it passed the Senate provided for a salary of $3,000 a year. Your committee recommends that the Senate bill be amended fixing the salary at $2,500 and are unanimous in their recommendation that the bill so amended do pass.

Mr. CLAYTON. May I interrupt the gentleman?

Mr. HIGGINS. Certainly.

Mr. CLAYTON. Mr. Speaker, I desire to say that this bill is not a very unusual one. The gentleman from Texas [Mr. HENRY], who has served a long time on the Committee on the Judiciary with me, will bear me out in the statement that only a few years ago a similar bill was passed in regard to a case in the State of Louisiana and a similar bill in regard to a like

case in the State of Texas. Occasionally, from time to time, there is some development of business that makes it necessary to change the salaries in order that they may be fair and equitable, and I believe the gentleman from Texas was the author of the bill covering the Texas case, and I think one of the Senators elect from Louisiana [Mr. BROUSSARD] was the author of the other bill.

Mr. HENRY of Texas. Mr. Speaker, if the gentleman will permit me, I will say that I was not the author of the bill, but it is a fact that we passed a bill to that effect raising the salary of the marshal of the northern district from $3,000 to $4,000, and of the southern district from $3,500 to $4,000; and we equalized the salaries of the State of Texas. In the Louisiana case——

Mr. CLAYTON. Was not the salary in the Texas case raised in one instance from $4,000 to $4,500?

Mr. HENRY of Texas. In the Louisiana case it raised the salary from $4,000 to $4,500.

Mr. MANN. And was there not a salary reduced in that bill?

Mr. HENRY of Texas. We reduced the salary of the eastern district of Texas to $4,000. The increase in the aggregate of the salaries was about $1,500.

Mr. CLAYTON. In the Louisiana case there was no reduction. There the marshal was drawing $4,000 and the salary was increased to $4,500. Now, I say that the committee took into consideration the action of the House heretofore, the merits of this case and the merits of the other cases, and did not treat this one from any narrow policy whatever. It seemed to the committee that this was a meritorious proposition to increase this salary by $500. I may say to some gentlemen who have asked what the committee of conference would probably do. I do not know who will be on the committee of conference, but I take it that the suggestion will not be made in the committee of conference that this salary be raised to $3,000 instead of $2,500. I think very likely the Senate will concur in the House amendment fixing it at $2,500.

Mr. KINDRED. Will the gentleman yield?

Mr. CLAYTON. I will.

Mr. KINDRED. I would like to be enlightened as to the desirability of making all of the salaries of the marshals of the United States uniform.

Mr. CLAYTON. That would not be practicable nor would it be just.

Mr. KINDRED. Why not?

Mr. CLAYTON. Because some marshals do a very large amount of work, having a large district, and other marshals do a small amount of work, having a little district.

Mr. KINDRED. Could not the districts be so adjusted that there would be a uniform amount of service?

Mr. CLAYTON. That is not possible. You might have to take territory from an adjoining State, or you might have to put more people in a district. Take a great State like New York, or a number of the other States, and then compare them with a State like Nevada, and how would you equalize the conditions?

Mr. MANN. Mr. Speaker, if this bill should pass the House fixing the salary at $2,500, is it the gentleman's personal opinion that the House would maintain that salary and not yield to any proposition to increase the salary from $2,500 to $3,000?

Mr. CLAYTON. That is my personal opinion, and that was the opinion of the committee that ordered the report brought into the House.

Mr. MANN. As the gentleman from Alabama will have charge of the matter if it goes to conference, I am willing, as far as I am concerned, to accept his personal opinion on the subject.

Mr. CLAYTON. That is my personal opinion, and I for one favor $2,500. I want to be perfectly frank with the gentleman from Illinois, as he is always perfectly frank himself.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Line 5, page 1, strike out the words "three thousand" and insert in lieu thereof the words "two thousand five hundred."

The SPEAKER. The question is on agreeing to the amendment.

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

The SPEAKER. The question is on the third reading of the amended Senate bill.

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

On motion of Mr. HIGGINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

RIGHT OF WAY THROUGH FORT HUACHUCA MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21170) granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes.

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

Mr. MANN. Mr. Speaker, reserving the right to object, this is a bill to grant a railroad company a right of way through a military reservation in the State of Arizona. I will inquire of the gentleman from Arizona [Mr. HAYDEN] if he would be willing to accept an amendment to the bill to this effect: That any other person or corporation having a franchise for the operation of a railway in the State of Arizona may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation upon paying just compensation, and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War; and also an amendment to the effect that the right to alter, amend, or repeal this act is hereby expressly reserved?

Mr. HAYDEN. Mr. Speaker, I would have no objection to such an amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That El Paso & Southwestern Railroad Co., a corporation organized and existing under and by virtue of the laws of the Territory and State of Arizona, be, and it is hereby, empowered to survey and to locate and construct a railway, telegraph, and telephone line through Fort Huachuca Military Reservation, in the State of Arizona, upon such a line as may be determined and approved by the Secretary of War.

SEC. 2. That such corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 100 feet in width through said Fort Huachuca Military Reservation, and a right to take and use a strip of land in said reservation 200 feet in width, with a length of 3,000 feet, in addition to said right of way, for stations, station grounds, and stockyards, with the right to use such other additional grounds, when cuts and fills may be necessary for the construction and maintenance of said roadbed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction, maintenance, and convenient operation of said railway, telegraph, and telephone lines and the use and enjoyment of the rights and privileges herein granted, and when any portion thereof shall cease to be so used such portion shall revert to the United States from which the same shall be taken: *Provided further*, That before the said El Paso & Southwestern Railroad Co. shall be permitted to enter upon any part of said military reservation a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War: *And provided further*, That the said El Paso & Southwestern Railroad Co., its successor and assigns, shall construct, maintain, and operate said railway and telegraph and telephone lines in accordance with such regulations and restrictions as the Secretary of War may from time to time prescribe, and shall construct and maintain such crossings, and shall surface and prepare its tracks in such manner, as may be required by the Secretary of War, as not to interfere with the proper use of said reservation for maneuvering and other military purposes.

SEC. 3. That the rights and privileges herein granted shall extend to and inure to the benefit of said El Paso & Southwestern Railroad Co., its successors or assigns, but subject, however, to the conditions, stipulations, and requirements herein set forth.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

Amend by adding new sections, as follows:

"SEC. 4. That any other person or corporation having a franchise for the operation of a railway in the State of Arizona may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation upon paying just compensation, and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War.

"SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the amendments.

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

The SPEAKER. The question now is on the engrossment and third reading of the amended bill.

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

ADDITIONAL AIDS TO NAVIGATION IN LIGHTHOUSE SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes.

Mr. ADAMSON. Mr. Speaker, this bill being on the Union Calendar, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. FOSTER. Mr. Speaker, reserving the right to object——

The SPEAKER. The first question is the present consideration of the bill. Is there objection to that?

Mr. MANN. Mr. Speaker, reserving the right to object——

The SPEAKER. The Clerk will read the bill; it has not been read.

The Clerk read as follows:

A bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following additional aids to navigation in the Lighthouse Service, under the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded.

FIRST LIGHTHOUSE DISTRICT.

The Secretary of Commerce and Labor is hereby authorized, in his discretion, to use the appropriation of $200,000 for a tender for the first lighthouse district and elsewhere made by the acts of May 27, 1908 (35 Stat., p. 331), and March 4, 1909 (35 Stat., p. 970), for the construction of two tenders.

FIFTH LIGHTHOUSE DISTRICT.

The Secretary of Commerce and Labor is hereby authorized to complete the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va., at an additional cost not to exceed $39,000.

The Secretary of Commerce and Labor is hereby authorized, in his discretion, to use for the establishment of gas buoys and other aids to navigation in the channels leading to Baltimore, Md., the appropriation of $125,000 made by the act of Congress approved March 4, 1911 (36 Stat., p. 1431), for the establishment of range lights in Fort McHenry Channel, Md.

SIXTH LIGHTHOUSE DISTRICT.

The Secretary of Commerce and Labor is hereby authorized to complete the lighting and marking with aids to navigation of Cape Fear River, N. C., at a cost not to exceed $30,000.

The Secretary of Commerce and Labor is authorized to station the light vessel for which appropriation was made in the act of May 27, 1908, or any other light vessel at such position in the vicinity of Frying Pan Shoals as he may determine to be most advantageous to navigation.

EIGHTH LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor be, and he is hereby, authorized, in his discretion, to purchase from the State of Texas for lighthouse purposes approximately 16 acres of land adjoining the Aransas Pass Light Station, Tex.; and the appropriation "General expenses, Lighthouse Service," for the fiscal year in which the purchase is effected is hereby made available for the purchase of said land.

NINTH LIGHTHOUSE DISTRICT.

That the Secretary of Commerce and Labor is authorized to use the unexpended balance of the appropriation of $15,000 for a storehouse and dock at San Juan, P. R., made by the act of May 27, 1908 (35 Stat., p. 332), for the alteration, repair, and construction of necessary buildings and docks and improvements of the grounds of the reservation at San Juan, P. R., set aside to the Department of Commerce and Labor as a lighthouse depot and headquarters of the lighthouse district by the proclamation of the President of the United States dated January 26, 1912.

A dwelling for keepers of the lights in Guantanamo Bay, Cuba, and improving the lighting at a cost not to exceed $14,000 is hereby authorized.

ELEVENTH LIGHTHOUSE DISTRICT.

The Secretary of Commerce and Labor is hereby authorized to make repairs and improvements to aids to navigation in the St. Marys River, Mich., at a cost not to exceed $60,000.

That the Secretary of Commerce and Labor be, and he is hereby, authorized to reconvey to Chase S. Osborn, of Sault Ste. Marie, Mich., 1.95 acres of land situated in the county of Chippewa, State of Michigan, which were granted by him to the United States by deed dated May 28, 1910, and for which the purchase price has never been paid by the Government, to be used as a site for Duck Island Range Lights, St. Marys River, Mich., which land is no longer needed for lighthouse purposes, in view of the discontinuance of said lights: *Provided*, That said reconveyance shall be made without expense to either party, except that incident to the preparation and recording of the necessary title papers, which expense shall be defrayed by the United States out of the appropriation made on March 3, 1903, for the purpose of obtaining title to the sites upon which range lights had been established along the St. Marys River, Mich.

THIRTEENTH LIGHTHOUSE DISTRICT.

The Secretary of Commerce and Labor is hereby authorized to use the appropriation of $60,000 for a tender for the fifteenth (now the thirteenth) lighthouse district made by the act of March 4, 1907 (34 Stats., 1319), for constructing a tender for general service.

Post-lantern lights may be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriations for the Lighthouse Service, on the St. Croix River, including Lake St. Croix, Wis. and Minn.

SEC. 2. That hereafter, in case of the absence of the Commissioner and Deputy Commissioner of the Bureau of Lighthouses, the Secretary of Commerce and Labor may designate some officer of said bureau to perform the duties of the commissioner during his absence.

And hereafter the benefits of the act of May 30, 1908 (35 Stats., 556), entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall be extended to persons employed by the United States in any hazardous employment in the Lighthouse Service; and hereafter the Secretary of Commerce and Labor is authorized to purchase, from the appropriations for the Lighthouse Service, clothing for the crews of vessels, to be sold to the employees of said service and the appropriations reimbursed; and hereafter reimbursement, under rules prescribed by the Secretary of Commerce and Labor, is authorized to keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, will the gentleman yield for a question?

Mr. ADAMSON. With great pleasure.

Mr. MANN. May I ask the gentleman first in reference to section 2, concerning the extending of the act for the benefit of employees of the Government injured in hazardous service; does the gentleman recall whether we now make any provision for lighthouse keepers who are injured in the service?

Mr. ADAMSON. It is not my recollection.

Mr. MANN. We make provision for the life-saving assessment and keepers, but I was not sure in reference to lighthouse keepers.

Mr. ADAMSON. The recommendation was that the same provision be extended to the workmen in the Lighthouse Service.

Mr. MANN. I understand, but we make how provision for extending the law to keepers and surfmen in the Life-Saving Service under this law.

Mr. ADAMSON. That is true.

Mr. FOSTER. Does not the gentleman think we ought to do that?

Mr. MANN. I do; I am not complaining about that. I was not certain, and I am not certain now, except as the gentleman states, whether there is now any provision for the benefit of keepers of lighthouses. I would not want to reduce the compensation which they might receive through this act.

Mr. ADAMSON. I do not think there is.

Mr. FITZGERALD. The gentleman from Illinois is familiar with the original act to compensate artisans and mechanics engaged in manufacturing enterprises, and since then it has been extended to cover certain employees in other services presumably engaged in extra hazardous employment.

Mr. MANN. Well, we have extended the benefit to the Bureau of Mines and Mining and the Forest Service, and I have no objection, so far as I am concerned, to extending it to the Lighthouse Service, unless the result would be that it would decrease the provision that we make for the salaries of keepers, but I may be entirely in error.

Mr. FITZGERALD. I am not certain it should be extended to all employees of the Lighthouse Service. It does not apply to all employees of the Army and Navy—not to civilian employees in establishments where they are manufacturing. It only applies to those employees who are engaged as part of the manufacturing force as mechanics and artisans. It does not apply to other civilian employees. There is no excuse to extend it to civilian employees of the Lighthouse Service.

Mr. MANN. I do not understand this is extended to civilian employees. The law in reference to compensation of employees now applies to the employees of the Government engaged in hazardous employment at the Tompkinsville station, where they manufacture aids to navigation. This bill now proposes to extend to other persons engaged in hazardous employment, which I take it would include lighthouse keepers as well as people on board lighthouse vessels, probably the lighthouse tenders.

Mr. ADAMSON. That qualification is maintained here, that it must be hazardous employment.

Mr. MANN. I understand. I was under a sort of an impression that we now had a provision; but let me ask the gentleman further about this other provision, concerning the reimbursement to lighthouse keepers for rations and provisions furnished shipwrecked persons. We put a provision in one of the appropriation laws a year or two ago making that apply to the life-saving keepers. Did it apply to lighthouse keepers or not?

Mr. ADAMSON. No; it did not.

Mr. MANN. It only applied to the Life-Saving Service?

Mr. ADAMSON. It was thought advisable to make this extension because it did not apply.

Mr. MANN. In reference to the provision on page 4 for a dwelling for keepers at Guantanamo Bay, Cuba, and improving the lighting at a cost not to exceed $14,000, is the gentleman able to say how much of that is for keepers' dwelling and how much for improving the lighting? Heretofore it has always been the custom to segregate the items which provide specifically for keepers' dwellings at some limit of cost, but this puts them together.

Mr. ADAMSON. I have an itemized statement here, and it is very short, and I will read it:

The dwelling at this station was destroyed during the late insurrection, and since the occupation of Guantanamo by the United States

the keepers have been compelled to live in a wooden shack, with only three rooms to house three keepers. The lights in charge of these two keepers are widely separated. With the installation of acetylene lights, as proposed, the service of one keeper may be dispensed with. The following statement covers the details of the proposed work: Dwelling for 2 keepers, $8,000; 2 acetylene lights at Fishermans Point, $2,800; 2 acetylene lights at Hicacal Beach, $2,800; contingencies, $400; in all, $14,000.

I will state there is nothing in here except pending projects and emergency additional appropriations. All these large figures refer to authorizations already made in the execution of which detailed changes are thought advisable.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to inquire of the gentleman about the item on page 3 authorizing the purchase from the State of Texas for lighthouse purposes approximately 16 acres of land adjoining the Aransas Pass Light Station.

Mr. MANN. I will say to the gentleman, while the gentleman is looking up the information, that the Senate passed a bill on this subject some time ago, and I think the cost was probably $16, more or less.

Mr. FITZGERALD. Sixteen dollars?

Mr. ADAMSON. It is a strip that separates the water from the property of the Government, and they want to get to the water from the property of the Government, and I think $16 is the cost.

Mr. MANN. It is a small amount, and they need the land, and the State seemed willing to donate the land to them.

Mr. FITZGERALD. Well, my inquiry, if the gentleman will permit me to state it——

Mr. ADAMSON. With pleasure.

Mr. FITZGERALD. It makes an appropriation from the general expenses of the Lighthouse Service for the fiscal year during which the purchase is made, and if it were a considerable amount it might seriously affect the appropriation.

Mr. MANN. The gentleman is right about that, but there is nothing of consequence involved in it, so far as money is concerned. The Government desires to obtain title and somebody is willing to let the Government have the title.

Mr. ADAMSON. It is a very trifling amount.

Mr. FOSTER. Is this for land in Texas?

Mr. MANN. Yes.

Mr. FOSTER. It seems to me we got some land there not long ago.

Mr. MANN. This land is not worth anything except to the Lighthouse Service.

Mr. FITZGERALD. I wish to inquire of the gentleman from Georgia about the first paragraph in section 2, authorizing the Secretary of Commerce and Labor, in the absence of the commissioner and deputy commissioner, to designate some other officer to perform the duties of the commissioner. Here is a bureau where the commissioner has a deputy, and if some other person is to be authorized to act when both of them are absent it will encourage absenteeism from Washington still more than it is at present. It is sufficiently encouraged now by the conduct of certain high officials to an extent that is hardly to be defended.

Mr. MANN. Is the gentleman from New York willing to state to the House at this time whether the gentleman's committee has before it a proposition practically to abolish the office of deputy commissioner?

Mr. FITZGERALD. I do not recall.

Mr. MANN. I think the department desires, as a matter of fact, to omit the appropriation this year for a deputy commissioner, who gets a salary of $4,000, and to insert in lieu of him a place in relation to an assistant engineer there, or something of the sort, at a salary of $3,000, thus saving the Government a thousand dollars in salary; and then it would be quite necessary to have some provision like this.

Mr. ADAMSON. I will say to the gentleman from New York that I have a short explanation here that will answer his question:

Owing to the extensive territory covered by the Lighthouse Service, good administration requires the Commissioner of Lighthouses, or the deputy commissioner, to be in the field at various times. Should one of these officers thus be absent and the other unable to act, through sickness or other unavoidable cause, the bureau would suffer embarrassment unless he has authority to designate some other officer to act as executive head. Under the construction of existing law, the Secretary of Commerce and Labor has not this authority, and the effect of this provision is simply to give him this authority. Similar legislation was enacted in the legislative, executive, and judicial appropriation act approved March 4, 1911, as respects the Bureau of Standards.

Mr. FITZGERALD. But it did not authorize three persons to act as head in the Bureau of Standards.

Mr. ADAMSON. The gentleman knows that this Lighthouse Service covers a vast deal of territory, embracing many projects and institutions. Sometimes it is necessary for one of the head officers to go out and see about some of them.

Mr. FITZGERALD. Under the next paragraph of section 2 there is a provision that I wish to call attention to.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I reserve the right to object, Mr. Speaker, until I get some information about it. There are two provisions here. The first is:

And hereafter the Secretary of Commerce and Labor is authorized to purchase, from the appropriations for the Lighthouse Service, clothing for the crews of vessels, to be sold to the employees of said service and the appropriations reimbursed.

That makes in effect a permanent indefinite appropriation, and is a very bad way of legislating. The next provision, which provides for reimbursement under rules prescribed by the Secretary of Commerce and Labor to the "keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them," in the same way makes a permanent appropriation. My recollection is that at present in the appropriation for the annual service provision is made for both of the matters, or if it be not can easily be provided; and inasmuch as they must be included in the explanations and estimates submitted to Congress, Congress keeps very close track in the preparation of appropriation bills of the items. But if this permanent provision is enacted it becomes lost sight of, and nobody ever makes any inquiry whatever about it. These are two matters that do not affect the desire of the gentleman from Georgia to take care of his authorizations, and I wish to inquire whether he will not consent to strike out all after the word "service," on line 6 of page 6?

Mr. ADAMSON. Of course the House has control of this matter. I am not wedded to the propositions at all. Our committee reported them because they were recommended by the department as being conducive to better administration.

Mr. FITZGERALD. Well, it does not conduce to better administration, and it takes from the House the scrutiny that it gives to such matters. I am calling the gentleman's attention to it.

Mr. ADAMSON. I am perfectly willing that the gentleman should make a motion to strike it out and let the House vote on it.

Mr. COX of Ohio. May I inquire, Why did not the committee submit a report on this bill?

Mr. ADAMSON. I will say that it was omitted through inadvertence, but it was intended to be done, and it is cured in a measure by the fact that there is nothing in the bill except these little emergency items and these works that are pending, and every one of them was fully explained in letters from the department, which are House documents.

Mr. COX of Ohio. The chairman has them, but does not the gentleman think it is a dangerous practice to put bills carrying as much money as this on the Unanimous Consent Calendar without a report accompanying them?

Mr. ADAMSON. I will say to the gentleman that a report was inadvertently omitted. After the bill and report were put in the basket it would have been something unusual then to have submitted an additional report. It could have been done by unanimous consent, but I think the lack of a report is condoned and excused in this case from the fact that every one of these items is fully explained in these letters, which are House documents.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HUMPHREY of Washington. I see in the bill provisions for Virginia, North Carolina, Texas, Porto Rico, Cuba, and Michigan. I fail to discover anything for places on the Pacific coast, either for Alaska or anywhere else.

Mr. ADAMSON. I will say to the gentleman that I did not locate any of these works. If we had found among the papers of the department any cases on the Pacific coast under the same circumstances we would have put them in. It was not the purpose of the committee to get up anything sectional in this matter, but simply to provide for emergencies where they existed.

We have not yet prepared, introduced, nor reported the usual omnibus bill for lighthouse projects. Later on we intend to do that, and I have no doubt that the Pacific coast will receive proper consideration.

Mr. HUMPHREY of Washington. Do I understand the gentleman to say that there are no emergency projects in Alaska?

Mr. ADAMSON. Nothing insisted on. We simply put in here things that the department said they were in a hurry to have, without waiting for us to make up the general omnibus bill.

Mr. HUMPHREY of Washington. Did the department recommend these, and not recommend anything for Alaska?

Mr. ADAMSON. They recommended a great many things, but they did not recommend all of them as pending projects for which they were compelled to have action taken right now or stop the work.

Mr. HUMPHREY of Washington. Will the gentleman say whether or not there were any recommendations for emergency matters on the Pacific coast?

Mr. ADAMSON. We did not find any that were as urgent as these or in the same condition. If we had found them, we would have put them in.

Mr. HUMPHREY of Washington. Were the projects on the Pacific coast considered in making up this bill?

Mr. ADAMSON. They were considered in making up the general bill, and I think several of them will be reported.

Mr. HUMPHREY of Washington. Were they considered in making up this emergency bill? Did you go over the items on the Pacific coast, and especially Alaska, when you were making up this bill, to see whether any of them were emergency items or not?

Mr. ADAMSON. We went over every solitary recommendation, not with a view to seeing whether they were on the Pacific coast or not, but with a view to determining the character of the projects; and we reported these as emergency and necessary to be done while we were waiting to prepare the other bill.

Mr. HUMPHREY of Washington. I do not think the gentleman has answered my question yet. Did you examine projects in reference to Alaska and ascertain that there were none of them that were emergency?

Mr. ADAMSON. I did not examine any projects with reference to Alaska or any other section, but I examined every project.

Mr. HUMPHREY of Washington. Then you examined those in reference to Alaska?

Mr. ADAMSON. No, sir; not in reference to Alaska, but in reference to every project. I have no sectionalism in my blood or bones.

Mr. HUMPHREY of Washington. I am not asking that.

Mr. ADAMSON. We have placed in this bill those things that ought to be passed at once.

Mr. HUMPHREY of Washington. How did it happen that you found nothing on the Pacific coast that ought to be passed at once?

Mr. ADAMSON. I suppose there was nothing of an emergency nature.

Mr. HUMPHREY of Washington. Do you know whether there was or not?

Mr. ADAMSON. That was our opinion.

Mr. MANN. May I ask the gentleman a question in that connection?

Mr. ADAMSON. Certainly.

Mr. MANN. About Pearl Harbor. In the estimate which the department has in group No. 1, public works, Pearl Harbor was placed fourth. Was there any special reason for not including aids to navigation at Pearl Harbor?

Mr. ADAMSON. I did not catch the latter part of the gentleman's question.

Mr. MANN. I see in the list which the department estimated for, in group No. 1, which I take it contains the urgent matters, as No. 4 they ask for aids to navigation at Pearl Harbor in connection with the naval work there.

Mr. ADAMSON. That is not in this bill.

Mr. MANN. No; but it was No. 4 in the request which they made.

Mr. ADAMSON. Of course we considered all those things, but we did not undertake to put any new projects into this bill at all. We tried simply to provide for the emergency work that was pending, and the only additional things provided for in this bill, as I remember, are two amounts for work which they said were necessary in order to start work where the money was already authorized in part, but not enough to resume the project.

Mr. KNOWLAND. I wish to state to the gentleman from Washington [Mr. HUMPHREY] that I am the only member on this committee from the Pacific coast. The bill was brought in unexpectedly, without consultation with me or any other member of the committee that I know of, and presented for a vote. I protested that the Pacific coast had been overlooked in this matter; that there had been no consideration whatever given to any Pacific coast projects. I understood, however, from the chairman that these items had been specially recommended by the department. I have since inquired of the department, and they informed me that they did not particularly recommend these special items, though they were all in the estimates, and that they did not present this bill nor the particular items in it.

Mr. ADAMSON. I do not know anything about that, Mr. Speaker, and I do not care to raise any question of veracity here. I simply state the facts, and the responsibility can rest where it may. The Commissioner of Lighthouses came to the committee room, we made up this bill, and he afterwards came and had a couple more items put into it that were not in it at first. The truth is as I state, and responsibility shall rest where it may.

Mr. KNOWLAND. I called up the Commissioner this morning.

Mr. ADAMSON. I can not help that.

Mr. KNOWLAND. I think there is no question about their being in the estimates.

Mr. ADAMSON. These items were in the estimates and were put in the bill by the Commissioner of Lighthouses and myself, and presented to the committee after being introduced, and the committee passed on this bill and reported. The only objection made to it was on account of some things that it did not contain; and there are some other coasts in the country on which no projects are included in this bill besides the Pacific coast. None of them have been as insistent as the gentleman from the Pacific coast, because all of them were satisfied when I told them the facts about the case. I do not think this bill ought to suffer for what it does not contain. It contains the things that the department needs right now; and without waiting to fuss about whether others shall be granted or not this bill ought to be passed, and the committee ought to be given time to make up a bill which, I think, can be made to do justice to everybody and every coast.

The SPEAKER. Is there objection?

Mr. KNOWLAND. Reserving the right to object, I will state that I do not care to interpose an objection, because I believe that the items in the bill are necessary; but I do wish to register a protest upon this method of making up bills—in not consulting the Representatives from the Pacific coast or other sections represented on the committee when a bill of this character is being framed, in order that we may have an opportunity to give the matter careful consideration, and if there are any items that are particularly necessary that they should be included in the bill. This bill was presented to the committee without any previous notice, a vote immediately demanded upon it, and that is what I objected to. Inasmuch as I believe that these items in the bill are necessary, I will not object to the passage of the bill at this time, except to say that I hope hereafter a little more consideration will be given to the Representatives of the Pacific coast, with its great seacoast from Alaska to San Diego.

Mr. ADAMSON. Mr. Speaker, I wish to say that this bill was introduced in the regular way after having been made up in consultation with the Commissioner of Lighthouses, referred to the committee, called up before the committee, as any Member has a right to do, considered by the committee, and reported. If there is anything wrong in that, the gentleman can make the most of it. I wish to say, further, that as long as we have the two distinguished Members from the Pacific coast who have engaged in this colloquy there has not been any danger, there never will be any danger, of the Pacific coast slipping up or of anybody putting anything over on the Pacific coast without hearing from them and the Pacific coast receiving full justice so far as their demands are concerned.

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

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

The SPEAKER. The gentleman from Georgia asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I move to strike out lines 6, 7, and 8, on page 4.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, strike out lines 6, 7, and 8.

Mr. FITZGERALD. Mr. Speaker, I move to strike this provision out because, in my opinion, it is absolutely unnecessary. In an investigation conducted last year upon request for this appropriation it was shown that there is absolutely no commerce in Guantanamo Bay. It has been selected as a site for a naval station. It is expected to be a coaling station, but at present there are no coaling facilities and nothing but a coal pile. There is no possibility that the naval vessels will have any necessity to enter the harbor at night in the immediate

future; no necessity of putting in high-power acetylene lights that are proposed nor the keeper's dwelling. For the present, until Congress determines that the naval station, projected for many years, but about which nothing has been done, shall be commenced, it seems to me unnecessary to authorize or provide for lights that will be necessary when naval vessels are likely to use the harbor at night.

Mr. ADAMSON. I hope that the motion will not prevail. The department considers it very important. The light keeper's residence was burned and the station is there. He has two or three other stations to serve. The amount is a trifle, only $14,000, and I see no reason in the world why we should take a back track.

Mr. FITZGERALD. Mr. Speaker, my recollection is that there are two or three small lights across the bay. The probabilities are that it will be necessary for the keeper to reside in the vicinity of the lights if they are to be properly attended. The keeper's dwelling would properly be authorized if the acetylene lights that are proposed to be provided there are provided for the purpose of permitting the entrance to the harbor at night. The Commissioner of Lighthouses stated that Guantanamo is a coaling station and a naval base and that very little commerce came there, and unless the station is developed as contemplated there is no necessity for these lights or the $6,500 dwelling.

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

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 16 ayes and 34 noes.

So the amendment was lost.

Mr. FITZGERALD. Mr. Speaker, I move to strike out, on page 6, all after the word "service," in line 6.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 6, strike out all after the word "service" down to the end of the paragraph.

Mr. FITZGERALD. Mr. Speaker, I call the attention of the gentleman from Georgia to the fact that this will make a permanent and indefinite appropriation, and very greatly embarrass the Committee on Appropriations in the preparation and investigation of appropriations and expenditures for this service. In view of the fact that there will be no difficulty in the department obtaining any reasonable sum for this purpose, I hope he will not antagonize this amendment.

Mr. ADAMSON. The gentleman need not be alarmed about the Committee on Appropriations, as at present constituted, being staggered in dealing with a small matter like this. They are vigilant and brave watchdogs of the Treasury. They have judgment as well as courage, and they can certainly deal with two little, trifling, beneficent details of administration like this without confusing the service or disturbing the Treasury. They simply provide for giving to these men the benefit of purchasing their uniform and equipment, like some other arms of the service, at a reasonable price, and reimbursing them for such outlays as they may make for humanitarian purposes. The amounts are small, and they can be easily ascertained and looked out for and provided for by the Committee on Appropriations.

Mr. FITZGERALD. I called attention to the fact that the inclusion of the items in the bill will take from the committee the consideration of them. This makes a permanent appropriation, and makes available a large appropriation that can be utilized for many purposes. Let me say that the statement of the gentleman from Georgia is hardly in good faith, because if it had not been for the statement by him that he would not antagonize the amendment we would not be considering this bill.

Mr. ADAMSON. Mr. Speaker, I never stated that I would consent to the amendment or vote for it.

Mr. FITZGERALD. I think the gentleman stated that he would make no opposition to it.

Mr. ADAMSON. The gentleman asked me to consent to the amendment, and I said I would not consent, but he might offer the amendment from the floor. The RECORD will show what I said.

Mr. FITZGERALD. I repeat, Mr. Speaker, that if it had not been for the statement of the gentleman from Georgia, from which it was clear to me that he had no objection that this portion of the bill would be eliminated, this bill would not now be under consideration in the House.

Mr. ADAMSON. Mr. Speaker, I can not allow such a statement as that to go unchallenged. The RECORD will show what I said.

The SPEAKER. The gentleman from New York has the floor.

Mr. FITZGERALD. Mr. Speaker, whatever the gentleman may have said, the gentleman can not challenge or prevent me from stating what my understanding was——

Mr. ADAMSON. Oh, well.

Mr. FITZGERALD. Or what inference I drew from the gentleman's statement.

Mr. MANN. Mr. Speaker, will the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Mr. Speaker, while the gentleman has that understanding, as he states, I think he was not warranted in having it. I listened very attentively——

Mr. FITZGERALD. Mr. Speaker, of course the gentleman can not tell whether I was warranted in drawing conclusions or not. That is something that nobody can determine but myself.

Mr. MANN. I think the gentleman was not warranted, but I do not deny that the gentleman obtained that understanding.

Mr. FITZGERALD. I might have had overconfidence.

Mr. MANN. Mr. Speaker, I listened to the colloquy between the gentlemen and was rather surprised that the gentleman from New York [Mr. FITZGERALD] did not object, after having made his statement on those points and not having obtained, as it seemed to me, an agreement from the gentleman from Georgia [Mr. ADAMSON].

Mr. FITZGERALD. Mr. Speaker, I stated the fact to the gentleman, and I understood from the gentleman's statement just what I have stated. However, forewarned is forearmed. This time it may be my fault. The next time it will not be.

Mr. ADAMSON. Mr. Speaker, I insist that the gentleman yield to me, inasmuch as I am the subject of the colloquy.

Mr. FITZGERALD. I yield to the gentleman.

Mr. ADAMSON. The gentleman from New York asked me to consent to eliminate that provision. I refused and told him I was willing to have him make the motion on the floor. I distinctly stated in terms that it was for this House to decide whether it would strike that out by amendment or not, and the RECORD will show every one of those words.

Mr. FITZGERALD. I think it is clear, Mr. Speaker, that the gentleman made that statement. Neither he nor I could agree to strike anything out of this bill, but the gentleman very well knew that his bill could not be considered by unanimous consent unless his attitude toward such a motion was such as would be satisfactory to those proposing it.

However, since the gentleman takes a different attitude, I desire to call the attention of the committee to these provisions which I ask to have stricken out. The gentleman proposes to make permanent indefinite appropriations for certain purposes. He says they are for humanitarian purposes. No difficulty is ever experienced in obtaining sufficient appropriations for purposes of the character indicated, but it is simply the enactment of vicious legislation that can not be defended. The important thing in the making of an appropriation for the expenditures of the various services of the Government is to make them in such a way that the Congress will know specifically for what purpose the money is being expended and provide accurately the amount required, but if tucked away in this bill, supposed to contain only authorizations for various necessary projects, there are those provisions which make available for the purposes indicated very large appropriations which it is not contemplated shall be made available for such purposes. The Congress, then, loses control and has no knowledge of the amounts that are being appropriated for such purposes. It seems to me the gentleman should be satisfied to pass this emergency authorization without conflict or controversy, without attempting to add to the number of permanent provisions that every committee which has to do with appropriations of Federal money, regardless of party affiliations, is continually striving to repeal. It is bad legislation, and it should not be enacted.

Mr. ADAMSON. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore (Mr. RUCKER of Missouri). The question is on the amendment offered by the gentleman from New York.

The question was taken; and there were on a division (demanded by Mr. ADAMSON)—ayes 26, noes 32.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, the question will be taken on the amendment of the gentleman from New York, and the Clerk will call the roll.

The question was taken; and there were—yeas 58, nays 170, answered "present" 7, not voting 156, as follows:

YEAS—58.

Akin, N. Y.	Cooper	Hammond	Rucker, Mo.
Allen	Cox, Ohio	Hardy	Saunders
Anderson, Ohio	Cravens	Hensley	Shackleford
Ashbrook	Daugherty	Johnson, Ky.	Sherley
Barnhart	Dickinson	Kindred	Sherwood
Bathrick	Dixon, Ind.	Kinkead, N. J.	Sisson
Brown	Doughton	Kitchin	Stephens, Miss.
Bulkley	Fitzgerald	Konig	Stone
Burleson	Foster	Linthicum	Sulzer
Burnett	Garner	McCoy	Sweet
Callaway	George	Morrison	Warburton
Candler	Gillett	Moss, Ind.	Wilson, N. Y.
Cannon	Good	Norris	Young, Tex.
Clayton	Gregg, Pa.	Rauch	
Conry	Hamill	Redfield	

NAYS—170.

