

condition not to go out in the cold wind and sit with the committee, but the Senator would not heed the efforts of his friends, but, in what he regarded as a discharge of duty, made his way to the front of the inaugural platform, took his seat, and remained there until the inaugural ceremonies were over, exposed to a cold north wind, from which exposure he took the severe cold, resulting in fatal illness of only three days' duration. He thus literally died at his post; he fell on the firing line.

Mr. Speaker, to state all that occurred in the life of Senator BATE that is useful and instructive to the people of his State and nation would fill a large volume, which is impossible on this occasion, but I hope some gifted writer will do justice to his name and fame and leave in enduring form a full and complete history of the public and private acts of this good and great man.

Mr. Speaker, I had the honor to be on the committee appointed by the Speaker of the House of Representatives to attend the funeral and burial of Senator BATE, which took place at Nashville, Tenn., with military honors, on the 13th day of March, 1905. Tennessee has had many great and well-beloved men, and her people love to show their love for her great and glorious dead; but I never heard of and certainly never saw the attendance of so large a gathering of the people of Tennessee at the funeral and burial of any other man as was in attendance at that of Senator BATE. The people of every walk of life from every part of the State came in almost numberless thousands, and with bowed, bared heads paid the hero dead the last but most tender tribute of their love and respect by the shedding of unaffected tears. Though dead, yet he lives in the example of a good and great life by the following of whose teachings all the world may be made better.

The SPEAKER pro tempore. In pursuance of the resolutions heretofore adopted, and as a further mark of respect to the deceased Senator, the House will stand adjourned.

Accordingly (at 5 o'clock and 42 minutes) the House adjourned.

SENATE.

MONDAY, January 21, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SHORTAGE OF CARS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 14th instant, a transcript of the testimony taken by the Interstate Commerce Commission at St. Louis, Mo., December 18 and 19, 1906, and at Kansas City, Mo., December 20 and 21, 1906, in the matter of car shortage and other insufficient transportation facilities; which, with the accompanying paper, was referred to the Committee on Interstate Commerce, and ordered to be printed.

INVESTIGATION OF BLACK SANDS OF PACIFIC SLOPE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th instant, a letter from the Director of the Geological Survey, forwarding a report on the progress of the investigation of the electric smelting of iron ores, included in the investigation on the black sands of the Pacific slope, and stating that, in his judgment, the work of the investigation should be continued and an adequate appropriation made therefor; which, with the accompanying papers and illustrations, was referred to the Committee on the Geological Survey, and ordered to be printed.

FIRE CONTROL AT FORTIFICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental estimate of appropriation for fire control at fortifications, \$3,800; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PURCHASE OF COAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of June 29, 1906, a report showing the quantity and character of coal purchased by the Department of Commerce and Labor during the fiscal year ended June 30, 1906, the amount contracted for the present fiscal year, together

with certain information regarding the contracting parties, the price paid or to be paid and the form and conditions of contract; which, with the accompanying papers, was ordered to lie on the table, and be printed.

FRENCH SPOILIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Columbus*, James Fullerton, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Little John Butler*, James Smith, Jr., master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of Decatur Lodge, No. 52, Independent Order of Odd Fellows, of Decatur, Ala., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. LODGE presented the credentials of WINTHROP MURRAY CRANE, chosen by the legislature of the State of Massachusetts a Senator from that State for the term commencing March 4, 1907; which were read and ordered to be filed.

Mr. ALLEE presented the credentials of Harry A. Richardson, chosen by the legislature of the State of Delaware a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

EFFICIENCY OF THE ARTILLERY.

Mr. KEAN. On Friday last I entered a motion to reconsider the vote by which the bill (S. 3923) to reorganize and to increase the efficiency of the artillery of the United States Army was passed. Now that Senators have had notice of the passage of the bill, I withdraw my motion to reconsider.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his motion to reconsider, and the bill stands passed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry Hebrew citizens of Savannah, Ga., remonstrating against the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. KEAN presented a petition of the New Jersey State Horticultural Society, of Mount Holly, N. J., praying for the enactment of legislation to continue the minimum duty imposed by the German Government on green and dried apples; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Club of East Orange, N. J., praying for the enactment of legislation to regulate the employment of child labor and providing a public playground for children in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Bordentown, N. J., praying for an investigation into the dismissal of the three companies of the Twenty-fifth Infantry; which was ordered to lie on the table.

He also presented the petition of J. W. Hamer, of Beverly, N. J., praying for the enactment of legislation to increase the efficiency of the personnel of the line of the Navy; which was referred to the Committee on Naval Affairs.

Mr. PLATT presented memorials of sundry citizens of Brooklyn and Lockport and Onondaga Council, No. 10, Junior Order of United American Mechanics, of Syracuse, all in the State of New York, remonstrating against the enactment of legislation to restrict immigration with the educational test clause omitted; which were referred to the Committee on Immigration.

He also presented a petition of Hartwell T. Martyn Post, No. 346, Department of New York, Grand Army of the Republic, of Canton, N. Y., praying for the enactment of legislation granting an increase of pension to the veterans of the civil war; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Pavilion, of the Woman's Christian Temperance Union of Chautauqua County, and of the congregations of the Methodist Episcopal

and Congregational churches of Orwell, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Association of Women Principals of the Public Schools of New York City, N. Y., praying for the enactment of legislation providing for the creation of a new department of education with representation in the President's Cabinet; which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of the Anacostia Citizens' Association of the District of Columbia, praying for the enactment of legislation to regulate the giving of transfers in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Anacostia Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation granting authority to the Commissioners of the District of Columbia to lessen the width of any of the streets of the District; which was referred to the Committee on the District of Columbia.

Mr. SCOTT presented a petition of the West Virginia Horticultural Society, praying that an appropriation be made providing for the giving of instructions in agriculture in the State normal schools; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLARD presented a petition of the Woman's Christian Temperance Union of Lexington, Nebr., 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 sundry citizens of Orleans, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. ANKENY presented a memorial of sundry citizens of Dusty, Wash., remonstrating against the enactment of legislation requiring certain places in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented petitions of sundry citizens of Motley and Geneva, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. WARNER presented memorials of sundry citizens of Kansas City and Jackson County, Mo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented the petition of Frank S. Krebs, of Missouri, and the petition of Frederick C. Husman, of Missouri, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

Mr. LA FOLLETTE presented memorials of sundry citizens of Oxford and Wood County, in the State of Wisconsin, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented the petition of H. W. Meyer, of Appleton, Wis., praying for the enactment of legislation to remove the duty on composing and linotype machines and the parts thereof; which were referred to the Committee on Finance.

Mr. BURKETT presented a petition of the congregation of the United Presbyterian Church of Lincoln, Nebr., 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 paper to accompany the bill (S. 7453) granting an increase of pension to Samuel Steel; which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of the District of Columbia, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. HOPKINS. I present resolutions adopted by the forty-fourth general assembly of the State of Illinois, relative to a limitation of the amount of water to be diverted from the Great Lakes through the Chicago Drainage Canal. I ask that the resolutions be printed in the RECORD and referred to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

(Forty-fourth general assembly, special session.—Chicago Drainage Canal.)

Whereas the Congress of the United States is now considering the report of the International Waterways Commission; and

Whereas said report contains a recommendation that the amount of water to be diverted from the Great Lakes through the Chicago Drainage Canal be limited to 10,000 cubic feet per second; and

Whereas said limitation would in the future render futile the expenditure of \$50,000,000 already expended by the sanitary district of Chicago and render impossible the completion of said project and endanger the health of the people of Illinois and of the city of Chicago; and

Whereas the amount of water to be diverted for domestic and sanitary purposes should under no circumstances be limited by a treaty with a foreign power or by any legislation to be enacted by Congress, thus placing the sanitary district of Chicago—organized to preserve the health of the people—upon the same plan as commercial enterprises organized for private gain: Now, therefore, be it

Resolved by the senate of the forty-fourth general assembly of the State of Illinois, concurred in extraordinary session (the house concurring therein). That in any treaty to be hereafter entered into no statement whatever binding the trustees of the sanitary district of Chicago shall be made, and the local conditions of such canal and the volume of water to be accommodated therein should be left wholly and solely to the regulation of the Federal Government as the conditions of the canal's drainage may require; and be it further

Resolved. That in any legislation to be hereafter enacted by Congress a provision should be included permitting the sanitary district of Chicago to use such water as may be necessary in the discretion of the Secretary of War, and such legislation, if any, should specifically provide that that portion of the report of the said International Waterways Commission referring to the sanitary district of Chicago and the amount of water to be diverted through its channels should be entirely ignored; and be it further

Resolved. That the two Senators and the Members of Congress representing this State be, and they are hereby, respectfully requested to do all in their power to incorporate the provision above referred to in any legislation to be passed by Congress and prevent the incorporation of any statement in any treaty to be entered into with a foreign power placing any restriction upon the amount of water to be withdrawn through the drainage canal of the sanitary district of Chicago; and be it further

Resolved. That a copy of this resolution be forwarded immediately by the secretary of state to each Senator and Representative in Congress from this State and to the President of the United States.

Adopted by the senate May 15, 1906.

Concurred in by the house of representatives May 15, 1906.

UNITED STATES OF AMERICA, STATE OF ILLINOIS, ss:

OFFICE OF THE SECRETARY OF STATE.

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing joint resolution of the forty-fourth general assembly of the State of Illinois, passed and adopted at the second session thereof, is a true and correct copy of the original joint resolution, now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of state, at the city of Springfield, this 14th day of June, A. D. 1906.

[SEAL.]

JAMES A. ROSE,
Secretary of State.

Mr. HOPKINS presented a petition of the Illinois School for the Blind, of Jacksonville, Ill., praying for the enactment of legislation providing for the carrying through the mails free of charge reading matter for the blind; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the State Grange, Patrons of Husbandry, of Illinois, remonstrating against the free distribution of seeds and plants by the Government; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the enactment of legislation providing for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the enactment of legislation providing for free trade with the Dominion of Canada in the timber and lumber traffic, and also for the ratification of reciprocity treaties with all nations; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Miners' Union No. 58, American Federation of Labor, of Kewanee, Ill., praying that an appropriation be made for a scientific investigation into the industrial conditions of women and child workers in the United States; which was referred to the Committee on Education and Labor.

He also presented petitions of Columbian Lodge, No. 479, of Chicago; of Galesburg Lodge, No. 24, of Galesburg, and of Local Lodge No. 469, of Charleston, all of the Brotherhood of Railroad Trainmen in the State of Illinois, praying for the passage of

the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented petitions of sundry newspaper publishers of the State of Illinois, praying for the enactment of legislation granting the right to newspapers and railroads to contract for the exchange of their respective commodities; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Chicago, Cobden, Sterling, Cairo, Monmouth, Bement, and Peoria, and of the Illinois State Grange, Patrons of Husbandry, all in the State of Illinois, praying that an appropriation be made for the construction of a deep waterway from the Lakes to the Gulf of Mexico; which were referred to the Committee on Commerce.

He also presented the petition of Mrs. Jane H. Wilson, of Joliet, Ill., praying for the enactment of legislation granting a pension to every surviving widow equal to that which her husband received at the time of his death, provided it is not less than \$12 per month; which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Effingham, Danville, and Quincy, and of the International Stereograph Company, of Decatur, all in the State of Illinois, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

Mr. KNOX presented petitions of Dunmore Council, Junior Order United American Mechanics, of Dunmore; Local Council No. 70, Junior Order United American Mechanics, of Pittsburg; C. W. Biddinger, of Steelton; F. W. Rutter, of Verona, of the Order of American Mechanics, of Tyrone; the Junior Order United American Mechanics, of Kutztown; Local Council No. 66, Junior Order United American Mechanics, of Carnegie; M. H. Bowman, of Jeannette; Local Council No. 700, Junior Order United American Mechanics, of Johnstown, and of 10 citizens of Monongahela city, all in the State of Pennsylvania, praying that an educational test be included in the immigration bill; which were referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of the Republican Club of Danbury, Conn., praying for the enactment of legislation providing for the reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Educational Club and Consumers League, of Hartford, Conn., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a memorial of Horeb Lodge, No. 25, Independent Order of B'nai Brith, of New Haven, Conn., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

Mr. FULTON presented a petition of the congregation of the Methodist Church of Turner, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LODGE presented the petition of Benjamin M. Van Wart, of the State of Massachusetts, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

Mr. DU PONT. I submit a memorial of the general assembly of Delaware; which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

Mr. LODGE. I ask that the memorial be read, as it is the action of a legislature.

The VICE-PRESIDENT. At the request of the Senator from Massachusetts, the memorial will be read by the Secretary.