Adamson	Farr	Lee, Pa.	Scully
Aiken, S. C.	Fergusson	Lever	Sharp
Ainey	Ferris	Lindbergh	Simmons
Alexander	Finley	Littlepage	Slayden
Anderson, Minn.	Floyd, Ark.	Lloyd	Sloan
Anthony	Francis	McCall	Small
Bartholdt	French	McCreary	Smith, J. M. C.
Bartlett	Gardner, Mass.	McGillicuddy	Smith, Saml. W.
Bates	Gardner, N. J.	McKenzie	Smith, Tex.
Blackmon	Godwin, N. C.	McKinney	Speer
Booher	Goeke	Macon	Stanley
Bowman	Green, Iowa	Maguire, Nebr.	Stedman
Brantley	Greene, Mass.	Mann	Stephens, Cal.
Browning	Gregg, Tex.	Miller	Stephens, Nebr.
Burgess	Hamilton, Mich.	Mondell	Stephens, Tex.
Burke, Pa.	Hamilton, W. Va.	Moore, Tex.	Sterling
Burke, S. Dak.	Hamlin	Morgan	Stevens, Minn.
Burke, Wis.	Hanna	Murdock	Sulloway
Butler	Harrison, Miss.	Murray	Talbott, Md.
Byrnes, S. C.	Haugen	Needham	Talcott, N. Y.
Cantrill	Hay	Neeley	Taylor, Colo.
Claypool	Heald	Nelson	Taylor, Ohio
Collier	Helm	Nye	Towner
Covington	Henry, Conn.	Oldfield	Tribble
Crumpacker	Henry, Tex.	Olmsted	Turnbull
Currier	Higgins	Page	Underwood
Curry	Hill	Parran	Utter
Dalzell	Holland	Payne	Volstead
Danforth	Howland	Peters	Vreeland
Davenport	Hubbard	Pickett	Watkins
De Forest	Hughes, Ga.	Post	Webb
Denver	Humphrey, Wash.	Pou	Wedemeyer
Difenderfer	Jackson	Pray	Weeks
Dodds	Jones	Prouty	White
Donohoe	Kendall	Raker	Wickliffe
Doremus	Kennedy	Randell, Tex.	Wilder
Draper	Kent	Ransdell, La.	Willis
Driscoll, M. E.	Knowland	Rees	Wilson, Pa.
Dupré	Konop	Reilly	Wood, N. J.
Edwards	Korbly	Roberts, Mass.	Young, Kans.
Esch	La Follette	Roberts, Nev.	Young, Mich.
Estopinal	Lamb	Rubey	
Faison	Lawrence	Russell	

ANSWERED "PRESENT"—7.

Andrus	Fuller	McMorran	Slemp
Campbell	Gray	Rainey	

NOT VOTING—156.

Adair	Fairchild	Kahn	Patton, Pa.
Ames	Fields	Kinkaid, Nebr.	Pepper
Ansberry	Flood, Va.	Kopp	Plumley
Austin	Focht	Lafean	Porter
Ayres	Fordney	Lafferty	Powers
Barchfeld	Fornes	Langham	Prince
Beall, Tex.	Foss	Langley	Pujo
Bell, Ga.	Fowler	Lee, Ga.	Reyburn
Berger	Gallagher	Legare	Richardson
Boehne	Garrett	Lenroot	Riordan
Borland	Glass	Levy	Robinson
Bradley	Goldfogle	Lewis	Roddenbery
Broussard	Goodwin, Ark.	Lindsay	Rodenberg
Buchanan	Gould	Littleton	Rothermel
Byrns, Tenn.	Graham	Lobeck	Rouse
Calder	Griest	Longworth	Rucker, Colo.
Carlin	Gudger	Loud	Sabath
Carter	Guernsey	McDermott	Sells
Cary	Hardwick	McGuire, Okla.	Sheppard
Catlin	Harris	McHenry	Sims
Clark, Fla.	Harrison, N. Y.	McKellar	Smith, Cal.
Cline	Hartman	McKinley	Smith, N. Y.
Connell	Hawley	McLaughlin	Sparkman
Copley	Hayden	Madden	Stack
Cox, Ind.	Hayes	Maher	Steenerson
Crago	Heflin	Malby	Switzer
Cullop	Helgesen	Martin, Colo.	Taggart
Curley	Hinds	Martin, S. Dak.	Taylor, Ala.
Davidson	Hobson	Matthews	Thayer
Davis, Minn.	Houston	Mays	Thistlewood
Davis, W. Va.	Howard	Moon, Pa.	Thomas
Dent	Howell	Moon, Tenn.	Tilson
Dickson, Miss.	Hughes, N. J.	Moore, Pa.	Townsend
Dies	Hughes, W. Va.	Morse, Wis.	Tuttle
Driscoll, D. A.	Hull	Mott	Underhill
Dwight	Humphreys, Miss.	O'Shaunessy	Whitacre
Dyer	Jacoway	Padgett	Wilson, Ill.
Ellerbe	James	Palmer	Witherspoon
Evans	Johnson, S. C.	Patten, N. Y.	Woods, Iowa

So the amendment was rejected.

The Clerk announced the following pairs:

Until April 5:

Mr. THAYER with Mr. AMES.

Mr. CULLOP with Mr. FOCHT.

Until April 13:

Mr. BUCHANAN with Mr. HARTMAN.

Until further notice:

Mr. O'SHAUNESSY with Mr. HUGHES of West Virginia.

Mr. GOLDFOGLE with Mr. SPEER.

Mr. SABATH with Mr. CATLIN.

Mr. ELLERBE with Mr. PORTER.

Mr. UNDERHILL with Mr. FORDNEY.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. TAYLOR of Alabama with Mr. RODENBERG.

Mr. LOBECK with Mr. DYER.

Mr. GUDGER with Mr. LOUD.

Mr. MCDERMOTT with Mr. FOSS.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. FIELDS with Mr. LANGLEY.

Mr. CARTER with Mr. KAHN.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. JAMES with Mr. LONGWORTH.

Mr. BYRNS of Tennessee with Mr. TILSON.

Mr. RAINEY with Mr. MADDEN.

Mr. HULL with Mr. AUSTIN.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. DENT with Mr. DAVIS of Minnesota.

Mr. GALLAGHER with Mr. FULLER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. DIES with Mr. COPLEY.

Mr. TUTTLE with Mr. WOODS of Iowa.

Mr. HUGHES of New Jersey with Mr. BARCHFELD.

Mr. SIMS with Mr. HAWLEY.

Mr. PALMER with Mr. MCKINLEY.

Mr. WITHERSPOON with Mr. KOPP.

Mr. HARRISON of New York with Mr. GUERNSEY.

Mr. EVANS with Mr. HOWELL.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. DANIEL A. DRISCOLL with Mr. HELGESEN.

Mr. COX of Indiana with Mr. REYBURN.

Mr. LEGARE with Mr. SMITH of California.

Mr. ADAIR with Mr. CRAGO.

Mr. BEALL of Texas with Mr. GRIEST.

Mr. CONNELL with Mr. HARRIS.

Mr. CURLEY with Mr. HAYES.

Mr. FOWLER with Mr. KINKAID of Nebraska.

Mr. GARRETT with Mr. LAFFERTY.

Mr. GOODWIN of Arkansas with Mr. MCGUIRE of Oklahoma.

Mr. HAYDEN with Mr. MCLAUGHLIN.

Mr. HEFLIN with Mr. MALBY.

Mr. HOWARD with Mr. MARTIN of South Dakota.

Mr. LEE of Georgia with Mr. MORSE of Wisconsin.

Mr. MCKELLAR with Mr. MOTT.

Mr. MARTIN of Colorado with Mr. PLUMLEY.

Mr. MOON of Tennessee with Mr. STEENERSON.

Mr. PADGETT with Mr. SWITZER.

Mr. PATTEN of New York with Mr. POWERS.

Mr. ROTHERMEL with Mr. CARY.

Mr. RODDENBERY with Mr. SELLS.

Mr. SMITH of New York with Mr. MATTHEWS.

Mr. RUCKER of Colorado with Mr. PATTON of Pennsylvania.

Mr. TAGGART with Mr. MOORE of Pennsylvania.

Mr. HINDS with Mr. GOULD.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. BELL of Georgia with Mr. PRINCE.

Mr. JACOWAY with Mr. LAFEAN.

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the amendment is rejected, and the Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAM ACROSS ROCK RIVER, ILL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20190) to extend the time for the construction of a dam across Rock River, Ill.

The Clerk read as follows:

Be it enacted, etc., That the time for the commencement and completion of the construction of a dam across Rock River, Ill., authorized by the act entitled "An act permitting the building of a dam across Rock River, near Byron, Ill.," approved February 18, 1911, be extended for one and three years, respectively, from the date of the passage of this act.

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

The SPEAKER. Is there objection?

Mr. COOPER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Georgia what was the date fixed by the act of February 11 for the commencement of work on this dam?

Mr. ADAMSON. I think it was one year from the time the bill was passed.

Mr. COOPER. Then this proposes to extend it not one year from that date, making two years in all, but one year from the date of the passage of this act?

Mr. ADAMSON. Yes; I believe that is what it means; we want to give them a fair chance to build. They said they had the money and were ready to go ahead in good faith.

Mr. COOPER. What reason was given for the delay in the commencement of building the dam?

Mr. ADAMSON. They could not get the change; they did not have the money, perhaps; some trouble with their finances.

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

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

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANT OF SCHOOL LANDS TO THE STATE OF LOUISIANA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20114) granting school lands to the State of Louisiana.

The Clerk read as follows:

Be it enacted, etc., That all the unsurveyed lands in the State of Louisiana which are shown by official protraction of the Government surveys heretofore made to be embraced within sections No. 16 and which lie in the same township as lands which have been certified or patented in that State under the act approved March 2, 1849, entitled "An act to aid the State of Louisiana in draining swamp lands therein," and the act approved September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," be, and the same are hereby, fixed, reserved, and confirmed to that State as though the official surveys had been regularly extended over such townships.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say to the gentleman who introduced the bill and reported it that I think the House is entitled to have bills of this character referred first to the department and have a report from the department upon the bill before it comes in for consideration in the House, and, there being no such report from the department in this case, I think I shall have to object.

Mr. ESTOPINAL. The bill as introduced was prepared by the department.

Mr. MANN. Well, that does not make any difference. We have the right to have the department state the situation in regard to a bill. That is only fair to the House. I gave notice some time ago that I would insist upon it, so far as concerns these bills that come up by unanimous consent.

Mr. ESTOPINAL. This bill was submitted to the department, Mr. Speaker, and this is the bill prepared by the department. That is the report that was sent to the committee.

Mr. MANN. I do not know by whom it was prepared in the department. Bills ought to come with a letter from the department, and they should have an expression of opinion by the department upon which we can thoroughly rely and from which we can obtain information.

The SPEAKER. Does the gentleman object?

Mr. MANN. I shall object for that reason.

Mr. ESTOPINAL. I am not trying to get this bill through surreptitiously.

Mr. MANN. Oh, nobody would accuse the gentleman from Louisiana of attempting to do that.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill will be stricken from the calendar.

Mr. MANN. The gentleman can get a letter from the department and can get this bill put upon the calendar again.

PATENTED LANDS IN THE YOSEMITE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21535) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, for the purpose of eliminating private holdings within the Yosemite National Park and the preservation intact of the natural timber along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park, by the exchange of decayed or matured timber that can be removed from such parts of the park as will not affect the scenic beauty thereof, for lands of equal value held in private ownership therein; and also, in his discretion, to exchange for timber standing near the public roads on patented lands timber of equal value on park lands in other parts of the park.

SEC. 2. That the value of patented lands within the park offered in exchange and the value of the timber on park lands proposed to be given in exchange for such patented lands shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct; and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange, such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and may be used by said Secretary in the management, improvement, and protection of the park. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands: *Provided*, That the lands conveyed to the Government under this act shall become a part of the Yosemite National Park.

SEC. 3. That all timber must be cut and removed from the park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, and bond satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior.

SEC. 4. That the Secretary of the Interior may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be expended under his direction in the management, improvement, and protection of the park.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I rise for the purpose of asking unanimous consent that this House bill——

Mr. MANN. I will just object to the consideration, and that will save the gentleman the trouble. There is another bill just like it on the calendar.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill will be stricken from the calendar.

BRIDGE ACROSS RUSSELL FORK OF BIG SANDY RIVER, KY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20286) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be lawful for the fiscal court of Pike County, Ky., to construct and maintain a wagon and foot bridge across Russell Fork of Big Sandy River, and it is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Russell Fork of Big Sandy River at a point suitable to the interests of navigation, at or near Elkhorn City, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

Also, the following committee amendments:

Page 1, line 3, strike out the words "it shall be lawful" and insert in lieu thereof the words "the consent of Congress is hereby granted."

Page 1, line 4, strike out the word "and."

Page 1, line 4, after the word "maintain" insert the words "and operate."

Page 1, line 5, strike out the words "wagon and foot."

Page 1, lines 5, 6, 7, and 8, strike out the words "and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Russell Fork of Big Sandy River."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 3, strike out the words "it shall be lawful" and insert in lieu thereof the words "the consent of Congress is hereby granted."

The SPEAKER. The question is on agreeing to the amendment.

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

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 4, strike out the word "and."

The SPEAKER. The question is on agreeing to the amendment.

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

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 4, after the word "maintain" insert the words "and operate."

The SPEAKER. The question is on agreeing to the amendment.

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

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 5, strike out the words "wagon and foot."

The SPEAKER. The question is on agreeing to the amendment.

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

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, lines 6, 7, 8, and 9, strike out the words "and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Russell Fork of the Big Sandy River."

The SPEAKER. The question is on agreeing to the amendment.

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

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

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

Mr. COOPER. I would like to ask the gentleman from Georgia why the words "wagon and foot" were stricken from line 5?

Mr. ADAMSON. It has been our policy, and it is so written in the general bridge act, just to say "a bridge"; and then there is another provision in the general bridge act authorizing the bridge to be used for other purposes, so that we usually strike out all definitions and leave the word "bridge" straight.

Mr. COOPER. It might be important sometimes to know whether it is a railroad bridge or not.

Mr. ADAMSON. We have a provision in the general bridge act so that a railroad can condemn the use of a bridge and get onto it with its tracks.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PATENTED LANDS IN YOSEMITE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 5718) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior for the purpose of eliminating private holdings within the Yosemite National Park and the preservation intact of the natural timber along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park, by the exchange of decayed or matured timber, that can be removed from such parts of the park as will not affect the scenic beauty thereof, for lands of equal timber value held in private ownership therein, and also, in his discretion, to exchange for timber standing near the public roads on patented lands for timber of equal value on park lands in other parts of the park.

SEC. 2. That the value of patented lands within the park offered in exchange, and the value of the timber on park lands proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and may be used by said Secretary in the management, improvement, and protection of the park. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands: *Provided*, That the lands conveyed to the Government under this act shall become a part of the Yosemite National Park.

SEC. 3. That all timber must be cut and removed from the park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, and bonds satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior.

SEC. 4. That the Secretary of the Interior may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be expended under his direction in the management, improvement, and protection of the park.

Also the following committee amendments:

On page 2, line 2, after the word "equal" strike out the word "timber."

On page 2, line 5, after the word "lands" strike out the word "for."

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

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from California [Mr. RAKER] a question. This bill in two places provides for sales of land or timber and provides that the proceeds may be used by the Secretary of the Interior for the management, improvement, and protection of this park.

I am aware that that sort of a provision has been in a number of laws passed by Congress, but in recent years it has not been the policy of Congress to authorize the sale of property and then provide that the money derived from the sale shall be used by one of the departments without being covered into the Treasury and appropriated by Congress. I will ask the gentleman whether he will be willing to consent to an amendment in both places, so as to strike out the provision authorizing the Secretary to use the money, and to insert a provision requiring the money to be deposited and covered into the Treasury as miscellaneous receipts.

Mr. RAKER. Where does the gentleman desire the first amendment?

Mr. MANN. On page 2, lines 21 and 22. The amendment I suggest would be to strike out the words—

Used by said Secretary in the management, improvement, and protection of the park.

And insert in lieu thereof—

Deposited and covered into the Treasury as miscellaneous receipts.

So that it would provide that if the value of the timber on the park lands exceeds the value of the patented lands deeded to the Government in the exchange, such excess shall be paid to the Secretary of the Treasury by the owners of the patented land, before any of the timber is removed from the park, and shall be deposited and covered into the Treasury as miscellaneous receipts.

Mr. RAKER. And the next amendment?

Mr. MANN. The same thing on page 3, lines 16 and 17.

Mr. RAKER. Lines 15, 16, and 17. I want to say to the gentleman from Illinois that I took this matter up with the Interior Department, and Mr. Thompson, particularly, who has special charge of the parks and who last year made a personal investigation and examination of all the national parks of the Government. It seemed as though such a provision would do no harm, as heretofore in the enabling act and other acts the superintendent of the park has been allowed to collect revenue from the park, such as rent for hotels, stage lines, and from other concessions, and to reexpend the money on the park.

The purpose of the amendment would be simply to convert this money into the Treasury, and then whatever money is used in the park for its improvement hereafter would have to be appropriated by Congress. Knowing and realizing the position of Congress, and that they are willing to protect and improve the particular park from which this money would be received, and for the purpose of keeping an accounting on behalf of the men who will sell the timber, and in order that the Congress may have full information always upon these matters, I will readily say that I can see no objection to this amendment. While I would prefer to have it the other way, for at least no harm would be done, I still recognize the fact that it is a good method of accounting.

Mr. MANN. I will say frankly to the gentleman that I am not going to get in the same fix that the gentleman from New York got into a while ago. Unless the gentleman will say that he will favor the amendment, I shall object to the consideration of the bill.

Mr. RAKER. Realizing the vote which just took place in the House, which I watched with considerable interest, and being anxious to get this bill through, and knowing its importance, and realizing that the bill as proposed to be amended will carry out the full purpose intended, will protect the Government, and in addition to that will put all the money into the Treasury so that it may hereafter be appropriated by Congress, I will ask for such an amendment if consideration is granted.

This is a companion bill to H. R. 21535, which is on the Calendar for Unanimous Consent, No. 120, and which, when this bill, S. 5718, is passed, which I hope it will be, the other bill, H. R. 21535, will be asked to be laid aside.

The bill H. R. 21535 was unanimously reported favorable by the Committee on the Public Lands. This report is as follows:

[House Report No. 457, Sixty-second Congress, second session.]

TITLE TO PATENTED LANDS IN YOSEMITE NATIONAL PARK.

Mr. RAKER, from the Committee on the Public Lands, submitted the following report to accompany H. R. 21535:

The Committee on the Public Lands, to whom was referred the bill (H. R. 21535) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes, having had the same under consideration,

report it back with amendment and, as amended, with the unanimous recommendation that it do pass.

Strike out the word "timber" in line 1, page 2.

It is the purpose of the bill to eliminate private holdings within the Yosemite National Park, and to preserve intact the natural timber along the roads in the scenic portions of the park; and to that end the Secretary of the Interior is hereby authorized to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park by the exchange of decayed or matured timber, that can be removed from such parts of the park as will not affect the scenic beauty thereof, for lands of equal timber value held in private ownership therein; and also, in his discretion, to exchange for timber standing near the public roads on patented lands timber of equal value on park lands in other parts of the park.

The value of the patented lands and timber standing near the public road to be taken in exchange by the Government, as well as the value of the timber on the park lands to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may direct, and all expenses incident to ascertaining such values shall be paid by the owners of the patented lands, who are required to furnish to the Secretary of the Interior, before any change is effective, evidence satisfactory to him of title to the lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in such exchange, the excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and may be used by the Secretary in the management, improvement, and protection of the park.

The bill also provides that all timber must be cut and removed under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, who are required to furnish satisfactory bond to secure the United States in that respect.

The last section of the bill confers upon the Secretary of the Interior the general authority to sell or permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection and improvement of the park, and the proceeds derived therefrom may be expended under his direction in the management, improvement, and protection of the park.

It is the purpose of the bill to maintain at all times the scenic beauty of the park, but at the same time to permit the sale of such matured or dead or down timber as may be deemed necessary or advisable for the protection and improvement of the park, and gives the Secretary of the Interior the full supervision and control of the premises.

The bill was referred to the Department of the Interior, which made the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands.

SIR: Your letter of March 9, 1912, has been received, inclosing a request for report on H. R. 21535, to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes.

In response thereto I have to state that for administrative reasons it is highly desirable that private holdings within the metes and bounds of the Yosemite National Park be eliminated, and in the several annual reports of the Secretary of the Interior the desirability of such action has been repeatedly brought to the attention of Congress.

It is also desirable that the department be permitted to sell and remove from the Government lands in the park such matured or dead or down timber as may be deemed advisable for the protection of other standing timber or the improvement of the reservation.

The bill under consideration provides a means of extinguishing private holdings in the park as well as to authorize the sale and cutting of timber. The interests of the Government are properly safeguarded therein, and the measure has my approval.

CLEMENT S. UCKER,
Chief Clerk and Chief Executive Officer.

It is quite important that this legislation become a law, and I earnestly hope that the distinguished gentleman [Mr. MANN] will not make objection to the present consideration of this bill, S. 5718. This Senate bill received a favorable report by the House Committee on the Public Lands. I made the two reports for the committee at the same time under the committee's direction.

The Government's interests are well guarded, and under the amendments it will always provide for a full accounting of all money received under the provisions of the proposed law.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Are there any amendments to the bill?

Mr. RAKER. There are two committee amendments.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 2, strike out the word "timber."

The amendment was agreed to.

The SPEAKER. The Clerk will report the second committee amendment.

The Clerk read as follows:

Page 2, line 5, strike out the word "for."

The amendment was agreed to.

Mr. MANN. I offer an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Amend, page 2, lines 21 and 22, by striking out the following:

"May be used by said Secretary in the management, improvement, and protection of the park."

And insert in lieu thereof the following:

"Shall be deposited and covered into the Treasury as miscellaneous receipts."

The amendment was agreed to.

Mr. MANN. I offer a further amendment.

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

The Clerk read as follows:

Amend, page 3, lines 16 and 17, by striking out the following:

"Expended under his direction in the management, improvement, and protection of the park."

And inserting in lieu thereof the following:

"Deposited and covered into the Treasury as miscellaneous receipts."

The amendment was agreed to.

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

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

The SPEAKER. This ends the unanimous-consent call.

Mr. MANN. Mr. Speaker, I call the attention of the Speaker to the fact that House bill 16993 is on the Unanimous Consent Calendar erroneously.

The SPEAKER. That is the reason why the Chair announced that the call was finished. That bill ought to be stricken off the Calendar for Unanimous Consent.

Mr. MANN. I want it stricken off the calendar.

The SPEAKER. Private bills do not belong on the Unanimous Consent Calendar, and the rest of the bills on this calendar have not been on it long enough to be considered to-day.

FLOODS IN THE MISSISSIPPI VALLEY (H. DOC. NO. 662).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Rivers and Harbors and ordered to be printed:

To the Senate and House of Representatives:

I am advised by the Secretary of War, whose report I transmit herewith, that the flood in the Mississippi Valley, by reason of the rise in all of the rivers tributary to the Mississippi and Missouri at nearly the same time, is likely in the lower part of the valley—that is, Missouri, Kentucky, Arkansas, Tennessee, Mississippi, and Louisiana—to reach a higher point along the levees than it has ever reached within recent memory, and that there is very grave danger that the levees may give way under this unusual pressure and that great damage may be done to property in the States mentioned, requiring, unless prompt action is taken, great future outlay in preserving the proper navigation of the streams.

These levees contribute not only to the safety of the adjoining agricultural lands and settlements, but are also a part of the great governmental projects for the maintenance of navigation in the lower waters of the Mississippi.

It seems proper, therefore, that the Government should take immediate action to make the loss impending as little as possible. In view of the character of the emergency and the safeguards surrounding the expenditures made under the Corps of Engineers, I have no hesitation in asking for an appropriation of $500,000, as recommended by the Secretary of War.

I urgently recommend an immediate appropriation, so that no time may be lost in taking the necessary steps to prevent what, but for governmental action, may be a loss not only of many millions but of lives as well.

WM. H. TAFT.

THE WHITE HOUSE, *April 2, 1912.*

COMMISSION PLAN OF GOVERNMENT.

Mr. LINDBERGH. Mr. Speaker, the same reactionary portion of the press that opposed and attempted to ridicule the existence of a money power is making an effort to get a better start, possibly in the hope of making good for the earlier failure, and are carrying on a ludicrous series of comments on a resolution of their own creation, but which I am credited with. Recently I mentioned that I might introduce a resolution, the substance of which I quote:

The Congress shall be composed of 300 members chosen by the people of the several States from districts as nearly equal as practical in population and composed of contiguous and compact territory, each State having at least 1 such district, and 15 Members at large to be chosen by all the people of the United States.

No person shall be a Member of Congress who shall not have attained to the age of 25 years and been 7 years a citizen of the United States, or a Member of Congress at large, who shall not be eligible to the office of President.

The Members of Congress chosen from the several districts shall be elected for a term of 7 years and shall be subject to recall as herein-

after provided. The Members of Congress at large shall be chosen for terms of 15 years and shall also be subject to recall.

The Members of Congress, by districts, shall be apportioned among the several States of the United States according to population, which shall be determined by actual enumeration at each decennial period as the Congress may by law direct. At its first session after each such enumeration the Congress shall prescribe the number of its Members to which each State is entitled, the people of the several districts shall elect the members by districts, and the people of the whole United States shall elect the 15 Members at large.

The 15 Members at large chosen at the first election shall hold office for terms in accordance with the number of votes received by each: The one receiving the highest number of votes shall be chosen for a term of 15 years, the next highest for a term of 14 years, the next for a term of 13 years, and so on. The one chosen for 1 year at the first election, and after that the last Member at large chosen by the people, shall act as chairman when the Members at large are acting as a committee at large of the Congress, and upon the death, resignation, removal, or disability of the President of the United States shall succeed to the office and duties of President.

On the first Tuesday after the first Monday in November of each year after the first election the people of the United States shall choose one Member of Congress at large and as many other Members at large as shall be necessary to fill all vacancies; but no person elected to fill a vacancy in the office of a Member at large shall serve for a longer term than the unexpired term, nor shall such person become the chairman of the committee at large or succeed to the office of President. At the same time the people of the several districts shall choose such persons as they may elect to fill any vacancies that may occur in the office of Member from the district, elect Members for a succeeding term, and have an opportunity to recall any sitting Member or Member at large.

The Congress shall be the sole judge of the election and qualification of its Members, and may prescribe the manner of their election. But the names of all sitting Members in the several districts and the names of all sitting Members at large shall be printed on a separate ballot, which shall be designated as a recall ballot. All voters at any election shall be furnished by the judge or judges of election with a recall ballot, and he shall indicate thereon, in a manner which shall be prescribed by law, the name of the Member from the district or any Member at large whom he desires to have recalled. If a majority of the entire number of electors voting at any election herein provided for in any district shall indicate a desire for the recall of the Member from that district, or, in the whole United States, for the recall of any Member or Members at large, the office of such Member or Members at large shall become vacant and shall all be filled until the next regular election in any manner that Congress shall prescribe.

The 15 Members at large shall constitute a committee at large of the Congress, and to such committee at large shall be referred all bills which have been passed by Congress which carry appropriations or relate to the raising of revenue. In reporting such bills back to the Congress each Member at large shall sign a written report giving his reasons for so reporting for or against. If the majority of the Members at large report in favor of the bill in its entirety, it shall then go to the President for his approval. If the majority of the Members at large are opposed to the bill, or any item thereof, the bill, or the item thereof which is objected to by a majority of the Members at large, shall be acted on by the Congress. If it then receives a majority of all the Members voting, plus three votes additional for each vote cast against such bill by the committee at large, it shall be presented to the President for his approval, but if such bill or such item fail to receive the votes so required, it shall fail and shall not be voted on again during the session.

The committee at large shall have power to confirm or reject all proposed treaties of the United States with foreign powers, and shall confirm or reject all persons appointed by the President and the members of his Cabinet to office, and shall direct all inquiries as to the economic conditions and welfare of the United States, and each of the members at large shall serve as a member of the National Monetary Commission, whose powers and duties shall, from time to time, be fixed and prescribed by the Congress. In all other respects the members at large shall have the same powers and duties and the same rights and privileges as the members elected from the several districts.

Instead of commenting on the resolution I referred to, the press assumed a different one and then proceeded to be funny. There was no excuse for such error, for the reporter did not garble his statements. The New York Tribune's comments were:

[From the Tribune Bureau.]

INSURGENT PLANS NEW FORM OF GOVERNMENT—LINDBERGH WOULD HAVE COUNTRY RULED BY "COMMITTEE AT LARGE" OF 15 MEMBERS—TO BE SUBJECT TO RECALL—SENATE AND VICE PRESIDENT TO BE ABOLISHED AND HOUSE MEMBERSHIP REDUCED TO 315—SOCIALIST SCHEME OUTDONE.

WASHINGTON, *March 22.*

Satisfied that the Senate is "unresponsive" to public sentiment, that the Vice President fills a needless office, and that the membership of the House is unwieldy, Representative CHARLES A. LINDBERGH, a Minnesota insurgent, announced to-day that he would introduce a resolution to abolish the Senate and the Vice President and to provide other radical changes in the legislative machinery of the Government.

Mr. LINDBERGH says he is convinced his resolution, which is not yet completed, but will be introduced early next week, will not receive the serious consideration of Congress, but he predicts that it will appeal to the constitutional convention which he declares to be inevitable in the near future. He predicts the abolition of the Senate when the constitutional convention meets.

The plan which Mr. LINDBERGH has worked out is as follows:

The Senate must go, and so must the Vice President. The membership of the House is to be reduced to 315 Members, and of this number 15 are to be elected from the country at large. These 15 Members shall constitute the "committee at large," which shall have absolute control and a veto power over the legislation of the House proper. This opposition could be overcome only by a two-thirds vote of the Members of the House.

The chairman of the "committee at large" is to succeed to the Presidency in the event of the death or disability of the Executive. Ordinary Members of the House are to serve for 7 years. The select 15 are to be elected for terms of 15 years, but the recall shall hang over the head of every Member.

In order to provide what Mr. LINDBERGH calls "checks and balances" for his plan, he invokes the recall of the "committee at large" whenever their actions, in the opinion of the people, should justify their removal.

The Socialist Member of the House, Representative BERGER, recently introduced a resolution providing for the abolition of the poor old Senate, but he proposed no such radical changes as are contemplated by Mr. LINDBERGH.

The Tribune seems to have attempted to state the facts. But other papers were not as near right as the Tribune. Of course many of them copied from the reactionaries. The effect is to injure the credibility of the press. That is unfortunate, for the press can be and generally is in the lead for progress. It is natural that it should be, and it would have no trouble in holding the highest place if it were not for those papers that are careless in what they publish. The most unfortunate part of it is that the carelessness of a few injures the influence of the entire press. I would not introduce the fool resolution pictured by the few newspapers. Let any person of judgment examine the resolution that I have in substance quoted and he will have to admit that if the Constitution had been so adopted to begin with we would have avoided many of the difficulties that we now confront. Our natural resources would still be within the control of the people. No one would have dared to suggest changing it for the present one. Just consider the plan a little.

If the terms of the Members of Congress are made 7 years and the term of the President is made 6 years, as is now proposed in a pending resolution, the election of a President and Congress will occur on the same day only once in 42 years. If the term of the President should be made 8 years, the election of the entire Congress and the President would occur at the same time only once in 56 years—in the absence of a recall or other cause vacating the office of President. This is decidedly in the direction of the short ballot, and the attention of the voters would be concentrated usually on one or two—rarely more than three—national candidates.

The plan which I propose for a reform of the legislative department of the National Government is well worth study for the reason that it is also eminently practical in its adaptability to the different State governments. The growing popularity of the commission plan for the government of cities is an evidence of the tendency among thinking men to believe that better results can be obtained from simpler and more responsive legislative bodies. The bicameral legislature has demonstrated its inefficiency, not only in England, where it was originated, but everywhere else that it has been tried. The demand for the mending or ending of what is known as the "upper house" and for the right to recall representatives of the people who prove unrepresentative is constantly growing and will soon be universal. The short ballot and a simple, practical, and effective method of recall are paramount necessities of the time.

The members of the committee at large are to be chosen for terms of 15 years and are to be 15 in number, so that one of them will be chosen each year by all the people and the last one elected will be the chairman of the committee—and the Vice President. At each annual election a recall ballot will be placed in the hands of every voter containing the names of all the members at large and of the member from the district in which the voter lives. The same plan could be extended so that the recall ballot would also contain the name of the President of the United States. Without the fuss and preliminary red tape of circulating petitions any voter who is not satisfied with the public acts of any of these officials may have the opportunity of marking his ballot so as to indicate his wish to retire any one or more of them. Vacancies in the office of President, by recall or otherwise, would be filled by the accession of the last member at large, already elected by the people, and vacancies in the office of members at large would be filled by the entire Congress. I do not think it possible to effect a recall simpler and more free from the influence of prejudice than what I have suggested.

The committee at large would not have the power of amending any proposed legislation, except to strike out items. It could not strike out some items and propose others in lieu of those struck out. This would do away entirely with the committees of conference of both Houses, which, under our present legislative systems, is such a prolific hotbed for the production of "jokers."

The change would not affect the powers of the President. I do not much expect to see the adoption of such a resolution in the near future. My idea is merely to hold up to view a construction plan. On account of the provisions of the present Constitution prohibiting the abolition of equal representation of the States in the Senate, the State of Nevada, with 49,000 people, will doubtless continue to have equal representa-

tion with my own State, Minnesota, which has more than 40 times the population, and equal representation with the State of New York, which has 200 times the population of Nevada.

YOSEMITE NATIONAL PARK.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill which just passed the House.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman to have the House bill in reference to the Yosemite National Park laid on the table.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 21535) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes, be laid on the table, the Senate bill for the same purpose having been passed.

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

There was no objection.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

THE PHILIPPINE ISLANDS.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to insert in the RECORD a very able and instructive article by the gentleman from New York, Mr. REDFIELD, on "A suggested Democratic policy for the Philippine Islands."

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print an article by the gentleman from New York, Mr. REDFIELD, in the RECORD.

Mr. MANN. Not including the illustrations.

The SPEAKER. Not including the illustrations. Is there objection?

There was no objection.

The article referred to is as follows:

A SUGGESTED DEMOCRATIC POLICY FOR THE PHILIPPINES.

[By Hon. WILLIAM C. REDFIELD, Member of Congress.]

If there is one thing more certain than another in the currents of our public thought it is that these currents are to-day moving steadily and strongly toward placing the Democratic Party in power in our national affairs with the election of 1912. Two great issues occupy the public mind concerning which the trend among thoughtful men is in favor of general Democratic national policies. On the tariff question the party holds a strong and definite position commanding the respect of its opponents, and the increasing assent of many who have differed from it in the past. This Democratic tariff policy is known not to be destructive, and even manufacturers themselves are coming to see that it is the gospel of self-help that the Democracy is preaching, and that this gospel is one that will strengthen and not weaken our industries.

The other great issues focus around the so-called Sherman law. Democratic policy, as it forbids privileges for the few at the cost of the many in tariff matters, denies the right of monopoly for the few at the expense of the many in business affairs. As on the tariff the Democracy teaches the duty of self-help to manufacturers as both best for them and for the public, so the Democracy teaches in corporate matters no lesson of destruction. No Democrat wants goods to cost more, wants wages to be reduced, wants that kind of competition known as the "cutthroat" variety. Democrats do not fear "big business"; but they do not want "bad business." They recognize that large production is necessary to low cost, and they have no quarrel with a concern because of its size. They demand that its success shall come from service to the public, and that it shall not be had at the cost of crushed competitors. They are willing that industry shall profit, but only in proportion as it serves. Even the almost bitter title, "the trusts," would lose its bitterness did we know that they could be trusted to gain by service, and only in that way. Here too, therefore, the attitude of the Democracy is constructive. It looks frankly from the consumer's end as it does on tariff matters, but those who in industry will serve the consumer and those who with the tariff will not overtax the consumer have the good will of the Democracy.

A third great subject of vital value will occupy the public mind when the National Monetary Commission makes its report in the coming spring. The very best thought of the Nation must and will center upon this question of finance. The debate will be earnest and searching, and the outcome will affect every man and woman in the land.

Amidst such great themes and in the pressure of current affairs other subjects may be lost to view, or may, at least, not receive that mature and sober thought which the Democratic Party would give to them were its mind free to do so. It is one of those questions—the Philippine question—that the writer desires to discuss briefly in the hope of suggesting a policy that will be at once democratic, considerate, humane, and in accord with all the facts, while removing the question from the danger of action that is not based on thorough and well-digested knowledge and mature thought.

Let us look first at the facts as they are to-day. The Democratic Party is not responsible for acquiring the Philippines. No one thinks that. The Democratic Party need not defend or explain an acquisition in which they had no share. Whether rightly or wrongly secured, whether wisely or unwisely obtained, the fact is that they were obtained, and are in our control to-day. It may be of academic interest to discuss whether this should be so, but it has no practical interest, for it is so. The immediate question, therefore, with which the Democratic Party has to deal is how they shall be treated now that they are ours.

It may be laid down as fundamental that Democratic policy requires that the American flag shall not permanently float over any dependent people. Democrats are not imperialists, but the reverse; and just so soon as any people that may have come under our sway are able to say for themselves what their government should be, it is sound Democratic policy that they should say it and that their will should be respected.

The Democratic Party believes in education and sanitation and in all that uplifts the life and broadens the outlook of the humblest man, and therefore wherever our flag flies it is Democratic doctrine to educate, to improve conditions of labor and health, and to secure better ways of living.

Democratic policy can not approve taxation without representation; no more can it approve the exercise of power over many by a few. The Democratic Party is, as the editor of the St. Louis Republic has recently and wisely said:

> Devoted to equal rights and equal opportunities, it would trust the whole body of the people at any time with any responsibility voluntarily assumed rather than yield control to one man or to a small group of men, no matter how wise or how good. It holds that the taxation of one American for the benefit of another American is not only robbery but tyranny. It is committed to the idea that government as a partisan of the few must be taken out of business and that business as a self-seeker must be taken out of government. It believes in personal liberty that does not infringe upon the rights of others. It is opposed to centralization, to usurpation, to imperialism.

These principles the writer approves and indorses. Let us apply them to the Philippine situation.

Before we do so, however, the spirit in which this is written should be made clear. Let us avoid both the cant of "little brown brother" and the gross ignorance that groups all men with dark skins as Negroes. No one who has met the cultured native peoples of Luzon, or who has traveled with them, but knows their personal charm. One has only to look into the story of recent years to find noble examples of patriotism and self-sacrifice among them. And to this one must in fairness add appreciation of dignity under defeat and a quiet acceptance of misfortune that has been often very winning.

The ideals of many of the native leaders in the Philippines are high, their purposes are good, their love of country deep and strong and normal. It would be unfair not to recognize these facts and un-American not to sympathize with the men of whom these facts are true.

I take it all agree that our national honor and our self-respect require that the path for the Philippines shall be an upward path and that no political or commercial or financial considerations shall be allowed to prevent this. We have put our hand to the plow in the Philippines, whether we did so wisely or not. The facts are as they are and the question is how to deal with them. In order to deal with them we need to know all the facts, for any policy based upon a partial knowledge is sure to be mistaken.

Looking at the islands from the lowest standpoint, that of material needs, we find a very backward condition. If they be compared with another tropical country of similar location, such as Java, the contrast is striking. Java with a territory of about 50,000 square miles supports 30,000,000 of people and exports foods, though a large part of Java is very mountainous. The Philippines with an area of 115,000 square miles and less than 8,000,000 people import food, although the territory available for cultivation is greater than the whole of Java. The reason lies partly in the poverty, partly in the ignorance of the Philippine "tao," or native farmer, partly in the strange divisions among the inhabitants of the Philippines in race, religion, language, and customs. In Java the Dutch have after centuries brought at least material prosperity both to the natives and themselves. In the Philippines Spain failed wholly to bring economic wealth, and left behind her a disorganized mass of

discordant peoples. Yet by nature the Philippines are as richly endowed as Java, and there is no material reason why the wealth, said to be $100,000,000 per annum, that flows to Holland from Java should not be equaled or exceeded in the case of the Philippines, if mere material gain were the sole or even the principal object sought. And this material gain, were it to come righteously and with due regard for the men of humblest means and smallest opportunity, could not fail to bring them much that would improve their conditions.

The home of the Philippine farmer is usually a hut made from the branches of the Nipa palm, within which one room contains the family. Every convenience of modern life—plumbing and all its accessories, water and all it brings of cleanliness and health—are unknown. The hut is closed at night as tightly as is possible, and not for protection against the night air alone, but to keep out the night-flying spirits, in which even many of the so-called Christian tribes still believe. The tools with which the farmer works are primitive. He knows neither iron plow nor the usual harness. Agricultural machinery for him does not exist. His crude sugar mills waste a quarter of the juice they are made to extract. His carabao (water buffalo) is his most valued possession, and with this inefficient beast his wooden plow scratches the surface of his scanty acres. His land, moreover, lies idle six months of the year for lack of irrigation, and in this single cause is found another reason why he produces so much less than his Javanese fellow. In Java irrigation ditches are everywhere. Taking the Philippines as a whole, they may be said to be almost nowhere, although since the American occupation much has been done toward a beginning of irrigation. One would look long, however, to the undeveloped resources of the Philippines left in native hands for the funds from which money for large irrigation works could be soon obtained. The farmer of any of the Philippine races is in the very infancy of his craft. In a tropical land abounding in water and rich in agricultural resources he is barely self-supporting and not always that. He is a child in farming and needs to be taught.

The writer was present when the governor of La Union Province asked that well-driving machinery be loaned him by the insular government and heard the chief engineer of the latter say that they had but 43 plants for driving wells for the entire Philippines and that La Union would have to wait till some of these could be relieved from their present duty and sent him. The meaning of this will be clear from the fact that it is only from underground sources that pure drinking water can be had in large portions of the Philippines.

From this rough sketch of material conditions let us turn for a closer look at the people themselves. Only a glance is needed to show that there is no such thing as a Philippine people in any ordinary sense of the word "people." Here are a variety of racial mixtures not assimilated, but living separately, differing in language, embracing religions from the most savage heathenism through Mohammedanism up to several types of more or less developed Christianity. In social conditions they vary from the purest barbarism, the Negrito, through the half-naked and dog-eating Igorrot and the fierce Moslem Moro to the Visayan and the Tagalog, which last tribes happening to inhabit Manila and other coast towns are at once those most affected by Spanish rule, most developed in civilization, and from whom, since they are the peoples most commonly met, judgments about the entire population of the islands are apt to be made. It is not denied that among the Visayans, Ilocanos, Bicols, and Tagalogs are many people of culture and intelligence in the best European and American sense, nor is it denied that these excel in the arts of expression—music, oratory, and artistic work of many kinds. They are in these respects gifted peoples and may fairly be congratulated and held in honor for what they have done and become, but one does not have to leave Manila far to see that only a small proportion even of the Tagalog people are among the trained and able classes which have been mentioned. Civilization has touched but little the Tagalog farmers, even in the very outskirts of Manila itself. And this, if it were not evident from common observation on the spot, should be clear from the facts as to the electoral franchise in the islands.

PHILIPPINE VOTERS.

The requirements in the Philippines to qualify a voter are simple. They are that he shall have been an officeholder under the Spanish régime, or that he shall speak and write either the English or Spanish tongue, or that he shall be possessed of property to the value of ₱500 ($250), or that he shall pay taxes to the amount of ₱30 ($15) per annum, or any one of these. Yet, notwithstanding that the insurrection against Spanish rule has been thought by some to have been the uprising of a whole people, and in spite of what has been done since the American occupation in education, the entire Philippine Assembly at its first election in 1907 represented but 98,251 voters out of a population of nearly 8,000,000, and at its second election, in 1909, represented but 192,975 voters, or less than 3 per cent of the population.

It is a fact of deep significance that the entire voting force in the Philippines represents so small a part of the total population. It is equal to less than two-thirds of the total population of Manila alone, is much less than the number of the half-naked Igorrots, and barely one-half the number of the fierce Moros, and does not in any sense whatever represent a majority of any one of the numerous tribes and peoples of the islands or pretend to include within its numbers any representatives of the non-Christian tribes, who number in excess of 600,000. True, before the American occupation the Tagalogs and other peoples at the time of the insurrection tried to formulate a constitution more or less based upon our own, and in a patriotic and self-sacrificing spirit did what they could to establish it against the Spanish power, but this insurrection was in no true sense a national one, for there is no nationality in the Philippines. In that struggle large masses of the people took no part; and tens of thousands, separated by distance in a land where there were neither roads nor trails nor telegraphs, knew nothing whatever of it.

In going from Manila northward 150 miles one passes from the home of the Tagalog language through the Pampangan speech, again through the Pangasinan language to that of the Igorrot mountaineer, who was 10 years ago a head-hunter. These four peoples, not to mention others, do not understand one another's language. There is among them no common speech prevalent among the mass of the people. The educated few may speak and write Spanish, and a limited number English, but among the mass of the people there is no general tongue, and until within a few years there has been no common means of meeting one another, and it is largely for this reason that 20 or more languages have survived and exist to-day among them. The peoples of the Philippines are all too much as yet a "congeries of unrelated parts."

It is common knowledge that deep hatred exists between the Igorrots of the mountains and the Tagalogs of the plains, and that the Moros look with fanatical contempt upon the non-Moslem and physically weak dwellers in the seacoast cities. It did not need the plain statement of the Moro chiefs to Mr. Dickinson that though they had laid down the bolo at the American command they would take it up again should the American leave, to show that the removal of the strong hand of law from the Moro people would mean a continuance of that riot and bloodshed which has for centuries prevailed where they were free to follow their natural training and habits. But let the Moros speak for themselves.

At a meeting between the Secretary of War and the Moro leader at Jolo, August 24, 1910, the former secretary to the Sultan of Sulu was selected by the Moros to speak for them. He said:

"We have only a little to say, and that says we are happy to be under the sovereignty of the Americans. There has been some talking about that the Filipinos want to tear themselves off from the Americans and that they want to tear us away too—tear us away with them. If the Americans should give the Moro country over to the Filipinos they would be responsible to God for the blood that would be shed, because it would be the same thing as if you put two fighting cocks into one bag, for there would be fighting, sure."

On August 23, 1910, a public meeting was held in the theater at Zamboanga, Island of Mindanao. At this meeting Datu Sacaluran said:

"I am an old man. I do not want any more trouble. But if it should come to that, that we should be given over to the Filipinos, I still would fight."

He was followed by another leader, who said:

"I am not a civilized man, but I have learned that slavery, killing, and stealing is a bad thing; we do it no more. But if after that it should be that we shall be given over to another race we had better all be hanged."

The final speaker was Nadji Nungnui, who spoke as follows:

"The Secretary of War must look the matter in the face. We are a different race; we have a different religion; we are Mohammedans; and if we should be given over to the Filipinos how much more would they treat us badly when they treated even the Spanish badly who were their own mothers and their own fathers in generation? How did they treat them? Think about it. Think twice. We far prefer to be in the hands of

the Americans who are father and mother to us now than to be turned over to another people."

Into this maelstrom of conflicting tongues and races and religions the American educator has gone, not as a matter of politics, but in the spirit of unselfish uplift. Into this seething mass of physical weakness where 6 children out of 10 still die in infancy, and a vast percentage of the people are in one way or another afflicted with tubercular diseases, the American surgeon has gone, and with him sanitation. Into this mixture of separate and hostile villages, without roads or other means of communication, the American engineer has gone, building roads and trails and developing railways. Among the heathen and Moslem tribes the missionaries of all churches have gone bringing the gospel of order and of peace, and for the first time since white men saw them the islands are policed from end to end and order is maintained.

It is true that some patriotic and enthusiastic men of the Tagalog, Visayan, Ilocano, and Bicol peoples cry for immediate independence and that they have sacrificed in the past much to get it, but apart from the question whether these men are trained for self-government the larger and more serious question is whether general conditions in the islands are such as to make it safe and sane to turn over all the peoples of the islands to the government of a minority of a few tribes among them.

Let us apply the Democratic principles suggested above to the facts as they are. Would giving the Philippines immediate independence give their inhabitants "equal rights and equal opportunities"? If so, how? There are more adult male Moros than there are voters in the islands, are more adult Igorrots than there are voters in the islands, but these Igorrots have no vote. There are at least three-quarters of a million of adult males of other races that have no vote. The Moro hates the Tagalog and the latter despises the Igorrot. In what sense is it true that the Democratic doctrine of equal rights and equal opportunities would exist in the islands were they made independent as they are?

It is sound Democratic doctrine to hate "privilege and injustice, bosses and corruptionists." Is not the turning over of the government of nearly 8,000,000 people, most of them illiterate and some of them savage, to the control of a minority of a few peoples among them the granting of privileges and the doing of injustice? Will it not mean the creation of bosses and the promotion of corruption?

It is good Democratic doctrine to "trust the whole body of the people at any time with any responsibility voluntarily assumed rather than yield control to one man or to a small group of men, no matter how wise or how good." Even were the 200,000 voters of the Tagalog, Ilocano, and Visayan peoples in the Philippines to voluntarily assume the responsibility of independence, would this be in any sense the Democratic doctrine of trusting such responsibility to "the whole body of the people"? Would it not rather be yielding control "to a small group of men"? Would it not be the creation of an oligarchy?

Democratic doctrine holds "that the taxation of one American for the benefit of another American is not only robbery but tyranny." Would it be Democratic under this doctrine to put in the hands of 200,000 voters of a few peoples the right to tax more than that number of each of several other peoples without any voice on the part of any of the latter? Is not this in the true sense "creating taxation without representation"?

Is there a way out? Is there no alternative between the creating of an oligarchy in the hands of a few of the people and the holding by conquest of the islands for commercial exploitation? The writer thinks there is, and suggests as its basis, first, that our duty toward the peoples of the Philippines, as toward the Indian tribes of this country, should be free from partisan action. He believes it to be sound Democratic doctrine that the islands should neither be held as a subject community or abandoned to a foreign power or a domestic oligarchy. He believes it to be both sound Democratic doctrine and a fine ideal that out of a group of peoples having neither common aims, nor common customs, nor common religion, nor a common language should be created a people capable of self-control. He believes it to be sound Democratic doctrine that when they shall have acquired a common language and means of communication, and have by the practice of self-government in their municipalities and provinces acquired the habit of self-government, and when a majority of them shall be able to cast a ballot which they can read in any language, it will then be for them to decide what they wish their future relation to the United States to be.

He believes it to be sound Democratic doctrine that until a majority of the people shall be able thus to decide, education, commerce, and sanitation should be promoted by all the influence and power that is available to the American people, and that in the development of commerce the rights of the people of the islands should be safeguarded scrupulously, that the widest publicity should exist in corporate business affairs, and that anything which partakes in the least of "carpetbagging" should be abhorrent to the Democratic thought.

And to the end that there may become a true Philippine people, the writer hopes that the Democratic Party may in soberness of judgment and with wise conservatism at once assure the patriots of the islands of their fixed purpose to give them freedom on the one hand and on the other hand to cooperate with them patiently and wisely through the years that may become necessary to develop them to the point where they may intelligently choose the form of that freedom for themselves.

Nothing has been said about the political consequences of our sudden withdrawal from the islands, but it needs only a superficial knowledge of the facts to show that these consequences might be grave. How would the great religious bodies of our land feel to have their missionary activities taken out from under the impartial, protecting hand of America and turned over to the present uncertainties of native rule? How would the educational thought of America regard the party that would suddenly cut off the great work of American education so well begun? How would the men interested in the great sciences of medicine and sanitation feel toward the party that suddenly ended the progress making in the Philippines along these lines? There is much more for the Democratic Party to consider than the mere following out of a political phrase. There is a question of humanity to consider, a question of national honor to take into account, great questions of religion and of education to be borne in mind. All these point one way. They all indicate that whatever policy the Democratic Party shall adopt toward the Philippines shall not be one of mere hasty "scuttle" or one of thoughtlessly leaving the islands to themselves, but one that is calm, deliberate, well thought out, and consistent with the peace and the prosperity of the islands.

FLOODS IN THE MISSISSIPPI RIVER.

Mr. RANSDELL of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 22772, H. Rept. 483), which I send to the Clerk's desk.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 22772) appropriating $350,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River.

Be it enacted, etc., That the sum of $350,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River between the Head of Passes and Cape Girardeau, Mo. This appropriation to be immediately available on account of the emergency existing because of extraordinary flood in the river.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, in order that there may be some explanation, I demand a second.

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

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

There was no objection.

The SPEAKER. The gentleman from Louisiana [Mr. RANSDELL] has 20 minutes and the gentleman from Illinois [Mr. MANN] is entitled to 20 minutes.

Mr. RANSDELL of Louisiana. Mr. Speaker, I have been authorized by the Rivers and Harbors Committee to report this bill. It is rendered necessary by the very great floods in the Mississippi River. The Missouri, the upper Mississippi, and the Ohio are all very high. At the present moment the flood stage is higher at Cairo, the junction of the Ohio and Mississippi, than ever known before. The Weather Bureau predicted this morning that by to-morrow the flood at Cairo will be 1.8 feet higher than ever before recorded. It reports that by the last of this week at the city of Memphis the flood will be 3 feet higher than ever known. There is great danger to the levee system on the Mississippi from Cape Girardeau to the Passes.

The purpose of this appropriation is to aid the States and the local levee boards to protect the levees, which are the only means of preventing the flood waters from flowing over 30,000 square miles of the richest land in this country now peopled by several million inhabitants and one of the most prosperous portions of the Republic.

The Government has been aiding in the construction of levees on the lower Mississippi since 1879, when the Mississippi River Commission was created.

Between seventy-five and eighty millions have been expended by the National Government and the States of Missouri, Arkansas, Mississippi, and Louisiana, and smaller sums by the States of Tennessee and Kentucky, in building levees along the river. It is thought that unless a hard fight is made against the present floods by the Mississippi River Commission with its large fleet of boats, in conjunction and cooperation with the local levee boards and State authorities in all of these States, the floods in many places will overtop the levees and wash them away, for if once the waters rise above them and begin to flow over them the sand out of which the levees are constructed will speedily melt away. Thus there will be destroyed public property which has cost this Government very large sums, and private property belonging to the citizens of this Nation of the value of many millions will also be ruined. The object of this appropriation is to aid the interested communities in holding the levees and thereby preserving and protecting this Government property. The levees also aid materially in the navigation of the stream, and the engineers say that without them they could not preserve its proper navigation. Moreover, levees are an imperative necessity to the protection of the vast wealth of the Mississippi lowlands, valued at more than a billion dollars.

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

Mr. RANSDELL of Louisiana. Certainly.

Mr. BARTLETT. How often heretofore has Congress been called upon, or has it contributed an amount like this, in the time of high flood?

Mr. RANSDELL of Louisiana. I can not answer in detail the question of the gentleman, but it has been called upon in the past to contribute for protection against floods on the Mississippi. Whether it has ever been called upon or not, Mr. Speaker, we have a most unusual situation. We have, as I have stated, a combination of floods in the Missouri, the upper Mississippi, and the Ohio—something extremely unusual, something which I do not remember to have occurred before, although I believe a similar thing did take place 30 years ago, in 1882, when we had a very great flood on the river.

Mr. BARTLETT. I merely wanted to know whether there was any precedent for the Government making this appropriation now. As I understand, the Government of the United States, in conjunction with various States bordering on the Mississippi River, constructed the levees.

Mr. RANSDELL of Louisiana. Yes; the Government has expended about thirty millions on the levees, and the States something like forty-five to fifty million dollars. The States have spent a great deal more than the Government, and I wish to say that the local communities will spend a great deal more than the Government in fighting this high water.

Mr. BARTLETT. Are the States authorized to proceed and supplement this fund which the Government may give in order to prevent the injury by the flood?

Mr. RANSDELL of Louisiana. Yes; the States and the local levee authorities. We have on the Mississippi River the different sections divided into local levee districts which have the power of local taxation, and every species of property there is subjected to a special tax, or forced contribution, for the purpose of building levees.

Where I live, in fifth Louisiana levee district, for example, the tax is 1 per cent on all the property, 5 cents on every acre of land, regardless of its value, and $1 on every bale of cotton weighing 500 pounds. In the extreme lower end of the river they even tax oysters in some instances 10 cents a barrel on the theory that the levees prevent the muddy waters from overflowing and destroying the oyster beds.

Mr. BARTLETT. I notice that this bill comes from the Committee on Rivers and Harbors. It is rather an emergency deficiency appropriation is it not?

Mr. RANSDELL of Louisiana. No; it is not a deficiency appropriation. It comes from the Committee on Rivers and Harbors because it is a specific appropriation made to aid in preserving and maintaining various valuable works of improvement constructed by the Government under appropriations emanating from that committee.

Mr. WICKLIFFE. And is made in the face of an emergency.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. RANSDELL of Louisiana. Certainly.

Mr. LONGWORTH. Have preparations been made for the expenditure of this money?

Mr. RANSDELL of Louisiana. Yes. I have conferred with the president of the Mississippi River Commission, Col. Townsend, who tells me that all preparations are ready. His officers have been communicated with, and the fleet of boats is subject to immediate instructions, so there will be no delay.

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

Mr. CANNON. Mr. Speaker, I desire to say only a word or two. The Mississippi River does not know State boundaries. The Government is improving it from the standpoint of navigation, and from the same standpoint it has assisted in the construction of the levees. The people along the line of the river are highly taxed for the same purpose. I believe that the incident of protection to the lands adjacent to the Mississippi River, to say the least, is as important, if not more important, than the navigation of the river itself, and in the presence of this most extraordinary condition, from every standpoint, I am prepared to vote for the bill. [Applause.]

Mr. RANSDELL of Louisiana. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I of course do not want to detain the House, as I hope there is no opposition to this bill; but I presume that I represent the district that is suffering most and that is now threatened more by the present flood than any district represented on the floor of this House. I think, too, that I know as much about disastrous floods such as the one that is now raging in that country as anyone else in the House. I have lived for more than a half century within 12 miles of the mouth of the Ohio River, and in the section of the country that usually suffers first and most I have seen floods almost annually during that half century. The highest water we have ever had in 50 years before this time was in 1883, 29 years ago. The flood is to-day a foot and three-tenths higher than it was at that time, and has risen seven-tenths of a foot within the last 24 hours. This indicates that it is going to reach about 54 feet, nearly 2 feet higher than it ever was before. In the district that I represent there is to-day over a half million acres of as fertile land as there is under the sun that are now under water. Some of the levees have already broken, but it may be that by an emergency appropriation of this sort some relief may yet be furnished in time to prevent greater disaster. I regret that this appropriation could not have been passed three or four days ago, so that we might have prevented or lessened the damage that is now being done to property in that country.

The gentleman from Georgia [Mr. BARTLETT] asked whether the local authorities are doing anything in the way of contributing to efforts to protect levees and prevent losses from this flood. I want to say that in the local levee district in the county in which I live the railroads and the people have 1,000 men at work at the present time, and have had for three days and nights, trying to prevent the breaking of the levees and trying to prevent the destruction of property and to save the lives of the people. Even with all these diligent efforts some levees have already broken and much of the country is to-day under water and many homes are submerged. I hope this appropriation will be passed, and not only passed but passed by the unanimous vote of the House. [Applause.]

Mr. RANSDELL of Louisiana. Mr. Speaker, I yield two minutes to the gentleman from Louisiana [Mr. WICKLIFFE].

Mr. WICKLIFFE. Mr. Speaker, I wish to express my hearty approval of this measure. I have been laboring very long upon it myself, to-day and yesterday, in assisting in perfecting it so that it would grant the necessary relief. If there ever was a time, if there ever was an emergency, that existed for an appropriation of this kind, it is at the present time. How much better it is that we give an ounce of prevention than a pound of cure. By doing this work, by putting through this appropriation now, we may save a most disastrous flooding of the lands and of the towns and lives and property behind the levees all the way from Cape Girardeau down to the Passes. How much better it is for this House to act in time and grant this relief now than to await a situation that can not be remedied and witness sufferings of the people which can only be alleviated later, but by timely action now may be prevented. I wish to say there is absolute necessity for this appropriation at this time, and that the President of the United States himself has sent a message to Congress recommending it—not only for this amount but even a larger amount.

I hope that the measure will speedily pass and become a law. [Applause.]

Mr. RANSDELL of Louisiana. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. JAMES] for three minutes.

Mr. JAMES. Mr. Speaker, my district is skirted by the Mississippi River for about 75 miles. I have received telegrams from the mayor of Hickman, Ky., and the mayor of Columbus, Ky., saying that the Mississippi River is higher than

ever known and still rising. The levees there have been broken, and the cities have been flooded, and the people are homeless. These gentleman call upon me for such assistance as I might be able to obtain from the Government. I have succeeded in having several hundred tents sent to people who are without homes and in having boats ordered there to save life and property. There is no question about the necessity for this appropriation. I talked with the Chief of Engineers, and the president of the Mississippi River Association, as well as Gen. Bixby. They have no appropriation available by which they may prevent further breaks in the levees or which might be used for the purpose of stopping the breaks already made. This appropriation may prevent other breaks in levees and stop some already made and save life and property. It is a great emergency, and the resolution making this appropriation should pass without a moment's delay. I am glad to see there is no evidence of any opposition to this appropriation, which I know is so worthy and ought to be passed speedily by this House. [Applause.]

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent to modify my motion by striking out of the bill the words:

This appropriation to be immediately available on account of the emergency existing because of extraordinary floods in the river.

Mr. BARTLETT. Does the gentleman propose to strike out all of the language that he has read?

Mr. RANSDELL of Louisiana. All that I have read.

Mr. BARTLETT. Does he mean to strike out the words "to be immediately available"?

Mr. MANN. The appropriation will be immediately available without those words.

Mr. RANSDELL of Louisiana. And I therefore ask unanimous consent to so modify my motion to suspend the rule as to strike out the words which I have read.

The SPEAKER pro tempore (Mr. RAINEY). The gentleman from Louisiana asks unanimous consent to modify his motion to suspend the rule by striking out of the bill the words which the Clerk will report.

The Clerk read as follows:

This appropriation to be immediately available on account of the emergency existing because of extraordinary floods in the river.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it will be so ordered.

Mr. BARTHOLDT. I would like to ask the gentleman whether he is absolutely sure that there is no danger between St. Louis and Cape Girardeau. I understand from the reading of the resolution that relief is not intended to cover any territory north of Cape Girardeau.

Mr. RANSDELL of Louisiana. I can not say positively about the situation north of Cape Girardeau. We are making this appropriation for use by the Mississippi River Commission, whose jurisdiction has never extended north of Cape Girardeau and which has never built any levees north of that point.

Mr. BARTHOLDT. My impression is the jurisdiction of the Mississippi River Commission does not start until Cairo. It does not extend up to Cape Girardeau at all, and consequently that part of the river between Cape Girardeau and Cairo would be unprovided for.

Mr. RANSDELL of Louisiana. I wish to say I examined the statute this morning, and the jurisdiction for building levees is from Girardeau to Head of Passes——

Mr. BARTHOLDT. That is the Mississippi River Commission?

Mr. RANSDELL of Louisiana. Yes. It is specifically authorized to construct levees from Cape Girardeau down.

Mr. BARTHOLDT. I was not aware of that.

Mr. RUSSELL. A law was passed in 1907 by Congress extending the jurisdiction of the Mississippi River Commission over levees to Cape Girardeau.

Mr. BARTHOLDT. I would like to ask my colleague whether in his judgment it is necessary to extend this relief further north than Cape Girardeau.

Mr. RUSSELL. My impression is it is not, as it is hilly on that side of the river. There is some lowland in the State of Illinois, but I do not know whether the levees are in danger or not.

Mr. BARTHOLDT. I understand the East St. Louis situation is very serious and threatening, and they would not get any relief under this appropriation at all.

Mr. MANN. Mr. Speaker, I do not, of course, rise to oppose the resolution upon which I asked for a second in order that there might be an explanation made to the House of the emergency which has arisen. In times of distress and emergency it is to the credit of mankind that the hearts of all beat in unison and even legislative bodies make sudden appropriations without controversy. Mr. Speaker, I do not know just what effect the passage of this resolution and the making of this appropriation will have, but I hope it will protect the property. I have some doubt whether it has any great effect upon the Mississippi River itself. Now, in the case of the Missouri River this condition has happened. The gentleman from South Dakota, possibly somewhat inspired by the notice or the introduction of this resolution, discovered that there was an emergency upon the Missouri River, a great gorge in that river north of Yankton, and he introduces a bill or resolution providing for an appropriation in order that that gorge might be blown up, but when the Missouri River heard that there was danger that Congress would appropriate money for that purpose and invade the jurisdiction of the river she bursted the gorge, and that necessity has passed away. Let us hope that the Mississippi River will subside with the passage of this resolution.

Mr. RANSDELL of Louisiana. Might I suggest to the gentleman that the bursting of that gorge turns a somewhat big body of water down on us and we have to take care of that, too.

Mr. MANN. The gorge bursted to-day.

Mr. RANSDELL of Louisiana. Then the water will rise higher to-morrow.

Mr. MANN. It will take a good while to get down that far.

Mr. RANSDELL of Louisiana. I ask for a vote, Mr. Speaker.

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

FIFTIETH ANNIVERSARY OF THE BATTLE OF GETTYSBURG.

Mr. BURKE of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass Senate concurrent resolution No. 19.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 19.

Whereas the General Assembly of the Commonwealth of Pennsylvania did on the 13th day of May, 1909, enact as follows:

"An act creating a commission to be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission, authorizing the governor to appoint nine members thereof and fill vacancies that may occur therein. The commission to consider and arrange for the observance of the fiftieth anniversary of the Battle of Gettysburg, to invite the cooperation of the Congress of the United States, and of other States, and to report to next session of general assembly, and making appropriation for the payment of expenses of said commission.

"SECTION 1. *Be it enacted, etc.*, That within 30 days after the passage of this act the governor of the Commonwealth shall appoint nine citizens of Pennsylvania who, when appointed, shall constitute a commission to be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission, whose duty shall be to consider and arrange for a proper and fitting recognition and observance, at Gettysburg, of the fiftieth anniversary of the Battle of Gettysburg, with authority to invite the cooperation of the Congress of the United States and of other States and Commonwealths. The commission to make report of its action, with recommendations, to the next session of the General Assembly of Pennsylvania. The governor shall make appointments to fill any vacancies that may occur in said commission. The members of the said commission shall serve without compensation, other than their actual and necessary expenses.

"SEC. 2. For the purpose of carrying out the provisions of this act the sum of $5,000, or so much thereof as may be necessary, is hereby specifically appropriated, said appropriation to be paid by warrants of the auditor general drawn upon the State treasurer upon specifically itemized vouchers duly approved by the proper officers of said commission;"

And whereas the Congress of the United States did on June 10, 1910, adopt the following concurrent resolution:

"Whereas the State of Pennsylvania has, by appropriate legislation, constituted a commission known as the 'Fiftieth Anniversary of the Battle of Gettysburg Commission,' to consider and arrange for a proper and fitting recognition and observance, at Gettysburg, of the fiftieth anniversary of the Battle of Gettysburg, with authority to invite the cooperation of the Congress of the United States, and of other States and Commonwealths, and the said commission has extended an invitation to Congress and requested its cooperation in the matter: Therefore be it

"*Resolved by the House of Representatives (the Senate concurring)*, That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee to consist of three Senators and three Representatives to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission and report as soon as may be, the recommendations of said committee as to the proper action to be taken by Congress to enable the United States fittingly to join in the celebration of the fiftieth anniversary of the Battle of Gettysburg, and the necessary expenses of said committee shall be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House."

The following committee was appointed by the respective presiding officers:

Senate: Hon. GEORGE T. OLIVER, Hon. WELDON B. HEYBURN, Hon. ISIDOR RAYNER.

House: Hon. James A. Tawney, Hon. DANIEL F. LAFEAN, Hon. JOHN LAMB.

The Hon. GEORGE T. OLIVER has been selected as the chairman of the committee;

And whereas the above-named Hon. ISIDOR RAYNER has resigned and the Hon. CLAUDE A. SWANSON, a Senator from the State of Virginia,

was appointed in his stead and is now a member of said congressional commission;

And whereas the General Assembly of the Commonwealth of Pennsylvania did on the 14th day of June, 1911, enact as follows:

"An act making an appropriation to the Fiftieth Anniversary of the Battle of Gettysburg Commission to enable the commission to further carry out the provisions of the act of assembly approved May 13, A. D. 1909, creating said commission and defining the duty thereof.

"Whereas the act of assembly approved May 13, A. D. 1909, P. L. 1909, page 777, created a commission—

"To be known as the fiftieth anniversary of the Battle of Gettysburg Commission, whose duty shall be to consider and arrange for a proper and fitting observance, at Gettysburg, of the fiftieth anniversary of the Battle of Gettysburg; with authority to invite the cooperation of the Congress of the United States and of the other States and Commonwealths; the commission to make report of its action, with recommendations, to the next session of the General Assembly of Pennsylvania, and made a preliminary appropriation for the purpose of carrying out the provisions of said act; and

"Whereas the commission has duly presented to his excellency, the governor of the Commonwealth, for transmittal to the present session of the General Assembly of Pennsylvania, such report of its action with recommendations and plans, as far as it has been possible at this early date to adopt plans: Now therefore

"SECTION 1. *Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met (and it is hereby enacted by the authority of the same)*, That to enable the commission to further carry out the provisions of the above-recited act in accordance with the said report, recommendations, and plans of the commission, the sum of $50,000, or so much thereof as may be necessary, is hereby specifically appropriated; said appropriation to be paid by warrants of the auditor general drawn upon the State treasurer, upon specifically itemized vouchers duly approved by the officers of said commission: *Provided*, That the total amount to be expended by the Commonwealth of Pennsylvania in connection with this celebration shall not exceed $250,000";

And whereas at a meeting of the State and National commissioners held at Washington on January 12, 1912, it was agreed to recommend to Congress that the necessary steps should be taken for the participation of the General Government to cooperate with the State of Pennsylvania in such commemoration on the 1st, 2d, 3d, and 4th days of July, 1913: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That preliminary to such legislation by Congress as may be necessary to enable the Government of the United States to be properly represented on such occasion the Secretary of War be, and he is hereby, authorized and directed to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission of the State of Pennsylvania; and

First. To cause to be made such surveys, measurements, and estimates as will be necessary in regard to providing for a sufficient supply of good water for the use of those who shall attend the celebration.

Second. To investigate as to the necessary and proper provision required to be made for sewerage, sanitation, hospital, and policing during such celebration.

Third. To estimate upon the tents, camp equipment, supplies, and rations that in his judgment will be necessary to properly accommodate and provide for those who shall attend such commemoration, and to estimate what provision will be necessary to be made for local transportation and care of those who may or probably will participate in such celebration, and to give an estimate of the cost, separately stated, of the several provisions necessary to be made.

Fourth. To estimate the quantity of camp equipment, such as tents, bedding, and cooking outfits, necessary to accommodate the people attending, together with the cost per unit of a suitable ration to be issued and as to the best method of providing and issuing such rations.

Fifth. To prepare a plan of camp arrangement suitable to the occasion.

Sixth. To report to Congress upon all of these matters within 30 days after the passage of this resolution.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. BURKE of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second may be considered as ordered.

Mr. CALLAWAY. Mr. Speaker, I object.

The SPEAKER. The Chair appoints the gentleman from Pennsylvania [Mr. BURKE] and the gentleman from Texas [Mr. CALLAWAY] as tellers.

Mr. BURKE of Pennsylvania. I hope the gentleman will withdraw his objection.