The memorial was read and referred to the Committee on Military Affairs, as follows:

House joint resolution entitled "Joint resolution regarding a bill in the Congress of the United States, relating to the Fifth and Sixth Regiments of Delaware Volunteers."

Whereas there has been introduced in the Senate and House of Representatives of the United States of America a bill to fix the status of the Fifth and Sixth Regiments of Delaware Volunteers, providing that in the administration of the pension laws the officers and enlisted men who were members of the Fifth and Sixth Regiments of Delaware Volunteers in the civil war shall hereafter be held and considered to have been continuously in the active service of the United States from the date of their muster into said service to the date of their muster out or discharge from said service; Therefore, be it

Resolved, That the Senate and House of Representatives of the United States of America be, and they are hereby, requested to pass with all possible speed the said bill; and be it further

Resolved, That our Senators and Representatives in Congress be fur-

nished with a certified copy of this resolution, and that they be earnestly requested to do all in their power to secure the passage of said bill.

Adopted January 11, 1907.

RICHARD HODGSON,
Speaker of the House of Representatives.
ISAAC T. PARKER,
President of the Senate.

Approved this 17th day of January, A. D. 1907.

PRESTON LEA, Governor.

STATE OF DELAWARE,
OFFICE OF THE SECRETARY OF STATE.

I, Joseph L. Caball, secretary of state of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of house joint resolution entitled "Joint resolution regarding a bill in the Congress of the United States relating to the Fifth and Sixth Regiments of Delaware Volunteers," approved January 17, A. D. 1907, as the same appears on file in this office.

In testimony whereof I have hereunto set my hand and official seal at Dover this 18th day of January, in the year of our Lord 1907.

JOS. L. CABALL,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 2083) granting an increase of pension to Asa K. Harbert, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7150) granting an increase of pension to John Bell;
A bill (S. 6899) granting an increase of pension to George H. Nye;

A bill (S. 7880) granting an increase of pension to Sarah E. Stockton;

A bill (S. 5457) granting an increase of pension to Albert Teets;

A bill (S. 3998) granting an increase of pension to Thomas Warner; and

A bill (S. 1622) granting a pension to Jane Agnew.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7840) granting an increase of pension to Lewis A. Towne;

A bill (S. 6127) granting an increase of pension to John R. Callender;

A bill (S. 7605) granting an increase of pension to Judiah B. Smithson; and

A bill (S. 6652) granting an increase of pension to Hiram H. Lockwood;

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7841) granting an increase of pension to Frank De Noyer;

A bill (S. 5730) granting an increase of pension to William O. Spelman;

A bill (S. 7355) granting an increase of pension to William McHenry Plotner;

A bill (S. 7272) granting an increase of pension to George W. Cook; and

A bill (S. 7196) granting an increase of pension to William H. Hubbard.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4693) granting an increase of pension to Irwin M. Hill;

A bill (S. 7820) granting an increase of pension to Benjamin B. Cravens; and

A bill (S. 7642) granting an increase of pension to Oliver H. Rhoades.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3268) granting an increase of pension to Jacob A. Ward; and

A bill (S. 6612) granting an increase of pension to George H. McClung.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 4873) granting an increase of pension to D. L. Ross, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6606) granting an increase of pension to Alexander Sholl; and

A bill (S. 5374) granting a pension to Floyd A. Honaker.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6909) granting an increase of pension to William H. Adams;

A bill (S. 7044) granting an increase of pension to Sylvester O. Pevear;

A bill (S. 6665) granting an increase of pension to Samuel B. T. Goodrich;

A bill (S. 177) granting an increase of pension to Alvah D. Wilson; and

A bill (S. 7394) granting an increase of pension to Henrietta C. Cooley.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1261) granting an increase of pension to Edwin P. Richardson;

A bill (S. 7745) granting an increase of pension to Frederick Wood;

A bill (S. 7574) granting an increase of pension to Emily J. Larkham; and

A bill (S. 7843) granting an increase of pension to Isaac Oakman.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6734) granting a pension to John C. Snell; and

A bill (S. 7685) granting an increase of pension to Albion W. Tebbetts.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7380) granting an increase of pension to Andrew J. Harris; and

A bill (S. 7058) granting an increase of pension to Gilbert Baillie.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 7533) granting an increase of pension to Orvil Dodge, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4742) granting a pension to Mary E. Allen;

A bill (S. 7061) granting an increase of pension to Hugh McNaughton; and

A bill (S. 5681) granting an increase of pension to William Grant.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7171) granting an increase of pension to Margaret Holden;

A bill (S. 5884) granting an increase of pension to Cyrus Palmer; and

A bill (S. 7136) granting an increase of pension to Cornelia W. Clay.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5400) granting an increase of pension to John A. Chase;

A bill (S. 7509) granting an increase of pension to William T. Bennett; and

A bill (S. 4958) granting an increase of pension to William W. Duffield.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5782) granting an increase of pension to Octave Farlola;

A bill (S. 4396) granting an increase of pension to Thomas C. Davis; and

A bill (S. 3434) granting an increase of pension to Charles M. Canfield.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (S. 7379) granting a pension to Mary E. Dougherty, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to

whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7025) granting a pension to James C. West;

A bill (S. 7672) granting an increase of pension to Elvina Adams; and

A bill (S. 5261) granting an increase of pension to Stephen A. Barker.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 7673) granting an increase of pension to William W. Jordan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7668) granting an increase of pension to Henry H. Buzzell; and

A bill (S. 7666) granting an increase of pension to True Sanborn, jr.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 7430) granting a pension to Mary F. Johnson;

A bill (S. 7818) granting an increase of pension to Edward Bird;

A bill (S. 4559) granting an increase of pension to John A. Wagner; and

A bill (S. 7491) granting an increase of pension to Anna V. Blaney.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5970) granting an increase of pension to Julia A. Horton; and

A bill (S. 7492) granting an increase of pension to Benjamin C. Cloy.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 23561) to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company;

A bill (H. R. 23560) to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company; and

A bill (H. R. 22135) authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colleton, S. C.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 3563) granting an increase of pension to Orrin D. Sisco, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7452) granting an increase of pension to Thomas Harrop, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6956) granting an increase of pension to Eli Ford, alias Jacob Butler;

A bill (S. 6711) granting an increase of pension to Harvey B. F. Keller;

A bill (S. 6713) granting an increase of pension to James L. Short; and

A bill (S. 7683) granting an increase of pension to William Wakefield.

Mr. CLARK of Montana, from the Committee on Indian Affairs, to whom was referred the bill (S. 7674) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement, reported it with amendments, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6635) granting an increase of pension to John A. Morris; and

A bill (S. 5380) granting an increase of pension to Richard Jones.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6044) granting an increase of pension to John H. Arnold;

A bill (S. 4629) granting an increase of pension to Mary Jane Miller; and

A bill (S. 6634) granting an increase of pension to John P. Murray.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 7021) granting an increase of pension to Hugh J. McJunkin, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5171) granting an increase of pension to Jennie H. Marshall;

A bill (S. 2748) granting an increase of pension to Joel R. Smith;

A bill (S. 7078) granting a pension to Daniel Schaffner; and

A bill (S. 7218) granting an increase of pension to Samuel D. Thompson.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 2954) granting an increase of pension to Hanna Welch, reported it with amendments, and submitted a report thereon.

FISH-CULTURAL STATION AT DELL RAPIDS, S. DAK.

Mr. HOPKINS. I am directed by the Committee on Fisheries, to whom was referred the bill (S. 7270) to establish a fish-hatching and fish-culture station at Dell Rapids, S. Dak., to report it favorably without amendment. I call the attention of the Senator from South Dakota [Mr. KITREDGE] to the report.

Mr. KITREDGE. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$25,000 for the establishing of a fish-hatching and fish-culture station, including purchase of site, construction of buildings and ponds, and equipment, at Dell Rapids, S. Dak.

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

CHANGES IN DISTRICT STREET-RAILWAY TRACKS.

Mr. GALLINGER. I offer a proposed substitute for the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes, which I move be printed and referred to the Committee on the District of Columbia.

The motion was agreed to.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 7945) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life-insurance companies or associations; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7946) granting an increase of pension to William H. Weston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 7947) granting an increase of pension to Charles G. Sweet; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7948) granting an increase of pension to Jane Tate; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEAN (for Mr. DRYDEN) introduced a bill (S. 7949) for the erection of a monument to the memory of Philip Kearny; which was read twice by its title, and referred to the Committee on the Library.

Mr. CRANE introduced a bill (S. 7950) to correct the military record of James Sullivan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. NELSON introduced a bill (S. 7951) to amend section 5153 of the Revised Statutes of the United States relating to national banks as depositories of public money; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 7952) for the establishment of a light-house and fog-signal station at Carbarandum Point, in the vicinity of Split Rock, on the north shore of Lake Superior,

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Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7953) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. SMOOT introduced a bill (S. 7954) granting an increase of pension to Sarah C. Payne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RAYNER (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7955) for the relief of Francis A. Lacy, heir of William B. Lacy, deceased; and

A bill (S. 7956) for the relief of Joseph Rymarkiewicz (with an accompanying paper).

Mr. WHYTE introduced a bill (S. 7957) authorizing the President to nominate and appoint William Lay Patterson a captain and quartermaster, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BERRY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7958) for the relief of Winfield S. Jennings; and

A bill (S. 7959) for the relief of Ben Mahuren.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7960) for the relief of John Ashpaw;

A bill (S. 7961) for the relief of the estate of Robert L. Hill, deceased;

A bill (S. 7962) for the relief of the estate of William Ashurst, deceased (with an accompanying paper);

A bill (S. 7963) for the relief of J. W. Bradley;

A bill (S. 7964) for the relief of John W. Crawford; and

A bill (S. 7965) for the relief of Thomas G. Linville.

Mr. DANIEL introduced a bill (S. 7966) for the relief of N. C. McNeel, administrator of estate of Paul McNeel, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 7967) for the maintenance of agricultural colleges in Congressional districts; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. LONG introduced a bill (S. 7968) granting an increase of pension to James Slater; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7969) granting an increase of pension to Solen D. Davis;

A bill (S. 7970) granting an increase of pension to W. F. Stotts;

A bill (S. 7971) granting an increase of pension to John Augsbarger;

A bill (S. 7972) granting an increase of pension to Austin B. Smith;

A bill (S. 7973) granting an increase of pension to Archibald W. Collins;

A bill (S. 7974) granting a pension to Alice C. Risley; and

A bill (S. 7975) granting a pension to Elizabeth P. Wethers.

Mr. ANKENY introduced a bill (S. 7976) for the relief of the heirs of Benjamin Holliday, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 7977) to refer to the Court of Claims the claim of Mary Galley for loss of real and personal property in 1864; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7978) to refer to the Court of Claims the claim of John C. Galley, for compensation for loss of personal property in 1864; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLARD introduced a bill (S. 7979) to provide for the purchase of a site and the erection of a public building thereon in the city of Fairbury, State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOPKINS introduced a bill (S. 7980) granting an in-

crease of pension to Miah Stephenson; which which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7981) granting an increase of pension to Mahala S. Warmoth (with an accompanying paper);

A bill (S. 7982) granting an increase of pension to Elias Hamman (with accompanying papers);

A bill (S. 7983) granting an increase of pension to Samuel Dubois; and

A bill (S. 7984) granting an increase of pension to Thomas J. Hudgins.

Mr. NEWLANDS introduced a bill (S. 7985) granting an increase of pension to Walker S. Holman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 7986) authorizing the payment to the administrator of the late Ephraim Perkins, captain, of the value of his three-quarters of brigantine *Eliza* and cargo, illegally captured by the French, as ascertained by the Court of Claims; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 7987) granting an increase of pension to Lucius Bigelow; which was read twice by its title, and referred to the Committee on Pensions.

DEALING IN COTTON FUTURES.

Mr. CULBERSON introduced a bill (S. 7988) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto; which was read twice by its title.

Mr. CULBERSON. I ask that the bill be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

Mr. KEAN. What is the bill? Is it not a bill which affects interstate commerce?

Mr. CULBERSON. It affects interstate commerce. To be frank about it, it affects the transmission of messages and mail respecting future dealing in cotton. It occurred to me that the Committee on Agriculture and Forestry is the proper committee to which it should be referred. I am not specially concerned, however, about a reference to that committee.

Mr. KEAN. If it deals in futures, I hope the Committee on Interstate Commerce will not have anything to do with it.

Mr. MONEY. If I may be allowed a word, I think the Committee on Agriculture and Forestry has had charge of such matters heretofore.

Mr. CULBERSON. Heretofore, undoubtedly.

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

A bill (S. 7988) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto.

Be it enacted, etc., That it shall be unlawful for any person or association to send or cause to be sent from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country, or knowingly to receive or knowingly to cause to be received in any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia or from any foreign country, by a telegraph or telephone line, any message relating to a contract for future delivery of cotton without intending that the cotton so contracted for shall be actually delivered or received, or relating to a contract whereby a party thereto, or any party for whom or in whose behalf such contract is made, acquires the right or privilege to demand in the future the acceptance or the delivery of cotton without being thereby obligated to deliver or to accept said cotton. Any person, whether acting individually or as a member, officer, agent, or employee of any person or association, who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than \$1,000 nor less than \$500 and shall be imprisoned for not more than six months nor less than one month, and the sending or the causing to be sent, or the receiving or the causing to be received of each message shall constitute a separate offense.

SEC. 2. That it shall be the duty of any person or association sending or receiving by means of a telegraph or telephone line any message relating to a contract, or the making of a contract, for the future delivery of cotton to furnish upon demand to the sender or recipient of such message an affidavit stating that he is the owner of the cotton so being contracted for and that he has the intention to deliver said cotton, or that said cotton is at the time in actual course of growth on land owned or occupied by him and that he has the intention to deliver said cotton, or that he is at this time legally entitled to the right of future possession of said cotton under and by virtue of a contract for the sale and future delivery thereof previously made by the owner of said cotton, giving the name of the party or the names of the parties to the contract, the time when the place where the contract was made, and the price therein stipulated, and that he has the intention to deliver said cotton, or that he has the bona fide intention of producing and delivering said cotton, or that he has the bona fide intention of acquiring and delivering said cotton, or that he has the bona fide intention of receiving and paying for said cotton. In an indictment brought under section 1 of this act the failure to make promptly such affidavit on request shall be prima facie evidence that the message sent related

to a contract, or the making of a contract, for future delivery of cotton without the intention actually to deliver or receive the said cotton.

SEC. 3. That it shall be unlawful for any person owning or operating any telegraph or telephone line, or acting as officer, agent, or employee of such person, knowingly to use his property, or knowingly to allow his property to be used, for the transmission from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country, or knowingly to receive or knowingly to cause to be received in any State, Territory of the United States, or the District of Columbia, from any other State or Territory of the United States or the District of Columbia or from any foreign country of any message relating to such contracts as are described in section 1 of this act. Any person, whether acting individually or as a member, officer, agent, or employee of a telegraph or telephone company, who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than \$1,000 nor less than \$500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 4. That it shall be unlawful for any person owning or operating any telegraph or telephone line, or acting as officer, agent, or employee of such person, knowingly to use his property, or knowingly to allow his property to be used for the transmission from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or to any foreign country, or knowingly to receive or cause to be received in any State or Territory of the United States or the District of Columbia, or from any foreign country, of any message presented by a person engaged in a commission or brokerage business or presented by a produce exchange corporation or association relating to a contract for the purchase or sale of cotton, unless the person engaged in a commission or brokerage business or the produce exchange, corporation, or association shall have filed, either personally or through the manager of such person or association, with the telegraph or telephone company an affidavit stating that the message or messages being sent and to be sent for the six months next ensuing by such person or association do not and will not relate to any such contracts as are described in section 1 of this act. A similar affidavit shall be filed before the end of the six months covered by the first affidavit. Any person owning or operating a telegraph or telephone line, or officer, agent, or employee of such person, who knowingly is a party to a violation of this section shall be punished for each offense by a fine of not more than \$1,000 nor less than \$500. Any person or association required to file the affidavit herein provided for who shall make a false statement in said affidavit shall be punished by a fine of not more than \$5,000 nor less than \$1,000 and shall be imprisoned for not more than two years nor less than one year.

SEC. 5. That every book, newspaper, pamphlet, letter, writing, or other publication containing a notice, account, or record of the transactions of any produce exchange wherein such contracts as are described in section 1 of this act are made, is hereby declared to be non-mailable matter and shall not be conveyed in the mails of the United States or delivered from any post-office by any letter carrier. Whoever shall knowingly deposit, or knowingly cause to be deposited for mailing or delivery, any matter declared by this section to be non-mailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$5,000 nor less than \$1,000 or shall be imprisoned not more than five years nor less than one year, or both.

SEC. 6. That the Postmaster-General may, upon evidence satisfactory to himself that any person or association is sending through the mails of the United States any mail containing a notice, account, or record of the transactions of any produce exchange wherein such contracts as are described in section 1 of this act are made, instruct the postmasters in the post-offices at which such mail arrives to return all such mail to the postmaster in the post-office at which it was originally mailed, with the word "Unlawful" plainly written or stamped upon the outside thereof, and all such mail when returned to said postmaster shall be returned to the sender or publisher thereof, under such regulations as the Postmaster-General may prescribe.

EXTENSION OF TIME FOR HOMESTEAD ENTRIES.

Mr. HANSBROUGH. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen was read the first time by its title and the second time at length, as follows:

Resolved, etc., That all persons who made homestead entry in the States of North Dakota, South Dakota, Minnesota, Montana, and Wyoming, where the six months' period in which they were or are required by law to establish residence expired or expires after December 1, 1906, are hereby granted until May 15, 1907, within which to make actual settlement and establish residence upon the lands so entered by them.

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

Mr. GALLINGER. I will ask the Senator from North Dakota if the joint resolution has been before any committee of the body? I noticed the other day that a joint resolution was sent to the desk, and by unanimous consent it was passed. A joint resolution is a bill, and it seems to me it is a bad custom we are getting into if we pass bills in that way. I know nothing about the merits of this joint resolution, but I will ask the Senator if it has been before a committee?

Mr. HANSBROUGH. The joint resolution has not been before the Committee on Public Lands, but it has been submitted to a majority of the members of the committee. It is an emergency matter, or I would not bring it here without submitting it to the committee. There is a very peculiar condition existing in certain of the Western States at the present time, owing to snow blockades, railroad tie ups, and so forth; a great many

people are suffering hardships in consequence thereof, and the joint resolution is intended to meet that emergency.

Mr. GALLINGER. I suggest that it can go to the committee and be reported back promptly, and that is the proper way to do it.

The VICE-PRESIDENT. Objection being made—

Mr. HANSBROUGH. I hope the Senator from New Hampshire will not insist upon his objection. My committee does not meet until Wednesday.

Mr. GALLINGER (to Mr. HANSBROUGH). Poll it.

Mr. HANSBROUGH. I will say to the Senator that I practically polled the committee on the floor this morning upon the joint resolution. It being an emergency matter, I do not think the Senator from New Hampshire should object to its consideration on the slight ground that it has not been before the full committee.

Mr. GALLINGER. I do not wish to be captious about this measure, but it is important as a matter of procedure in the Senate. I suggest to the Senator that if there is no rule in the committee prohibiting it he can immediately poll his committee and report it back and pass it by unanimous consent.

Mr. HANSBROUGH. The committee has been polled, as I said to the Senator.

Mr. FRYE (to Mr. HANSBROUGH). Why do you not, then, offer it as the report of the committee?

Mr. GALLINGER. It has not been before the committee. I must insist on my objection.

The VICE-PRESIDENT. Under the objection, the joint resolution will be printed and referred to the Committee on Public Lands.

Mr. HANSBROUGH. I desire, in view of the condition relative to the joint resolution, to withdraw it for the present.

The VICE-PRESIDENT. The joint resolution is withdrawn.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KEAN. At the request of 25,000 commuters in New York and New Jersey, I offer a proposed amendment to the river and harbor bill and ask that it be printed in the Record.

There being no objection, the amendment intended to be proposed by Mr. KEAN was referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

Insert the following:

"The Secretary of War is hereby directed to make such modifications of the rules and regulations now governing the opening of drawbridges spanning the Passaic and Hackensack rivers, in the State of New Jersey, by establishing, for a limited time, a closed morning and evening period daily for any one or more of such drawbridges as may seem to him reasonable and in his judgment to afford some measure of relief to railway passenger traffic."

Mr. NELSON submitted an amendment 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. FRYE submitted an amendment proposing to appropriate \$650,000 for the purchase of all the land on Cushings Island, Portland Harbor, Me., not at present owned by the Government, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment relative to the retirement with increased rank of brigadier-generals on the active list of the Army who served creditably during the civil war, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to increase the salary of the envoy extraordinary and minister plenipotentiary of the United States to Sweden from \$7,500 to \$10,000 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to fix the salary of the United States consul-general at Rotterdam at \$5,500 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$15,000 for completing the public building at Alexandria, Minn., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment including Lake of the Woods and Rainy River in the paragraph relating to the lighting of rivers, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also (by request) submitted an amendment proposing to

appropriate \$5,000 to pay Marie Louise Baldwin for services rendered to the Pillager and other bands of Chippewa Indians in Minnesota in the prosecution of their claim for damages arising from overflowage caused by the construction of dams on the upper Mississippi River, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SUTHERLAND (by request) submitted an amendment relative to the claim of John Bullette, a Delaware Indian, for reimbursement on account of royalties collected upon coal taken from the land which was afterwards allotted to him, intended to be proposed to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. DUBOIS submitted an amendment relative to the purchase of certain lands in Idaho for the purpose of constructing a reservoir for storing water to irrigate the land on Fort Hall Indian Reservation, etc., intended to be proposed by him to the Indian appropriation bill; which, with the accompanying statement, was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GEARIN submitted an amendment proposing to appropriate \$250,000 to adjust the claims of the settlers commonly called the "Sherman County settlers," on lands situated in Sherman and adjacent counties, in the State of Oregon, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate \$4,000 for grading and improving Kenyon street from Sherman avenue to Thirteenth street NW., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

STREET RAILWAY TRACKS IN DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CULLOM submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

COLOMBIAN PANAMA CANAL SHARES.

Mr. MORGAN submitted the following resolution, which was read:

Whereas statements published in the South American Journal of the 8th of December, 1906, disclose a correspondence between General Holguin, the Colombian financial agent for France, and Mr. G. R. Calderon and other persons on the subject of the Colombian Panama Canal shares, which statements are subjoined to the following resolution; and

Whereas the matters stated in such correspondence require the attention of the Government of the United States; and, considering the eighth article of the treaty of the United States with Panama of the 18th of November, 1903, as follows:

"The Republic of Panama grants to the United States all rights which it now has or may hereafter acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama, and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company."

And, considering that Colombia, at the close of the secession and independence of Panama, owned one-thirteenth part of the stock of the New Panama Canal Company, amounting to 5,000,000 francs, at the face value thereof, and the capital stock of said company, all of which was issued, amounting to 65,000,000 francs at its face value;

And, that the secession and independence of the State of Panama vested the ownership of such shares of said stock as then belonged to Colombia and in the property represented by such stock in the Government of Panama;

And, that Panama sold and conveyed the same, along with other property and rights situated in Panama, to the United States for the sum of \$10,000,000;

And, considering that the United States have derived no benefit from said Panama Canal stock, or any proceeds thereof, and the same, or the proceeds of the sale of the same, is being held by the Government of France under a legal proceeding of attachment for a debt alleged to be due from Colombia to France, which process issued after the ratification of said treaty between Panama and the United States;

And that it is the right and duty of the United States to assert its claim to the shares of stock in the Panama Canal Company, or the proceeds thereof, so held by France, and claimed by Colombia, so that the same may be rightfully and justly determined in such manner as will best accord with the sovereign rights of the United States;

Resolved, That the subject of the claim of the United States to the capital stock of the Panama Canal Company issued to the Government of Colombia, and to any property or fund that is represented by such stock, and all matters connected therewith, be referred to the Committee on Foreign Relations for investigation and report as to the validity of the claim of the United States to such stock or any proceeds thereof, and of the right of the United States to dispose of the same.

Mr. MORGAN. Without reading the statement which is appended to the resolution, I will ask that it be inserted in the RECORD, that the resolution and paper be printed, and that the matter may go over until to-morrow.

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

[Statement from the South American Journal of December 8, 1906, regarding the Colombian Panama shares.]

THE COLOMBIAN PANAMA SHARES.

Mr. G. R. Calderon has received from General Holguin the following matter for publication:

General Holguin, the Colombia financial agent for France, has communicated the following information and correspondence on the subject of the Colombian Panama shares to the Parisian press:

The Government of Colombia brought before the tribunal of the Seine a suit against the New Panama Canal Company, to reclaim the 50,000 shares that the self-same company had given Colombia in payment for prorogations, concessions, and lands granted to the company. These shares were deposited with the company, to the order of the Colombian Government, where they remained for more than two years, when the Panama revolutionary movement broke out, which Colombia could not repress. At this juncture Colombia wished to dispose of these shares, but the company refused to deliver them up, alleging that the State of Panama might claim them.