Mr. CALLAWAY. I will withdraw it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania has 20 minutes and the gentleman from Texas has 20 minutes.

[Mr. BURKE of Pennsylvania addressed the House. See Appendix.]

Mr. BURKE of Pennsylvania. Mr. Speaker, I ask unanimous consent to modify my previous motion to the extent of the amendments that I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. BURKE] asks unanimous consent to modify his motion and to submit amendments. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend, page 5, line 3, in paragraph entitled "First," by striking out the word "those" and inserting the words "the honorably discharged veterans of the Civil War."

Mr. MANN. What is the other amendment? It is not an amendment.

The SPEAKER. The Clerk will read all of the amendments.

The Clerk read as follows:

Amend, page 5, line 5, by striking out the word "those" and inserting the words "the honorably discharged veterans of the Civil War."

Amend, page 6, line 2, by striking out the word "those" and inserting the words "the honorably discharged veterans of the Civil War."

Amend, page 6, line 3 of the paragraph entitled "Fourth," by striking out the word "people" and inserting the words "the honorably discharged veterans of the Civil War."

Mr. SLAYDEN. Mr. Speaker, I would like to ask the gentleman from Pennsylvania a question.

Mr. OLMSTED. There is another amendment there.

The SPEAKER. The Clerk will read the next one.

The Clerk read as follows:

Insert at the end of paragraph 4 the following: "*Provided*, That the total expenses incurred in the execution of this resolution shall not exceed the sum of $2,500."

Mr. SLAYDEN. Mr. Speaker, will the gentleman from Pennsylvania permit a question now?

Mr. BURKE of Pennsylvania. I will be glad to.

Mr. SLAYDEN. I understood the gentleman in his preliminary statement to say that it was intended to have veterans on both sides attend this celebration. My friend from Georgia [Mr. BARTLETT] is anxious that there should be some Confederate veterans present; otherwise there would be nothing for some of the Members to do. I would like to ask if the phrase "veterans of the Civil War" is comprehensive enough to take in a few of the enemy?

Mr. BURKE of Pennsylvania. I understood it would be. I conferred with the gentleman from Virginia [Mr. LAMB] about it, and we agreed that it would be.

Mr. SLAYDEN. Would this include those who were not discharged and surrendered and who got away under all sorts of circumstances?

Mr. LAMB. I think it would.

Mr. BURKE of Pennsylvania. Now, Mr. Speaker, I reserve the balance of my time.

Mr. SLAYDEN. I would like to ask the gentleman from Pennsylvania, if it is the purpose of the proponents of this measure to have ex-Confederates there, would it not be well to change the language in such a way as to provide that members of Confederate veteran camps and comrades of Confederate veterans may attend, which is perhaps the most feasible way of arriving at the question of who are entitled to recognition?

Mr. BURKE of Pennsylvania. I am willing, so far as I am concerned, to yield to that suggestion in the form of an amendment. Mr. Speaker, I reserve the balance of my time.

Mr. LAMB. Mr. Speaker, if the gentleman from Pennsylvania will yield to me, I will answer the question propounded by the gentleman from Texas [Mr. SLAYDEN].

Mr. BURKE of Pennsylvania. I reserve the balance of my time.

The SPEAKER. The gentleman from Pennsylvania reserves the balance of his time, and the gentleman from Illinois [Mr. MANN] has 20 minutes.

Mr. MANN. Mr. Speaker, when the Sherwood pension bill was before the House for consideration originally, as it was introduced, we claimed on our side of the House that the language in one section of that bill, "veterans of the Civil War," would include the Confederate veterans. Upon that side of the House it was insisted that the term would not include the Confederate veterans, and I think probably in view of that it would be desirable to put in language that would clearly include both, because that is the intention.

I should like to ask the gentleman whether it is the expectation that the Government of the United States shall pay the expense of providing a sufficient supply of good water at this place; shall pay the expense of providing sewerage, sanitation, hospitals, and policing of this celebration; shall provide tents, camp equipment, supplies, and rations to accommodate the veterans who attend the celebration, and make other provisions of that sort; whether it is the expectation that the General Government, having considerately appointed a commission to join with a commission appointed by Pennsylvania to arrange this celebration, shall also pay practically the entire expense?

Mr. BURKE of Pennsylvania. I will answer that by stating that while it would be perfectly proper for the Federal Government, if it chooses to do so, to provide for the expenses of the celebration, the States having provided a quarter of a million dollars apiece in some cases to send their men there, yet if the Federal Government should not be willing to provide the funds for housing the veterans of the Civil War on both sides for three days at Gettysburg, I am safe in saying that the Commonwealth of Pennsylvania will do it.

Mr. MANN. That is said with a good deal of eclat, but the fact is that the Federal Government did not institute this celebration. The Pennsylvania Legislature passed a bill providing for the celebration, not at the request or solicitation of the Federal Government, not after consultation with the officials of the Federal Government. The State of Pennsylvania undertook to have the celebration there, properly enough, and asked that the Federal Government might in a way participate, which invitation we accepted in a way. Now, what I want to know is whether it is the expectation that the State of Pennsylvania, having inaugurated a celebration on one of the great battle fields, the General Government is to be called upon, first, to pay the expenses of that celebration; and if it does, whether it will be called upon to pay the expenses of a celebration on every other battle field in the country?

Mr. LAMB. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Virginia?

Mr. MANN. How much time does the gentleman want?

Mr. LAMB. I simply want to give the gentleman some information.

Mr. MANN. How much time have I remaining?

The SPEAKER. Fifteen minutes.

Mr. MANN. I yield to the gentleman from Virginia five minutes.

Mr. LAMB. In answer to the gentleman's question I will state that the Government will furnish these rations, will ascertain what a unit of ration will cost, and then will let the visitors there pay their own expenses. All that the States are expected to do, if I understand this arrangement, is to pay the expenses of the soldiers from their homes to Gettysburg and back. They will pay their own expenses while at Gettysburg. As we all know, the accommodations at Gettysburg are not sufficient to meet the demands of 100,000 visitors. Therefore the Government is asked to furnish these tents. The soldiers who go there to celebrate the Battle of Gettysburg will pay for their rations. I will be perfectly frank and say that it is not supposed that this great Government will escape some responsibility in this matter, and I think, after this joint resolution is passed, before these arrangements are perfected it is expected that the Government of the United States will furnish a certain amount of money. We have discussed that, and we have thought it would be reasonable, just, and fair that the United States Government should furnish a small amount of money for this enterprise.

I do not propose to discuss the merits of this resolution much. Pennsylvania and New York asked us to come there to celebrate the fiftieth anniversary of the Battle of Gettysburg. I was in that battle. [Applause.] Looking around here I do not know whether there is another man present who was there. I should like to go there and mingle with those soldiers on the Federal side as I did a few months ago. They are very genteel and pleasant fellows, I want to inform you. [Applause.] I have met them often before, and I was glad to shake their hands on the battle field of Gettysburg, as I think they would have been glad to shake my hand there had we succeeded, as we would have done had not two serious mistakes been made—one on the first and one on the third day. I want the sons of the gray and the sons of the blue to mingle there and discuss the Battle of Gettysburg. It is a study, I tell you—a better study than the Battle of Waterloo. I want the people of the United States to go there and erect a peace monument, as Gen. Walker of the Confederate Army says they will do on the third day. [Applause.] He says that the Chief Justice of the United States, a Confederate soldier, will be there and help dedicate that peace monument. [Applause.]

And he says further, which I am not saying much about right here in this presence, that a President of the United States, possibly one who is a son of a Confederate soldier, will be there with him on that occasion. [Applause.] I think, my comrades, that the future historian of this country will declare that it was worth all the sacrifices of that war, all of its bloodshed and all of its horrors, which I in part experienced myself, to have two questions put behind us forever in this country—the right of secession and chattel slavery. [Applause.] And if I, a Confederate soldier, can say that, and the philosophical historian of the future will say it, I ask, Why should we not unite with these, our northern friends there, and celebrate the fiftieth anniversary of the Battle of Gettysburg? [Applause.]

If I stay here long enough I am going to ask that we invite them down to celebrate the two battles of Cold Harbor. Those two battles are worth visiting and studying.

At some future time I will say something more on this question.

I ask that this resolution pass. [Applause.]

Mr. OLMSTED. Mr. Speaker, this resolution, which comes to us from the other end of the Capitol, contains four and one-half pages of preamble to one page of resolution. It is perhaps inartistically drawn, but it gets there just the same. Two years ago I succeeded in having passed through this House a concurrent resolution under which a committee of three Senators and three Members of the House were appointed. That gallant Confederate soldier, the gentleman from Virginia [Mr. LAMB], who has just so eloquently addressed the House, is a member of that committee. It was charged with reporting—

> the recommendations of said committee as to the proper action to be taken by Congress to enable the United States fittingly to join in the celebration of the fiftieth anniversary of the battle of Gettysburg.

That committee has not yet reported. It needs certain information, which can be best secured through the War Department. This resolution, therefore, calls upon the Secretary of War and authorizes and directs him to confer with the Battle of Gettysburg Commission; cause to be made certain surveys, measures, and estimates regarding a sufficient supply of good water for the many thousands who will attend the celebration; advise as to the provision required for the proper sewerage, sanitation, and policing during the celebration; and various other matters incident to such an occasion. It is expected that people from every State in the Union will attend that celebration, and particularly the veterans of the Civil War, from the South as well as from the North. The Commonwealth of Pennsylvania expects to expend $250,000; other Commonwealths are appropriating large sums, and the object is to make this a grand peace jubilee. Every Commonwealth, every State, and every Territory has already appointed one or more representatives to confer with the Pennsylvania commission. Among those appointed are many distinguished veterans from either side.

Supplementing the patriotic and happy remarks of the gentleman from Virginia [Mr. LAMB], I call attention to the order of Gen. C. Irvine Walker, lieutenant general commanding United Confederate Veterans. I hold in my hand his order, dated at New Orleans, January 20, 1912, in the course of which he says:

> The lieutenant general commanding advises his comrades that they have been offered by the State of Pennsylvania and the Union veterans the hand of peace and amity with such cordiality, fairness, and consideration that they should know it and, he thinks, should accept and grasp it.

He states that he has attended some of the meetings of the Pennsylvania commission—

> and was met by his once enemies so cordially as to disarm prejudice and make him feel that they were honestly desirous of commemorating a peace with which the soothing hand of time has blessed our country.

These are the names of some of the representatives who have been appointed from various ex-Confederate States: Alabama, Capt. Daniel Partridge; Arkansas, Gen. J. F. Smith; Florida, Gen. E. M. Law; Georgia, Gen. Clement A. Evans (since dead); Kentucky, Col. Andrew Cowan; Louisiana, Capt. J. B. Sinnott; Mississippi, Gen. W. A. Montgomery; Missouri, A. G. Petersen; North Carolina, Sergt. John C. Scarborough; South Carolina, Gen. James W. Moore; Tennessee, Hon. Luke E. Wright; Texas, Col. R. M. Aynne; Virginia, Dr. Rawley W. Martin.

I am told that New York has appropriated $287,000. Other States have made or will make suitable appropriations to enable their veterans to attend. Surely the Government of the United States must be willing to do its part in a celebration which is to play such an important part in bringing together the survivors of the blue and the gray in amity and peace and cementing all parts of our common country in bonds of everlasting friendship and union. [Applause.]

The SPEAKER. The gentleman from Pennsylvania [Mr. BURKE] asks unanimous consent to modify the concurrent resolution to the extent of the amendments read. Is there objection?

There was no objection.

The SPEAKER. The question is on suspending the rules and passing the Senate concurrent resolution.

The question was taken; and two-thirds voting in the affirmative, the concurrent resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GAMBLE, Mr. MCCUMBER, and Mr. STONE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 39.

Resolved by the House of Representatives (the Senate concurring), That the concurrent resolution passed August 21, 1911, providing for the printing of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, be amended by adding the following sentence after the last word thereof:

"There shall be included in the same volume, as herein provided for, the proceedings relating to the unveiling of the statue of Baron von Steuben in Berlin, September 2, 1911; and this document shall be compiled and printed under the direction of the Joint Committee on Printing."

EULOGIES.

Mr. CAMPBELL. Mr. Speaker, an order was made some days ago setting apart Sunday, the 14th day of April, for general memorial services on two late Representatives of this House. I want to separate those services, and I ask unanimous consent that the 14th of April be fixed for memorial services for EDWARD H. MADISON, late a Representative from the State of Kansas, and Sunday, April 21, be fixed for the memorial services on the late Representative ALEXANDER C. MITCHELL, of Kansas.

The SPEAKER. The gentleman from Kansas asks unanimous consent to modify the order of the House, to the extent of having Sunday, April 14, set apart for the memorial services on the late Representative MADISON, and Sunday, April 21, for memorial services on the late Representative MITCHELL. Is there objection?

There was no objection.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors in said war.

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 George J. Solly, late of Company I, Sixty-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 Nathan C. Warden, late of Company C, One hundred and 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 William F. Disbrow, late of Company F, One hundred and fifty-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 Patrick H. McBride, late of Company H, Second Regiment Missouri 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 Andrew J. Daniels, late of Company G, Eighteenth Regiment Massachusetts 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 R. Bouldry, late of Company K, Seventh Regiment Massachusetts 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 Edwin H. Beardsley, late of Companies K and E, Seventeenth 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 Andrew Kepler, late of Company G, Second Regiment Kansas 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 Avila Watkins, late of Company G, One hundred and ninth 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 Samuel P. Hoeffer, late of Company I, Seventieth 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 John Harrington, late of Company I, Twenty-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 Emanuel Kresge, late of Company G, Sixty-seventh 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 J. Davisson, late of Company A, Eighty-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 Robert Edmondson, late of Company E, Thirty-seventh 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 Thomas Reid, late of Company D, 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 Charles H. Norred, late of Company I, One hundred and fourteenth Regiment Illinois 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 Daniel W. Getchell, late of Company H, First Regiment Minnesota 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 Abram B. Wilson, late of Company A, Thirty-fifth Regiment Missouri 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 Hector L. Lindsay, late of Company C, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher C. Showalter, late of Company G, Sixty-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 John H. Scott, late of Company C, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and Company H, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William F. Towers, late of Company C, Forty-third 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 William Spaulding, late of Company G, Fifth 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 Harvey W. Davis, late of Company C, Fifty-eighth 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 W. Mackey, late of Company H, Forty-seventh 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 James A. Morris, late of Company H, Second Regiment Missouri 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 Hiram Haskins, late of Company G, First Regiment Ohio 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 Wilson Gardner, late of Company E, First Regiment Ohio 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 Truman Grubb, late of Company H, Twelfth Regiment Ohio 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 Joseph Bremercamp, late of Company C, Eleventh Regiment Indiana 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 George W. Land, late of Company F, Independent Battery Pennsylvania 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 George J. Bailey, late of Company F, Fourth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aaron T. Macklin, late of Company E, Knapp's independent battalion Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Augustus Gilmore, late of Company A, Seventy-seventh 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 John Hinson, late of Company C, Twenty-fifth Regiment Iowa 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 James Coleman, late of Company F, 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 George E. Walker, late of Company F, Twenty-third 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 Albert Woodruff, late of Company I, One hundred and forty-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 James L. Uphold, late of Companies I and B, Second Regiment Potomac Home Brigade, Maryland 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 R. Pearson, late of U. S. S. Ohio, St. Lawrence, and Florida, 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 Jeffries, late of Company D, Thirteenth 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 John Chapman, late of Company A, 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 Jonathan K. Rollins, late of Companies E, D, and H, Eleventh 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 Bridget Mullens, widow of Michael Mullens, late of Company E, Ninth Regiment Connecticut 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 Hugh Crawford, late of Company B, Fourth 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 Jameson R. Hunter, late of Company C, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Gilbert, late of Company F, One hundred and seventy-second Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David A. McClure, late of Company B, First Regiment 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 Louis A. Ranck, late of Company B, One hundred and seventy-second Regiment Pennsylvania Drafted 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 Smith M. Demeree, late of Company G, Sixty-fourth Regiment New York Volunteer Infantry, and Company G, First Regiment 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 George A. Easterley, late of Company K, Eighth Regiment 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 Jacob Dillman, late of Company E, Ninety-ninth 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 Lewis F. Beck, late of Companies C and A, First Regiment Missouri 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 Bernard F. Morrow, late of Company F, Twelfth Regiment West Virginia 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 George W. Dalrymple, late of Company K, Ninety-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 Albert Morseman, late of Company G, Fourth Regiment Michigan 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 Thomas H. Chance, late of Company C, Ninth Regiment, and Company K, Thirtieth Regiment, Indiana 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 William S. Johnson, late of Company A, Eighty-fourth Regiment Ohio Volunteer Infantry, and Company H, Twelfth 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 John Hornbeck, late of Company D, One hundred and fifty-sixth 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 Edward H. Garrison, late of Company F, One hundred and twenty-fourth 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 Samuel N. Weeks, late of Company I, Twelfth Regiment, and Company K, Twenty-seventh 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 H. Wirebaugh, late of Twenty-sixth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Chauncey G. Tripp, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

The name of Thomas Hicks, late landsman U. S. S. General Thomas and Great Western, 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 Bonhome, late of Company B, Fourteenth 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 Richmond White, late of Company E, One hundred and twenty-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 Reuben Sellars, late of Company E, Ninth Regiment Tennessee 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 Edgar H. Cooper, late of Company K, Tenth Regiment Illinois Volunteer Infantry, and Battery D, First Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Watson, late of Company E, Second Regiment Tennessee 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 Mary J. Smith, widow of Daniel Smith, late of Company G, Thirty-first Regiment, and Company G, Seventeenth Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Martin L. Sims, late of Company D, Seventy-ninth 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 James F. Vernon, late of Company F, One hundred and forty-second Regiment Ohio National Guard 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 Gilley, late of Company D, First Regiment Louisiana 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 G. Tally, late of Company A, One hundred and fifteenth 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 P. Metcalfe, late of Company C, One hundred and eighty-fifth Regiment Ohio 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 Samuel McFadden, late of Company B, Thirteenth Regiment Ohio 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 S. Copens, late of Company C, Fifty-fourth Regiment Kentucky 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 Joseph J. Voorheis, late of Company C, Fifty-fourth Regiment Kentucky Mounted 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 E. Deberry, late of Company K, Fifty-second 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 Martha Bean, widow of William H. Bean, late captain of Company A and major of Sixth Regiment Tennessee Mounted 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 Mary L. Wright, widow of Charles B. Wright, late acting assistant engineer United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Royal S. Dunham, late of Company E, Third Regiment Michigan 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 David W. Brandt, late of Company C, Forty-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 Andrew J. Wilson, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Burnett, late of Company E, 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 John Moyers, late of Company E, First Regiment West Virginia 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 W. Reynolds, late of Company G, Twelfth 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 Gilmon A. H. Simmons, late of Company D, Thirty-second Regiment Missouri 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 W. Cummings, late of Company F, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben Venatta, late of Company C, Fifty-second 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 W. McAlister, late of Company G, Third Regiment Colorado 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 John Strauss, late of Company G, Thirty-seventh 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 George Kerns, late of Company H, Fifty Regiment West Virginia 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 Henry Lemmert, late of Company H, Forty-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 David Lynch, late of Company D, Fifth Regiment Ohio 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 Samuel H. Lance, late of Company B, Second Regiment Missouri 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 Jeduthian Weller, late of Company F, Eleventh Regiment Illinois 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 Enos Brown, late of Company D, One hundred and eighteenth 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 William H. Mullen, late of Company F, 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 Jacob Tates, late of Company I, 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 Nicholas Stevens, late of Company M, Ninth 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 Oliver H. Underbyer, late of Company F, First Regiment Wisconsin 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 John F. Spencer, late of Company F, Thirty-seventh 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 George W. Butcher, late of Company D, One hundred and fifty-eighth Regiment, and Company C, One hundredth 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 Jarvis M. Kime, late of Company E, Fourth 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 Cephas H. Grass, late of Company C, 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 John Hogmire, late of Company D, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and Companies M and F, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James W. Jackson, late of Company F, Thirteenth Regiment Missouri 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 Marion Stone, late of Company F, Fifth Regiment Tennessee 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 Gilbert W. Bidwell, late of Company K, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Lynn, late of Company G, First Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Cook, late of Company F, Third Regiment Rhode Island 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 John D. Hamersley, late of Company B, Eighteenth 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 Caroline M. Tilly, widow of Cortland Tilly, late of Company G, Third 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 Thomas W. Stone, late of Companies G and A, Twelfth Regiment Tennessee 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 Peter Diehl, late of Company D, Seventh Regiment, and Company K, First Regiment, Missouri 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 Edwin S. Butts, late of Company G, Twelfth Regiment Michigan 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 V. Saunders, late of Company K, Twenty-eighth 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 Congrave J. Jacks, late of Company A, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank G. Lockwood, late of Company H, Thirteenth 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 Andrew J. Reeves, late of Company I, Twenty-eighth 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 William C. Tilley, late of Company B, Fourth Regiment 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 Levi H. Brown, late of Company D, Twenty-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 Randall Ingram, late of Company F, Thirty-sixth 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 Alonzo Merritt, late of Company C, Tenth and Fifty-eighth Regiments 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 Joseph Richards, late of Company B, Eleventh 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 Ambrose Jones, late assisant surgeon, Fifth Regiment Wisconsin 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 William H. Jones, late of Company C, Eighty-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 Henry V. Leach, late of Company H, Third Regiment 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 Andrew M. Cage, late of Company B, Twenty-first Regiment Kentucky 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 Summerville Burns, late of Company L, Eleventh Regiment Missouri 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 Dixon, late of Company G, One hundred and thirty-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 Mary A. Cougill, widow of Lewis Cougill, late of Company F, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James D. Butler, late of Company B, Ninth and Seventh Regiments 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 Emanuel Hines, late of Company K, Forty-eighth 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 Samuel C. Howe, late of Company A, Ninth 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 James M. Waldeck, late of Company B, Twenty-fifth 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 Mercie A. Brown, widow of Horace W. Brown, late of Companies M and H, First Regiment Massachusetts 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 William L. Pierce, late of Company H, Second 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 James Davison, late of Company F, One hundred and twenty-first 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 H. Bishop, late of Company H, First Regiment, and Company F, Second Regiment, West Virginia 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 William H. Chattle, late of Company A, Eighty-ninth Regiment Illinois Volunteer Infantry, and Company D, First Regiment United States Veteran 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 Harvey N. Connerly, late of Company K, Forty-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. Shrout, late of Company O, Sixth Regiment West Virginia 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 Kelley, late of Company A, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Rollins, late of Company G, First Regiment Connecticut 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 Bernhart Elzenhoefer, late of Company H, Twenty-sixth 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 Michael Fitzpatrick, late of Company E, Thirty-fifth Regiment Iowa 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 Handel P. Fisher, late of Company F, Fourth Regiment Massachusetts 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 William F. Jackson, late of Company F, Fourteenth 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 Winfield S. Creighton, late of Third Battery, Ohio 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 A. Miller, late of Company D, Fifth Regiment Pennsylvania Volunteer Infantry, and first-class fireman, U. S. S. Louisville and Great Western, 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 Christian Keel, late of Company C, Fifteenth 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 Wesley H. Bishop, late of Company D, Second Regiment Florida 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 Henry Carpenter, late of Company F, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marcus L. Barker, late of Company A, Thirteenth 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 Mary F. Cooley, widow of Franklin Cooley, late surgeon, Fourteenth Regiment Missouri Home Guards, and pay her a pension at the rate of $12 per month.

The name of James M. Cartee, late of Company G, Twenty-second Regiment Kentucky 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 Arnold Snyder, late of Company F, Fifty-fourth 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 Peabody, late of Company E, Seventeenth Regiment Michigan 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 Willis Shurter, late of Company A, One hundred and ninth 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 Frank A. Sperry, late of Company F, Twenty-sixth 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 John Augustin, late of Company G, Thirty-fourth Regiment Wisconsin Drafted 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 Benjamin B. Winans, late of Company M, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Francis, late of Company D, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jennie B. Richards, widow of Frank O. Richards, late of Company H, One hundred and fiftieth Regiment, and Company E, One hundred and seventy-seventh 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 F. Latta, late of Company B, First Regiment, and Company A, Twenty-second 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 John M. Campbell, late of Company E, One hundred and seventy-eighth and One hundred and ninety-fifth Regiments 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 Peter A. Burdett, late of Company D, Seventeenth Regiment West Virginia 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 Annie S. Elgin, helpless and dependent child of John Elgin, late of Company H, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of William G. Hovis, late of Company A, Sixth Regiment Pennsylvania 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 Samuel Barnett, late of Company A, Sixty-first Regiment Pennsylvania 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 Caleb E. Frazier, late of Company E, One hundred and fiftieth 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 Alonzo J. McMaster, late fife major Twenty-eighth Regiment Illinois 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 Daniel Seiner, late of Company B, Fifteenth 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 Mathias Eberhardt, late of Company A, Twenty-eighth Regiment New York 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 Reuben J. Johnson, late of Company H, First Regiment Arkansas 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 Nathan T. Albee, late of Company F, Two hundred and tenth Regiment Pennsylvania 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 L. Jones, late of Company C, Twenty-third 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 Henry Q. Graham, late chaplain Fourth 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 Robert Smith, late of Company C, Thirty-second 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 John R. Sitton, late of Company E, Twenty-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 Mary F. Belcher, widow of Lewis W. Belcher, late of Company F, Fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Wyatt Chappell, late of Company F, 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 Annie Florsteadt, helpless and dependent child of Frederick Florsteadt, late of Company L, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Henry Fulton, late of Fourteenth Independent Battery Ohio 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 Joseph N. Thurber, late of Company H, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John L. Parker, late of Company B, Eleventh Regiment Michigan 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 James T. Stillman, late of Company A, Eleventh Regiment Michigan 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 Simon Beal, late of Company K, Sixteenth 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 Nelson A. Kingsley, late of Company G, One hundred and fifty-fourth 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 Albert Spicer, late of Company H, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Buel Wolcott, late of Company H, Fifty-ninth 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 Charles Oswald, late of Company F, Fifth Regiment, and Company C, Fiftieth 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 Anthony M. Carson, late of Eighth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Richard Monahan, late of Company G, Sixteenth Regiment Massachusetts 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 W. Smith, late of Company B, Eighteenth Regiment Ohio Volunteer Infantry, and Company L, First Ohio 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 Dudley W. Dye, late of Companies H and D, Seventy-seventh 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 Peter A. Gipp, late of Company E, Eighty-seventh Regiment Pennsylvania 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 Allen Fornwald, late of First Battalion, 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 Charles Stuart, late of Company A, Ninetieth Regiment Illinois 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 Thomas J. Boord, late of Company F, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Ephraim V. Nye, late of Company B, Fourth Regiment Ohio 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 Charles W. Jones, late of Company G, Seventeenth Regiment Vermont 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 James Daly, late of Companies H and D, First Regiment New York Volunteer Infantry, and One hundred and eighty-seventh Company, First 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 Susan C. Carey, widow of Jason P. Carey, late of Company K, Seventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John E. Goewey, late of Company E, Fiftieth 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 James R. Constant, late of Company I, Nineteenth Regiment Kentucky 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 Daniel Russman, late of Company D, Forty-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 Elizabeth Isaacs, widow of Joseph Isaacs, late of Company D, One hundred and forty-third Regiment Indiana 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 Jotham Emery, late of Company K, Eighth 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 Clarence S. Gray, late of Company B, Seventeenth Regiment, New Hampshire Volunteer Infantry, and Company A, First Regiment New Hampshire 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 Ransom Coburn, late of Company H, 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 Rachel Gaun, widow of Robert Gaun, late of Company I, First Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The name of Elizabeth Bailey, widow of William Bailey, late of Company B, Eighth Regiment Illinois 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 Margaret A. G. Macnamara, widow of Daniel G. Macnamara, late first lieutenant and regimental quartermaster Ninth 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. B. Turk, late of Company D, Seventh Regiment Tennessee Mounted 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. Wakefield, late of Company E, First Regiment Tennessee Mounted 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 Sarah J. Bird, widow of Mark L. Bird, late of Company E, Forty-sixth Regiment, and Company I, Fourteenth Regiment, Missouri 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 Uriah S. Allison, late of Company B, First Regiment 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 Annis Lavera Hastings, helpless and dependent child of John W. Hastings, late of Company B, Fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lloyd G. Palmer, late of Company K, Fifth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $15 per month.

The name of John E. Tyler, late of Company F, Forty-fifth Regiment Pennsylvania 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 Eleanor M. Chapron, widow of Joseph F. Chapron, late of Company A, Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Frederick Ahlvers, late of Company I, Twenty-second Regiment Illinois 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 George W. Salisbury, late of Company K, One hundred and eleventh 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 Henry W. Northrop, late of Company C, 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 Mary E. McRill, widow of Newton McRill, late of Company E, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $36 per month in lieu of that she is now receiving.

The name of Ann Galligan, widow of William J. Galligan, alias Gallagher, late of Company B, Twenty-seventh Regiment Connecticut 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 Mary L. Myers, widow of John Myers, late seaman, U. S. S. Grand Gulf, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sidney Walter, late of Company F, Fifth Regiment, and Company L, Tenth Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George H. Kimmel, late of Company C, Twenty-fifth Regiment Michigan 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 Honora Chandler, widow of Henry Chandler, late of Company G, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Plummer Curry, late of Company K, Fifty-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 Alden Powers, late of Company F, Twenty-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 Matilda A. Gage, widow of Theodoic Gage, late of Company D, One hundred and eighth Regiment New York 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 Christopher Colgate, late of Company F, Fourth Regiment Indiana 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 James W. Mollett, late of Company G, 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 Horatio H. Waldo, late of Company E, Fifth Regiment Iowa 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 William S. Butler, late of Company B, First Regiment Illinois Volunteer Cavalry, and Company F, One hundred and twentieth 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 Teresa C. Cooper, widow of Alfred M. Cooper, late of Company I, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lafayette W. Lindley, late of Company C, Sixteenth Regiment, and Company A, Seventeenth 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 Eli B. Hicks, late of Company K, First Regiment Vermont 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 Asaph S. Light, late of Company E, One hundred and twenty-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 Artimes W. Kinnear, late of Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry M. Davis, late of Company H, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Kate E. Smith, widow of Corydon W. Smith, late of Company G, Sixty-ninth Regiment Indiana 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 Benjamin F. Henderson, late of Company C, Third Regiment North Carolina Mounted 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 Alanson H. Williams, late of Fifteenth Independent Battery, Ohio 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 Townsend, late of Company F, Eleventh Regiment Michigan 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 W. Broderick, late of Company C, Second Regiment Indiana 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 Benjamin F. Ross, late of Company E, Forty-sixth 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 Matilda Graves, widow of Amherst F. Graves, late of Company B, Squadron, Illinois 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 Melancthon W. Gavin, late of Company G, Fourth Regiment, and Company K, Thirteenth Regiment, Missouri 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 Eli C. Morris, late of Company B, Sixth 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 Joseph Rue, late of Company A, Twenty-eighth Regiment New Jersey 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 John H. Styles, late of Company A, Eighty-fourth Regiment New York Volunteer Infantry, and major Fifty-sixth Regiment New York State Militia 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 A. Renner, late of Company K, One hundred and seventy-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 Julia E. Kenyon, widow of Earle B. Kenyon, late of Company I, Fifteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of at she is now receiving.

The name of Obediah Cales, late of Company H, Third Regiment West Virginia 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 Edward T. Parker, late of Companies F and B, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milon G. Cook, late of Companies H and A, Sixty-second Regiment Illinois 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 Samuel Jackson, late of Company H, Fourth Regiment United States Colored 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 Catherine Epperson, former widow of Joseph Aspinwall, late of Company I, Thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of James W. Laughlin, late of Company I, Thirty-seventh 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 S. McCracken, late of Company G, 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 Brinkley Trout, late of Company F, One hundred and twenty-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 John W. Snively, alias William Princeton, late of Company H, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles H. Robinson, late of Company A, Thirty-sixth Regiment Massachusetts 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 James, late of Company G, Twenty-first Regiment Missouri 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 F. Andres, late of Company B, Thirty-ninth 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 Margaret C. Freeman, widow of John M. Freeman, late of Company H, Fifth Regiment Kentucky 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 Edward Cook, late of Company I, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William J. K. Bowen, late of Third Independent Battery, Wisconsin 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 Henry W. Unger, late of Company D, Thirty-fifth 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 Jonathan Turner, late of Company H, Forty-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 James M. Beatty, late of Company A, Seventh Regiment Kentucky 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 Warren Cowing, late of Company E, Thirteenth Regiment Wisconsin 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 Fannie E. Grayson, widow of William K. Grayson, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Reuben Clark, late of Company I, Forty-fifth 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 Elizabeth Cochran, widow of William Cochran, late of Company E, Ninety-seventh 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 Henry Hughes, late seaman U. S. S. North Carolina, Niagara, and Anacostia, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rufus L. Robinson, late of Company D, One hundred and twenty-first Regiment New York 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 Erwin J. Anderson, late of Company E, Eighty-first Regiment Illinois 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 Elizabeth Sword, widow of William Sword, late of Company K, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Harvey Bartholomew, late of Company I, Second Regiment Minnesota 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 Charles W. Gray, late of Company C, Fifty-fourth Regiment Indiana Volunteer Infantry, and Company D, Tenth Regiment Indiana 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 McCager S. Gee, late of Company H, Twenty-second Regiment, and Company L, Seventh Regiment, Kentucky Volunteer Infantry, and pay him a pension of $36 per month in lieu of that he is now receiving.