At the first sitting of the tribunal last year the Government of Panama declared, through their lawyer, that they renounced all claim to these 50,000 shares. Consequently the suit was virtually terminated, and I was congratulating myself on this prompt and just solution, when, contrary to all expectation, the French fiscal authorities made the objection that these shares should remain with the Panama company until the Colombian Government had paid 13,600,000 francs for registration fees for the concession accorded to the company, from which cause arose the second lawsuit.

I confess that this claim has astounded me—that the French fiscal should claim from us, a foreign Government, registration fees for a concession that we have accorded to a French company. I could not credit it, and it should be here noted that in the contract of concession it is expressly stipulated that all differences which might arise between the Colombian Government and the concessionary company would be adjudicated upon by the local tribunals. If, in the case of the difficulty concerning these shares, the Government of Bogota addressed itself to the French tribunals, it has been done in deference to French justice and from respect and consideration for France.

Since then the Colombian legation at Paris and myself have taken all possible and imaginable steps to demonstrate the badly-founded and extraordinary nature of this claim of the French fiscal; in fact, it was the first case ever known in which a Government demanded from another Government registration fees for a concession made to its own people. This demand was all the more inadmissible and paradoxical seeing that Colombia had not exacted anything for the registration of the contract made in 1878 between the Colombian Government and the original Panama company. Colombia showed the same disinterestedness in the case of the convention concluded later and prorogued the delay of the concession.

I was convinced that this claim of the French fiscal was absolutely ignored at the Quai d'Orsay, because otherwise the French minister of foreign affairs would have intervened in favor of Colombia, in conformity with the stipulations of the treaty of commerce and navigation made between Colombia and France signed at Bogota, May 30, 1902, by which the two countries agreed to reciprocate "the most favored nation" treaty.

I reasoned, being the financial representative of Colombia to France, my duty clearly is to defend the interests of my country; but perhaps as patriotic feelings may distort my view of the matter, I will ask the opinion of other persons, who, by their neutrality, may judge more impartially, therefore, to have a clear mind on the subject.

I wrote to a Frenchman—a distinguished jurist—who has resided many years in Colombia, and who is conversant with this fiscal litigation. I asked him to reply at once, giving me his ideas. His response was as follows: "The conflict which is on the point of commencing between Colombia and France can and should be avoided; consequently, I accomplish a patriotic work in stating the real case and relating frankly the facts.

"The French fiscal authorities, being the safeguard of the interests of all contributors, are evidently right in pursuing with tenacity for the payment of that which is legally due to them, but their office ends there, and more strictly than any other authority should they refrain from posing as creditors, when they can not prove the legitimacy of the debt.

"In May, 1878, the Colombian Government conceded to the original Panama company the famous concession, the clauses of which it is unnecessary to recapitulate, as they are so well known.

"The concession was signed at Bogota, and simple reflection indicates that the Colombian Government had perfect right to claim and take the cost of stamps, registration, etc. General usage establishes, in fact, that it is the receiver of a concession who pays such costs. Thereupon it was the canal company who should pay; but Colombia, from chivalrous and deferential motives, would not accept anything. Now, the Republic is severely punished for this generosity, which the French fiscal does not appear to have appreciated in all its delicacy. This attitude of the fiscal is inexplicable and not based on sound reasons. How is it that at the expiration of twenty-seven years the fiscal has made such a discovery and dares to insist on such an exaction?

"During twenty-seven years they have not breathed a word on the subject, and it is only to-day that they have discovered their forgetfulness. Singular creditor this fiscal, which presents the account after allowing to elapse more than a quarter of a century.

"If Colombia owed this sum payment should have been demanded at the time when the contract for the concession was signed, in May, 1878, and from the canal company, not Colombia.

"Since when have Governments received the costs of conventions, contracts, treaties, etc., which pass between them? It has never been done.

"This incident places at stake the dignity of our country, and the government which is entrusted with the good name of France would do wisely in passing to profit and loss account an asset which is plainly unrealizable. The real debtor is not Colombia, which, if it were, would present the unique case of a country claiming from a foreign government the payment of charges on a concession granted to its own people.

"Can you imagine Germany claiming money because of our Gov-

ernment signing a contract with German subjects? France can not lend herself to such a maneuver, which is a negation of all equity, and would forever alienate from us the lively and, occasionally, touching sympathies of all the South American Republics, especially at a time when the United States, with brutal rudeness, do not even dissemble their intentions to absorb, marching resolutely to this end, and dominate the South American Continent. It is not opportune that France should claim imperiously a considerable sum from a republic almost on the verge of ruin, owing to prolonged civil wars and the loss of one of its richest provinces.

"We forget that 70,000,000 of South Americans regard France as their elder sister, the great Latin nation toward which they turn their eyes full of hope, feeling that we would not look on with indifference at any attempt directed against their independence. We forget also that the South American market represents prosperity in the future. That hundreds of thousands of our compatriots find there cordial hospitality. That we do a large trade there, etc., and we run the risk of losing all that, as also our privileged footing, by claiming a sum not owing to us.

"No; the part to be played by France is very different—the advance guard of human thought. Natural champion of all ideas of justice and equity, our country can not countenance the procedure of a ferocious usurer, abusing his superior strength to rob a weaker people.

"Colombia—still convalescent and hardly recovered from the painful trials which she had undergone—may well demand if we are yet the generous nation of which history chronicles such lofty actions.

"Do we intend forfeiting, for a paltry question of money, our splendid moral prestige, and, perhaps, ruin our trade with South America? We hope not, and believe that the fiscal, with better inspiration—and after calm reflection—will retire a claim twenty-seven years old, of which it is impossible to establish the legitimacy."

The following testifies in our favor also—the part contents of a letter that Mr. Maurice Hutin, formerly president of the administrative council and general director of the New Panama Canal Company, has addressed to me on February 18, this year:

"MY DEAR GENERAL: I have the honor to acknowledge receipt of your letter of February 10. I have received at the same time a copy of the journal containing the letter dated November 15, 1905, that you have addressed to the minister of finance.

"It is not for me to inquire into the motives of the right that you invoke, but in equity and truth your protest is entirely justifiable.

"You are right in recalling to mind that your Government has always respected French interests in the Panama Canal enterprise. You have even the right of adding that your Government has done even more, seeing that it has defended and guarded them on several occasions when they have been seriously in jeopardy. In spite of my self-imposed reserve for some time past, I desire, on this subject, to remind you of two incidents in which I have been personally concerned.

"When the second prorogation of the delay in constructing the canal became necessary in 1894 to permit the constitution of the new company—because the prorogation of 1890, of which you treat in your letter of November 15, already cited, is the first and not the last, as was erroneously printed—the Secretary of State of the United States of America intervened at Bogota in a very pressing, almost menacing manner, advising your Government to refuse the prorogation solicited by the representative of the French company. If the Colombian Government had listened to this counsel, it would have caused, from 1894, the complete and definite ruin of the shareholders of the Lesseps company.

"Later on, in 1901, when the agents of the United States Government, aided by questionable complications, prepared the work of spoliation which your country so cruelly suffered, they volunteered the statement, made to me personally: 'We shall begin when you have finished, as you have neither the time nor the money to complete the canal;' and, in fact, the time for construction elapsed in 1904. I obtained from your Government an extension to 1911.

"It would seem that all these events are forgotten, but what should not be overlooked is that your Government has always had the free disposing of the 50,000 shares of the new company, which has been attributed to it by Article IV of the law of December 26, 1890; that it has had the right to enter into possession of the titles when the subscription shares have been entirely liberated in 1901; that it should have been able to negotiate them advantageously from the commencement of 1902.

"I wish to believe, indeed I am convinced, that my successor is in no way responsible for your adventure; but it is, all the same, very disappointing from every point of view, that your confidence should have been so singularly recompensed.

"The Chamber of Deputies, judging by the recent debate, appears resolved not to permit, under the pretext of recovering the rights of registration, that it be still more reduced, the role which the shareholders of the original canal company have had to be contented with.

"I hope that the measures which will shortly be passed by the French Parliament may have, at the same time, the effect of returning to your Government the titles of which the ownership, in equity and in fact, I again repeat, should never have been questioned."

So that French opinion does not differ from Colombian views on this subject, and numerous cases have occurred in the history of nations which, as precedents, confirm the right of the Government of Colombia to possession of these shares.

By the advice of M. Rouvier, the minister of foreign affairs, I wrote an explanatory letter, November 18, 1905, to M. Merlou, the minister of finance, which has been published in extenso in the Gaulois.

A month after the formal acknowledgment thereof the finance minister curtly informed me that he had given instructions to make a detailed inquiry. Since then I have not heard anything, and when M. Rouvier quitted office I addressed a long letter to his successor, M. Poincaré.

These are the chief points in this Franco-Colombian conflict. The French people will study them and pronounce their verdict. I appeal with confidence to their clear and enlightened judgment.

I have only a few words to add. At an epoch where the struggle for life has become so hard, both for individuals and peoples, where all the great nations are using their best efforts to gain friends in all quarters of the globe to create new outlets for their trade and industries, when France is encountering such powerful competitors in Europe, America, Asia, and Africa, who are fiercely waging war against the products of French labor, and, above all, when the United States are making such strenuous exertions to capture the whole of the trade of Latin-America, it would be extremely unwise of the French Government, for a small matter of a few millions of francs, and, unjustly claimed, to provoke a coldness in the amicable and cordial relations which at present exist between France and Colombia, to diminish

the sympathies which attach a whole people to generous and magnanimous France. The Colombian people are strongly Francophile—by tradition and by choice. French influence—political, commercial, industrial, and, I may add, literary, also—is predominant in Colombia, and all our efforts tend to consolidate more and more the ties of friendship which attach us to France. The Colombian people follows with great interest the progress of this affair, and I had strong reasons for desiring that this Franco-Colombian dispute should be resolved diplomatically and not by judicial means. A diplomatic solution, whatever the issue, would not produce any emotion in Colombia.

At the same time I have full confidence in the spirit of justice and of equity, in the good sense and perspicacity of the Government and of the French bench. They will discover that there is not even ground for discussion, but merely a misunderstanding, and they will decidedly proclaim the indisputable rights of my country. I wish to think before quitting French soil, where for three years I have received generous hospitality and kindness, that I may have the ineffable satisfaction of proving once again that my convictions of France and the French people were right, and that your beautiful country is really worthy of the admiration of foreign peoples.

The VICE-PRESIDENT. The resolution will lie on the table.

LOUIS CASTINETTE.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the President be requested to return the bill (S. 3671) entitled "An act granting an increase of pension to Louis Castinette."

DANIEL G. SMITH.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the President be requested to return the bill (S. 5073) entitled "An act granting an increase of pension to Daniel G. Smith."

IMPROVEMENT OF SASANOA RIVER, MAINE.

Mr. FRYE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be directed to submit to the Senate, from data already available, plan and estimates for improvement of the Sasanoa River, Maine.

CLEAVES'S "CONFERENCES AND CONFERENCE REPORTS."

Mr. CULBERSON submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Senate Report No. 1545, Fifty-seventh Congress, first session, entitled "Conferences and Conference Reports," prepared by Thomas P. Cleaves, be hereafter incorporated in the Senate Manual as a part thereof, under the direction of the Committee on Rules of the Senate.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER.

Mr. FRYE. I move that the bill (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river, in Pike County, Ky., be recommitted to the Committee on Commerce.

The motion was agreed to.

ISSUANCE OF LAND PATENTS.