The name of Arthur W. Brittingham, 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 John Burton, late of Company E, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Webb, late of Company A, 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 Andrew Brink, late of Company F, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Wagner, late of Company I, Thirty-fourth 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 Charlotte Judd, widow of William D. Judd, late of Company D, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Egbert F. Scott, late of Company K, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George A. Stewart, late of Companies H and G, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to said committee:

H. R. 79. George J. Solly.
H. R. 103. Nathan C. Warden.
H. R. 163. William F. Disbrow.
H. R. 484. Patrick H. McBride.
H. R. 637. Andrew J. Daniels.
H. R. 638. John R. Bouldry.
H. R. 660. Edwin H. Beardsley.
H. R. 1774. Andrew Kepler.
H. R. 1960. Avila Watkins.
H. R. 1983. Samuel P. Hoeffer.
H. R. 2162. John Harrington.
H. R. 2365. Emanuel Kresge.
H. R. 2616. William J. Davisson.
H. R. 2628 Robert Edmondson.
H. R. 2645. Thomas Reid.
H. R. 2685. Charles H. Norred.
H. R. 2709. Daniel W. Getchell.
H. R. 3032. Abram B. Wilson.
H. R. 3293. Hector L. Lindsay.
H. R. 3318. Christopher C. Showalter.
H. R. 3321. John H. Scott.
H. R. 3523. William F. Towers.
H. R. 3547. William Spaulding.
H. R. 3636. Harvey W. Davis.
H. R. 3646. James W. Mackey.
H. R. 3845. James A. Morris.
H. R. 3871. Hiram Haskins.
H. R. 3890. Wilson Gardner.
H. R. 3906. Truman Grubb.
H. R. 4052. Joseph Bremercamp.
H. R. 4068. George W. Land.
H. R. 4107. George J. Bailey.
H. R. 4128. Aaron T. Macklin.
H. R. 4130. Augustus Gilmore.
H. R. 4198. John Hinson.
H. R. 4207. James Coleman.
H. R. 4292. George E. Walker.
H. R. 4607. Albert Woodruff.
H. R. 4765. James L. Uphold.
H. R. 4788. George R. Pearson.
H. R. 4807. John Jeffries.
H. R. 4809. John Chapman.
H. R. 4915. Jonathan K. Rollins.
H. R. 4931. Bridget Mullens.
H. R. 5242. Hugh Crawford.
H. R. 5264. Jameson R. Hunter.
H. R. 5381. William Gilbert.
H. R. 5396. David A. McClure.
H. R. 5404. Louis A. Ranck.
H. R. 5582. Smith M. Demeree.
H. R. 5678. George A. Easterley.
H. R. 5801. Jacob Dillman.
H. R. 6052. Lewis F. Beck.
H. R. 6172. Bernard F. Morrow.
H. R. 6231. George W. Dalrymple.
H. R. 6288. Albert Morseman.
H. R. 6342. Thomas H. Chance.
H. R. 6411. William S. Johnson.
H. R. 6413. John Hornbeck.
H. R. 6414. Edward H. Garrison.
H. R. 6438. Samuel N. Weeks.
H. R. 6559. George H Wirebaugh.
H. R. 6711. Chauncey G. Tripp.
H. R. 6831. Thomas Hicks.
H. R. 6869. John Bonnome.
H. R. 6898. Richmond White.
H. R. 6957. Reuben Sellars.
H. R. 6968. Edgar H. Cooper.
H. R. 6969. Henry Watson.
H. R. 7023. Mary J. Smith.
H. R. 7110. Martin L. Sims.
H. R. 7146. James F. Vernon.
H. R. 7170. John Gilley.
H. R. 7188. John G. Tally.
H. R. 7197. William P. Metcalfe.
H. R. 7212. Samuel McFadden.
H. R. 7399. John S. Copens.
H. R. 7400. Joseph J. Voorheis.
H. R. 7425. Henry E. Deberry.
H. R. 7449. Martha Bean.
H. R. 7452. Mary L. Wright.
H. R. 7581. Royal S. Dunham.
H. R. 7725. David W. Brandt.
H. R. 7776. Andrew J. Wilson.
H. R. 8029. William Burnett.
H. R. 8105. John Moyers.
H. R. 8456. John W. Reynolds.
H. R. 8463. Gilmon A. H. Simmons.
H. R. 8523. John W. Cummings.
H. R. 8578. Reuben Venatta.
H. R. 8748. William W. McAlister.
H. R. 8754. John Strauss.
H. R. 8758. George Kerns.
H. R. 9175. Henry Lemmert.
H. R. 9176. David Lynch.
H. R. 9185. Samuel H. Lance.
H. R. 9188. Jeduthian Weller.
H. R. 9336. Enos Brown.
H. R. 9366. William H. Mullen.
H. R. 9369. Jacob Tates.
H. R. 9371. Nicholas Stevens.
H. R. 9406. Oliver H. Underbyer.
H. R. 9574. John F. Spencer.
H. R. 9578. George W. Butcher.
H. R. 9597. Jarvis M. Kime.
H. R. 9614. Cephas H. Grass.
H. R. 9615. John Hogmire.
H. R. 9623. James W. Jackson.
H. R. 9627. Marion Stone.
H. R. 9629. Gilbert W. Bidwell.
H. R. 9648. Michael Lynn.
H. R. 9754. James M. Cook.
H. R. 9788. John D. Hamersley.
H. R. 9797. Caroline M. Tilly.
H. R. 10148. Thomas W. Stone.
H. R. 10229. Peter Diehl.
H. R. 10439. Edwin S. Butts.
H. R. 10478. Martin V. Saunders.
H. R. 10526. Congrave J. Jacks.
H. R. 10753. Frank G. Lockwood.
H. R. 10754. Andrew J. Reeves.
H. R. 11138. William C. Tilley.
H. R. 11215. Levi H. Brown.
H. R. 11264. Randall Ingram.
H. R. 11451. Alonzo Merritt.
H. R. 11606. Joseph Richards.
H. R. 11630. Ambrose Jones.
H. R. 11699. William H. Jones.
H. R. 11893. Henry V. Leach.
H. R. 11899. Andrew M. Cage.
H. R. 11900. Summerville Burns.
H. R. 11983. John Dixon.
H. R. 12009. Mary A. Cougill.
H. R. 12065. James D. Butler.
H. R. 12122. Emanuel Hines.
H. R. 12129. Samuel C. Howe.
H. R. 12261. James M. Waldeck.
H. R. 12310. Mercie A. Brown.
H. R. 12341. William L. Pierce.
H. R. 12355. James Davison.
H. R. 12377. William H. Bishop.
H. R. 12437. William H. Chattle.
H. R. 12617. Harvey N. Connerly.
H. R. 12634. James W. Shrout.
H. R. 12642. William Kelley.
H. R. 12683. Benjamin F. Rollins.
H. R. 12685. Bernhart Elzenhoefer.
H. R. 12974. Michael Fitzpatrick.
H. R. 12999. Handel P. Fisher.
H. R. 13018. William F. Jackson.
H. R. 13061. Winfield S. Creighton.
H. R. 13110. William A. Miller.
H. R. 13285. Christian Keel.
H. R. 13408. Wesley H. Bishop.
H. R. 13551. Henry Carpenter.
H. R. 13691. Marcus L. Barker.
H. R. 13716. Mary F. Cooley.
H. R. 13752. James M. Cartee.
H. R. 13757. Arnold Snyder.
H. R. 13824. William Peabody.
H. R. 13831. Willis Shurter.
H. R. 13864. Frank A. Sperry.
H. R. 13917. John Augustin.
H. R. 14139. Benjamin B. Winans.
H. R. 14146. Joseph Francis.
H. R. 14162. Jennie B. Richards.
H. R. 14265. Joseph F. Latta.
H. R. 14278. John M. Campbell.
H. R. 14280. Peter A. Burdett.
H. R. 14336. Annie S. Elgin.
H. R. 14342. William G. Hovis.
H. R. 14344. Samuel Barnett.
H. R. 14407. Caleb E. Frazier.
H. R. 14445. Alonzo J. McMaster.
H. R. 14473. Daniel Leimer.
H. R. 14474. Mathias Eberhardt.
H. R. 14524. Reuben J. Johnson.
H. R. 14611. Nathan T. Albee.
H. R. 14787. Charles L. Jones.
H. R. 14790. Henry Q. Graham.
H. R. 14917. Robert Smith.
H. R. 14980. John R. Sitton.
H. R. 15019. Mary F. Belcher.
H. R. 15038. Wyatt Chappell.
H. R. 15049. Annie Florsteadt.
H. R. 15061. Henry Fulton.
H. R. 15111. Joseph N. Thurber.
H. R. 15167. John L. Parker.
H. R. 15170. James T. Stillman.
H. R. 15176. Simon Beal.
H. R. 15316. Nelson A. Kingsley.
H. R. 15389. Albert Spicer.
H. R. 15393. Buel Wolcott.
H. R. 15413. Charles Oswald.
H. R. 15424. Anthony M. Carson.
H. R. 15448. Richard Monahan.
H. R. 15474. John W. Smith.
H. R. 15477. Dudley W. Dye.
H. R. 15527. Peter A. Gipp.
H. R. 15551. Allen Fornwald.
H. R. 15587. Charles Stuart.
H. R. 15663. Thomas J. Boord.
H. R. 15714. Ephraim V. Nye.
H. R. 15835. Charles W. Jones.
H. R. 15893. James Daly.
H. R. 15934. Susan C. Carey.
H. R. 15978. John E. Goewey.
H. R. 16157. James R. Constant.
H. R. 16159. Daniel Russman.
H. R. 16170. Elizabeth Isaacs.
H. R. 16273. Jotham Emery.
H. R. 16274. Clarence S. Gray.
H. R. 16275. Ransom Coburn.
H. R. 16339. Rachel Gaun.
H. R. 16382. Elizabeth Bailey.
H. R. 16441. Margaret A. G. Macnamara.
H. R. 16579. James W. B. Turk.
H. R. 16706. Isaac N. Wakefield.
H. R. 16719. Sarah J. Bird.
H. R. 16867. Uriah S. Allison.
H. R. 16914. Annis Lavera Hastins.
H. R. 16916. Lloyd G. Palmer.
H. R. 16928. John E. Tyler.
H. R. 17006. Eleanor M. Chapron.
H. R. 17163. Frederick Ahlvers.
H. R. 17302. Henry W. Northrop.
H. R. 17317. Mary E. McRill.
H. R. 17395. George W. Salisbury.
H. R. 17421. Ann Galligan.
H. R. 17422. Mary L. Myers.
H. R. 17444. Sidney Walter.
H. R. 17517. George H. Kimmel.
H. R. 17663. Honora Chandler.
H. R. 17691. Plummer Curry.
H. R. 17707. Alden Powers.
H. R. 17819. Matilda A. Gage.

H. R. 17888. Christopher Colgate.
H. R. 17959. James W. Mollett.
H. R. 18119. Horatio H. Waldo.
H. R. 18210. William S. Butler.
H. R. 18307. Teresa C. Cooper.
H. R. 18308. Lafayette W. Lindley.
H. R. 18545. Eli B. Hicks.
H. R. 18556. Asaph S. Light.
H. R. 18568. Artimes W. Kinnear.
H. R. 18579. Henry M. Davis.
H. R. 18604. Kate E. Smith.
H. R. 18619. Benjamin F. Henderson.
H. R. 18686. Alanson H. Williams.
H. R. 18836. Charles Townsend.
H. R. 18863. James W. Broderick.
H. R. 18944. Benjamin F. Ross.
H. R. 18998. Matilda Graves.
H. R. 19024. Melancthon W. Gavin.
H. R. 19055. Eli C. Morris.
H. R. 19200. Joseph Rue.
H. R. 19243. John H. Styles.
H. R. 19303. Charles A. Renner.
H. R. 19384. Julia E. Kenyon.
H. R. 19442. Obediah Cales.
H. R. 19497. Edward T. Parker.
H. R. 19500. Milon G. Cook.
H. R. 19533. Samuel Jackson.
H. R. 19562. Catherine Epperson.
H. R. 19691. James W. Laughlin.
H. R. 19767. William S. McCracken.
H. R. 19782. Brinkley Trout.
H. R. 19832. John W. Snively, alias William Princeton.
H. R. 19895. Charles H. Robinson.
H. R. 20058. John James.
H. R. 20064. George F. Andres.
H. R. 20083. Margaret C. Freeman.
H. R. 20123. Edward Cook.
H. R. 20138. William J. K. Bowen.
H. R. 20177. Henry W. Unger.
H. R. 20323. Jonathan Turner.
H. R. 20394. James M. Beatty.
H. R. 20415. Warren Cowing.
H. R. 20432. Fannie E. Grayson.
H. R. 20472. Reuben Clark.
H. R. 20560. Elizabeth Cochran.
H. R. 20662. Henry Hughes.
H. R. 20674. Rufus L. Robinson.
H. R. 20718. Erwin J. Anderson.
H. R. 20779. Elzabeth Sword.
H. R. 20783. Harvey Bartholomew.
H. R. 20916. Charles W. Gray.
H. R. 20935. McGager S. Gee.
H. R. 21091. Arthur W. Brittingham.
H. R. 21188. John Burton.
H. R. 21197. James Webb.
H. R. 21246. Andrew Brink.
H. R. 21379. George Wagner.
H. R. 21387. Charlotte Judd.
H. R. 21581. Egbert F. Scott.
H. R. 21697. George A. Stewart.

The SPEAKER pro tempore (Mr. RAINEY). Is a second demanded?

Mr. TRIBBLE. I demand a second.

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri has 20 minutes and the gentleman from Georgia is entitled to 20 minutes.

Mr. RUSSELL. Mr. Speaker, I will detain the House but a moment. This is the regular omnibus private-pension bill reported to the House by the Invalid Pensions Committee. It has in it 296 different pensions. The total amount carried by the bill is $102,168, about one-half of which represents an increase from the pensions now being paid to these people.

I desire to state that your committee has in this case, as in all others, diligently undertaken to examine the proofs filed in each case. We do not claim to be perfect; we may sometimes make mistakes; but we have endeavored in this bill, as in all others, not to recommend an increase of pension unless it is meritorious, and that means that the claimant must be not only helpless and unable to make a living for himself or herself, but is destitute in property, with no income of any consequence outside of the pension that is being paid by the Government. We believe that this bill represents meritorious cases, and we ask that it be passed. I reserve the balance of my time.

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

Mr. RUSSELL. Certainly.

Mr. BARTLETT. The usual way of passing bills is on Friday, a day specially set apart for the purpose?

Mr. RUSSELL. That is right.

Mr. BARTLETT. Is it the purpose of the gentleman and his committee to continue to move to suspend the rules and pass these bills?

Mr. RUSSELL. Unless we believe that we can avoid a filibuster, which we had on two different days, by which two entire days were completely lost and a part of the following days. If we can feel assured that there will be no filibuster conducted against the bills we will again take them up in the way we formerly did on Fridays.

Mr. BARTLETT. The gentleman calls what has been done heretofore a "filibuster" against the bills.

Mr. RUSSELL. It was all in the nature of delay; it was calling for a quorum, reading the engrossed bill, and it was recognized by the House as a filibuster. I am criticizing nobody; but it took a day to pass a bill that we usually pass in 30 minutes or an hour, and to save time we adopted this method.

Mr. BARTLETT. Since I have been in Congress, and beginning with 17 years ago, they used to consider pension bills at night.

Mr. RUSSELL. Well, I would have no objection to that; but if they should call for a quorum, the gentleman knows how difficult it would be to get a quorum here at night.

Mr. BARTLETT. I have attended these meetings many times, and while sometimes a quorum was called for and it was difficult to get, still they passed many pension bills at night sessions. If the Committee on Pensions is to pursue this course as a permanent thing, if it proposes to take up the time devoted to suspension of the rules with these private pension bills, when there has been set aside by the rules of the House certain days upon which they have the preference, then the Committee on Rules ought to take that into consideration and put something else in on Friday to take its place.

Mr. RUSSELL. They will go right on with other business; they did last Friday after we passed a bill under the suspension of the rules. We took none of the time on the regular pension day.

Mr. BARTLETT. Because you did not have any bill ready.

Mr. RUSSELL. That was the object of this change in the plan of passing these bills. I think I betray no secret when I say that the leaders of the House, the leader of the majority, and the leader of the minority, both suggested this way as the proper one to save time.

Mr. BARTLETT. The gentleman can move to suspend the rules and pass these bills and then on Friday, if they have other bills ready, can pass them under the rules.

Mr. RUSSELL. We would not ask it.

Mr. BARTLETT. But you can do it under the rules of the House.

Mr. RUSSELL. I suppose we could do it, but it would be betraying the confidence or not acting in good faith with those whom we told that if they would pass the bills in this way we would not ask for any time on Friday.

Mr. BARTLETT. The gentleman says "those whom we told." Is the gentleman's committee acting under some understanding or agreement with some one as to passing these bills under suspension of the rules?

Mr. RUSSELL. It was suggested to us both by the majority and minority leaders that for the purpose of saving time we had better pass them in this way. We would be glad to go back to the old way if we can be assured that there will be no filibuster.

Mr. TRIBBLE. Mr. Speaker, I do not desire to occupy all the time the committee granted me to control in opposition to the bill, and I shall only take a part of it and yield five minutes to Mr. THOMAS, who desires to speak. The gentleman from Missouri refers to a filibuster inaugurated by the gentleman from Georgia. I have no apologies to make for the part we have played in the pension legislation. I take the position, Mr. Speaker, that the time has come in this country when pension legislation should receive a jolt. Something more than appearance on the floor of the House and making a few remarks in opposition seems to be necessary to check pension legislation. The filibuster, as you call our fight, or something else, has aroused the whole country, and opposition to increased pension legislation is by no means confined to the South; it comes from all sections of the country.

Mr. Speaker, as to what effect the filibuster has had on the House: You see a vast improvement in amounts to individuals; you see no more amendments increasing on the floor of the House; the record votes show a growing opposition. This legislative agitation has brought about all over this country consideration of pension legislation. The Senate has been contesting increased pensions for several days; in fact, there has never in the history of this country been such a fight on pension legislation as has been made in the Senate and House in the last few weeks, and the press all over the country has been commenting upon what the gentleman from Missouri calls a filibuster, and the gentlemen clamoring for more pensions have no doubt noted that the methods adopted to rush these bills through have not met with favor in the press.

Mr. Speaker, this question is not a one-sided question in the minds of the people of this country. I have been reading the press and I note the outspoken opposition from many of the leading papers and magazines. They do not hesitate to cry out against the increase of pensions and against pension graft in special pension legislation. I read from the New York Times, which is one of the best papers in the country, calling attention to one or two statements made in that paper to show that the sentiment of the country is not as one sided as the Members of this House seem to think:

> The Sherwood pension bill, which would add $75,000,000 to the present staggering burdens of payments to real and spurious old soldiers and their families, has passed the House, but the Senate has drawn a bill of its own providing for an expenditure of some $25,000,000.
>
> The Sherwood bill would pension noncombatants, men who never smelled gunpowder or saw real service.
>
> This great omnibus bill is superposed upon a host of minor private pension "grabs," like the 250 railroaded through the House a week ago under a suspension of the rules, with but 20 minutes allowed for protest.

The editorial concludes with the following statement:

The question was taken, and there were—yeas 193, nays 34, answered "present" 14, not voting 152. The 14 answering "present" and the 152 recorded as not voting were ashamed, or some of them at least, to take part in this indecent procedure.

This editorial winds up by calling this procedure an indecent procedure. I do not join in this last statement. I do say, as I said in the beginning, it is an unfair procedure to the soldiers who were in actual service on the battle field and who do not belong to this favored class. It is an unfair procedure to the taxpayers of this country.

As long as the tariff bore the expense of the pension legislation, as long as the people had to pay pensions out of sugar and out of clothing and out of blankets and life necessities in common use by the poor people and the rich manufacturers were protected by tariff, the wealthy did not feel the burdens of taxes; there was little said about it; but, gentlemen, let me warn you to-day that whenever you undertake to touch the pockets of the rich with the excise tax and the income tax, if you do not change your policy in this House to reasonable and just pension laws, many men who stand here to-day advocating pension legislation will be driven out of this House by the influence of the rich of the country, because when you touch their pockets they are going to expose this pension-graft business. I put you on notice. They will have the money and many of the papers to expose it and build up sentiment against this method of legislation. When the powers that be see that they have to go down into their pockets and pay these pensions, they will not stand for it. Instead of the tariff and the poor people carrying this burden, they will have to carry it; and they are going to squeal, and they are going to squeal loud.

Mr. Speaker, we have been fair in our arguments on the floor of this House. I have been importuned by Members time and again to be personal in my remarks, and I know that my colleague, Mr. RODDENBERY, has. We have been importuned to censure certain Members for partiality in carrying in these bills such as would help them personally and not providing liberally for other Members. We have not come upon the floor of this House and censured any man or made any such charge. Men who want to make such charges must make them themselves. I propose, and I know my colleague who has been fighting with me proposes, to fight this pension graft on a higher plane.

I want to congratulate the committee and to make this statement. At first I could not get the bills, but now the committee lets them out a week in advance. I have studied the cases which are embodied in this bill which is now before the House. I must say that the bill they bring in to-day contains a great many more just claims and fewer unjust claims than the first bill that came in here, and I want to congratulate the committee upon that fact. The whole system of special pension legislation by omnibus bills is wrong. In this bill there are not so many cases that I could seriously criticize along the line that I have criticized them heretofore. In the little time that I have in which to discuss this bill I want to discuss it with gentlemen just as though we were in a committee room, and I hope they will read the cases to which I call attention as I discuss them, and possibly the committee will reach the point where they will feel like striking out such as they overlooked and manifestly should be stricken.

I call especial attention to a case on page 114 of the report. I hope every gentleman has a copy of the report before him. I have been censured on the floor of this House and charged with being unfair in trying to create a wrong impression of what was in the report. I have never stood on the floor of this House but what I have called attention to the page, and have asked gentlemen to read it with me. Is there anything unfair in that?

In this case the applicant is a woman. She filed an application for a pension under a certain act, which application was rejected. It was rejected upon the ground that the soldier was dishonorably discharged. This soldier, Mr. Speaker, was court-martialed, as the record here shows. He was condemned to imprisonment for six months and all of his pay was forfeited. While this man was serving his term in prison an honorable discharge was issued for him, so it is now claimed. In the name of common sense and reason, how can you come in here, in the face of this decision, and pass this case, when there are so many worthy pensioners at home, aged, suffering, and in want, whom you ought to provide special pensions, if you are determined to open the Treasury to special cases? Here you pension a man who was tried, court-martialed, and sentenced to six months' imprisonment.

H. R. 20432. Fannie E. Grayson, aged 58 years, is the widow of William K. Grayson, who served as a private in Company H, Sixth Regiment West Virginia Volunteer Infantry, from December 7, 1861, to June 10, 1865 (3 years 6 months).

The soldier was pensioned at $24 per month, under general law, for disease of eyes. He died on October 11, 1903. He was married to the applicant on December 6, 1874.

The applicant filed an application in the Pension Office under the act of June 27, 1890, which was rejected November 30, 1904, on the ground that soldier was dishonorably discharged from the service, and that said act did not confer any title.

This case presents a number of unusual features. After serving three years and two months, the soldier was placed in arrest for "absence without leave and conduct prejudicial to good order and military discipline" on February 13, 1865. A court-martial found him guilty and imposed a sentence of a forfeiture of all pay and allowances due, or to become due during confinement of six months. The records of Wheeling (W. Va.) military prison, where soldier was confined, show that he escaped therefrom on June 1, 1865. On April 14, 1866, the chief mustering officer of West Virginia furnished a discharge certificate to the soldier, to take effect June 10, 1865, the date of muster out of the company.

It is apparent that an error was made in placing the date of the so-called "escape" as June 1, 1865, inasmuch as there is on file (as shown by a report from the War Department) a letter written by the soldier while in prison which bears date of June 14, 1865.

It will be said, of course, that he got an honorable discharge, but that can not stand investigation. He might have got this discharge along with a list of a thousand or five thousand names by mistake, but there can be no mistake as to the fact that he was serving a sentence in jail or somewhere else, court-martialed, discharged dishonorably, and convicted. Is it fair to call the country's attention to that? I think it is. How can anybody criticize me for doing that?

I call attention now to a case which appears on page 14. It is similar to the one which the gentleman from Texas [Mr. CALLAWAY] criticized. The man is drawing a pension, and it is proposed to increase his pension from $12 to $24 a month. He was but 14 years old when he enlisted. Anybody knows that when he enlisted he was a mere boy. As a matter of fact he could not legally join the Army. The committee can not put him on here legally, because the rules specifically provided at that time that no one could enter the Army under 17 years of age. He was 14. Is it fair? What service did he perform? I think the gentlemen on the committee ought to have the fairness to come on the floor of this House and strike out cases of that kind and place instead real soldiers who bore the burdens of war.

I now call attention to a case appearing on page 104 of the report. Time will not permit to lay especial stress upon this case and like cases. This is a case where the pension of a woman is proposed to be increased, and the evidence before the committee shows that she had $2,500 worth of property. I pass that without further notice.

On page 100 there is another case that ought to be stricken from this bill. Here are the facts in that case. The soldier under the general law applied for a pension at a certain time and failed to get his pension. The applicant in this case is a woman. She filed her claim in 1891. That claim was rejected at a certain time on the ground of her inability to furnish proof satisfactory of the soldier's death, or even the presumption of his death. Besides he had no pensionable right, and therefore she has none. Yet the committee has placed that woman's name in this report. The soldier and the applicant were married December 24, 1872, and lived together until about 1883 or 1884. They then separated. He afterwards tried to live with her, but she absolutely refused to live with him on account of his drunkenness. The facts presented to us are very meager, and you can not gather sufficient evidence upon which to base any judgment, but you do know there is no evidence that she is a widow. I do think that the committee ought to walk in here and have the generosity to say that these cases ought to go out of the bill. No evidence or even presumption that this man is dead, and yet she is to get a widow's pension, when he could not draw pension while in life. She ought not to be pensioned for deserting an old soldier.

Now, I call your attention to the last case in the book, and with that I am done. The soldier died on February 2, 1865. The claimant was pensioned under the general law until the date of her remarriage with Mr. Thomas in October, 1877, by a marriage contract in writing, and which marriage contract was annulled on June 29, 1910. On February 27, 1898, the claimant applied to the Pension Bureau for a renewal of pension on the ground that her marriage to Thomas was null and void from the beginning inasmuch as he had a wife living and undivorced. Now, here is a case where it absolutely shows the woman applied for renewal of pension in 1898, claiming that she was not married—null-and-void marriage—and because it was a void marriage she wanted a pension. Did she want to give up that husband? She did not get that divorce in more than 10 years after her discovery of another wife. Singular

coincidence. Such a case the Pension Bureau would not accept. The bureau investigated and no doubt got the facts.

Mr. BARNHART. Will the gentleman yield? The gentleman does not pretend to say this woman does not think that she is married to the man, because the report shows she was married to him and afterwards discovered the marriage was null and void.

Mr. TRIBBLE. She waited 10 years. I do not know whether she was living with him all that time or not. She was drawing pension when she married. She wanted that pension again in 1898, but "No," said the bureau. Ten years later—divorce—pension.

Mr. BARNHART. That is a mere presumption that the woman lived with the man 10 years after she found he was married to another woman.

Mr. TRIBBLE. I did not say she did, but I inquire why did she wait 10 years to apply to get the pension. Why did not she apply for a divorce when she first knew of this other wife in 1898, and then go and get the pension? I express no opinion as to where she lived or with whom she lived during the interval between 1898 and 1910, but I do say this does not look like a just claim to me. I will insert the case in the RECORD, so that all who read the RECORD may see and judge if it is a worthy claim for tax-burdened people to pay:

H. R. 21387. Charlotte Judd, aged 78 years, is the widow of William D. Judd, who served as a corporal in Company D, Eighth Regiment Kansas Volunteer Infantry, from October 7, 1861, to October 7, 1864 (36 months). Claimant's address is 3420 Eads Avenue, St. Louis, Mo. She was married to the soldier on April 15, 1852. The soldier died on February 2, 1865. The claimant was pensioned under the general law until the date of her remarriage, to A. B. Thomas, on October 6, 1877, by a marriage contract in writing, and such marriage contract was annulled, on June 29, 1910, by the circuit court of the city of St. Louis, Mo., and this claimant was restored to the name of Judd by decree of said court.

On February 27, 1898, the claimant applied to Pension Bureau for a renewal of pension, on the ground that her marriage to Thomas was null and void ab initio, inasmuch as he had a wife living and undivorced. The Pension Bureau rejected such claim on the ground that the marriage was legal and that the applicant was the legal wife of Thomas. An appeal against such rejection was made, annulment proceedings above referred to were instituted, copies of all testimony and the decree were furnished the Pension Bureau, but the action of rejection was adhered to.

I yield five minutes to Mr. THOMAS.

Mr. THOMAS. Mr. Speaker, I do not agree with my brother TRIBBLE in scarcely anything that he has said. [Laughter.] So far as I am individually concerned, I believe in pensions. I do not believe there can be any better money spent in the United States. Had I been old enough and large enough, I admit that I would have been in the rebel army. My father was a Federal soldier. All my people were in the Federal Army. I believe in pensions. I believe that every man who fought in the Federal Army and who has passed that age when he can earn a livelihood should be granted a pension, and I believe that these pensions should be extended not only to Federal soldiers, but to every Confederate soldier. I am one of those people who believe that the war is over and there should be a union of the roses, of the red and the white. [Applause.] I do not believe that anything can be gained by the North or the South by keeping up the prejudices of the war. Those are things that should be consigned to the past, and, so far as I am individually concerned, I recognize that every State in this Union from Maine to Florida is now under the jurisdiction of the Stars and Stripes, and that the people of all the States, East and West, North and South, will at a moment's notice spring to the defense of our common flag. [Applause.]

As I stated, I believe in pensions for old Federal soldiers. I voted for the Sherwood bill, and for that vote out of 292 Members I got three-quarters of a column editorial by the leading paper in the State of Kentucky. I replied that they could go to hades, and I had no apologies to make for that vote and would vote it again. [Applause.] I have not heard of it since. Now, as for this Pension Committee. It is a good committee; it has got some of the finest men in the world on it. There is not a finer man than JOHN ADAIR, from Indiana, and JOSEPH RUSSELL, of Missouri. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. THOMAS. I should like to have five minutes more by unanimous consent.

The SPEAKER pro tempore. Mr. RUSSELL has 10 minutes remaining.

Mr. RUSSELL. I have only 10 minutes remaining and 5 of it I have promised, but I will yield the gentleman 3 minutes additional.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 3 minutes.

Mr. THOMAS. I thank the gentleman. As I stated, there is no finer committee in the world. Honest, yes; but it is color blind. That committee has given themselves not less than 20 special pension bills apiece. I have gotten notice of 3, and there were no braver soldiers in the Civil War than from Kentucky who fought under the Stars and Stripes and under the Stars and Bars. Now, I think, Mr. Speaker, that they have not been dividing things up properly and as they should. If they can not be elected from their districts without more pensions than they are justly entitled to, they ought to send somebody else here in their places. [Laughter.] I have over 50 prepared cases before the pension examiner, and in this bill that my friend TRIBBLE kicks against—and he ought not to do that; he is not Democratic at all—I have no bill. [Applause.] He ought to read the Democratic platform which declared for pensions.

Mr. TRIBBLE. Reasonable pensions.

Mr. THOMAS. Not reasonable pensions. You go read it and it goes a little beyond reasonable pensions, pensions such as to keep down a large standing Army in this country. The bulwark and the fortification of this Government has been the Volunteer Army ever since the Revolutionary War. I am in favor of these pensions, and I will tell you, Mr. Speaker, I want more pensions in the next bill than I have got or I am going to know the reason why. [Laughter and applause.] I am going to know the reason why Mr. RUSSELL and Mr. ADAIR can get over 20 pensions apiece and I can get only 3, when the soldiers of Kentucky fought as bravely as the soldiers from Missouri and Indiana did. Mr. Speaker, I believe in a square deal, and I want to demand a square deal in this matter.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUSSELL. I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I am amazed at that portion of the speech of the gentleman from Georgia in which he said he reflected the sentiment of the country in opposition to pensions to Union veterans. I do not believe that anyone on this floor reflects the sentiment of any considerable portion of this country who opposes liberal pensions for the veterans of the Union Army. [Applause.] I do not believe that that portion of the press that denounces pension legislation reflects any respectable portion of the sentiment of this country. I think that much of the denunciation that the gentleman from Georgia has seen in the press on pension legislation has been written by men who have been born since the war, men who knew nothing of the war, and who have given but little thought to the service that the men rendered in preserving this Union for their posterity, and I think the same is true of gentlemen who stand upon this floor and denounce pension legislation. The gentleman from Georgia would not enjoy a seat in the House of Representatives to-day if it had not been for the valor of the men who volunteered in the sixties to preserve this Union and make it possible for Georgia to be a State in this Union.

Few men stop to consider the sacrifices that these men made and the sufferings they endured. I have talked with them in their homes and at their camp fires; I have had their stories direct; I have listened to stories of hunger and of cold, of thirst and of heat, of marches, of all manner of hardships endured by the private soldiers—hardships which made the life of the soldier almost unbearable. The wonder is that as many of them survived that great struggle as did survive and that so many of them live to-day, 50 years after that great struggle is over. Instead of the denunciations and dishonor we hear on this floor and see in the press, there should be an effort to honor and to do something for these noble men commensurate with their service to their country.

It does not become any man who to-day enjoys the privileges and benefits of this country to denounce the veterans who preserved it, or to attempt in any way to prevent the Government they saved from doing justice to them by paying them the pensions to which they are so justly entitled. [Applause.]

This is the richest country in the world, rich beyond compare with any other nation on earth. These men who were boys in the sixties and who were our soldiers 50 years ago have been among the most active producers in our country. When they went to the front they were an army of boys. They won the fight for the Union; that is enough. After the war was over they went into every field of activity in the country, and they became the most active, energetic, progressive men in the country. They filled every position of honor and of trust from supervisor of roads to President of the United States. They performed every form of labor, on the farm, in the mill, the factory, the shop, and the mine; they engaged successfully in every form of business. To-day they are old, and the country has an opportunity to honor them and to honor itself in providing for their necessities. It was a promise that the Nation made to them. It is a promise that the country should keep and

should keep in a larger way than it is now doing. No man should want for any necessity or comfort who enlisted to fight against an armed foe for the preservation of this Nation. Money can not pay for the service they gave; it can provide for their needs and the needs of those dependent upon them. The country in a pecuniary way can do no more; it should do no less. North and South, old and young in every walk of life should honor and revere their services to a united country, Georgia as well as Kansas. [Applause.]

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

The SPEAKER pro tempore. The gentleman has two minutes.

Mr. RUSSELL. Mr. Speaker, I have not time, of course, to answer all the criticisms that have been made by my friend from Georgia [Mr. TRIBBLE] with respect to this bill, and I do not think it is necessary for us to do that in this House. Most of the Members of the House have had bills pending before our committee, and they know that our committee simply requires that Members shall establish the merits of the claims and show that the claimants are widows or old soldiers, too old or too feeble on account of disease to make a living for themselves, and that they have no income practically except their pensions.

Our committee may sometimes make a mistake, but if we do it is an honest mistake, because we have turned down a great many claims where I for one would have liked to see the pensions granted, but unfortunately such claims did not come within the rules of the committee.

Now the cases that are mentioned by my friend from Georgia [Mr. TRIBBLE] can not all be explained in the limited time that I have at my disposal, and I will mention but two. One of them is the case of an old soldier who was honorably discharged, who is now diseased and poor. I forget his age, but I believe he is 68 years old. The gentleman from Georgia says that he ought not be given a pension because he was court-martialed during his service in the war, possibly for breach of the peace. As to that I do not know, but the gentleman from Georgia says he was court-martialed and convicted, which is true, but afterwards he was honorably discharged and is to-day helpless and poor. Now, do you believe that he, as an old veteran who fought for nearly three years in the Civil War, should not now on that account be given a pension?

Another case that the gentleman from Georgia mentions is that of an old widow who married a soldier in 1852, before the Civil War, and who lived with that soldier until 1865, all through the war, whereupon the soldier died, perhaps in the service. I do not know about that. The soldier's widow then married another man. It was afterwards learned that her second husband was ineligible to marriage, and therefore the marriage was annulled by a court in the city of St. Louis. It was found by our committee that this woman had married the second man in good faith, but inasmuch as it turned out that her second husband was ineligible to remarriage, and the second marriage having been annulled on that account, she is to-day the legal widow of the first husband, the soldier whom she married in 1852, and with whom she lived until his death in 1865. He served, I believe, three years. I submit to you whether that old lady, who is to-day 78 years of age, is not a deserving and a worthy person to whom a pension should be awarded by this committee?

The gentleman from Georgia says that the country is against pensions. I say that this country is not against pensions. If there is any pension bill in the world that is fair and just and equitable, it is a special pension bill such as this. Only within the last few days the Senate has passed a bill increasing pensions of all soldiers, and here we ask that pensions shall be granted only in meritorious and special cases, where the claimants are helpless and poor. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMAS. Mr. Speaker, I would like to ask the gentleman from Missouri a question.

Mr. RUSSELL. My time has expired.

Mr. THOMAS. I ask unanimous consent, Mr. Speaker, that the gentleman from Missouri [Mr. RUSSELL] may have one more minute, so that I may ask him a question.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to so revise my remarks that the reading of these cases may be made intelligible.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to revise his remarks in the RECORD. Is there objection?

There was no objection.

Mr. THOMAS. I ask unanimous consent, Mr. Speaker, that the time of the gentleman from Missouri be extended one minute.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. THOMAS] asks unanimous consent that the time of the gentleman from Missouri [Mr. RUSSELL] be extended one minute. Is there objection.

There was no objection.

Mr. THOMAS. I would like to ask the gentleman——

Mr. TRIBBLE. I would like to make an inquiry, Mr. Speaker. My inquiry is whether that can be properly done under the rules?

Mr. RUSSELL. The gentleman from Kentucky [Mr. THOMAS] asked unanimous consent.

The SPEAKER pro tempore. Anything can be done by unanimous consent in the House.

Mr. THOMAS. I should like to ask the gentleman from Missouri how it is that this Invalid Pensions Committee has given in this house from 20 to 30 special bills for each member of that committee and has given other Members from 3 to 10 bills?