Mr. CARTER. I desire to give notice that on Thursday next, the 24th instant, as soon as the convenience of the Senate may allow after the close of the morning business, I shall submit some remarks in support of the resolution heretofore presented be me relating to the issuance of patents on homesteads, etc., known as Senate resolution 214.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 319. An act to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah;

S. 350. An act for the relief of the heirs of Joseph Sierra, deceased;

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange;

S. 505. An act for the relief of Jacob Livingston & Co.;

S. 538. An act for the relief of Charles T. Rader;

S. 1169. An act for the refund of certain tonnage duties;

S. 1218. An act for the relief of Louise Powers McKee, administratrix;

S. 1231. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails;

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to and accepted by the Department of Agriculture during the fiscal year 1902;

S. 1344. An act for the relief of John M. Burks;

S. 1648. An act for the relief of the Hoffman Engineering and Contracting Company;

S. 1668. An act for the relief of the administrator of the estate of Gotlob Groezinger;

S. 1933. An act for the relief of George T. Pettengill, lieutenant, United States Navy;

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy;

S. 2368. An act for the relief of the Postal Telegraph Cable Company;

S. 2578. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 2964. An act for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.;

S. 3574. An act for the relief of John H. Potter;

S. 3581. An act providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport *Crook* in May, 1900;

S. 3820. An act for the relief of Eunice Tripler;

S. 3923. An act to reorganize and increase the efficiency of the artillery of the United States Army;

S. 4348. An act for the relief of Augustus Trabing;

S. 4860. An act for the relief of Peter Fairley;

S. 4926. An act for the relief of Etienne De P. Bujac;

S. 4948. An act for the relief of W. A. McLean;

S. 4975. An act giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States;

S. 5446. An act for the relief of John Huggins;

S. 5531. An act for the relief of Francisco Krebs;

S. 5560. An act for the relief of Matthew J. Davis;

S. 5675. An act for the relief of Maj. Seymour Howell, United States Army, retired;

S. 6166. An act for the relief of Edwin S. Hall;

S. 6299. An act for the relief of Pollard & Wallace;

S. 6898. An act concerning licensed officers of vessels; and

S. R. 13. Joint resolution authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 4350. An act for the relief of Arthur A. Underwood;

S. 4423. An act providing for the donation of obsolete cannon with their carriages and equipments to the University of Idaho; and

S. 4819. An act for the relief of M. A. Johnson.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 5. An act to provide for the refunding of certain money, etc.;

H. R. 8. An act for the relief of the Harbison-Walker Company, of Pittsburg, Pa.;

H. R. 639. An act for the relief of C. W. Sturtevant, Rolla Brown, Alice Brown, M. L. Kelly, Robert G. Duffy, Fred Gehring, T. H. Ross, and L. C. Partee;

H. R. 714. An act for the relief of Charles B. Bentley;

H. R. 1050. An act for the relief of Edwin S. Hall;

H. R. 1078. An act for the relief of Hamilton D. South, second lieutenant, United States Marine Corps;

H. R. 1371. An act to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned;

H. R. 1443. An act for the payment of Robert D. Benedict for services rendered;

H. R. 1561. An act authorizing the Secretary of the Navy to grant a discharge to Peter O'Neil;

H. R. 1563. An act for the relief of Matthew J. Davis;

H. R. 1808. An act for the relief of J. J. L. Peel;

H. R. 2326. An act for the relief of J. W. Bauer and others;

H. R. 2926. An act for the relief of the heirs of John Smith;

H. R. 3268. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;

H. R. 3462. An act for the relief of Franklin Patterson;

H. R. 3518. An act for the relief of Copiah County, Miss.;

H. R. 3577. An act for the relief of Barclay H. Warburton;

H. R. 4233. An act to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred for repairing damages sustained by its steamer *Sebascodegan* in collision with the U. S. S. *Woodbury*;

H. R. 4271. An act for the relief of Patrick J. Madden;

H. R. 4299. An act for the relief of John Stinson;

H. R. 4300. An act for the relief of A. J. Stinson;

H. R. 4586. An act for the relief of Mrs. R. E. Miller;

H. R. 4629. An act for the relief of William H. Gowdy;

H. R. 5169. An act for the relief of W. B. Sutter;
 H. R. 5195. An act for the relief of the Milburn Wagon Company, of Toledo, Ohio;
 H. R. 5622. An act for the relief of M. D. Wright and Robert Neill;
 H. R. 5666. An act for the relief of L. L. Arrington and L. S. Arrington;
 H. R. 6104. An act to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails;
 H. R. 6417. An act for the relief of T. J. H. Harris;
 H. R. 6418. An act for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895;
 H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures;
 H. R. 7153. An act for the relief of David McClelland for loss sustained at Chickamauga Park, Georgia, January 29, 1904;
 H. R. 7746. An act for the relief of Columbia Hospital and Dr. A. E. Boozer;
 H. R. 7960. An act for the relief of John C. Ray, assignee of John Gafford, of Arkansas;
 H. R. 8078. An act for the relief of Miss Bernice Farrell;
 H. R. 8080. An act for the relief of S. Kate Fisher;
 H. R. 8365. An act for the relief of C. A. Berry;
 H. R. 8685. An act for the relief of Charles E. Danner & Co.;
 H. R. 8699. An act for the relief of James A. Carroll;
 H. R. 8727. An act for the relief of James W. Kenney and the Union Brewing Company;
 H. R. 8749. An act to refund a fine of \$200 paid by Charles H. Marsden, owner of the tug *Owen*;
 H. R. 9109. An act for the relief of J. H. Henry;
 H. R. 9131. An act for the relief of the legal representatives of Charles D. Southerlin;
 H. R. 9132. An act for the relief of the legal representatives of Benjamin F. Pettit;
 H. R. 9212. An act for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased;
 H. R. 9289. An act for the relief of the Mitsui Bussan Kaisha;
 H. R. 9298. An act for the relief of the heirs at law of David C. Haynes, deceased;
 H. R. 9386. An act for the relief of Henry Hirschberg;
 H. R. 9778. An act for the relief of Philip Loney;
 H. R. 10305. An act to provide for the repayment of certain customs dues;
 H. R. 10595. An act for the relief of Nye & Schneider Company;
 H. R. 11676. An act for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal;
 H. R. 12009. An act for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner;
 H. R. 12124. An act granting an increase of pension to Howard Brown;
 H. R. 12188. An act for the relief of George T. Larkin;
 H. R. 12686. An act for the relief of Edwin T. Hayward, executor of Columbus F. Hayward, and the administrator of Charlotte G. Hayward;
 H. R. 12840. An act for the relief of L. Biertempfel;
 H. R. 13418. An act for the relief of W. S. Hamaker;
 H. R. 13605. An act to satisfy certain claims against the Government arising under the Navy Department;
 H. R. 14125. An act for the relief of The Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr.;
 H. R. 14381. An act authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department;
 H. R. 14464. An act for the relief of Wiley Corbett;
 H. R. 15594. An act for the relief of John B. Brown;
 H. R. 16085. An act for the relief of Gordon, Ironsides & Fares Company (Limited);
 H. R. 16222. An act granting an increase of pension to Napoleon B. Ferrell;
 H. R. 16581. An act for the relief of George W. Schroyer;
 H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels *Sotie R.*, *Mathilda R.*, and *Helen R.*;
 H. R. 17285. An act for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry;
 H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce;
 H. R. 18020. An act for the relief of Snare & Triest Company;
 H. R. 18865. An act for the relief of John and David West;
 H. R. 18924. An act for the relief of George M. Esterly;
 H. R. 19275. An act for the relief of T. E. Boyt;

H. R. 19284. An act for the relief of James Behan;
 H. R. 19493. An act to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States;
 H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication;
 H. R. 20168. An act for the relief of F. Kraut, of Leon Springs, Tex.;
 H. R. 20169. An act for the relief of Margaret Neutze, of Leon Springs, Tex.;
 H. R. 22291. An act to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy;
 H. R. 22362. An act for the relief of Esther Rousseau;
 H. R. 23114. An act extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;
 H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;
 H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.;
 H. R. 23927. An act excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves";
 H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana;
 H. R. 24048. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns;
 H. R. 24104. An act transferring Phelps County to the eastern division of the eastern judicial district of Missouri;
 H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals;
 H. R. 24541. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes;
 H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa; and
 H. J. Res. 221. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.
 The foregoing House claims bills were severally read twice by their titles, and referred to the Committee on Claims.
 The message also communicated to the Senate resolutions commemorative of the life, character, and public services of Hon. WILLIAM B. BATE, late a Senator from the State of Tennessee.
 ENROLLED BILLS SIGNED.
 The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:
 H. R. 121. An act authorizing the extension of Seventeenth street NW.;
 H. R. 128. An act for the opening of a connecting highway between Water Side drive and Park road, District of Columbia;
 H. R. 8435. An act for the opening of Fessenden street NW., District of Columbia;
 H. R. 10843. An act authorizing the extension of Kenyon street NW.;
 H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia;
 H. R. 14900. An act to extend Fourth street NE.;
 H. R. 16944. An act to amend section 878 of the Code of Law for the District of Columbia; and
 H. R. 21689. An act to increase the limit of cost of five light-house tenders heretofore authorized.
 PORT OF BELLINGHAM, WASH.
 Mr. PILES. I report back from the Committee on Commerce without amendment the bill (S. 7501) extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880; and I ask that the House bill on the same subject, which is on the Vice-President's desk, be laid before the Senate.
 The bill (H. R. 23114) extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate

transportation of dutiable merchandise without appraisement, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subport of Bellingham, in the State of Washington.

Mr. PILES. I ask for the immediate consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

Mr. PILES. I move that Senate bill 7501, which I have just reported, be indefinitely postponed.

The motion was agreed to.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. HANSBROUGH. I ask the Chair to lay before the Senate House joint resolution 221.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 221) to fill a vacancy in the Board of Regents of the Smithsonian Institution was read the first time by its title.

Mr. HANSBROUGH. I ask that the joint resolution may be read.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of George Gray, a citizen of Delaware, whose term expired January 14, 1907.

Mr. HANSBROUGH. I ask that the joint resolution be put on its passage.

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 a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On January 18:

S. 1347. An act granting a pension to Martha W. Pollard;
 S. 2563. An act granting a pension to Isaac Carter;
 S. 5084. An act granting a pension to John W. Connell;
 S. 5138. An act granting a pension to Jane Metts;
 S. 5771. An act granting a pension to Mary E. Thompson;
 S. 6019. An act granting a pension to Harriet O'Donald;
 S. 6814. An act granting a pension to Alice Bosworth;
 S. 10. An act granting an increase of pension to Roswell Prescott;
 S. 123. An act granting an increase of pension to William M. Morgan;
 S. 480. An act granting an increase of pension to Silas A. Reynolds;
 S. 677. An act granting an increase of pension to Albert G. Peabody, jr.;
 S. 679. An act granting an increase of pension to Thomas Kelly;
 S. 768. An act granting an increase of pension to William H. Rhoads;
 S. 771. An act granting an increase of pension to Samuel G. Kreidler;
 S. 774. An act granting an increase of pension to August Krueger;
 S. 831. An act granting an increase of pension to Isaac G. Clark;
 S. 1240. An act granting an increase of pension to Dana W. Hartshorn;
 S. 1257. An act granting an increase of pension to Patrick O'Day;
 S. 1493. An act granting an increase of pension to Cathrin Huff;
 S. 1857. An act granting an increase of pension to William Vantilburgh;
 S. 1891. An act granting an increase of pension to Charles F. M. Morgan;
 S. 1941. An act granting an increase of pension to Elvira A. Kelly;
 S. 2249. An act granting an increase of pension to George W. Smith;

S. 2541. An act granting an increase of pension to Thomas W. Murray;
 S. 2643. An act granting an increase of pension to James H. Thrasher;
 S. 2669. An act granting an increase of pension to Winfield S. Ramsay;
 S. 2734. An act granting an increase of pension to John R. Conyngham;
 S. 2737. An act granting an increase of pension to Benjamin Hains;
 S. 2749. An act granting an increase of pension to John H. Brooks;
 S. 2794. An act granting an increase of pension to John H. Allison;
 S. 3220. An act granting an increase of pension to Wilbur H. Clark;
 S. 3221. An act granting an increase of pension to Robert Mills;
 S. 3763. An act granting an increase of pension to Mary A. Baker;
 S. 3767. An act granting an increase of pension to Samuel Turner;
 S. 3931. An act granting an increase of pension to Fanny A. Pearsons;
 S. 4032. An act granting an increase of pension to Solomon Craighton;
 S. 4053. An act granting an increase of pension to William A. Smith;
 S. 4127. An act granting an increase of pension to Samuel Paine;
 S. 4389. An act granting an increase of pension to Florence B. Plato;
 S. 4406. An act granting an increase of pension to Susan N. Fowler;
 S. 4510. An act granting an increase of pension to Rufus C. Allen;
 S. 4542. An act granting an increase of pension to Aaron Daniels;
 S. 4771. An act granting an increase of pension to George R. Turner;
 S. 4772. An act granting an increase of pension to Gertrude McNeil;
 S. 4894. An act granting an increase of pension to Robert Ramsey;
 S. 4909. An act granting an increase of pension to Louis Sidel;
 S. 4979. An act granting an increase of pension to Don C. Smith;
 S. 5001. An act granting an increase of pension to Louis A. Baird;
 S. 5067. An act granting an increase of pension to Martin Schultz;
 S. 5156. An act granting an increase of pension to Granville F. North;
 S. 5176. An act granting an increase of pension to Lewis C. Janes;
 S. 5443. An act granting an increase of pension to James D. Merrill;
 S. 5493. An act granting an increase of pension to Marcus Wood;
 S. 5502. An act granting an increase of pension to John B. Coyle;
 S. 5573. An act granting an increase of pension to Gustavus A. Thompson;
 S. 5599. An act granting an increase of pension to Dennis Flaherty;
 S. 5685. An act granting an increase of pension to James M. Jenkins;
 S. 5693. An act granting an increase of pension to Margaret L. Houllihan;
 S. 5725. An act granting an increase of pension to Alonzo S. Prather;
 S. 5727. An act granting an increase of pension to Lucius Rumrill;
 S. 5740. An act granting an increase of pension to Jared Ayer;
 S. 5741. An act granting an increase of pension to Amelia M. Hawes;
 S. 5823. An act granting an increase of pension to Nelson Virgin;
 S. 5826. An act granting an increase of pension to Isaac C. Phillips;
 S. 5892. An act granting an increase of pension to Daniel W. Redfield;
 S. 5963. An act granting an increase of pension to James Reed;