Mr. RUSSELL. There is nobody on this committee who has 30 bills, within my knowledge.

Mr. THOMAS. Has not the gentleman over 20 bills himself?

Mr. RUSSELL. I think I have 20 bills; and I will say this, and I hope the Chair will give me time to say it: The committee of which I am a member have directed the special examiner to prepare bills to even up everybody in this House who has bills prepared and ready for consideration. I have not asked the examiner to write a single bill for me at this session of Congress. Every bill that I have had passed was written during the extra session of Congress, and I prepared my bills at that time.

There are some Members of this House who perhaps have not had over two or three, but it is because they have not prepared their cases and had the examiner write them up and get them ready for insertion in this or other omnibus bills. We have directed that everybody be treated fairly, and we are willing at the end of this session that the light may be turned upon our actions to see whether or not we have been fair.

Mr. THOMAS. I will say to the gentleman from Missouri that during the extra session I had over 50 bills prepared. They are there now before the examiner, with all the proofs prepared, and I have had three bills reported out.

Mr. RUSSELL. The gentleman should go to the examiner about it. I do not know what bills he has had written up, but I know that is the order of the committee. If the gentleman has his bills ready he will get as many as the other Members of this House.

Mr. THOMAS. I have not got them up to the present time.

The SPEAKER pro tempore (Mr. RAINEY). All time has expired. The question is on the motion of the gentleman from Missouri [Mr. RUSSELL] to suspend the rules and pass the bill which the Clerk has read.

The question was taken; and two-thirds voting in the affirmative the rules were suspended and the bill passed.

CHILDREN'S BUREAU.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, with the committee amendments.

The bill was read, as follows:

Be it enacted, etc., That there shall be established in the Department of Commerce and Labor a bureau to be known as the children's bureau.

SEC. 2. That the said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of $5,000. The said bureau shall investigate and report to said department upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories. But no official or agent or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a family residence. The chief of said bureau may from time to time publish the results of these investigations in such manner and to such extent as may be prescribed by the Secretary of Commerce and Labor.

SEC. 3. That there shall be in said bureau, until otherwise provided for by law, an assistant chief, to be appointed by the Secretary of Commerce and Labor, who shall receive an annual compensation of $2,400; 1 private secretary to the chief of the bureau, who shall receive an annual compensation of $1,500; 1 statistical expert, at $2,000; 2 clerks of class 4; 2 clerks of class 3; 1 clerk of class 2; 1 clerk of class 1; 1 clerk, at $1,000; 1 copyist, at $900; 1 special agent, at $1,400; 1 special agent, at $1,200; and 1 messenger, at $840.

SEC. 4. That the Secretary of Commerce and Labor is hereby directed to furnish sufficient quarters for the work of this bureau, at an annual rental not to exceed $2,000.

SEC. 5. That this act shall take effect and be in force from and after its passage.

The SPEAKER pro tempore. Is a second demanded?

Mr. MANN. In order that there may be a proper explanation of the bill, I demand a second.

Mr. WILSON of Pennsylvania. I ask unanimous consent that a second be considered as ordered.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WILSON] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. WILSON of Pennsylvania. Mr. Speaker, this is a bill to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau.

The purpose of the bureau is to investigate and report upon all matters pertaining to the welfare of children and child life among all classes of people, and especially to investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents, and diseases of children, employment, and legislation affecting children in the several States and Territories.

It is hoped that the establishment of a bureau of this kind will be of service to the various States in the regulation of affairs connected with children, and to the various societies that are engaged in the promotion of children's welfare. This bill is very similar to the Peters bill, which the Committee on Labor had previously reported favorably to this House.

Mr. BARTLETT. May I ask the gentleman a question? Is it proposed to pass the bill with the amendment?

Mr. WILSON of Pennsylvania. With the committee amendment.

Mr. BARTLETT. I see the report says, on page 2, line 20, strike out the words "one thousand and four" and insert the word "eight."

Mr. WILSON of Pennsylvania. Yes.

Mr. BARTLETT. Where in line 20, page 2, does that word occur?

Mr. WILSON of Pennsylvania. In the print of the bill which is now being considered it is in line 1, on page 3. As this bill came to the House it provided for a messenger at a salary of $1,440. The amendment proposes to make the salary $840 per annum, to conform to the statute upon that question, reducing the salary $600 a year as compared with the rate provided in the Senate bill.

Mr. BARTLETT. But it is proposed to pass this bill with the amendment reported by the committee, is it not, under suspension of the rules?

Mr. WILSON of Pennsylvania. Yes.

Mr. BARTLETT. And the report of the committee proposes to strike out words in line 20, on page 2, which are not in line 20, on page 2?

Mr. MANN. The gentleman from Georgia will recollect that the committee considers the original print of the bill, and the report of the committee always indicates a different line from that in the subsequent print, because the insertion of the amendments makes the bill longer and pushes the lines along, so the amendments do not appear in the same place.

Mr. BURLESON. It is easy to make the proper motion.

Mr. MANN. The amendments are always acted on in the bill which is in the hands of the Clerk. In this bill as reported, in the print which we are now acting upon, the amendment comes at the top of page 3.

Mr. BARTLETT. I did not know what the effect would be with reference to this particular bill.

Mr. MANN. There is no difficulty about it. It will be all right.

Mr. WILSON of Pennsylvania. I yield nine minutes to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Speaker, is information about children of less importance to the people of this country than information about animals and bugs? Is the welfare of the latter to be considered in the light of carefully gathered information by several departments of this Government at great expense, and then are we to begrudge the trifle of cost involved in the bill before the House? Can any subject more vitally affect the future of our Nation than the care and bringing up of its children—the children of this generation, who will be the rulers of the next? The only way in which we can advance that next generation is by putting their children on a basis a little higher than that which preceded them.

For the proper study of these child problems every facility should be afforded. It is therefore proposed to establish in the Department of Commerce and Labor a bureau to be known as a children's bureau. The problems of economics, science, and medicine are all being treated as the basis of careful investigation and study. To-day the problem of bringing up and handling our children is being treated with a lack of information which would not be countenanced for a moment in any other subject.

The constitutional objections to a Federal child-labor law are fully recognized, and to such a law am I unalterably opposed. The results of the work of this bureau should strongly aid the States in preserving their rights over their own citizens. The complaint that the States are not fully meeting their responsibilities toward their citizens can best be met by giving them fuller information to enable them so to do.

It was to provide for these present conditions that I introduced the bill, H. R. 4694, entitled "A bill to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau," and which has been reported favorably to this House by the Committee on Labor.

OBJECTS OF THE BILL.

The objects of the bill are stated clearly in the bill itself:

> The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the welfare of children.

The facts which bear upon the health, efficiency, and character of the children of the Nation are to be collected by this bureau and the results rendered available for study or legislation by all States or organizations desiring to take advantage of them.

UNIVERSAL SUPPORT OF THE BILL.

The advocates of the passage of this measure have a unanimity of intelligent support, impressive as it is rare, in the advocacy of National measures of this character.

President Roosevelt sent a message to Congress urging the establishment of this bureau. A similar measure was brought before the Sixtieth Congress and passed by committees both of the House and of the Senate. In the Sixty-first Congress a similar bill was introduced and was also reported favorably by committees in both bodies, and in this Congress similar bills were introduced in the House and Senate by Senator BORAH and myself and were again approved by committees in both bodies and the Senate bill has already passed that body.

Many national organizations which exist for the purpose of dealing with the various classes of unfortunate children have all vigorously advocated the passage of a bill similar to this measure. Conferences of child-labor representatives from the National Consumers' League, the Russel Sage Foundation, and the American Association for Labor Legislation, and religious societies of all denominations, and labor organizations from all parts of the country join in giving to this measure their hearty indorsement. These organizations and their people, all actively engaged in philanthropic work, ask us to save through this bill the waste of means and energy, resulting from the absence of authoritative knowledge, by creating the proposed bureau. The arguments before the Committee on Labor are irresistible as to the need of such a bureau, and a perusal of the hearing held on the 11th of last May can not fail to convince the most skeptical that there is a deeply-felt need of such a source of information.

NO DUPLICATION.

It was claimed that this work might properly be taken up by some other bureau or department, and to ascertain this fact the House Committee in a recent Congress which was considering the bill summoned Mr. North, former Director of the Census, Mr. Neill, Commissioner of the Bureau of Labor, and Mr. Brown, Commissioner of the Bureau of Education, before them to learn whether the work contemplated in this bill could be done as effectively, or could be done at all, through existing agencies. To the question whether the service contemplated in this bill could be rendered by the Census Bureau, the following reply was received from Hon. S. N. D. North:

> We do not want to divert our energies into studies of physical degeneracy, of orphanage, of juvenile delinquency, and juvenile courts, and all that class of questions which are not statistical questions. The Census Office is a purely statistical office.

The other gentlemen answered to the same effect.

OPERATIONS OF THE CHILDREN'S BUREAU.

This bureau in its operation would concern itself chiefly with infant mortality, diseases of children, child labor, and infant delinquency.

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

Mr. PETERS. Briefly; yes.

Mr. BARTLETT. Will the gentleman point out to me what authority under the Constitution there is to make these investigations, aside from taking the census every 10 years?

Mr. PETERS. There are always two views of the Constitution, one the broad and one the narrow one, and it is perfectly fair in considering which is the true interpretation of the Constitution, to determine the interpretation which is being put on it to-day. To-day we are carrying on investigations in the Department of Agriculture, in the Department of Commerce and Labor, and in several other fields on questions whose constitutional position is similar to that of the Children's Bureau, and which give us a full precedent for the investigation which is proposed to be conducted under this bill.

Mr. BURLESON. Will the gentleman permit a question?

Mr. PETERS. I can not yield any further, for I have only a few minutes left.

Take the question of infant mortality, for example, a problem that relates to the very existence of children after they are brought into the world. The Census Bureau reports a very low rate of infant mortality for some communities and a rate exceptionally high for others. The bulletin of the Census Bureau just issued presents interesting data on infant mortality. The Census Bureau in the collection of this data included only the area in which registration of deaths is satisfactory, known as the registration area, which now takes in a little over one-half of the total population of the United States. For the total number of children in this registration area under 5 years of age the average number of deaths per 100 deaths at all ages is 27. Of the different States included in the registration area California, with 16, has the lowest number of deaths for children under 5 years. Next comes Vermont with 18, next Colorado, Maine, and Washington with 22, and then there are various numbers up to 34, the highest, which obtains in Pennsylvania.

Registration cities present, of course, an even more varied record for deaths among infants, as compared with deaths among all others.

In New York State Albany shows but 19, while Amsterdam records 41 and Lackawana 79. In New York City the Bronx Borough 23, the Manhattan 34. In New Hampshire, Concord 11, Berlin 60, and so forth. The table giving these statistics is followed by a statement explaining two of the most extreme cases. I quote in part:

> The low ratio for California may be ascribed in part to the large number of deaths from tuberculosis, most of which are of adults, and in general to the unusual small proportion of children in the population. * * * Some exceptionally high ratios may be explained by the existence of infant homes or institutions. For example, the high proportions shown for Lackawana, N. Y., are due to the deaths of infants from the city of Buffalo.

This is followed by a more general statement of some 15 lines to the effect that no conclusions can be drawn from these statistics except those of a most superficial nature.

The explanation is satisfactory so far as it goes, but there is necessarily little in it that could not have been concluded by a most casual examination of the data furnished. The explanation, however, goes as far as it is expedient for the Census Bureau to go in a matter of this kind. What is needed now is an organ in our Government—and the children's bureau will be that organ—which will go back of these figures and find out in detail just what accounts for this wide divergence in the death rate of young children who ought normally at that early stage in life to be, from community to community, in very much the same condition in respect to their powers of successfully battling with the ills that beset childhood.

Is a death rate of 15 per cent for children of the total deaths, in contrast with a death rate of, say, 35 per cent, due to a difference in the regulations of the different health departments, or is it due to the inability of working people to employ competent doctors at childbirth in place of the poorly trained midwife? Or is it the result of conditions peculiar to a certain stage in the development or decline of different localities? Or was there an epidemic of children's diseases, or is it, perhaps, true that the seeming difference is but the result of the comparative care taken in the registration of births and deaths?

It is this sort of information which we wish to obtain, and this is the sort of information which we may expect to have available for our mutual education and betterment when the children's bureau has been instituted.

Take the question of diseases of children. We should be able to compare statistics to ascertain what regulations are effective and what limitations should be necessary to protect the homes and communities from epidemics of children's diseases.

In child labor we should be able to compare the effect on the health and vitality of the children working under the various State laws, and by comparing the physical and mental conditions of the children of different localities we should ascertain the proper degree of protection which the State should give them through its laws to protect and strengthen the community. The citizens of every State who are actuated by motives of humanity and betterment should wish to see their children brought up with vigorous minds and bodies.

To enable intelligent legislation to be passed it is necessary to know what legislation already exists, and to see the outcome in the various States of laws affecting children. The Children's Bureau, requiring only a small expenditure, really means the saving of countless human lives. I should not care to be in the position of those opposing such a life-saving institution without excellent reasons that I could render to my conscience. Consider not only the struggle of the healthy to survive, but the awful misfortunes of afflicted children, children suffering under afflictions which in many instances are entirely due to lack of the most elementary knowledge. Mr. Sherman, chairman of the New York Association for the Blind, writes:

> Our blind asylums are now full of children, supported at great expense to the State and private philanthropy, who could have been saved except for general ignorance on this subject.

Government bulletins, prepared by some medical expert, should be sent to every quarter of the Nation, just as our agricultural bulletins are now sent.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. PETERS. Certainly.

Mr. BURKE of Pennsylvania. I notice in lines 8 and 9 on page 2 it provides that the inspector shall not enter any house exclusively used as a family residence. Does that mean if it is not exclusively used as a family residence that they may enter; that, for instance, if it is a boarding house, or if a man lives over his store or place of business, or if it is a hotel, or if it is in a building partially occupied for other than a family residence, the inspector may enter?

Mr. PETERS. The gentleman will realize they would not have the power to enter such a dwelling house even without the insertion of this in the bill. I do not think in the suggestion the gentleman makes that there would be any possibility of their ever attempting to assert the power to enter such buildings. It is not contemplated to give any such power.

Mr. McCALL. Will the gentleman yield?

Mr. PETERS. Certainly.

Mr. McCALL. In the second line on page 2 occurs the expression "among all classes of our people." Does not the gentleman think it would be better not to recognize classes of people?

Mr. PETERS. I do not approve of that language myself, but it is hazardous to attempt to change it now. These words were not in the bill which I introduced, but were added in an amendment by the Senate. This bill has already passed the Senate, and it would be unfortunate to jeopardize its future by amending it and sending it back to that body. To attempt to alter the language might result in the defeat of the bill.

NEED OF COOPERATION.

At a hearing before the House Committee on Expenditures in the Interior Department, January 27, 1909, the secretary of the New York State Charities Aid Association estimated that the cost of supporting 90,000 children was between $15,000,000 and $20,000,000 annually. In addition to these 90,000 children he estimated that 40,000 or 50,000 more were cared for in other ways.

A sad lack of coordination exists between the agencies for dealing with children. Miss Jane Addams, of Hull House, Chicago, says:

> We have recently been startled to find that four-fifths of all the arrests in the criminal courts of Chicago are of boys between the ages of 15 and 25, of whom the large majority are under 19. This is so menacing that we should like to know whether the same condition is met in other American cities, or whether Chicago is unique in this excess of criminality among its youth. At present there is no method by which this may be determined. The proposed children's bureau could collect and distribute the very sort of information most valuable to those who are struggling with the problem of juvenile delinquency as well as with other grave matters connected with the lives of city children.

The lack of system in treating with juvenile problems is continually shown. Obsolete methods are being introduced in certain localities for the handling of children's problems, when experience with the same methods in other localities has shown them to be unsuccessful and they have been discarded.

In the great struggle which we are conducting against tuberculosis every effort is being made to stamp it out from the children. In this, too, better information is needed. Dr. Livingston

Farrand, executive secretary of the National Association for the Study and Prevention of Tuberculosis, says:

As the organized crusade against tuberculosis develops, it is becoming more and more evident that one of the most fundamental problems is that of tuberculosis in children and the methods of dealing with it. In planning and organizing such efforts we are met at once by the lack of authoritative information regarding conditions, and the cooperation of an official children's bureau, such as that under consideration, would be of inestimable service to our movement.

The laws relating to the employment of children in the different States show most conclusively the necessity for coordinate action. In all the States of the Union, with one sad exception, laws regulating the employment of children exist, but in no two States are the laws alike. Every year in some States radical legislation is sought by enthusiastic advocates, which same legislation has proved in other States to be unavailing, and constructive legislation is often blocked by ignorance and prejudice, although its successful operation in other States has been proved beyond question.

The Government should maintain a bureau to which the people interested in this work could appeal, and it is the object of this bill to establish a bureau which will be able to furnish inquirers with a substantially accurate estimate of the number of children employed in various occupations, conditions under which they labor, and, so far as ascertainable, the facts, economical, physical, educational, and moral, of such employment.

HISTORY OF MOVEMENT TO ESTABLISH A CHILDREN'S BUREAU.

The consideration of this measure is not new to Congress. A similar measure has been introduced in the four preceding Congresses. The soundness of the bill and its purposes appealed so strongly to the judgment of the men on the committees that we find wherever the bill is considered that reports are uniformly made in favor of the measure.

In the Sixtieth Congress it was reported both before the House Committee on Expenditures in the Interior Department and by the Senate Committee on Education and Labor. In the Sixty-first Congress it was again reported by the Committee on Expenditures in the Department of Commerce and Labor in the House and in the Senate by the Committee on Education and Labor. In the last Congress it passed the Senate.

In the Sixty-second Congress it was heard by the Committee on Education and Labor in the Senate and was passed by the Senate, and in the House, after a hearing by the Committee on Labor, it was also unanimously reported.

Introduced in the last four Congresses, the bill has been heard by committees in the House and Senate in the last three Congresses and has been reported favorably by each committee each time.

I wish to point out to you by quotations from the reports that have been made by the committees of both the Senate and the House on the various children bureau bills the unanimity and the force with which this movement has appealed to all who have considered it.

I quote the following from the report of the Senate Committee on Education and Labor, February 11, 1909, Hon. Frank P. Flint, chairman:

The committee believes that such facts as may be scientifically ascertained and may be published in popular form concerning the child life of the Nation will be of inestimable advantage. We believe it would be entirely within the province of the National Government to secure scientific and reliable information along these lines concerning the general welfare of the children of the Nation. Other nations have already advanced beyond our own in researches of this kind.

House Committee on Expenditures in the Interior Department, Hon. GILBERT N. HAUGEN, chairman, February 13, 1909:

The legislation affecting the children that is being enacted by many States could be wisely directed with the information that would be obtained through such a bureau. The light that would come up in the treatment of the problems of childhood would enable the various private individuals, organizations, and States to multiply manyfold the value of the work for the Nation that is now being done by them by giving them the benefit of each other's experience and knowledge.

The children's bureau bill was also unanimously indorsed by the committees of both Houses of the Sixty-first Congress, passed the Senate by unanimous vote, but was not reached on the House Calendar. I quote from the report of Chairman Washington Gardner, of the Committee on Expenditures in the Department of Commerce and Labor, June 21, 1910:

The committee believes the need for such a bureau has been proved and that the scientific investigation and publication in popular form of the facts concerning the unfortunate children of the country will be of great value; that it will tend to the saving of human life and suffering. For these reasons we recommend the passage of this bill.

The Senate Committee on Education and Labor made a second report, submitted March 18, 1910, which states:

The committee believes that such facts as may be scientifically ascertained and may be published in popular form concerning the child life of the Nation will be of inestimable advantage. Of course no legislation is contemplated beyond what may be suggested by the work of this bureau within the jurisdiction of the Federal Government. But the separate States and communities which have to deal with the problems of dependency, delinquency, infant mortality, occupational diseases, and the employment of children will be able to learn from the work of this bureau what can not now be learned anywhere else in any scientific or authoritative form.

There does not now exist in any of the States such a bureau as the one contemplated, although some of the facts desired are collected by a few of the States, either through bureaus of education or of labor or of health. There are other States without even such agencies for publishing information. Some States are without vital statistics of any kind, and these States would be stimulated to investigations of their own by the aid of the proposed bureau of children.

I now quote you from the report of Chairman WILSON, of the Committee on Labor. This report was made on January 17, 1912, on my bill, H. R. 4694:

The children's bureau should be an authoritative source of information concerning all these questions, to the end that human life and health be preserved and human misery decreased. It seems to us no more inconsistent with the principles of this Government that we should be able to send out bulletins concerning the problems of childhood than that we should send out such bulletins concerning the care of fish or of hogs or of cattle, concerning the preservation of fruit trees or the treatment of the soil. It has been made clear that the bureau could make large use of the information already at hand in the Census Bureau, the Bureau of Education, and the Bureau of Labor, collecting this information so far as it bears upon the problems of childhood. The committee believes that the need for such a bureau has been established, that it will be of great benefit to the children of the country, and we therefore recommend the passage of this bill.

FURTHER DELAY INEXCUSABLE.

The nations of Europe have advanced beyond the United States in their study and legislation in this important subject. Only recently the British Parliament, as a result of investigations and Blue Books written on the Boer War, has enacted a children's charter, as it is popularly called. It has the double function, under the British system of government, of investigation and administration. The Children's Bureau outlined in this bill is confined to the first duty alone, except so far as it might report facts to Congress to affect legislation in the District of Columbia or the Territories. To the States must properly be left the duty of administration and the study and use of the recommendations or suggestions of this committee. Not only England, but Germany as well, with an eye to its future citizens, has made a very complete and careful study of the facts relating to child life. Our own students of these problems have been compelled to turn over most of their information to foreign sources and to do the best they could to apply them properly to American conditions.

There are already 32 bureaus in the 9 great departments represented in the Cabinet. If we have not neglected the creation of bureaus dealing with these many material things, what excuse have we for neglecting the most valuable asset of our national life—children. If it is a question of expenses, let us look at the outlay which last year was authorized by the Government and compare the purposes and the amounts appropriated with the purposes and appropriation asked for by this bill. The Bureau of Animal Industry had an appropriation of $1,654,750, of which there were investigations for particular subjects as follows:

For experiments and investigations in animal husbandry	$47,480
For eradication of cattle ticks	250,000

The Bureau of Plant Industry had for its use the sum of $2,061,686.

Contrast with these general sums the amount required for the children's bureau, whose total appropriation asked for is only $29,440.

There is no subject of more importance and no subject in which there is a more deplorable lack of knowledge than of American children. The matter of reliable information about them for the use of all public and private agencies can not be overestimated. The control of the diseases of orchards and fruit is no doubt of importance, as are the experiments and investigation in animal husbandry, but are they more important than the care and control of our children? Can we not at least afford to expend one-eighth as much for this subject as for the eradication of cattle ticks?

The children's bureau, by its name, is a notice to the general public that they may know what place to apply for immediate information on this subject. The information on the many questions which come up, even if it were collected by the States, could not be spread so successfully. It must be collected by one central body under the same system, so that the result in various States may be compared and prompt and intelligent conclusions drawn. It is impossible to gather from statistics collected by different agencies under different systems any intelligent or valuable results, as it would be impossible to conduct the national census by any system which would allow the States to collect their information and then announce it in their own way and methods.

Information about our children is essential for the carrying on of the proper development of our Government, and this information can be collected only by a central bureau.

NECESSITY FOR IMMEDIATE ACTION.

Mr. Speaker, we must bear in mind that whatever we do for the children of the present we must do it now. The opportunity for aiding the children of any year or decade is a present opportunity; for the children so soon pass beyond the reach of the influences that are helpful to childhood. Others will come on and take their places, but these children that we are concerned with to-day, that may be helped if we pass this bill at this session, will be beyond the reach of help if we postpone action. The need for it is too great, the demand too insistent, for it to fail to be established among the bureaus of this Government. Why should not this Congress fairly accept this responsibility and this privilege? Why shall we not aid the children that are, as well as the children that are to be, the children of to-day and of all the to-morrows in the history of this great Nation of ours? The question ought not to be, Shall we pass this bill, but Why did not some Congress pass it long before, that the States might to-day be using the knowledge and experience that has been acquired? The past we can not remedy. The present is ours. Let us not lose this opportunity.

CONCLUSION.

Political equality and civic rights, obtained through years of struggle, have brought with them great responsibilities as well. The destiny of our Nation depends upon the way our citizens assume the responsibilities so placed upon them. To insure the preservation of our national ideals we must have citizens healthy and active, both in mind and body, and to develop from our children the highest types of men and women must be the first duty of our State, and it is a duty which this bill will help each State to perform. Let us now take the final step in offering to the children, our future citizens, the assistance of this measure.

Mr. WILSON of Pennsylvania. Mr. Speaker, I yield to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Speaker, the original function of our Government wherein life, liberty, and the pursuit of happiness were fundamental principles has been more or less neglected in recent years, owing to our tremendous growth of wealth and power and the incidental attraction of money making as of first importance in private and national life. In the early days, when we builded principally for larger possibilities for a free people, we established the public school and the moral code as foundations for future weal. But in modern estrangement from orthodox principles of having a care for others we have drifted into an era of selfishness which overshadows and overrides almost every phase of public duty except that of providing ways and means to make and spend money. We jeopardize health and risk honor and sacrifice friends and destroy confidence to make money, while the real desideratum of comfort and happiness, viz, good health, strong bodies, and clear minds, are neglected. We devote months and months here every year to consideration of public questions nearly every one of which has to do, directly or indirectly, with possibility for money making. And I am not intent upon offering criticism on any legitimate means of providing greater possibilities for financial success, but rather would I assist by urging the adoption of measures that will contribute health and strength to posterity and thereby build a mightier and more successful civilization.

Some statistician has figured it out that it costs, in money, an average of $3 a week, a total of $3,200 to bring a child from babyhood to majority. Of course, some cost much more than this, all things considered, and some less. This is the money cost, and, in addition, there is the cost to parents of brain fag and muscle fatigue and worry and anxiety and sleepless nights.

But money cost of children is a soulless proposition, and we would better be dead and out of the way of human endeavor than to hold up our hands in horror at the cost of children the while we are not trying to give posterity the benefits of our experience in life and health that the future generations may be benefited by our having lived.

I am deeply impressed with the importance of any legislation that will contribute to the health, happiness, and success of our mankind now and henceforth, and the children's-bureau bill is a long step forward in legislation that will conserve the robust that is in us and eliminate the infirm.

By reference to the hearings on this bill, I note the following, which I want to incorporate in this argument:

The total population of the United States in the 1900 census was 75,994,575 people, and of these 44.3 per cent, or 33,681,074, were under 20 years of age; 7,253,000 were from 5 to 9 years of age; 8,080,234 were from 10 to 14 years of age; and 7,553,089 were from 15 to 19 years of age. To care for the children is the one thing which always meets public approval, and no class of appropriations in the country is so generally sanctioned by the people as the appropriations for the education, the health, and the welfare of children.

I shall not assume that the care of children is generally defective, for that would be a false position. Instead the vast majority of children are cared for to the very best ability of their parents. But even if the ninety and nine are brought up under the most favorable care, the one that suffers lack of wholesome environment may thereby contract weaknesses which, in the course of time, would diffuse and detract much from the benefits which the ninety and nine gained in their properly nurtured child life. The purpose of the bill is to create a bureau which shall gather, classify, and distribute for popular use throughout the country accurate information on all subjects relating to the welfare of children. The bureau would especially investigate the question of infant mortality, the birth rate, orphanage, juvenile courts, desertions, dangerous occupations, accidents and diseases of children, employment, and legislation affecting children in the several States.

Therefore, the primary purpose of such a law will be the gathering of statistics relative to child life, but the ultimate results will be many fold, principal among which will be a healthier, sturdier, and better people than the average of this day. And in this connection I want to here submit some observations by eminent humanitarians and sociologists of our country. Mrs. Netta A. Wilson, who has had much to do with charitable and correctional endeavor in my home State and a trustee of the State woman's reformatory, says:

The establishment of a children's bureau would direct public thought and sentiment to the fact that the child has the right to be well born, of clean parentage, and born to the right environment. Forty-five per cent of the insane, 70 per cent of the criminal, 80 per cent of the feeble-minded, and 75 per cent of the epileptics are born, directly or indirectly, of drunken, neurotic, or criminal stock.

Half of our children die before they are 5 years old. Why not try, through Government organization, to conserve their lives? The economic value of children to the public is many times greater than all other interests taken together. It is far more important to conserve our race, and thereby our country, than it is to conserve the coal fields of Alaska or the forests of our Pacific States.

We have a bureau for the promotion and improvement of animal and plant life, for the investigation of all kinds of stock and crop sickness, but there is no similar institution to which we can appeal for the aid of the human race.

The establishment of a children's bureau would develop in a right and rational way the laws of heredity, prenatal culture, environment, social hygiene, education, and the broad laws of common sense.

Judge Lindsay says: The majority of parents are traitors to their children because they neglect to teach them a few simple lessons as to the anatomy and physiology of their bodies. Sex knowledge must be given to our children in a refined and scientific way and not leave their information to come from the streets and alleys. Over 90 per cent of the delinquent children in the entire country come from the cities. Idleness plays havoc. A children's bureau would promote industrial training, one of the greatest safeguards of youth.

A children's bureau would improve the quality of children, lower the death rate, develop the children normally and righteously, eventually depopulating our charitable, reformatory, and penal institutions; as it were "beating the devil to the children."

From my observation and experience in defective, delinquent, and penal work, the establishment of a children's bureau would mean to begin at the right end; the solving of the problems of better citizenship. Prevention rather than reformation should be the policy.

Dr. Charles Carroll Brooks, founder of Southern Mountain Preparatory School for Children, and whose fame as an exemplar of right-living methods is Nation wide, wrote me concerning the children's bureau bill which I introduced, as follows:

The Nation needs homes, and it needs every movement looking forward to the placing in the mind of the child that love of country that will eventually bring them into a citizenship that is worthy of every human effort planned for their growth and development.

The child is the ward of the State, and the State's best asset is a useful citizen, and the passage of a bill looking toward the welfare of the child is a move in the direction of fostering the future manhood and womanhood from the very beginning of the future citizen.

And as the child which begins its life in many cases is deprived of the foundation of growth, the home nest, the Nation will do well to consider the growth of the child and its development, for citizenship and civic righteousness must begin with the infancy and be followed on through adult life. The creation of a bureau where the child can be thought about and planned for will become a national asset that the country may well feel proud of and continue to foster in the interest of the child life.

It means that more children will be reared in an atmosphere of home surroundings, that the institution child will get an opportunity that it does not possess to-day, and that with the printing of what the child-welfare bureau means to do will educate the public to the idea of assisting the children of the Nation. The hope of the Nation is in its children; the citizens of the future will be what its children have been; and the progress in every avenue of life will be the story of the preparation in the child of the Nation.

Another eminent authority on physical welfare is Dr. Hurty, head of the justly celebrated Indiana Health Bureau. He writes me:

The conservation of child life is the greatest question before us to-day. We have on the average 150 children born in Indiana daily, and of this number 20 die in their first year of infantile diseases.

This class of diseases is due to food poisoning. In other words, parents do not know how to raise their children, and food poisoning, otherwise known as cholera infantum and diarrheal diseases, step in. Of the 150 children born 40 must die of easily preventable diseases by the time they are 5 years of age. This 40 includes the 20 in the first-year period.

And still another friend of the children's bureau method of providing ways and means of giving children better health and strength and opportunity to make a success of life is Prof. David Starr Jordan, of Leland Stanford, Jr., University. He says:

Every child has the inalienable right to be born free from disease, free from deformity, and with pure blood in its veins and arteries. Every child has the inalienable right to be loved; to have its individuality respected; to be trained in mind, body, and soul; to be protected from disease, from evil influences, and evil persons, and to have a fair chance in life. That people is delinquent which does not unceasingly strive to secure these inalienable rights to its children.

It is declared that a million young American mothers are annually bringing children into the world with no qualification for the proper care of their health except love and devotion. The Nation and the States have bureaus of scientific research which disseminate information on all topics of animal and industrial welfare, but scarcely a line is printed for free distribution which would prepare young parents for such care of their children as would make of them sturdy and successful citizens.

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

Mr. BARNHART. Certainly.

Mr. SHERLEY. The gentleman does not mean to give the impression that the Government is doing nothing as to the rearing of children. I know that that impression has got into the public print, but I hold reports from the chiefs of different bureaus, showing what has been done, and if we could have a real debate on this question I would like to give them to the House.

Mr. BARNHART. I recall that not long since on a given Sunday in a certain State in our country, after attention had been called to the depravity of child labor, a hundred pulpits proclaimed the divine law that it is the duty of the parent to lay up for the children, not the duty of children to support the parent; that children are not an encumbrance nor an asset for exploitation in the labor market but a heritage of the Lord; that the parents should be enabled to earn enough to support their children; that childhood is a sacred thing; that the child is the hope of the race, and the harbinger of the golden age. The press reported it. By this the people got it into their minds and consciences that contract child labor is wrong. Then the papers all published startling facts about the soulless employment of children in the factories of the State, and the doctrine of right became immediately a burning question. The lawmakers were in session. They heard from people whose consciences had been awakened by the pulpit and quickened by the press, and that State was given a most effective law to restrict the labor of little children; and thus great improvements are effected.

I have said heretofore, Mr. Speaker, and I repeat it, that the innocent child blood which bespatters the window panes of so many factories in this country, or which is polluted by neglect of proper parental care and attention, is a stain upon the character of every man and woman who tolerates such conditions.

The Senate has passed a children's bureau bill, and the House is asked to approve it. I heartily concur in the suggestion as does the Committee on Labor for this branch of the Congress; but there is or, at least, has been objection to it. They say they are afraid it would be unconstitutional to prepare to care for children's health and morals as we now furnish their education by compelling mental training in school. As usual the Constitution is made to serve as the breastwork from behind which the attack is made on a measure that is not wanted for reasons which are really far remote from any suggestion of infraction upon the Constitution.

The truth is, the bill is not wanted by some, not because it is in violation of any constitutional provision, but because if enacted it will become a big obstacle in the way of the use and abuse of child labor and women labor in many of the States. In some of the States enlightened legislation has been passed and enforced on these subjects. In other States the conditions that are allowed to obtain are not merely disgraceful to civilization, but they are calculated to impair in grave degree the welfare of coming generations of the American people.

But for the reason that it is found to be to the profit and advantage of various special interests to have such flagrant conditions continue, the authorities wink at these conditions. If a permanent bureau of the Federal Government is established whose business it will be perennially to turn the light of day on these conditions, something will happen. An aroused public sentiment will see to it that needed reforms are set in motion.

Gentlemen may imagine they are fooling somebody by arising in Congress and prating about the infringement of the Constitution when seeking to block the passage of a piece of legislation; that is, if not all that could be desired, at least in the right direction, in the direction of what is humane and enlightened. But they are not.

It may not be germane to this subject, but I hope no one will raise a point of order against my comparison of a single health endeavor by Government agency which accomplished marvelous results. I refer to the eradication of yellow-fever contagion by experiments of Army surgeons. They found, by daring and fatal experiments, that yellow-fever germs were broadcasted by mosquitoes, and from that day to this there has been no yellow-fever contagion among civilized peoples of the world, and there probably never will be if precautions which were found to be effective by Drs. Reed and Carroll are carefully observed.

There is no reason whatever of compelling any human being against his will to be made healthy if he doesn't want to. But there ought to be rules that would prevent one human being from needlessly jeopardizing the health and life of another, either through indifference or because he happens to cherish some asinine idea concerning disease. And there ought to be methods of safeguarding the well-being of children who, through misfortune, neglect, or ignorance, are liable to grow up weaklings and inflict their frailties of mind or body or soul upon others who deserve to be born strong in health and character.