S. 5980. An act granting an increase of pension to Jacob Smith;
 S. 6001. An act granting an increase of pension to Emily Killian;
 S. 6005. An act granting an increase of pension to John G. Bridaham;
 S. 6008. An act granting an increase of pension to Joseph Lamont;
 S. 6035. An act granting an increase of pension to John Fox;
 S. 6051. An act granting an increase of pension to Mary A. Duncan;
 S. 6052. An act granting an increase of pension to William E. Redmond;
 S. 6131. An act granting an increase of pension to Frances A. Jepson;
 S. 6163. An act granting an increase of pension to William H. Westcott;
 S. 6186. An act granting an increase of pension to James L. Estlow;
 S. 6203. An act granting an increase of pension to Francis W. Crommett;
 S. 6230. An act granting an increase of pension to Nellie Paxton;
 S. 6232. An act granting an increase of pension to John L. Anthony;
 S. 6238. An act granting an increase of pension to Hugh S. Strain;
 S. 6239. An act granting an increase of pension to Kate M. Miner;
 S. 6250. An act granting an increase of pension to Alice G. Clark;
 S. 6266. An act granting an increase of pension to Paul Baker;
 S. 6267. An act granting an increase of pension to Denis A. Manning;
 S. 6347. An act granting an increase of pension to Edward R. Cunningham;
 S. 6353. An act granting an increase of pension to Dolores S. Foster;
 S. 6367. An act granting an increase of pension to Joseph Johnston;
 S. 6368. An act granting an increase of pension to Sherrod Hamilton;
 S. 6429. An act granting an increase of pension to Mary L. Beardsley;
 S. 6438. An act granting an increase of pension to Martha J. Haller;
 S. 6466. An act granting an increase of pension to Samuel Moser;
 S. 6485. An act granting an increase of pension to Samuel Cook;
 S. 6505. An act granting an increase of pension to Theodore M. Benton;
 S. 6506. An act granting an increase of pension to Henry Z. Bowman;
 S. 6514. An act granting an increase of pension to Alfred A. Stocker;
 S. 6537. An act granting an increase of pension to William Eppinger;
 S. 6538. An act granting an increase of pension to Betsey A. Hodges;
 S. 6558. An act granting an increase of pension to Samuel A. Pearce;
 S. 6560. An act granting an increase of pension to Reuben D. Dodge;
 S. 6561. An act granting an increase of pension to George W. Blair;
 S. 6568. An act granting an increase of pension to Wilbur F. Hodge;
 S. 6569. An act granting an increase of pension to George Porter;
 S. 6572. An act granting an increase of pension to Aaron L. Roberts;
 S. 6574. An act granting an increase of pension to Maria H. Waggoner;
 S. 6576. An act granting an increase of pension to Michael Meyers;
 S. 6579. An act granting an increase of pension to Ezekiel Morrill;
 S. 6580. An act granting an increase of pension to Ella B. Green;
 S. 6581. An act granting an increase of pension to Joseph W. Lowell;
 S. 6583. An act granting an increase of pension to Abram P. Colby;
 S. 6585. An act granting an increase of pension to Amos Ham;

S. 6586. An act granting an increase of pension to Wesley J. Ladd;
 S. 6591. An act granting an increase of pension to Henry Campbell;
 S. 6596. An act granting an increase of pension to Cyrus W. Cobb;
 S. 6597. An act granting an increase of pension to Frank H. Read;
 S. 6631. An act granting an increase of pension to George W. Hodgman;
 S. 6632. An act granting an increase of pension to William Davis;
 S. 6636. An act granting an increase of pension to Andrew J. Grover;
 S. 6645. An act granting an increase of pension to Timothy C. Stilwell;
 S. 6650. An act granting an increase of pension to John A. McGinty;
 S. 6705. An act granting an increase of pension to Holmes Clayton;
 S. 6707. An act granting an increase of pension to Stephen E. Lemon;
 S. 6709. An act granting an increase of pension to Samuel Shawver;
 S. 6712. An act granting an increase of pension to Orin Ingram;
 S. 6714. An act granting an increase of pension to Joseph Bolshaw;
 S. 6717. An act granting an increase of pension to Manasa T. Houser;
 S. 6718. An act granting an increase of pension to Augustus L. Holbrook;
 S. 6723. An act granting an increase of pension to Agusta P. Morgan;
 S. 6767. An act granting an increase of pension to John C. Brown;
 S. 6819. An act granting an increase of pension to Nelson Bigalow;
 S. 6821. An act granting an increase of pension to Jonathan M. Adams;
 S. 6822. An act granting an increase of pension to Christopher Christopherson;
 S. 6824. An act granting an increase of pension to Byron Canfield;
 S. 6825. An act granting an increase of pension to Thomas M. Roberts;
 S. 6826. An act granting an increase of pension to Jacob Turner;
 S. 6829. An act granting an increase of pension to Thomas P. Cheney;
 S. 6881. An act granting an increase of pension to Jefferson Bush;
 S. 6882. An act granting an increase of pension to Elisha H. Stephens;
 S. 6883. An act granting an increase of pension to Thomas W. White;
 S. 6885. An act granting an increase of pension to William H. Anderson;
 S. 6942. An act granting an increase of pension to William B. Dow;
 S. 6978. An act granting an increase of pension to Samuel Jackson;
 S. 6997. An act granting an increase of pension to William Kennedy;
 S. 7065. An act granting an increase of pension to Lovisa Donaldson;
 S. 7077. An act granting an increase of pension to Mary E. Hattan;
 S. 7160. An act granting an increase of pension to Kate Myers;
 S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers; and
 S. R. 76. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.
 On January 19, 1907:

S. 6855. An act to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I ask the Chair to lay before the Senate the action of the House of Representatives on the legislative, executive, and judicial appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to all the amendments

of the Senate, except amendment No. 222, to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, and agreeing to amendment No. 222, with the following amendment:

Omit the matter stricken out by the said amendment and insert the following:

"That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States, and the heads of Executive Departments who are members of the President's Cabinet, shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico shall be at the rate of \$7,500 per annum each."

And asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. Mr. President, the Committee on Appropriations of the Senate decline to take any action on the question of the salaries of Members of the House of Representatives, Senators, and Cabinet officers, preferring that the Senate itself, if anything is to be done on the subject, should take its own course in reference to it. I therefore, for the purpose of getting a vote on the question, move that the Senate concur in the amendment of the House of Representatives to amendment No. 222.

Mr. BERRY. Mr. President, it seems to me the course proposed by the Senator from Illinois [Mr. CULLOM] is unusual in regard to a general appropriation bill. The general custom has been, I think, where the House of Representatives disagrees to all the amendments of the Senate but one, that when the bill comes back to the Senate the motion is made that the Senate insist on its amendments and agree to the conference asked by the House.

The Senator from Illinois proposes to take out this one amendment of the House of Representatives, to agree to it, and to have a conference in regard to all the other items of amendment on the part of the Senate, as to which the other House have disagreed.

Mr. President, I desire to say a few words in reference to the pending proposition, but I prefer that the motion made by the Senator from Illinois should lie over until to-morrow, as I am not ready this morning to say what I desire. I am opposed to this amendment, and I desire an opportunity to give the reasons for my opposition. I therefore ask the Senator from Illinois to let the motion lie over until to-morrow morning.

Mr. CULLOM. I desire, Mr. President, that the amendment shall be disposed of by the Senate to-day, and I know of no rule to take it over. So I hope it will be now disposed of by a vote of the Senate.

Mr. BERRY. Mr. President, I did not state that there was any rule to take it over; but it seems to me extraordinary on the part of the Senator from Illinois, after I had stated that I desired to speak upon the amendment and was not ready to proceed at this time, that he should insist that as to this particular amendment the rule is to be made different from any which has heretofore existed in the practice of the Senate. I think the request I have made, that the matter should be postponed until to-morrow morning, is not unreasonable. Then I can give the reasons why I am opposed to the amendment. If a majority of the Senate should differ from me and want to vote for it then they can certainly wait until to-morrow morning. There is no special hurry about the matter, so far as I can see, and I trust the Senator will not insist on taking the vote on it to-day.

Mr. CULLOM. Mr. President, if I really felt that the Senator desired delay in order to make preparation for a speech, I should feel inclined to yield to the Senator, but I think the Senator was disappointed a week ago when the bill was before the Senate, that he did not then have an opportunity to make a speech against the provision, which he supposed would remain in the bill. I hope the Senator will not insist on the amendment going over.

Mr. BERRY. Mr. President, I want to say that I am opposed—

Mr. BACON. Before the Senator begins—

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. BERRY. Certainly.

Mr. BACON. I hope the Senator from Illinois [Mr. CULLOM] will not refuse the Senator from Arkansas [Mr. BERRY] the courtesy which is almost universally granted to a Senator when he suggests that he wishes to address himself to a proposition, but for any reason is not ready to go on. It is the universal custom of the Senate, under such circumstances, to grant the indulgence. The Senator from Arkansas states in his place that he is not ready to go on to-day; and there is certainly no such emergency as should deny to him in this particular case

what is generally granted to Senators whenever they make such a statement and such a request.

Mr. CULLOM. I really did not believe that the Senator from Arkansas was in dead earnest about this matter.

Mr. BERRY. The Senator has served here with me for some twenty-two years; and if he has ever heard me utter a word on the floor when I was not in dead earnest, I should be glad to have him point out the time. I do not make statements unless I am in dead earnest.

Mr. CULLOM. I will yield to the Senator, if he desires it, but I really thought the Senator was prepared to do what he proposes to do—that is, to oppose the amendment. If the Senator desires time I will yield.

Mr. BERRY. That is what I have said. I have stated that I desired that the matter should go over until to-morrow morning, as I am not prepared to go on this morning with the remarks I wish to submit.

Mr. CULLOM. The matter may go over, so far as I am concerned, Mr. President.

The VICE-PRESIDENT. The motion will go over until to-morrow morning.

EXTENSION OF TIME FOR HOMESTEAD ENTRIES.

Mr. HANSBROUGH. I am instructed by the majority of the Committee on Public Lands to report a joint resolution, for which I ask present consideration.

The joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen, was read by its title.

Mr. HEYBURN. Let the joint resolution be read at length. The joint resolution was read, as follows:

Be it resolved, etc. That all persons who made homestead entry in the States of North Dakota, South Dakota, Minnesota, Montana, and Wyoming, where the six months' period in which they were or are required by law to establish residence expired or expires after December 1, 1906, are hereby granted until May 15, 1907, within which to make actual settlement and establish residence upon the lands so entered by them.

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

Mr. GALLINGER. Mr. President, having objected a few moments ago to the consideration of the resolution, it is proper that I should say that as it is now presented in the form of a joint resolution reported from the Committee on Public Lands I certainly have no objection to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HEYBURN. I move to amend the joint resolution by inserting the name of the State of Idaho after that of South Dakota.

Mr. HANSBROUGH. I have no objection to the amendment.

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. After the name "South Dakota" it is proposed to insert "Idaho."

The amendment was agreed to.

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

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

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its chief clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 221) to fill a vacancy in the Board of Regents of the Smithsonian Institution; and it was thereupon signed by the Vice-President.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, if the morning business is closed, I ask that Senate resolution No. 208 may be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the modified resolution submitted by the Senator from Ohio [Mr. FORAKER] January 16, 1907, which will be read:

The Secretary read the resolution, as follows:

Resolved, That the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate.

Mr. FORAKER. Mr. President, I modify the resolution heretofore offered by me, No. 208, and ask that the modification may be read from the desk.

The VICE-PRESIDENT. The resolution submitted by the Senator from Ohio will be read as modified.

The Secretary read as follows:

Resolved, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate.

Mr. FORAKER. Mr. President, I have repeatedly said since I introduced the first resolution on this subject that I had no purpose in introducing that resolution to refer to the Committee on Military Affairs any question as to the power, constitutional or legal, of the Chief Executive, my sole purpose being to have an investigation for the purpose of ascertaining the facts. In order that we might meet some of the suggestions that have been made by others, who seemed to fear that question was involved because of the form of the resolution as I offered it, I have heretofore modified the resolution I originally offered. That does not seem to have entirely met that objection, but I understand that the modification now offered does meet that objection, so far at least as my party colleagues are concerned. I have been of the opinion all the while, and am now, that that question was not involved and that it did not properly belong here, but I can understand how there may be differences of opinion about it on the part of men who are as earnest as I am and as anxious as I am to do only justice to all concerned in the matter.

I agreed to this modification with the understanding on my part that it does not change the legal effect of the resolution; that it does not restrict or restrain the scope of the inquiry as to the facts. When the facts are ascertained we will be in the situation of having not raised that question in any way whatever and of not being precluded as to that question by anything that we may have done in the case.

Mr. LODGE. Mr. President, I have an amendment pending to the resolution of the Senator from Ohio, which is the first amendment offered. I desire now to withdraw that amendment. I do it, Mr. President, for the following reasons:

I have had but one purpose in the part which I have taken in this debate and in the amendments which I have offered to the resolution presented by the Senator from Ohio [Mr. FORAKER], and that was to exclude from the consideration of the committee what I thought neither the Senate nor the committee had the right to discuss—the power of the President to take the action which he took. That has seemed to me a question of the very greatest moment. Nothing has appeared to me more inept than the criticism that those of us who took that view were advocating measures of centralization or seeking to increase Executive power. If there is anything to my mind more essential than another for the conservative maintenance of the constitutional principles of the Government, it is to keep entirely separate the three great branches, as the Constitution provides.

It is not very long, Mr. President, since I most reluctantly, but most decidedly, in accord with a large majority of the Senate, voted to amend certain treaties before us, because it seemed to me that an interpretation had been placed upon those treaties which, if maintained, would be a distinct infringement upon the rights of the Senate; and as I am jealous of the maintenance of all the rights of the Senate and of the Congress, it is equally important that the rights of the other departments of the Government should be scrupulously maintained. If we begin to invade the well-defined provinces of the other departments of the Government, to review and revise Executive acts, performed in accordance with the powers conferred upon the Executive, either by the Constitution, by the statutes, or by both, the time is not far distant when we may look not merely for Executive interference with the action of Congress, but for Executive interference or Congressional interference with the decisions of the courts, than which I can conceive of nothing more disastrous to the conservation of those great principles on which I believe the security of our Government rests.

It was to exclude, Mr. President, entirely from the purview of the committee the consideration of the power of the President to take action which rested wholly within his executive discretion that I have taken part in this debate and offered this amendment. The resolution of the Senator from Ohio, as now modified, not only embodies in substance my amendment, but makes it—and I think wisely makes it—more explicit and exact. Of the resolution of the Senator from Ohio as it now stands, there can be no possible misunderstanding. I withdraw my amendment, and I trust that the modified resolution of the Senator from Ohio may pass exactly as it is now offered.

Mr. BACON. Will the Senator from Massachusetts permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. I want to ask the Senator this question: The Senator says there can be no doubt about the construction of this modified resolution, and possibly we may agree on that; but I desire to ask the Senator this question with a view to determining that point: The Senator will remember that the amendment offered by the Senator from Kentucky [Mr. BLACKBURN] was to insert after the words "*Resolved, That*" the words—

Without questioning or denying the legal right of the President to discharge without honor enlisted men from the Army of the United States.

The language used in the modified resolution of the Senator from Ohio is this:

That without questioning the legality or justice of any act of the President in relation thereto.

Now, taking those two sentences, does the Senator consider or understand that in construing the sentence as proposed in the modified resolution of the Senator from Ohio it is the same in intent and effect as the language expressed in the amendment offered by the Senator from Kentucky?

Mr. LODGE. The modification offered by the Senator from Ohio [Mr. FORAKER] excludes the question of the legality of the President's action not merely as to the discharge of the enlisted men without honor, to which the amendment of the Senator from Kentucky [Mr. BLACKBURN] is confined, but the legality of any act relating thereto—that is, of course, as to the Brownsville matter.

Mr. BACON. So I understand, then, that the Senator construes the modified substitute proposed by the Senator from Ohio to mean all that the amendment proposed by the Senator from Kentucky means and to go still further?

Mr. LODGE. I do.

Mr. BACON. You understand it to mean all that and to go still further?

Mr. LODGE. Mr. President, I ought to say that the words "or denying" are left out—

Mr. FORAKER. I want to suggest—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. I want to suggest to the Senator from Massachusetts that, according to my understanding, the two amendments do not mean the same thing.

Mr. BACON. That was the exact point as to which I desired information.

Mr. FORAKER. The words "or denying" are left out, and the effect of the modification, as I have made it, is simply to leave out of consideration for the present time, and to express no opinion whatever in regard to it, all questions in regard to legality or power.

Mr. LODGE. Mr. President, the words "or denying," which I did not think of when I replied to the Senator from Georgia [Mr. BACON] seem to me to be of no consequence whatever. The words used in the resolution are "without questioning."

Mr. BACON. Well, would the Senator object to inserting them, then, in the modified substitute resolution proposed by the Senator from Ohio?

Mr. LODGE. Mr. President, I see no need of inserting the words "or denying," for the words "without questioning" mean that we do not question the President's right to do it, if the English language has any meaning at all.

Mr. BACON. The Senator thinks, then, that the words "without questioning" include "without denying."

Mr. LODGE. I think they do, to my mind, include it.

Mr. BACON. Yes. Therefore the Senator himself would have no objection to the insertion of the words "without denying."

Mr. LODGE. I certainly shall object to inserting the words "or denying," if that is what the Senator means.

Mr. BACON. Does the Senator desire, in the passage of this resolution, to leave any doubt as to whether or not the Senate deny it?

Mr. LODGE. The resolution as it stands is absolutely satisfactory to me. It states that we do not question the President's right either to discharge the troops or in any act relating thereto. Nothing can be plainer than that, in my judgment.

Mr. BACON. Well, Mr. President, I do not think the Senator and I differ very materially as to the end we seek, but we differ materially as to the phraseology.

Mr. LODGE. Mr. President, I can answer the Senator in a moment, that the phraseology, as it now stands, seems to me to

perfectly cover the point which I desire to cover. I agreed to it on that understanding, and I certainly shall not depart from my agreement. If it does not mean that, then I am greatly misled.

Mr. BACON. I hope that in the course of the consideration of this matter we may be able to insert in this modified resolution, as now proposed by the Senator from Ohio, after the word "questioning," the words "or denying."

Mr. FORAKER. Mr. President, I want to say, in answer to the suggestion of the Senator from Massachusetts [Mr. LODGE], that my understanding of this language is that it does not commit the Senate on this proposition in any sense whatever, except only to let the whole matter stand in abeyance so far as this investigation is concerned. That is the theory upon which I am willing to modify the resolution, with that understanding. In other words, the effect will be precisely the same as though we were to say "neither affirming nor denying the legality."

Mr. BLACKBURN. On Thursday last, Mr. President, I submitted an amendment which I proposed to offer to the resolution of the Senator from Ohio [Mr. FORAKER], and advised the Senate that, at the conclusion of that Senator's argument, I should submit some suggestions in connection with the amendment proposed by myself. During the time intervening it seems that the other side of the Chamber have found common ground satisfactory to themselves.

I was not willing, Mr. President, that the resolution offered by the Senator from Ohio unamended should pass. My unwillingness was mainly attributable to the tenor of the speeches the Senator from Ohio had made upon his resolution. I understand him this morning to say that it was never his purpose through this agency of the Senate, the Committee on Military Affairs, to inquire into the question of law involved in the exercise of a right which the President had asserted. I certainly did not so construe the speeches made by the Senator from Ohio in the earlier stages of this debate.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BLACKBURN. With pleasure.

Mr. FORAKER. The Senator from Kentucky will not find in any speech I have made on this subject, in either the earlier or the later stages, any statement that I expected the Committee on Military Affairs to inquire into the question of power.

Mr. BLACKBURN. Nor have I said so.

Mr. FORAKER. But the Senator will find in all those remarks, wherever I had occasion to speak of the subject at all, precisely the same statement in effect, that I wanted the facts and had no thought of asking or directing the Committee on Military Affairs to inquire into or to determine the question of power.

Mr. BLACKBURN. That is all very true, Mr. President.

Mr. FORAKER. There was, if the Senator will bear with me a moment, certainly some discussion of the question of power, and a great deal of discussion; but that was not because of the form of the resolution which was before the Senate, but only because that question had been introduced into the controversy by statements originally made in the message from the President himself and later in answer to arguments that had been advanced by Senators to the contrary of the position I have taken.

Mr. BLACKBURN. Now, Mr. President, I will repeat—for I am sure I can not be mistaken in my memory of this matter—whilst it is true, as the Senator from Ohio now contends, that he has not in any of his arguments upon this question avowed a purpose to go into the inquiry as to the existence of this power upon the part of the President, I can not be mistaken that in those earlier arguments which he submitted he did emphatically state, when that very question was raised, that he opposed any limitation being put upon the scope of the investigation which the committee was to make.

Mr. FORAKER. I just as earnestly and emphatically oppose any restriction or limitation being placed on it now.

Mr. BLACKBURN. Then—

Mr. FORAKER. But the investigation is to be an investigation as to the facts and not as to the law; and I also opposed anything in this resolution that would estop the Senate itself, if after the facts have been laid before the Senate it should see fit to do so, from taking any action it might think appropriate to take.

Mr. BLACKBURN. If I may have the permission of the Senator from Ohio I will proceed.

Mr. FORAKER. I beg pardon of the Senator from Kentucky if I have interrupted him.

Mr. BLACKBURN. There is no need of that.

Mr. President, I am not mistaken in my recollection of another fact which bears very importantly and potently on the question now, that in those earlier arguments of the Senator from Ohio he quoted at length authorities, piled like Ossa on top of Pelion, in support of his challenge of the power of the President.

Mr. FORAKER. Certainly.

Mr. BLACKBURN. He denied that the President had the power, and he fortified that denial by an exhaustive quotation of authorities from yonder judicial branch of the Government. Will he undertake to tell us now that that question was never in issue? Will he undertake to tell us now that the legal authority of the President was never challenged? Then why that waste of time and that limitless citation of legal authorities?

I opposed the resolution of the Senator from Ohio. I was not willing that it should be passed unamended. Hence I gave notice of a purpose to put an amendment on it which would limit the scope of the investigation of the Committee on Military Affairs, and rule it down to an inquiry into facts, but with an express disclaimer in advance by the Senate that they did not mean to impeach or challenge, to question or deny, the legal authority vested in the President for the act which he had performed.

I belong to that advanced school in this discussion, which not only believes that the President held the statutory power and authority, but that he also held the constitutional warrant and the full authority given under the Articles of War. For that reason I submitted a proposed amendment to the resolution of the Senator from Ohio, and that amendment has but one purpose in view. It was to operate as a disclaimer, upon the part of the Senate, of any purpose of challenging the legal authority of the Executive.

Mr. President, now a modified resolution is offered as a substitute. I very much regret that it should even appear to fail to meet the views of any Senator upon either side of this Chamber. On Thursday last, as I have stated before, I expressed a purpose of submitting some remarks upon that amendment which I proposed. It may be that I am entitled to some small measure of credit for having by that threat of inflicting a speech upon the Senate contributed in some humble measure toward the restoration of harmony among my friends on the other side. [Laughter.]

The modified resolution as offered to the Senate to-day is amply satisfactory to me. It employs, with very slight change, the very identical language of the amendment that I submitted.

There is not a shadow of difference, except the elimination of two words—"or deny." With that exception the phraseology of the substitute resolution now offered by the Senator from Ohio embodies the precise phraseology of my proposed amendment, and goes further, for it declares that there is no question as to the discretion exercised by the President.

I say, sir, without the slightest hesitation or embarrassment, that I am entirely content—just as fully content with the resolution offered by the Senator from Ohio as I would have been had his original resolution been amended as I proposed. I would be lacking in fairness, I would be fairly subject to criticism for a want of candor, if I did not here and now in my place avow the purpose of insisting, as a member of the Military Affairs Committee, upon the construction that the Senator from Massachusetts has just placed upon the pending resolution. I, as a member of the Military Affairs Committee, serve notice now that should this amended resolution be adopted, as I doubt not it will be, I will go into that committee room with the firm conviction riveted in my mind that I have no authority from the Senate to inquire into either the legal authority of the President or the discretion that he employed in the issue of that order.