This bill, as I understand it, merely provides means of ascertaining facts concerning neglected or misdirected child life—statistics of factory, school, and health environment of children. We who live in the country or in small cities or towns know little or nothing of the needs of child life in the congested industrial centers of the country. Only the other day I heard an undersized boy of 14 testifying in the House investigation of the Lawrence strike as follows:

STATEMENT OF JOHN BOLDELAR.

(Extracts.)

Mr. WILSON. How old are you?
Master BOLDELAR. 14 and 5 months.
Mr. WILSON. How long have you been working?
Master BOLDELAR. Since I was 14 and 5 months.
Mr. WILSON. Where does your father work?
Master BOLDELAR. Wood mill.
Mr. WILSON. What does he do?
Master BOLDELAR. The same job as I was doing.
Mr. WILSON. What does he get?
Master BOLDELAR. $5.10. (Per week.)
Mr. WILSON. John, what rent does your father pay?
Master BOLDELAR. $2.
Mr. WILSON. Per week?
Master BOLDELAR. Yes, sir.
Mr. WILSON. What furniture have you in the house?
Master BOLDELAR. Oh, a couple of beds; that is all.
Mr. WILSON. Have you carpets on the floor?
Master BOLDELAR. I guess not; I guess some horses live better than we do.
Mr. CAMPBELL. How many brothers and sisters have you?
Master BOLDELAR. I had a lot of brothers, but they are dead.
Mr. CAMPBELL. Have you any sisters?
Master BOLDELAR. Yes, sir; two.
Mr. CAMPBELL. How many rooms have you in your house?
Master BOLDELAR. Three.
Mr. CAMPBELL. How many stoves?
Master BOLDELAR. One.
Mr. CAMPBELL. Do you have water in a well, or have you water in pipes in the house?
Master BOLDELAR. Pipes.
Mr. CAMPBELL. What do you do Sundays?
Master BOLDELAR. Well, go to church and come home.
Mr. CAMPBELL. Do you read any books?
Master BOLDELAR. Well, I read sometimes when I get a chance.
Mr. CAMPBELL. Do you read the papers?
Master BOLDELAR. Not much; don't have much money to buy it.
Mr. POU. I have heard quite a number of you people talk about living on bread and water. Has there ever been a time when you were compelled to live on bread and water?
Master BOLDELAR. Yes, sir.
Mr. POU. How long were you compelled to live on it?
Master BOLDELAR. Well, sometimes we did not have enough money to buy bread one day or two days.
Mr. POU. How often do you have meat upon the average during the week?
Master BOLDELAR. Once a week, about.
Mr. POU. Once a week; don't you have it oftener than that, John?
Master BOLDELAR. No, sir.
Mr. POU. You say that even now you only have meat once a week?
Master BOLDELAR. Yes, sir.
Mr. POU. What do you live on during the other six days?
Master BOLDELAR. Oh, just a piece, you know, of black bread; that is what we usually eat, and coffee and some molasses.
Mr. POU. Is that all you have?
Master BOLDELAR. Yes, sir; and sometimes beans.
Mr. POU. And then one day in the week, you say, you have meat?
Master BOLDELAR. Yes, sir.
Mr. POU. What day is that.
Master BOLDELAR. Sunday.
Mr. POU. Sunday? That is all.

Mr. Speaker, this is but a single instance of many similar recitals in this investigation. And it is more than likely that it is only one of thousands of similar instances in the thousands

of factories where children are employed. God pity the youths who must start life in such a struggle, for it must be apparent to any discerning man that a life started under such conditions can never be anything but one of slavish misery, because the physical and mental depression which must become chronic in such cases can never be relieved; it can be nothing but a blighted life, which all the science and environment of after years can never cure.

Think of the pitiful story of a family of five being compelled to live on the father's wages of $5.10 per week, of which he pays $2 per week for house rent. Think of the family living most of the time on a diet of black bread, molasses, beans, and coffee. Think of the home with "no carpets," "one stove," and "a couple of beds" as furniture, with no money to spare for books or newspapers, and then tell me that the children therein will be fitted for ideal citizens. Tell me if this "lot of brothers, but they are dead," to whom this poor boy referred, died from nonpreventable causes, or if they were but a fragment of a common slaughter of innocents which a public knowledge of their environment, and incidental humane care, would most likely have prevented.

I am not a lawyer, and therefore not competent to judge of constitutional prerogatives, but if our national code of ethics will not permit systematic endeavor for relief of such abused child life in behalf of mercy and the common weal, let us override the faulty Constitution in emergency's name and take neglected and abused childhood by the hand and lift it up, rather than by the throat and continue to choke it down.

But I hear some say, "Oh, this outcry to help children is but a fad—a gushing whimsicality." No, sirs; it is not. Instead, the willful or unavoidable neglect of proper rearing of children is as old as the history of man; as old as human frailty, and the man who sees it and sanctions its continuance is helping to maintain direct communication between the cradle and the sewer, between the nursery and the poisonous swamp, and beside, helps to transmit moral and physical delinquency to posterity.

I believe the Government has other and more important missions than the fixing of tariffs and the financial and industrial development of the country. Money is worth nothing to people in ill health, and money is really a curse to those who, through inheritance or neglect in youth, are depraved. Money can not buy health and happiness. These can come only through sound bodies and right living, and the Government has no higher duty than to provide ways and means of enabling parents and guardians to give good health and good morals to children.

The future greatness of our people depends on how useful they can be in contributing to the avoidance of misery rather than how much money they can make. And if we are to check the growth of disease, of intemperance, of crime, and of trouble making generally we must inaugurate a liberal system of protecting children from conditions harmful to them and to posterity. We all admit that our penal and benevolent institutions are becoming too full of delinquents and dependents of all sorts, and the only way to prevent much of this misfortune is the proper rearing of children, not only for their own sake, but for the sake of their offspring, "even unto the fifth generation."

Before us stands a mighty throng of young men and young women. They ought to be equipped to stand up clear eyed and clean minded and look all the world in the face. It has cost countless sacrifices to bring them up—to feed, clothe, doctor, and educate them. But they are worth all they cost, and more, if they are made of the stuff they ought to be. They have cost father many long hours, hard knocks, short meals, and already his hair is turning gray. They have cost mother years of toil, sleepless nights, self-sacrifices, and constant care. They can never fully pay the debts they owe parents, and we should not expect it of them. But they can largely repay their cost by being always manly men and womanly women, and sturdy bodies and strong minds will conduce much to such a triumph.

I hope the time may soon come when we will give as much attention to the health and strength of the race as we now give to money making, for health and strength are more important factors in successful being than any amount of wealth. No civilization can fulfill its mission of justice and inspiration through frail bodies and feeble minds, and a national children's bureau will point the way to help those who can not help themselves, protect those more fortunate from degenerate contamination, and lift each succeeding generation to a more vigorous and successful realm of human life than those who have lived before.

This bill will conserve human life and make of us for us a sturdier, better, and happier people and posterity, and I hope it will pass.

Mr. MANN. Mr. Speaker, I did not demand a second upon the bill for the purpose of opposing it, but for the purpose of having a discussion of the bill. I am quite willing now to yield all of my time to anyone who may desire to oppose the bill—to take charge of that opposition. Otherwise, I shall use a minute or two myself, and then yield time to anybody who may ask for it.

Whatever else I do, Mr. Speaker, I try not to disguise to myself the reasons for a proposition or the authority which is behind it. The report in this case states that the authority to take the census is the authority for this bill, the constitutional authority, and the authority for various other bills. The Constitution provides, referring to the number of inhabitants in the different States—

> The actual enumeration shall be made within 3 years after the first meeting of the Congress of the United States, and then every subsequent term of 10 years, in such manner as they shall by law direct.

That is all there is in the Constitution authorizing the census to be taken. Any gentleman who undertakes to find authority in that for this bill, or for any of the other numerous activities of the Government, finds a very easy method of solacing his soul.

Mr. NYE. Mr. Speaker, will the gentleman yield?

Mr. MANN. No; I have not the time. I do not know under what authority we may justify the bill. I am not that strict constructionist that makes it bother me very much. I think that the same authority, whatever it may be, which authorizes us to maintain the Bureau of Soils, a Bureau of Animal Industry, a Bureau of Plant Industry, a Bureau of Mines and Mining, a Bureau of Education, a Bureau of Standards, and various other bureaus of the Government, is probably the same authority under which we could maintain this bureau.

I regret that this matter does not come before the House in such a way that it is subject to both discussion and amendment. I have forgotten who originally introduced the bill, a good many years ago. In the last Congress it was introduced by Mr. Parsons, of New York, and in this Congress by the gentleman from Massachusetts [Mr. PETERS] in practically the same language as the bills have been for years introduced. The Senate bill is practically the same, except that it inserts words which the gentleman from Massachuettts [Mr. MCCALL] finds objectionable, "Among all classes of our people," a sentence which was inserted by the Senate in the old bill, and also inserts a provision with reference to the representatives or agents having no authority to go into family residences.

Mr. LONGWORTH. Mr. Speaker, may I ask the gentleman at that point how he construes those lines?

Mr. MANN. I do not construe them.

Mr. LONGWORTH. What do they mean?

Mr. MANN. No one knows what they mean, but we will find out when we put the bill into operation. Then the bill creates a number of employees in the department, a useless proceeding, an improper method of legislation. Employees, when this bureau is first organized, will have nothing to do, and when they do have something to do this number of employees will not be sufficient; but the law will, happily, prevent an enlargement of the activities of the bureau beyond the number of employees now authorized, so that in the end, if they desire, they can not engage in great activities.

For years a good many of the good people of the country have been endeavoring to obtain legislation which would make special study and investigation of the conditions surrounding the children of the land. If that investigation is purely and simply for the purpose of obtaining ordinary information, no one would complain, but this is another one of the instances where it is intended that the General Government shall overlap the powers of the State governments. The purpose of obtaining information like this will be, in the main, for the purpose of procuring or influencing legislation both by the General Government and by the State governments.

However, so far as I am personally concerned, in deference to the opinion of such women as Jane Addams, who has given her life work to the study of conditions surrounding children and the poorer people, and who has done such noble work in that direction, who believes that this investigation would be productive of great good in the care of children, in the end I shall vote for the bill, although fully conscious that it overlaps other work done by various bureaus of the Government in every direction. It overlaps the work done by the Public Health Service, by the Bureau of Labor, by the Bureau of Education, by a dozen other bureaus of the Government performing now the same work which it is proposed shall be performed by this bureau. Yet I hope that in the end the results of the creation of the bureau may be of great benefit to the country.

Mr. KENDALL. I will ask the gentleman if it is not designed to transfer the work now being done by these various bureaus to which he has referred to this special organization that is created by this bill?

Mr. MANN. I think not.

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

Mr. FITZGERALD. Mr. Speaker, whenever the gentleman from Illinois [Mr. MANN] confesses that he has been unable to find any authority for proposed legislation this House may rest assured that no such authority exists. With his industry and ingenuity he will find authority for legislation where, perhaps, more fertile but less resourceful minds would be unable to do so. I recognize that a great public sentiment has been built up in favor of the creation of this bureau, and yet whoever reads the bill and attentively studies its provisions will find great difficulty in determining exactly the limitations of the bureau's functions and exactly the jurisdiction proposed to be conferred upon it.

If those most interested in the legislation could have their way, this proposed bureau would have the most comprehensive power that could possibly be conferred upon it. I am in receipt of a number of communications both favoring this legislation and opposing it. From the investigation I have been able to make I can not bring myself to support the bill. It is another one of those demands to inject the Federal Government into activities in which it has no legitimate place. It is another effort to have the Federal Government placed in lines of work which more properly belong to the several States of the Union. The only redeeming feature of the bill is that pointed out by the gentleman from Illinois, that in the enumeration of the positions created by this proposed bill it will be impossible, without the utmost difficulty, ever to extend the activities of the bureau. Mr. Speaker, I have no sympathy with this method of passing legislation of such an important character with but 40 minutes of debate limited upon the bill, without opportunity for amendment, without opportunity to do anything else than to propel it through this House with the sentiment behind it, and without any opportunity to consider and to perfect its various provisions. I shall not attempt to analyze the provisions of the bill. It is impossible to do so in the allotted time. Outside of the many good people, among them Miss Jane Addams, referred to by the gentleman from Illinois, who are earnestly supporting the measure, there are others who are interested in this legislation. As a very distinguished citizen of this country has written:

> I am not against the promotion of child welfare, but I am against child sentiment being exploited by professional philanthropists, professional child workers, professional college settlement workers, and their hangers-on using child sentiment for their own selfish ends.

Anyone who is familiar with the course of this legislation, those who have been advocating it from time to time, those who have been most industrious in endeavoring to promote it, will recognize the familiar names of those who have been assiduously seeking comfortable places in the governmental service for many years. I at least wish to voice my protest against this indefensible extension of the activities of the Federal Government into a field in which it has no legitimate place.

If opportunity were given I should propose amendments which would at least perfect the measure. If time were available I should be glad to set out at some length objections to this legislation which deserve at least to be considered by those endeavoring to legislate intelligently. It would be a pleasure to gratify many who earnestly advocate this measure if my judgment approved it. I have carefully examined the reasons advanced in support of the bill as well as in opposition to the creation of the bureau. Much erroneous information has been given publicity, and some so-called comparisons have been made to justify the legislation. In my opinion the legislation is both unwise and unnecessary. I should be glad to please the many really honest advocates of the bill if it were possible to do so. But in this and in all other matters I am compelled to exercise my own judgment rather than accept the judgment of others, and I am therefore unable to support the measure.

Mr. WILSON of Pennsylvania. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. WILSON of Pennsylvania. I yield four minutes to the gentleman from Ohio [Mr. Cox].

[Mr. COX of Ohio addressed the House. See Appendix.]

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

The SPEAKER. Five minutes.

Mr. MANN. Oh, I have more than that. [Laughter.]

The SPEAKER. The gentleman who was presiding temporarily informed the Chair that you had five minutes.

Mr. MANN. Well, I can not help myself, although whoever it was was mistaken. I yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] was in the Chair keeping the time.

Mr. MANN. I knew how much time I had left.

The SPEAKER. How much time does the gentleman say he had left?

Mr. MANN. I had eight minutes left. But I do not care.

The SPEAKER. The gentleman has five minutes remaining, and the gentleman from Pennsylvania [Mr. WILSON] has one minute.

Mr. SHERLEY. Mr. Speaker, two minutes have been yielded to me by the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman is recognized for two minutes.

Mr. SHERLEY. Mr. Speaker, I had no intention, and at present very little desire, to undertake a debate of this question. It was made impossible to properly debate it in the time now at the disposal of the House, and it is an indictment of this procedure of the House that this bill should be considered under a suspension of the rules, with only 20 minutes' debate on a side.

I undertook to interrupt the gentleman from Ohio [Mr. Cox], but being limited in time, he declined to yield. My desire to interrupt him was with a view of calling atention to the mistaken impression he was giving to the House that we were expending large sums of money in the investigation of insect pests and plant and animal life and doing nothing for the child. That charge has been carried in every newspaper of the land for months; it has been said that we contribute for the hog but do nothing for the child. A more misleading statement and a more unjustifiable statement of facts never was made.

If I had the time I could read to this House information obtained from the various departments that I took the trouble to write to, asking how much they had expended in investigation and help of the children of the land. The amounts run into a good many thousands of dollars.

Mr. BURLESON. Will the gentleman put those letters into the RECORD?

Mr. SHERLEY. I will. In addition to that fact, it ought to be borne in mind by everybody that nothing is done for the hog or any animal or insect or plant that is not done with the idea of helping the human race, and to undertake to put Congress or any other legislative body in the position of declining to help the human family and being willing to help every other form of life is to try to prove one of those absurd things that the mere statement of destroys.

Now, we ought to have the opportunity to examine at this time into whether this bill does not propose the creation of an unnecessary bureau; whether, as stated by the head of the Department of Education, his bureau is not prepared now to do all of the work that is being asked to be done by this proposed bureau; whether you will not bring about just here what we have in many instances elsewhere—a duplication and multiplication of work. If the bureau is to do those things that the advocates of it hope it may do, then the number of its authorized employees is absolutely inadequate. If it is not to do those things, then there are already existing agencies of the Government sufficient to do it.

Now, I believe that some of us who have not seen our way clear to vote for the bill in its present form are not quite subject to the indictment——

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield to the gentleman one minute more.

Mr. SHERLEY (continuing). Are not quite subject to the indictment of being totally lacking in any humanitarian instincts or desires. I happen to know some of the people who are agitating this matter. The gentleman from Ohio [Mr. Cox] refers, for instance, to Mr. Flexner, of my city. He is a very excellent gentleman, with whom I have had elaborate correspondence in regard to this matter. I do not question in the slightest the motives of such men, though their knowledge of the need of such a bureau and the present facilities of the Government to gather the data is no greater than that of Members of this House. My sole purpose now is to say this: It is perfectly apparent that we shall be in session for some months; there is not the slightest excuse to insist that this House shall to-day, with only 20 minutes to a side for debate, and without power of amendment, pass this bill.

As to its constitutionality I entertain no reasonable doubt. Whatever in early days may have been thought of the right of the Federal Government to exercise such powers as are granted in this bill, at this time in view of the many bureaus exercising similar power without question by anyone I can not see how the right can be questioned. It may be that one bad precedent has led to another; in some ways that is true, but it is now too late to successfully question the exercise of such powers by the Federal Government.

After giving the matter much thought I have about determined to vote for a proper bill, fully considered and perfected by the free action of the House, but I am not willing to vote for this very uncertain bill under suspension of the rules, when no one can even offer an amendment. It is either inadequate or unnecessary. Under the leave given to extend my remarks in the RECORD, I add the following letters from various departments of the Government:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, February 26, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives, United States, Washington, D. C.

DEAR SIR: In the absence from the city of the Commissioner of Education I beg to acknowledge the receipt of your letter of February 22, asking that you be furnished with a general statement showing what the Bureau of Education is doing for the children of the country. In reply I am sending herewith a copy each of two letters of the Commissioner of Education to the Secretary of the Interior, prepared at the request of the Secretary. In these letters the commissioner states the things that the Bureau of Education is doing for children, and also the amount of money that is being expended by the Division of School Hygiene and Sanitation. I am inclosing herewith a list of some publications of the Bureau of Education dealing with child welfare. You will understand, of course, that this list does not include all of the publications relating to children that have been issued by this office. If the material sent you does not give you the exact information that you desire, I shall be glad to try again if you will kindly indicate more specifically the nature of the material desired.

I may say that practically all of the work done by the Bureau of Education is in the interest of the children of the country. The total appropriations for the bureau amount to $79,800.

Very respectfully,

L. A. KALBACH,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, January 3, 1912.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have read carefully all the correspondence on file in this bureau in regard to the proposed children's bureau, the arguments submitted at the hearing May 12, 1911, before the Committee on Labor of the House of Representatives, and the report made August 14, 1911, by Senator BORAH for the Committee on Education and Labor, and I find no reason to modify the opinion expressed in my letter of December 21, 1911, to wit: That the work specified in this bill to be done by the proposed bureau can be done more effectively and with better results in the Bureau of Education, and that, therefore, the appropriation asked for the new bureau should be made to the Bureau of Education for the creation of one or more new divisions for some portions of this work and for strengthening the divisions already engaged on important parts of it.

In section 2 of S. 252, the purposes of the proposed bureau are set forth as follows: "The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents, and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the welfare of children. The chief of said bureau may from time to time publish the results of these investigations."

The phrase "all matters pertaining to the welfare of children and child life" would cover the greater part of the work of the Bureau of Education, and as pointed out in my letter of December 21, all the items specified, with one possible exception, are either direct or indirect problems of education with which the Bureau of Education now deals or should undertake at the earliest possible moment.

Permit me to submit the following reasons for my position in this matter:

1. The Bureau of Education is already doing much of the work specified in Senate bill 252. It collects and publishes statistics of school population and school attendance, summaries of school and child-labor laws, facts as to school buildings, grounds, and sanitary arrangements, and statistics in regard to schools for exceptional children, including the deaf, dumb, blind, feeble-minded, and children of criminal tendencies. In its annual reports and in special bulletins it has frequently dealt in a special way with various phases of the subject of child welfare. Within the last few months there has been established in this bureau a Division of School Hygiene and Sanitation to which is allotted for annual support $5,950, exclusive of the help given by clerks in the Correspondence Division. Estimates recently submitted by me and now embodied in the estimates of the Department of the Interior include an addition of $9,300 for this division. If this appropriation is made this division will then have a total annual fund of $15,250, and will be able to do for the health of children all that can be done with a like fund in any bureau. School sanitation necessarily includes the health of children out of school. The same individual can not be a healthy child in school and a sick, diseased, or uncared-for child out of school. School hygiene necessarily takes hold of the home. It happens that the chief of this division has in the last week submitted for my approval a letter which he is preparing to send to all the State and city boards of health, offering the cooperation and services of this division of the bureau in all matters pertaining to the health of children. He suggests especially that help be given by making this division a clearing house for all matters pertaining to the health of children.

2. For most of its information, except such as is gathered by the Census Bureau, the proposed bureau would have to depend largely on the agencies on which the Bureau of Education depends and with which the Bureau of Education is more closely allied than the proposed bureau would be. These agencies include school boards, superintendents, and principals of schools, teachers, and truant officers, and school physicians. For carrying into effect any plans for improving the condition of children the dependence would be greater still. Other agencies could and would cooperate with the Bureau of Education just as readily as with the new bureau.

3. To unite in the Bureau of Education all things which pertain to the welfare of children would aid much in giving to the people the right conception of education, which is too often supposed to be merely the results of formal lessons in school.

I therefore renew my suggestion that the appropriation asked for the establishment and maintenance of a children's bureau be made to the Bureau of Education for such of the purposes specified in S. 252 as are not now served by this bureau.

Respectfully submitted.

P. P. CLAXTON, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, December 21, 1911.

The honorable the SECRETARY OF THE INTERIOR.

SIR: In the modern acceptance of the meaning of education it includes all the controllable influences that contribute to the development of children and to the making of a fuller manhood and womanhood, whether physical, mental, or moral, in so far as these can be differentiated and assigned to the periods of infancy, childhood, and youth. Of course, the problems of scholarship and of professional education and training, belonging largely to adult life, are not excluded.

All the things enumerated in Senate bill 252, Calendar 119, as pertaining to "the welfare of children and child life" belong either directly or indirectly in the province of education, and most of them are so closely related to and bound up with problems with which the Bureau of Education now deals or which it is preparing to take up as its legitimate work that to attempt to separate them and assign them to another department or another bureau would, I believe, not be wise from the standpoint either of economy or of efficiency. The only items mentioned in the bill that do not belong directly to the province of education and this bureau are infant mortality, the birth rate, desertion, and dangerous occupations. The first two and the last of these are at least secondary problems of education in the large sense in which it is considered in this bureau.

These are all important matters, and there is need of more money for their proper handling, but because of the nature of the work and its intimate relations with the proper work of the Bureau of Education any appropriations for their consideration and handling should, I believe, be made to this bureau, in which one or more new divisions should be created for that purpose. One strong bureau, with funds and organization sufficient to enable it to deal adequately with the full round of problems naturally belonging to it, should be more efficient than two small and disconnected bureaus, both dealing with the same problems so closely related that none can be dealt with effectively apart from the others. If, therefore, the present Congress is willing to appropriate money for the purposes set forth in Senate bill 252, I would recommend that it be appropriated to the Bureau of Education in the Department of the Interior, to be used in strengthening the divisions of the bureau now engaged in phases of this work and for the creation and maintenance of new divisions for other parts of the work.

Respectfully submitted.

P. P. CLAXTON, *Commissioner.*

SOME PUBLICATIONS OF BUREAU OF EDUCATION DEALING WITH CHILD WELFARE.

59. Legal Rights of Children; by S. M. Wilcox. Washington, 1880. 96 pages. (Circulars of information, 1880, No. 3.)

68. Causes of Deafness Among School Children and Its Influences on Education, with Remarks on the Instruction of Pupils with Impaired Hearing and on Aural Hygiene in the Schools; by Samuel Sexton. Washington, 1881. 47 pages. Illustrated. (Circulars of information, 1881, No. 5.)

69. The Effect of Student Life Upon the Eyesight; by A. W. Calhoun. Washington, 1881. 29 pages. (Circulars of information, 1881, No. 6.)

116. Vacation Colonies for Sickly School Children. Washington, 1880, 4 pages.

173. Sanitary Conditions for Schoolhouses; by Albert P. Marble. Washington, 1891. 123 pages. Illustrated. (Circulars of information, 1891, No. 3.)

248. Experimental Study of Children, Including Anthropometrical and Psychophysical Measurements of Washington School Children, and a Bibliography; by Arthur MacDonald. Washington, 1899. 985–1204, 1281–1390 pages. Chapters 21 and 25 from report for 1897–98.

274. Education and Crime. Reprint of chapter 28, pages 1249–1343, report for 1899.

Compulsory School Attendance and Its Relation to the General Welfare of the Child. Chapter 28, pages 1263–90, Report of the Commissioner on Education for 1906.

376. The auxiliary schools of Germany; six lectures (by B. Maennel). Translated by Fletcher Bascom Dresslar. Washington, 1907. 137 pages. (Bulletin, 1907, No. 3.)

379. The elimination of pupils from school (by Edward L. Thorndike). Washington, 1908. 63 pages. (Bulletin, 1907, No. 4.)

403. The daily meals of school children (by Caroline L. Hunt). Washington, 1909. 62 pages. (Bulletin, 1909, No. 3.)

417. Schools for crippled children abroad (by Evelyn M. Goldsmith). Reprint of chapter 11, pages 503–511, report for 1909.

451. Age and grade census of schools and colleges; a study of retardation and elimination (by George Drayton Strayer). Washington, Government Printing Office, 1911. 144 pages. (Bulletin, 1911, No. 5.)

457. Bibliography of child study for the years 1908–9 (by Louis N. Wilson). Washington, 1911. 84 pages. (Bulletin, 1911, No. 11.)

461. Provision for exceptional children in public schools. Prepared by James H. Van Sickle, Lightner Witmer, and Leonard P. Ayres. Washington, 1911. 92 pages. (Bulletin, 1911, No. 14.)

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, February 23, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives, Washington, D. C.

MY DEAR MR. SHERLEY: I am in receipt of your letter of February 22, making inquiry with regard to the work done by the Census Bureau in collecting statistics affecting children.

The only annual work which the Census Bureau does which involves statistics affecting children is on mortality. In publishing mortality statistics we give, for each separate disease, the number dying according to age periods; for the ages above 5 figures are not given of individual years, but only for groups of five years, but separate figures are given for each individual year of age under 5. For children under 1 still finer age distinctions are made. The reason why so much greater detail is given for the ages of children who die than for older persons is because of the extremely high death rate among children.

In connection with the quinquennial census of manufactures and the decennial census of population two or three questions are asked which have little significance except in their bearing upon the condition of children, and in the tabulation of two or three other questions a greater degree of analysis is applied to children than to adults.

In the manufactures census the question with regard to wage earners distinguishes between those above and those below 16 years of age, and in the tabulations for each State and for each industry in each State the figures for these two classes of wage earners are separated, the obvious purpose being to discover the extent of child labor in manufacturing industries. A similar question is also included in the schedule relating to mines.

In the population schedule there is a question with regard to school attendance, which of course has its chief significance with respect to children. In addition to tabulating the answers to this question in considerable detail—the distinguishing age periods, sex, color, and native or foreign birth and parentage—the Census Bureau also tabulates with especial fullness the returns for children with respect to occupations and age.

In tabulating occupation statistics it has been customary in the past, and we are planning to do the same at the present census, to show the number in each occupation by age groups consisting of 5 or 10 years each. In the case of children under 15, however, the age classification is carried into greater detail by showing the number employed in each principal occupation for each individual year of age.

In the tabulation of ages the returns for the adult population are shown for individual years of age only, but in the case of children under 1 year of age five groups are distinguished according to the month of age. This is done for the purpose of facilitating comparisons with the statistics of deaths of children already referred to.

What has been set forth above may be briefly summarized in the statement that the Census Bureau publishes statistics dealing with age, occupations, school attendance, and mortality for children in considerably greater detail than similar statistics are published for adults. Such statistics relating to mortality are published annually; relating to persons employed in manufacturing industries, quinquennially; and those relating to occupations in general, to age, and to school attendance, decennially.

You will find the information particularly relating to children, which was published in connection with the Twelfth Census, as follows:

Statistics of occupations, scattered throughout the entire volume of the report of that census entitled "Occupations."

Statistics of school age and of school attendance, in volume 2, on "Population," pages 151 to 249 and 349 to 410.

Statistics of the ages of children, in volume 2, on "Population," pages 2 to 149.

Supplementary and special statistics regarding child labor, in Bulletin 69, issued in 1907, a copy of which is forwarded herewith.

Statistics of children employed in manufacturing industries, scattered throughout the entire series of reports on manufactures, with a summary and analysis in Part 1 (Vol. VII of the entire series of reports, pp. cxxv to cxxxiii).

I am also sending you a copy of Bulletin 109, containing the mortality statistics for 1910, and call your attention particularly to the table beginning on page 154.

I am quite unable to make any even approximate estimate of the cost of the work which the Census Bureau thus does with regard to children. The work is all inextricably mingled with the more general lines of work. It would not, for example, be proper to attempt to calculate the cost of compiling statistics regarding the occupations of children by taking the entire cost of the occupation work and proportioning a part thereof to the statistics concerning children in the ratio of the number of occupied children to the total number of occupied persons. All that could be charged as a special cost due to the statistics of children would be the additional cost of handling the occupation statistics for children as compared with adults. I think it is safe to say that the special work relating to children, performed by the Census Bureau during the last three years, has involved an additional cost of not less than $100,000. The conditions, however, during the decennial census period are, of course, entirely different from those between censuses. I do not suppose that the extra cost of the work we do concerning children in our annual mortality statistics amounts to more than a few thousand dollars.

Regretting my inability to give a more specific answer to your inquiries, I am,

Very respectfully, E. DANA DURAND, *Director.*

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF LABOR,
Washington, February 28, 1912.

Hon. SWAGAR SHERLEY, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: I have your letter of February 22, inquiring what this bureau has done in the matter of investigating the welfare of children and the approximate amount expended annually for this purpose.

In February, 1897, the bureau published a report made in response to a joint resolution of Congress, directing an investigation into the "conditions attending the employment of women and children," etc., "and the effect, if any, their employment has had upon the wages and employment of men."

This investigation was carried out as part of the regular work of the bureau, and it would be practically impossible to determine what portion of the expense in connection with the investigation and report should be charged to that part of the work relating to children. The agents in visiting establishments secured data relating to the wages and working conditions of children in addition to data relating to women and men. In this way the travel involved and the work in gathering data in the establishments and the work in the preparation of the report itself would have been very nearly the same had the investigation related only to men and women. On the other hand, if the matter is turned around, it might be said, if the investigation dealt with children, it added comparatively little to the cost to get the data concerning men and women. It would be difficult now to go back and determine even what the report cost, but making a rough estimate I should say it might easily have been $100,000, and possibly the fairest way to estimate what was expended on the investigation of children would be to apportion the amount equally among the three classes of employees.

Again, in the fiscal year 1903–4, the bureau conducted a small investigation into child labor in the United States which cost approximately between $3,000 and $4,000.

In July, 1905, the bureau published a digest of the laws relating to child labor in the principal European countries. This work was done as a part of the regular work of the bureau from time to time during that year, and it would be very difficult now to find just what the cost was, but I assume it was not over $1,000.

In January, 1906, the bureau published in its bulletin the text of all the laws of the various States relating to the employment of children. This did not cost over a few hundred dollars.

Up to 1907 the work of the bureau in connection with the welfare of children was, as indicated above, occasional or included in the general studies relating to men and women in industry. In 1907, however, the bureau began an investigation directed by Congress into the condition of women and children wage earners in the United States, and for this work Congress appropriated $150,000 for the fiscal year 1907–8, and another $150,000 for the fiscal year 1908–9, the second appropriation being made available until exhausted. The entire amount of these two appropriations was used in the investigation directed. In this case, as in the earlier study published in 1897, it is impossible to apportion the expense. Part of the investigation related directly to children and part directly to women, but in other parts of the investigation, such as in the textile and silk industries, the establishments visited employed both women and children, and the same amount of travel and practically the same expenses would be involved had the investigation related to only one of these classes. It would probably be fair to assume that one-half of the total expense was expended on the investigation of the wages and working conditions of women and the other half on the wages and working conditions of children.

In the above figures no account has been taken of the printing and distributing of the reports published. The reports embodying the results of the recent investigation directed by Congress, for which $300,000 was appropriated, are being printed as a Senate document, and I have no information as to what the cost of this printing is. The printing and distribution of the other reports referred to in this letter would probably come to $20,000, of which one-third might be arbitrarily charged to that part of the work relating to children.

I am, very truly, yours,

CHAS. P. NEILL, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 4, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives.

SIR: In response to your inquiry of February 22 relative to governmental education of the Indian children, I beg to say that the aim of the bureau is to give to Indian children an education in the common branches taught in the white grade schools and also sufficient industrial education in special branches to fit them to earn a livelihood and support themselves and their families after they leave the schools.

Pursuant to this end the Government has established reservation boarding schools and day schools and nonreservation boarding schools. The reservation boarding schools, conducted for those Indian children belonging on the reservation, teaches them English, brings them up to the third or fourth grade, and also gives them the rudiments of industrial training. When, however, they reach the age of 14, it is expected that they will then be sent to a nonreservation school, where they pursue their academic work to the eighth grade and also receive full industrial training. The nonreservation schools are well equipped for industrial education, domestic science, and manual arts, and especially agriculture, and every Indian who desires to farm his allotment has every opportunity to learn agricultural methods—farming, gardening, dairying, and care of stock.

On the other hand, more especially in the communities where the Indian is brought in close contact with the white man and has to some extent adopted his customs, the Government day school or the public school takes the place of the reservation boarding school for the Indians. The policy of the office at present, however, is to encourage attendance in the State public schools of all Indian children who are entitled or may be permitted to attend under State laws, and many are now so attending district public schools.

When, however, they arrive at an age where they should have industrial and special training, which the public-school system does not offer, they may still be received in the nonreservation schools for completion of their training along special lines.

In addition to the Government schools, in some cases contracts are made with private or mission schools, payable out of the Indian tribal moneys, and also with public schools to which the Indians would not be entitled to admission under State laws.

Many Indian boys and girls have profited by the educational opportunities afforded, and have made a creditable place for themselves in the world and among white people. Some have failed, of course, but it can hardly be expected that the fullest education and mental equipment of this race can be accomplished in one generation. In the school system of the service every effort is made to educate, train, and civilize these people, to inculcate a correct understanding of moral obligations, and to care for their bodily health and teach them to care for themselves after governmental supervision has ended.

During the fiscal year 1911 there was expended for strictly educational purposes approximately the sum of $4,542,777.

Respectfully,

F. H. ABBOTT, *Assistant Commissioner.*

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, February 24, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives.

MY DEAR MR. SHERLEY: Your inquiry of the 22d instant was received yesterday. In reply I have the honor to advise you that the amount disbursed for pensions in behalf of minor children during the fiscal year ended June 30, 1911, was $1,087,488.24.

Very respectfully,

J. L. DAVENPORT, *Commissioner.*

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 28, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives, Washington, D. C.

SIR: The department is in receipt of your letter of February 21, addressed to Dr. Wiley, asking for a general statement showing what the Bureau of Chemistry is doing for the good of the country with reference to the children of the United States.

The Bureau of Chemistry is doing a great deal in this respect, but I fear it will be impossible to give the amount annually expended in the work. In the enforcement of the food and drugs act the welfare of children, as well as the welfare of adults, is considered. I refer not merely to those general foods whose adulteration may affect the welfare of the whole community, but especially to foods which are used particularly by children, as, for instance, the milk supply and infant foods. I may say that the Bureau of Chemistry pays particular attention to products which are used especially by invalids and children and regards their adulteration as grave cases of the violation of the food and drugs act.

Respectfully,

JAMES WILSON, *Secretary.*

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 28, 1912

Hon. SWAGAR SHERLEY,
United States House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant requesting a statement of any investigations made by the Public Health and Marine-Hospital Service regarding the diseases affecting children and the approximate cost of such investigations.

In reply, you are informed that in accordance with existing laws the above-mentioned service conducts systematic investigations of contagious and infectious diseases and matters pertaining to the public health. Many of these diseases affect children in greater proportion than adults, and some of them, as infantile paralysis and measles, are almost wholly confined to the period of childhood and early adolescence.

In addition to investigations, there is authority in law for the Public Health and Marine-Hospital Service to cooperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations of this department to prevent the introduction of contagious or infectious diseases into the United States and their spread from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia.

Among the first and most important studies conducted by the above-mentioned service and having a direct bearing on the welfare of children were those in 1894 and 1895 relating to the serum treatment of diphtheria. Soon after the reported discovery of diphtheria antitoxin an officer of the service was sent abroad to make a careful study of the new remedy, and as a result the propagation of antitoxin was begun in the Hygienic Laboratory on November 9, 1894, with the view to demonstrating its methods of preparation and value in the treatment of diphtheria. During the following year further studies were made of the prevalence of diphtheria in the United States and the value of diphtheria antitoxin to combat the disease.

The enactment of the law of July 1, 1902, governing the propagation and sale in interstate traffic of viruses, serums, toxins, and analogous products afforded opportunity for further studying not only diphtheria antitoxin, but other prophylactic agents, such as vaccine virus, which are used in large quantities to control contagious diseases. A standard of potency for diphtheria antitoxin was devised, the use of which assures uniform strength of all this product sold in interstate traffic. Coincident with the systematic testing of diphtheria antitoxin and other biologic products, exhaustive investigations have been carried on to determine the cause of sudden deaths following the use of animal serums. These studies, which were successful, have thrown light both from practical and scientific standpoints on the precautions to be observed in using diphtheria antitoxin among children and adults.

Studies have likewise been made of the influence of antitoxin upon post-diphtheritic paralysis. Reports of some of the above-mentioned studies are contained in Hygienic Laboratory Bulletins Nos. 38, 45, 50, and 64, copies of which are forwarded herewith.

As having a bearing on the control of diphtheria and scarlet fever, reports have been issued on the management of outbreaks of such diseases, the prevention of the spread of scarlet fever, and the application of disinfectants to be used in their prevention. Copies of these reports are inclosed herewith.

A report is also inclosed of studies made of an eruptive fever known as the "fourth disease."

Since 1902 the bearing of hookworm disease on the health of children in the Southern States has been systematically investigated. As a result of these studies it has been shown that hookworm infection is extremely prevalent among children in certain districts, interfering with their physical development and reducing their mental efficiency. In accordance with an act of Congress authorizing investigations of child and woman labor cooperation was rendered to the Bureau of Labor to determine the influence of hookworm disease and insanitary conditions on the health of children in cotton mills and cotton-mill villages. Investigations have likewise been made to determine the prevalence of amebæ and lambia among children in one southern district. These latter data are awaiting publication. The reports of studies of hookworm disease are contained in numerous bulletins, one of which is inclosed herewith.

In studies of typhoid fever in the District of Columbia during a period of five years beginning July, 1906, special attention has been paid to the prevalence of the disease in this class of the population and their influence on its continuance in the District. Reports Nos. 2, 3, and 4 on these investigations are forwarded herewith.

Coincident with the above investigations exhaustive studies have been made of milk and its relation to the public health. A report of these studies is contained in Hygienic Laboratory Bulletin No. 56, copy of which is forwarded herewith. This latter bulletin, among other things, contains compiled data of epidemics of typhoid fever, scarlet fever, and diphtheria spread by milk; the results of laboratory investigations of the frequency of tubercle bacilli in milk; statistics of infant mortality in relation to milk; bearing of pasteurization on infant morbidity; an extensive discussion of infant feeding; data regarding the production of certified milk; and the number and influence of infants' milk depots on health in cities of the United States. Similar data regarding operations of infants' milk depots in 1909 and 1910 have also been collected, those for the latter year having been published in a publication, copy of which is inclosed herewith.

In relation to investigations of leprosy in Hawaii, statistical studies have been made as to the occurrence of the disease in relation to school age. Investigations have also been made relative to heredity versus environment in leprosy. Copies of bulletins containing these studies are inclosed herewith.

Advantage has been taken of the occurrence of acute anterior poliomyelitis (infantile paralysis) in the United States within the past two years to make somewhat extensive studies of the disease. These studies have been made in Iowa and New York and at the Hygienic Laboratory in Washington, and publications issued on the subject are inclosed herewith. Investigations have likewise been made of epidemic cerebrospinal meningitis within two years in Georgia, Ohio, and Texas. A copy of a publication bearing on the disease, with special reference to public measures for its control, is forwarded herewith.

In connection with investigations of sewage pollution of interstate and international waters with special reference to the spread of typhoid fever, particular attention has been paid to the bearing of sewage polluted water supplies on child mortality and diarrheal diseases. Some reference is made to these investigations in Hygienic Laboratory Bulletin No. 77, copy of which is inclosed herewith. A full report on the subject, however, is now being prepared for publication.

Experimental investigations of measles have been successfully conducted in the Hygienic Laboratory and are of special importance, because the disease is largely confined to children and is responsible directly or indirectly for a high death rate among them. During these experiments measles was for the first time transmitted to lower animals, which result is an essential step to further successful studies.

The laws and regulations in the United States relating to ophthalmia neonatorum have been brought together and an analysis made of them. This analysis is contained in a publication, copy of which is inclosed herewith. An analysis has likewise been made of the laws and regulations of the various States relating to the reporting of cases of sickness. This latter study has a special bearing on child welfare, since most of the data relate to contagious and infectious diseases to which children are specially liable. A copy of the bulletin containing these data is forwarded herewith.

In connection with recent epidemics of cholera in the Philippine Islands an officer of the service has made special investigations of the disease among children. The results of these studies prompted the same officer to undertake an exhaustive study of infant mortality in Manila; 48.8 per cent of the total deaths in that city is among infants under 1 year of age, many of them incorrectly diagnosed. As a result of these studies it was shown that the largest single factor in producing infant mortality in Manila was due to a preventable disease, which the officer referred to called "infantile beriberi."

Other investigations made of contagious and infectious diseases might be mentioned as applicable to the welfare of children. The health of this class of the population, especially within the first year of life, is largely dependent on their food supply and the hygiene of their surroundings. Among the most important of the above-mentioned investigations, therefore, are those relating to milk. All of these studies were made by medical officers of the service as a part of their regular duties. For this reason it is impracticable to give a definite statement of the cost of such investigations. The items of expense were for salaries, necessary traveling expenses, and a limited amount of laboratory and other supplies, some of which could subsequently be used in other investigations.

Opportunity is taken to invite attention to the importance of such studies in relation to the public health, and should Congress appropriate additional funds the investigations could be extended with great benefit to the country.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

Mr. MANN. I yield to the gentleman from Iowa [Mr. PICKETT].

[Mr. PICKETT addressed the House. See Appendix.]

Mr. MANN. I yield to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. Mr. Speaker, I know that two schools of political thought have grown up in this country with reference to the rights of the General Government as against the States. I am a good deal of a Federalist myself. I believe it is necessary that our Government should be an affirmative agency in the betterment of human conditions and the progress of the American people. It seems to me, from the statement of the gentleman from Illinois, that the same authority which authorizes these other bureaus is a sufficient constitutional authority for this. I am not a constitutional lawyer, and I have not seen this bill before, but I do regard it as vital to this country that we have the means of information as to what the rising generation of this country is doing, to know its habits, its thought, and its education, and to know where we are drifting as a people. We have not had a more important bill before this House at this session. If this Nation is to survive and its institutions endure we must not be blind to the welfare of the rising generation. There are dangerous tendencies already apparent to thoughtful people, and another 25 years may disclose a degeneracy in American citizenship not now foreseen. The moral and intel-

lectual wellspring of our social and industrial life if pure must be kept so, and if not pure should be made so. You may say this is the work of the home, and, no doubt, that is of the first importance. But there is an essential and vital work to be done, not by the individual but collectively—that is, by the whole people in their sovereign capacity, both National and State. The first step in the direction of better conditions is information. We must ascertain the facts; we must first know the actual conditions. This bill merely improves the governmental machinery by which these facts are to be ascertained. The child life of to-day will be the real life of the Nation 25 years from now. The individual, the home, the State, and the Nation must all work to conserve this greatest of national resources—human character and energy—without which our wealth will turn to ashes and our national glory be but the hollow boast of a day. Greater than questions of tariff, of commerce, of mines, or mills or farms, is the question of our future national life and character.

Ill fares the land, to hastening ills a prey,
When wealth accumulates and men decay.

Mr. BURKE of Pennsylvania. I am for the purposes aimed to be accomplished by this bill. In so far as the Federal Government has power to do so, I favor the exercise of its power to protect the interests and promote the welfare of the children of this country.

I do not believe the phrase "all classes of our people" is wise. I do not believe we should formally recognize or declare that there are "classes" in this country. Nor do I believe a man's rights should be determined by the character of the house in which he lives. In lines 7, 8, and 9 we find the following provision:

But no official or agent or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a family residence.

Suppose a man lives in a boarding house; suppose he lives in a hotel; suppose he lives in the rear of his store or on the second floor above his place of business; is he to be deprived of the same protection against invasion as the man who can afford to live in an exclusive family residence?

Why not bar inspectors against entering "the home of any family," whether it be in a hotel, a residence, a boarding house, or a business house and residence combined?

As there is no chance under the rules to amend the bill, I shall vote for it, because I sympathize with its beneficent underlying purposes, but I believe it would be improved by the amendments I have outlined.

Mr. OLMSTED. Mr. Speaker, this bill proposes to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, which is to be charged to investigate and report upon "all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents, and diseases of children in the several States and Territories," and the chief of the bureau is to publish from time to time the results of his investigations. The requisite machinery is provided.

I am in favor of this bill.

The average mortality in this country among infants under 1 year of age is woeful to contemplate. I have no doubt that, through the instrumentality of such a bureau, much can be accomplished for the health and safety of children, their protection from disease, and, perhaps, for their mental as well as their physical welfare.

Whatever helps the child helps the mother of the child. Whatever helps the mother and the child is helpful to the father, whose duty it is to support and care for them. In short, any measure having for its object the protection of children from disease and death is for the general welfare of all the people.

This bill is being considered under suspension of the rules, which does not permit of its amendment. If it were possible, I should like to strike out the words "among all classes of our people," occurring in the second line of the second page, as it is wholly unnecessary and, to my mind, very objectionable.

I do not believe in creating or recognizing "classes." We are legislating for all the people and for the children of all the people. We are not legislating for classes. Our Constitution and form of government treat all people as equal in opportunity and in claims for Government protection. Classes we do not recognize.

I am not disturbed about the constitutional authority of Congress to pass such a measure. Indeed, it is rather late to raise that question, after all the bureaus which have been created for various purposes. We have already a Bureau of Mines, a Weather Bureau, a Bureau of Animal Industry, a Bureau of Plant Industry, a Bureau of Chemistry, a Bureau of Soils, a Bureau of Entomology, a Bureau of Biological Survey, a Bureau of Manufactures, a Bureau of Labor, a Bureau of Fisheries—and I do not know how many other bureaus. They are all useful and amply justify their creation. There is as much authority for a children's bureau, and perhaps there is fully as much necessity for it. If it does not yield an immediate return in dollars and cents, it will yield an even more valuable return by improving the health of our children, reducing the mortality among them, and in helping to a stronger and healthier race of people. Nothing we can do here in Congress is of greater importance than that. [Applause.]

Mr. MANN. I yield the balance of my time to the gentleman from Mississippi [Mr. SISSON].

[Mr. SISSON addressed the House. See Appendix.]

Mr. WILSON of Pennsylvania. I yield the balance of my time to the gentleman from California [Mr. RAKER].

[Mr. RAKER addressed the House. See Appendix.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken; on a division (demanded by Mr. SISSON) there were—ayes 89, noes 11.

Mr. SISSON. I make the point of order that there is no quorum present.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 177, nays 17, answered "present" 8, not voting 190, as follows:

YEAS—177.

Aiken, S. C.	Donohoe	Kinkaid, Nebr.	Pou
Ainey	Driscoll, D. A.	Kinkead, N. J.	Pray
Akin, N. Y.	Driscoll, M. E.	Kitchin	Raker
Alexander	Dupré	Konig	Rees
Allen	Edwards	Lafferty	Roberts, Mass.
Anderson, Minn.	Esch	La Follette	Rubey
Barnhart	Estopinal	Lamb	Russell
Bathrick	Faison	Lawrence	Scully
Blackmon	Farr	Lee, Pa.	Simmons
Boehne	Fergusson	Lewis	Sloan
Booher	Ferris	Lindbergh	Small
Bowman	Finley	Linthicum	Smith, J. M. C.
Brown	Floyd, Ark.	Littlepage	Smith, Saml. W.
Browning	Foster	Lloyd	Smith, Tex.
Bulkley	Francis	Lobeck	Speer
Burke, Pa.	French	McCall	Steenerson
Burke, Wis.	Gardner, Mass.	McGillicuddy	Stephens, Cal.
Burleson	Gardner, N. J.	McKenzie	Sterling
Butler	Gillett	McKinney	Stone
Byrnes, S. C.	Godwin, N. C.	McLaughlin	Sweet
Cannon	Goeke	Macon	Taggart
Cantrill	Gray	Maguire, Nebr.	Taylor, Ohio
Carlin	Green, Iowa	Mann	Thomas
Claypool	Greene, Mass.	Martin, Colo.	Towner
Clayton	Gregg, Pa.	Moon, Pa.	Townsend
Cline	Griest	Moore, Pa.	Tribble
Collier	Hamill	Morgan	Turnbull
Connell	Hamilton, Mich.	Morrison	Underwood
Cooper	Hamilton, W. Va.	Moss, Ind.	Utter
Covington	Hammond	Mott	Volstead
Cox, Ohio	Hayden	Murdock	Watkins
Crago	Hayes	Murray	Wedemeyer
Curley	Helm	Needham	Weeks
Curry	Henry, Tex.	Neeley	White
Dalzell	Hensley	Norris	Wickliffe
Danforth	Higgins	Nye	Wilder
Daugherty	Hill	Oldfield	Willis
Davenport	Holland	Olmsted	Wilson, Pa.
Davidson	Howland	Parran	Wood, N. J.
De Forest	James	Payne	Young, Kans.
Denver	Johnson, S. C.	Pepper	Young, Mich.
Dickinson	Jones	Peters	The Speaker
Difenderfer	Kendall	Pickett	
Dixon, Ind.	Kennedy	Plumley	
Dodds	Kindred	Post	

NAYS—17.

Bartlett	Fitzgerald	Sherley	Wilson, N. Y.
Burgess	Garner	Sisson	Young, Tex.
Callaway	Hardy	Slayden	
Conry	Harrison, Miss.	Stephens, Miss.	
Doughton	Page	Webb	

ANSWERED "PRESENT"—8.

Andrus	Gould	McCoy	Rainey
Candler	Littleton	McMorran	Stevens, Minn.

NOT VOTING—190.

Adair	Bartholdt	Burke, S. Dak.	Cox, Ind.
Adamson	Bates	Burnett	Cravens
Ames	Beall, Tex.	Byrns, Tenn.	Crumpacker
Anderson, Ohio	Bell, Ga.	Calder	Cullop
Ansberry	Berger	Campbell	Currier
Anthony	Borland	Carter	Davis, Minn.
Ashbrook	Bradley	Cary	Davis, W. Va.
Austin	Brantley	Catlin	Dent
Ayres	Broussard	Clark, Fla.	Dickson, Miss.
Barchfeld	Buchanan	Copley	Dies

Doremus	Henry, Conn.	McKinley	Rucker, Mo.
Draper	Hinds	Madden	Sabath
Dwight	Hobson	Maher	Saunders
Dyer	Houston	Malby	Sells
Ellerbe	Howard	Martin, S. Dak.	Shackleford
Evans	Howell	Matthews	Sharp
Fairchild	Hubbard	Mays	Sheppard
Fields	Hughes, Ga.	Miller	Sherwood
Flood, Va.	Hughes, N. J.	Mondell	Sims
Focht	Hughes, W. Va.	Moon, Tenn.	Slemp
Fordney	Hull	Moore, Tex.	Smith, Cal.
Fornes	Humphrey, Wash.	Morse, Wis.	Smith, N. Y.
Foss	Humphreys, Miss.	Nelson	Sparkman
Fowler	Jackson	O'Shaunessy	Stack
Fuller	Jacoway	Padgett	Stanley
Gallagher	Johnson, Ky.	Palmer	Stedman
Garrett	Kahn	Patten, N. Y.	Stephens, Nebr.
George	Kent	Patton, Pa.	Stephens, Tex.
Glass	Knowland	Porter	Sulloway
Goldfogle	Konop	Powers	Sulzer
Good	Kopp	Prince	Switzer
Goodwin, Ark.	Korbly	Prouty	Talbott, Md.
Graham	Lafean	Pujo	Talcott, N. Y.
Gregg, Tex.	Langham	Randell, Tex.	Taylor, Ala.
Gudger	Langley	Ransdell, La.	Taylor, Colo.
Guernsey	Lee, Ga.	Rauch	Thayer
Hamlin	Legare	Redfield	Thistlewood
Hanna	Lenroot	Reilly	Tilson
Hardwick	Lever	Reyburn	Tuttle
Harris	Levy	Richardson	Underhill
Harrison, N. Y.	Lindsay	Riordan	Vreeland
Hartman	Longworth	Roberts, Nev.	Warburton
Haugen	Loud	Robinson	Whitacre
Hawley	McCreary	Roddenbery	Wilson, Ill.
Hay	McDermott	Rodenberg	Witherspoon
Heald	McGuire, Okla.	Rothermel	Woods, Iowa
Heflin	McHenry	Rouse	
Helgesen	McKellar	Rucker, Colo.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Yea" as above recorded.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. CANDLER with Mr. HUMPHREY of Washington.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. KORBLY with Mr. MCLAUGHLIN.

Mr. SULZER with Mr. DYER.

Mr. MCCOY with Mr. HANNA.

Mr. RUCKER of Missouri with Mr. HELGESEN.

Mr. ANSBERRY with Mr. BARTHOLDT.

Mr. ASHBROOK with Mr. BATES.

Mr. BORLAND with Mr. CALDER.

Mr. BURNETT with Mr. CRUMPACKER.

Mr. FLOOD of Virginia with Mr. CURRIER.

Mr. GEORGE with Mr. DRAPER.

Mr. GRAHAM with Mr. GOOD.

Mr. GREGG of Texas with Mr. HAUGEN.

Mr. HAMLIN with Mr. HAWLEY.

Mr. HAY with Mr. HEALD.

Mr. HUGHES of Georgia with Mr. HENRY of Connecticut.

Mr. JOHNSON of Kentucky with Mr. HUBBARD.

Mr. KONOP with Mr. KENT.

Mr. LEVER with Mr. JACKSON.

Mr. HOUSTON with Mr. KNOWLAND.

Mr. RAUCH with Mr. LONGWORTH.

Mr. ROUSE with Mr. MCCREARY.

Mr. SHACKLEFORD with Mr. MILLER.

Mr. SHARP with Mr. MONDELL.

Mr. STEDMAN with Mr. NELSON.

Mr. STEPHENS of Texas with Mr. ROBERTS of Nevada.

Mr. STEPHENS of Nebraska with Mr. SULLOWAY.

Mr. TALCOTT of New York with Mr. VREELAND.

The result of the vote was then announced as above recorded. A quorum being present, the Doorkeeper was ordered to open the doors.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 3, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

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 copy of a communication from the Postmaster General submitting estimate of deficiency in appropriation for City Delivery Service for fiscal year ended June 30, 1909 (H. Doc. No. 663); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, submitting claim adjudicated by the Chief of Engineers for damages rendered private property by Government boats used in river and harbor improvements (H. Doc. No. 664); 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. HAMILTON of West Virginia, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 77) authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment to be held at Pullman, Wash., in June, 1912, reported the same without amendment, accompanied by a report (No. 482), which said bill and report were referred to the House Calendar.

Mr. MARTIN of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 21821) to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa, reported the same without amendment, accompanied by a report (No. 484), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 22387) granting an increase of pension to Louis G. Murray; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20934) granting an increase of pension to Lauderdale L. Tabor; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 21639) granting a pension to Bishop Karshner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22551) granting a pension to Richard E. Goodwin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19918) granting a pension to William Sullivan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20267) granting a pension to Adam Emmetsberger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11228) granting a pension to Myrtle S. Bryan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18277) granting a pension to James V. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21723) for the relief of Hiram Argersinger; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PETERS: A bill (H. R. 22760) to compel railroad corporations issuing mileage books to receive same for transportation on all lines owned, leased, or operated by such corporations; to the Committee on Interstate and Foreign Commerce.

By Mr. CLAYTON: A bill (H. R. 22762) to authorize and regulate the issuance of search warrants for stolen or misappropriated property belonging to the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 22763) prescribing conditions of bail bonds and recognizances and relating to proceedings in forfeiture; to the Committee on the Judiciary.

By Mr. CARTER: A bill (H. R. 22764) setting aside certain public lands for hospital purposes for the Order of Owls; to the Committee on the Public Lands.

By Mr. ALEXANDER: A bill (H. R. 22765) to amend section 4472 of the Revised Statutes of the United States, relating to

the carrying of dangerous articles on passenger steamers; to the Committee on the Merchant Marine and Fisheries.

By Mr. MOTT: A bill (H. R. 22766) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. ESCH: A bill (H. R. 22767) to establish a fish hatchery in the seventh congressional district, in the State of Wisconsin; to the Committee on the Merchant Marine and Fisheries.

By Mr. BURNETT: A bill (H. R. 22768) providing that the United States shall in certain cases make compensation for the use of highways for carrying free rural-delivery mail; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of West Virginia: A bill (H. R. 22769) authorizing the Secretary of War to donate to the town of Elizabeth, W. Va., two bronze or brass fieldpieces for the use of the Grand Army post at that place; to the Committee on Military Affairs.

By Mr. BURKE of South Dakota: A bill (H. R. 22770) for the removal of an ice gorge in the Missouri River near Vermilion, S. Dak.; to the Committee on Appropriations.

By Mr. TAYLOR of Colorado: A bill (H. R. 22771) providing for the removal of Federal judges on account of lack of good behavior in office; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 22773) providing that the United States shall in certain cases make compensation for the use of highways for carrying free rural-delivery mail; to the Committee on Agriculture.

By Mr. LLOYD (by request): A bill (H. R. 22774) to pay to the Creek Nation of Indians in the State of Oklahoma $16,000 pledged to them by the treaty of 1832, article 10 of the articles of a treaty made at the city of Washington, between Lewis Cass, authorized by the President of the United States, and the Creek Tribe of Indians.

By Mr. SULZER: A bill (H. R. 22775) to provide a bounty for killing wolves in the District of Alaska, and to appropriate money therefor; to the Committee on the Territories.

By Mr. BURNETT: A bill (H. R. 22776) for the completion of the public building at Gadsden, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. CURRY: A bill (H. R. 22777) for the purchase of a site and the erection of a Federal building at Sante Fe, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22778) providing for a site for a public building at Alamogordo, Otero County, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. JAMES: Joint resolution (H. J. Res. 286) authorizing the Secretary of War to use tents and rations for the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries; to the Committee on Appropriations.

By Mr. RUSSELL: Joint resolution (H. J. Res. 287) authorizing the Secretary of War to use tents and rations for the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries; to the Committee on Appropriations.

By Mr. VREELAND: Memorial from the Legislature of the State of New York, favoring the enactment of a law to protect migratory game birds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 22761) granting an increase of pension to Emma C. Smith; to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 22779) granting a pension to Martha J. McMiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22780) granting a pension to John R. Perkins; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 22781) granting an increase of pension to Henry J. Dayringer; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 22782) to correct the military record of Jesse P. Dayton; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 22783) for the relief of Bethesda Baptist Church, of Bamberg County, S. C.; to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 22784) granting an honorable discharge to William Moran; to the Committee on Military Affairs.

Also, a bill (H. R. 22785) granting an honorable discharge to Noah Abbott; to the Committee on Military Affairs.

Also, a bill (H. R. 22786) for the relief of Sarah Jane Pirtle; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 22787) for the relief of William R. Price; to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 22788) granting an increase of pension to Mary McCaskey; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 22789) granting an increase of pension to Loviah S. Osborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22790) granting an increase of pension to Ezra Craft; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 22791) for the relief of Carlos Sharpe; to the Committee on Military Affairs.

Also, a bill (H. R. 22792) granting a pension to Christian Lederer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22793) granting an increase of pension to James Seaton; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 22794) granting a pension to Sophia M. Human; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 22795) granting an increase of pension to Lewis E. Pendleton; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 22796) granting an increase of pension to Aaron G. Armstrong; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 22797) granting a pension to Carrie Hollenbeck; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 22798) granting an increase of pension to Theodorus Northrop; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 22799) granting an increase of pension to James K. Turner; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 22800) granting an increase of pension to Robert J. Glasscock; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 22801) granting an increase of pension to Walter P. Stockton; to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 22802) granting a pension to Zorada A. Hughs; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 22803) for the relief of Frank M. Horton; to the Committee on War Claims.

By Mr. PARRAN: A bill (H. R. 22804) granting an increase of pension to Rachel A. Houck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22805) for the relief of Samuel Henson; to the Committee on Claims.

By Mr. PATTON of Pennsylvania: A bill (H. R. 22806) granting an increase of pension to Philo Buckley; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 22807) granting an increase of pension to John Arnold; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 22808) granting an increase of pension to Eli W. Pierce; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 22809) for the relief of Henry A. Greenawalt; to the Committee on Military Affairs.

By Mr. TAGGART: A bill (H. R. 22810) granting a pension to Jennie C. Rathbun; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22811) granting an increase of pension to W. W. Thornton; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 22812) granting a pension to Henry C. Neal; to the Committee on Pensions.

Also, a bill (H. R. 22813) granting a pension to Samuel R. Smith; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 22814) for the relief of Carl J. Lehnhard; to the Committee on Military Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 22815) granting a pension to Nancy C. Olis; to the Committee on Pensions.

Also, a bill (H. R. 22816) granting a pension to Benjamin Boggess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22817) granting a pension to Perry G. Shaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22818) for the relief of G. N. McClung; to the Committee on War Claims.

Also, a bill (H. R. 22819) for the relief of the legal representatives of R. N. B. Thompson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 22820) for the relief of the legal representatives of James C. McClung, deceased; to the Committee on War Claims.

By Mr. NEELEY: A bill (H. R. 22821) to remove the charge of desertion from the record of Patrick H. Wheat; to the Committee on Military Affairs.

Also, a bill (H. R. 22822) to remove the charge of desertion from the record of John T. Lamar; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petition of Harford Grange, No. 418, Patrons of Husbandry, Harford, Pa., and Preston Grange, No. 990, Patrons of Husbandry, Preston, Pa., favoring parcel express; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: Petition of citizens of Excelsior Springs, Mo., against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Minnesota: Petition of C. J. Hoffman and others, of Hokah, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Ohio: Petition of Sandusky (Ohio) labor men, requesting the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ASHBROOK: Petition of Fred H. Ross and others, of Newark, Ohio, against the passage of interstate-commerce liquor law; to the Committee on the Judiciary.

Also, petition of Fettis & Gray and 3 other merchants of Killbuck, Ohio, against passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, papers to accompany bill for the relief of Noah Switzer (H. R. 22662); to the Committee on Invalid Pensions.

By Mr. BOWMAN: Petition of Group No. 648, of the Polish National Alliance of the United States, protesting against legislation requiring immigrants to undergo an educational test; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 1434, United Miners of America, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. BUTLER: Petitions of Granges Nos. 980, 1269, 1220, 121, and 63, Patrons of Husbandry, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Pomona Grange, No. 3, Patrons of Husbandry, of Chester and Delaware Counties, Pa., for enactment of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of Fernwood Grange, No. 1329, Patrons of Husbandry, for retaining the present tax on oleomargarine, etc.; to the Committee on Agriculture.

By Mr. CAMPBELL: Petition of citizens of Oswego, Kans., protesting against enactment of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Kansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: Petition of citizens of Pittsburgh, Pa., and vicinity, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DENVER: Petition of citizens of Ripley, Ohio, favoring passage of Kenyon-Sheppard bill (H. R. 16214); to the Committee on the Judiciary.

Also, petition of Magnolia Council, No. 39, Daughters of America, of Moscow, Ohio, favoring passage of an immigration law with the illiteracy test; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of Hoosick Grange, No. 1127, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of the International Dry-Farming Congress, relative to Weather Bureau extension, etc.; to the Committee on Agriculture.

By Mr. FULLER: Petition of St. Henry's Branch, No. 279, Catholic Knights of America, and of the Germania Benevolent Society, of Peru, Ill., in opposition to pending interstate-commerce liquor measures; to the Committee on the Judiciary.

Also, petition of P. K. Allen, president Illinois Branch, Railway Mail Association, of Chicago, Ill., in relation to the Post Office appropriation bill as affecting Railway Mail Service; to the Committee on Appropriations.

Also, petition of John Brod Chemical Co., of Chicago, Ill., against the passage of the Richardson bill in relation to the proposed amendment of section 8 of the pure-food and drugs law; to the Committee on Agriculture.

Also, petition of Ludwig, Nelson & Irish and other merchants of Sycamore, Ill., against the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Barber-Colman Co., of Rockford, Ill., opposing the passage of the Clayton bill (H. R. 13578), relating to contempt of court; to the Committee on the Judiciary.

Also, petitions of A. B. Saunders, H. R. Hitchcock, and other citizens of Pecatonica, Ill., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. GARNER: Petition of citizens of Corpus Christi, Tex., for passage of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of the International Dry-Farming Congress, relative to Weather Bureau extension, etc.; to the Committee on Agriculture.

Also, petitions of F. E. Royston & Co., of Aurora, Ill., and the Smith Bros. Co., of New Orleans, La., for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Bankers' Association, for farm-demonstration work throughout the country; to the Committee on Agriculture.

Also, petition of the Camas (Mont.) Hot Springs Commercial Club, relative to irrigation of the Flathead Indian Reservation; to the Committee on Irrigation of Arid Lands.

By Mr. HAMILTON of Michigan: Petition of citizens of Pokagon, Mich., sent by Oak Leaf Woman's Christian Temperance Union, of Dowagiac, Mich., favoring passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of citizens of Rutland, Mich., favoring passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. HANNA: Memorial of the Commercial Club of Minot, N. Dak., for a Lincoln memorial as recommended by the Fine Arts Commission; to the Committee on the Library.

Also, petition of the Methodist Brotherhood of the First Methodist Episcopal Church, of Fargo, N. Dak., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Richard Kam, of Haynes, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Edgeley, N. Dak., for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of North Dakota, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the mayors and citizens of the cities along the Red River and the Red Lake River in North Dakota, for a preliminary survey; to the Committee on Rivers and Harbors.

By Mr. HOWELL: Petition of Alver Ahlquist and other citizens, of Utah, in favor of certain amendments to the copyright act of 1908; to the Committee on Patents.

Also, petitions of C. W. Hin, of Beaver, Utah, and John B. Ashton and W. Johnson, of Provo, Utah, and N. S. Beynow, of Winterquarters, Utah, favoring certain amendments to the copyright act of 1909; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Petition of citizens of Hackensack, N. J., for old-age pension legislation; to the Committee on Pensions.

By Mr. HILL: Petition of Housatonic Valley Pomona Grange, No. 10, Patrons of Husbandry, South Kent, Conn., favoring parcel post; to the Committee on the Post Office and Post Roads.

Also, memorial of the railroad employees of Connecticut for enactment of House bill 20487—the Federal accident compensation act; to the Committee on the Judiciary.

By Mr. LLOYD: Petition of citizens of Gibbs, Mo., favoring passage of the Kenyon-Sheppard bill (H. R. 16214 and S. 4043); to the Committee on the Judiciary.

Also, petition of Indians of Oklahoma, relative to the treaty of 1832; to the Committee on Indian Affairs.

By Mr. LONGWORTH: Petition of citizens of the State of Ohio, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. MAHER: Petition of Cigar Makers' Joint Unions of Greater New York, favoring House bill 17253; to the Committee on Ways and Means.

By Mr. MANN: Petition of United Spanish War Veterans of Chicago, Ill., favoring passage of House bill 17470; to the Committee on Pensions.

By Mr. MARTIN of South Dakota: Petition of citizens of Lead, S. Dak., for investigation of an alleged combination between coal dealers; to the Committee on Rules.

Also, petition of citizens of Aberdeen, S. Dak., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NEEDHAM: Memorial of U. S. Grant Council, No. 19, Junior Order United American Mechanics, for restrictive immigration legislation; to the Committee on Immigration and Naturalization.

Also, memorial of the San Francisco Labor Council, for enactment of House bill 20423; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce of San Diego, Cal., relative to proposed consolidation of Los Angeles and San Diego custom offices; to the Committee on Ways and Means.

By Mr. PARRAN: Papers to accompany bill for the relief of Frank Coalman (H. R. 22184); to the Committee on Pensions.

Also, papers to accompany bill for the relief of John T. Jefferson (H. R. 21154); to the Committee on Naval Affairs.

By Mr. PATTON of Pennsylvania: Memorial of citizens of Pike (Pa.) Grange, No. 1145, Patrons of Husbandry, favoring postal express (H. R. 19133); to the Committee on Interstate and Foreign Commerce.

By Mr. PRAY: Petition of residents of Martinsdale, Lewistown, Roundup, and Helena, Mont., protesting against legislation for the extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Lilac and Gildford, Mont., in favor of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of 108 members of the Methodist Episcopal Aid Society, Methodist Episcopal Church South, and by 100 members of a mass meeting, Christian Church, and Missoula (Mont.) Good Templars, favoring Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of citizens of Ridgelawn, Fairview, and Sidney, Mont., in favor of general parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Memorial of Chicago Congregational Club, in matter of the ransom of Miss Ellen M. Stone, missionary; to the Committee on Claims.

By Mr. REDFIELD: Memorial of the board of directors of the Maritime Association of the Port of New York, favoring establishment of marine schools, etc. (H. R. 24145); to the Committee on Appropriations.

Also, memorial of Twenty-eighth Ward Taxpayers' Protective Association of Brooklyn, N. Y., favoring building of two battleships at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. SULZER: Petition of L. C. Gasteiger, of New York City, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of the National Retail Dry Goods Association, for continuance of the Tariff Board; to the Committee on Ways and Means.

Also, petitions of Chambers of Commerce of Roanoke, Va., and Syracuse, N. Y., indorsing House bill 20044; to the Committee on Foreign Affairs.

Also, memorial of the National Rivers and Harbors Congress, relative to pending legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of Liegnan & Weil, of New York City, relative to certain proposed duties in pending tariff legislation; to the Committee on Ways and Means.

Also, petition of the Illinois Bankers' Association, for farm demonstration work throughout the country; to the Committee on Agriculture.

Also, petitions of citizens of the State of New York, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Camas (Mont.) Hot Springs Commercial Club, relative to irrigation of the Flathead Indian Reservation; to the Committee on Irrigation of Arid Lands.

By Mr. TOWNER: Petition of citizens of Creston, Union County, Iowa, favoring speedy passage of Kenyon-Sheppard bill (H. R. 16214 and S. 4043); to the Committee on the Judiciary.

By Mr. UTTER: Petition of members of the Men's Baraca Class of the First Baptist Church, North Kingstown; citizens of East Greenwich; and Religious Society of Friends of Portsmouth, R. I., favoring passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, memorial of State of Rhode Island in general assembly, favoring passage of House bill 21420; to the Committee on Naval Affairs.

By Mr. WILLIS: Papers to accompany bill for the relief of Jonathan H. Snyder (H. R. 22759); to the Committee on Invalid Pensions.