Now, sir, having said that much in that shape and in that form, I have nothing more to say. I am glad to advise the Senate of the fact that it has escaped the affliction with which I threatened it on last Thursday. And now, Mr. President, when I contemplate that within a very few weeks I am to pass out from this Chamber and cease to be a member, may I not indulge the hope that in my retirement, in the privacy of home and family, I will be remembered kindly by the Republican membership that I leave behind for the humble but apparently material and valuable assistance that I have contributed to their side in my efforts as a peacemaker. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair will admonish the occupants of the galleries that under the rules of the Senate applause is not allowed.

Mr. McCUMBER obtained the floor.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I yield to the Senator from Ohio for a moment.

Mr. FORAKER. No one, Mr. President, has listened to the valedictory of the Senator from Kentucky [Mr. BLACKBURN] with greater regret than I have. He is a friend of many years' standing, a man of great ability, of high character, lovable in every sense of the word, particularly in all his relations as a colleague in this Chamber. I listened to the valedictory, however, not as one without hope, and I listened to it also, Mr. President, with a great deal of satisfaction in the thought that I could in response to him say that when he goes into the Committee on Military Affairs for the purpose of construing the resolution we are about to adopt in the way he says he will construe it he will find me construing it in precisely the same way. He would have found me so construing it if it had been adopted precisely as I first offered it.

Mr. BLACKBURN. Will the Senator allow me a word here?

Mr. FORAKER. Certainly.

Mr. BLACKBURN. I simply ask this courtesy that I may disclaim even the semblance of a suggestion of doing an injustice to the Senator. We may differ, as we often have differed, upon questions, and some of vital importance. My acquaintance with the Senator from Ohio began long before he was known to fame. A quarter of a century ago, sir, he and I sat as a court for six weeks trying an important suit by the process of arbitration. I then was fortunate in having the opportunity of getting a measure upon that man, and I beg to say here in all candor that from then till now I have never had occasion to change that estimate nor to abate my full faith either in his frankness or in his ability. But he is entitled to have me say this: I never suspected him of fighting under cover. Of the many attributes which the Senator has there is none that I admire more than the open, bold, frank, manly way in which he conducts all his contests.

Mr. FORAKER. I am much obliged to the Senator from Kentucky for his interruption. I assure him I properly appreciate all he has said and all he has suggested.

Now, if I may repeat, for that is the only thing I am particular about, I will say again that I have had no thought at any time—and I have said that repeatedly in the progress of this debate—of questioning in the committee under this resolution the power of the Chief Executive or any act of the Chief Executive. At the same time I have strenuously contended that before the facts are ascertained, which we hope may be ascertained in full by this investigation, the Senate should not preclude itself as to any question upon which it may be called upon to take action. For that reason I have objected to anything that would be in the nature of a declaration on the part of the Senate that it did not have this power or that power or the other power.

I agree to this modification because I understand that it does not amount to any such precluding of the Senate, when the facts are all laid before it, to take such action as the Senate may see fit to take. For that reason I have been willing to adopt any language that might meet with acceptance on the part of other objecting Senators. I have not cared what the particular language was so we get the thing accomplished that I have been seeking to accomplish, namely, an investigation of the facts.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I do.

Mr. TILLMAN. Mr. President, I rise merely to say that, sitting here and listening to these sweet words of friendship and peace, of renewed amity, I am reminded of that text in the Scriptures, "How good and how pleasant it is for brethren to dwell together in unity." The Senator from Massachusetts has squeezed through a very small hole to get back to the majority of his party. The Senator from Kentucky has squeezed out of the very same small hole to get back to that consciousness of rectitude and of a nonpartisan purpose apparently with which he offered his amendment. I congratulate Senators upon all of us being agreed for once.

Mr. McCUMBER. Mr. President, when this resolution first came before the Senate I do not believe there was a single Senator who believed it was to be made the vehicle of a political ball game, and I for one Senator on this side am not ready to admit that it shall take that aspect even at the present time.

If it is to be considered as a political game, then I want to say frankly to the Senator from Ohio [Mr. FORAKER] that I think the Senator from Kentucky [Mr. BLACKBURN] has scored a good home run.

The true meaning of the amended resolution that has been presented and which the Senator says has practically been accepted by all of the Republicans is practically the same as that of the amendment of the Senator from Kentucky. The Senator from Ohio is a splendid lawyer; he knows how to express an idea clearly and definitely, and I am satisfied that if he had been drawing a resolution which he intended to mean that "independent of or without either affirming or denying the power of the President so to act" he would have used the term "without denying or without affirming that act."

The words "without questioning the power of the President" to take the action which he did in the Brownsville affair not only mean to the Senate, but mean to the public at large, that the power is unquestioned. But if we pass a resolution "without questioning the power," intending that it shall not question the power of the President so to act, we admit by that phraseology that the subject is not a questionable subject so far as the resolution is concerned.

If one were to take the serious expressions of the press for the last three days relative to this resolution and the divers amendments which have been submitted in relation to it, he would be forced to the conclusion that neither the Senate nor the President of the United States had outgrown the age of kilts. These reports present an attitude of childishness both upon the part of the Senate and the Executive that ill comport, in my opinion, either with the dignity of the one or the acknowledged common sense of the other. While I think this whole question has assumed a proportion entirely beyond its legitimate importance, I certainly deny for one, and for the credit of both parties in the Senate, that the Executive or the Senate so underestimates the intelligence of each other or the public at large, to say nothing of their honesty, as to suppose that either could be caught in so shallow a pit as has been discovered by the press.

There are those here who believe that the President has acted wholly within his constitutional and his legal power, who, nevertheless, believe that there should be a further effort made to ascertain and punish the guilty and to free the innocent from any further suspicion, and that our power should not cease and our efforts should be continued until it has been fully determined, if it is possible to arrive at such a determination, who the guilty parties are and who we can say are entitled to the verdict of not guilty.

For that reason alone, wholly independent of the power of the President, it was my intention to vote for this resolution. I for one had believed from the very beginning—and notwithstanding the very strong argument of the Senator from Ohio [Mr. FORAKER] I have not been for one single moment divorced from that opinion—that the proper construction of the fourth article in the Articles of War clearly and definitely gives to the President the absolute power to dismiss without honor. I concede that right. I believe that he acted wholly within his power.

But there may be another class of Senators here who have some doubts upon that question, and those who have the doubts would have been justified in voting for the original resolution which has been introduced and heretofore has been supported by the Senator from the State of Ohio. On the other hand, those—and there is certainly a third class—who believe that not only had the President the absolute power to act as he did, but who desire to assert and to declare that he exercised that power legally and constitutionally and justly, can certainly find a mode of expressing it in voting for the amendment that was offered by the Senator from Kentucky [Mr. BLACKBURN], because this amended resolution does not change it, in my opinion, in the slightest degree. I can vote for this, not on the false assumption that it means something else than what its words are, but I can vote for it upon the assumption that it means that we do not question in any way, so far as this case is concerned, the legal power or the constitutional power of the President of the United States to dismiss without honor either in time of peace or in time of war.

Mr. TALIAFERRO. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. With great pleasure.

Mr. TALIAFERRO. Does the Senator consider that the Senator from Ohio puts the same construction on this resolution that he is now putting on it? The Senator from Ohio is a member of the Committee on Military Affairs, and he will have to do with this question in that committee.

Mr. McCUMBER. I will say that the Senator from Ohio does not put upon it the same construction that I do. The Senator from Ohio definitely stated that his construction of those words was that they meant the same as though the resolution read "without affirming or denying the power." That is not the fair construction, and it is not the general construction

which will be given to this resolution if it shall pass. The proper construction, and it will be taken so to mean, is that the Senate has placed its seal of approval upon the constitutionality of the action of the President. I can not give it any other meaning, and I shall vote for it upon the assumption that it does mean that, and I will take no ground that will not bear me out in voting for it upon the express statement that I have made and not upon the idea that a half a dozen Senators who surround me have met together and concluded that the better way out of this whole thing is practically to adopt the sentiment that was expressed in the amendment proposed by the Senator from Kentucky.

Mr. President, I had intended to-day, if this matter had not received this pleasant settlement, to make an address upon the question of the constitutional and legal power of the President. We all practically now concede that in the resolution itself. I concede it independent of the resolution, and the resolution as it has been settled upon confirms me in that belief.

Mr. TILLMAN obtained the floor.

Mr. SCOTT. Will the Senator from South Carolina yield to me for a moment?

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

Mr. TILLMAN. With pleasure.

Mr. SCOTT. Mr. President, I merely wish to express the hope that the majority of those negroes will not be dead before the Military Affairs Committee has an opportunity to investigate whether they are innocent or guilty.

Mr. CARMACK. Mr. President—

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

Mr. TILLMAN. Certainly.

Mr. CARMACK. I did not happen to be in the Chamber when the Senator from Ohio [Mr. FORAKER] offered his modified resolution. I should like to have it read.

The VICE-PRESIDENT. The Senator from Tennessee requests that the resolution offered by the Senator from Ohio be read by the Secretary. The Secretary will read again the resolution.

The Secretary read as follows:

Resolved, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate.

Mr. CARMACK. I wish to say just a word in relation to the amended resolution, if the Senator from South Carolina will permit me?

Mr. TILLMAN. With pleasure.

Mr. CARMACK. Mr. President, the modified resolution is practically identical with the one offered by the Senator from Kentucky [Mr. BLACKBURN], and if it really means what the Senator from Ohio [Mr. FORAKER] meant all the time, I would be glad to have some explanation as to why it has taken so long and so many anxious caucuses and so many midnight conferences to arrive at that conclusion.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. TILLMAN. With pleasure.

Mr. MONEY. I am indebted to the Senator from South Carolina for a few moments to submit a few remarks.

Mr. President, certainly I have all along during this debate misunderstood the Senator from Ohio [Mr. FORAKER]. I had understood all along that he had two objects in view, two points to make. One was that the President had no legal or constitutional authority to discharge without honor the battalion in controversy, and the other was that in exercising that authority he had not properly weighed the evidence and had exercised it without proper consideration. But whatever that impression may have been, it is dissipated by the language of the Senator this morning, who has told us what is his present mental status on that point.

Of course, it is very agreeable to everybody to see that the Republicans in their extremity have made common sacrifices upon the altar of harmony to get together, but it seems to me the speeches made by the Senator from Ohio [Mr. FORAKER], the Senator from North Dakota [Mr. McCUMBER], and the Senator from Massachusetts [Mr. LODGE] show that while they agree upon the form of the words, they are just as much divided in opinion as they were before.

The Senator from Ohio, notwithstanding the declaration as

to the proper construction of his resolution made by the Senator from North Dakota, has himself construed it—and nobody can construe a paper better than the man who wrote it, because he knows what was in his own mind, which can only be guessed at from contemporaneous circumstances by any other man.

Now, Mr. President, the conclusion is, as drawn now, that by taking out the words "or denying" in the amendment proposed by the Senator from Kentucky, leaving simply the words "without questioning," that language means to the mind of the Senator from Ohio, and I presume of course to those who agree with him, and have been with him in this controversy, that we have a right to question, but do not choose to exercise it. To the mind of the Senator from Massachusetts, the mind of the Senator from North Dakota, and those gentlemen on the other side who agree with them that language means that we have no right to inquire into the exercise of constitutional and legal authority on the part of the President in his action. It seems to me they are as far apart as they ever were in their real meaning, but of course if this last is big enough to cover the whole point and bring the party together, each one must simply direct his understanding to it and vote for the letter of the resolution without any regard to its spirit or meaning.

But to my mind it carries this idea: When we use the words "without questioning the authority of the President" the Committee on Military Affairs is authorized and directed to inquire into certain matters, and it means that they are not to debate at all or give any consideration to the question whether it be with or without authority, just or unjust, but they are simply to inquire into a certain state of facts which was the basis of the action of the President. The question arises, then, if we are not to consider the authority of the President in his exercise of authority in this matter, whether he had it or had it not, what is the utility of an investigation into the facts? You are not going to change his action on the investigation any more than you change the opinion of a judge delivered by affirming that he has given too much or too little weight to the evidence or has admitted incompetent evidence or improperly applied the law to the facts in the case. It does not at all alter the fact of what the judgment was. It does not relieve the judgment that some lawyer finds fault with the judge. So the question that arises is whether the Senate will undertake an investigation of the matter without any purpose in view, and if we have no purpose in view and nothing is to be accomplished, I shall vote against the resolution.

I am one of those who believe that the President has both the constitutional and legal authority to do this thing and that he alone had to determine it. Whether the weight of the evidence was proper or not, if we do not go into that matter, and do not intend to, it is evident from the different investigations made that he was satisfied about it. I care not whether his decision is right or wrong. It can not be attacked here as an authority, in my opinion. If we can not do that—and in the mind of many members here there is no intention to do it—I can not for my life understand why we are to get at the facts, if it is possible to get at them any more than they have already been arrived at by the grand jury and three or four military investigations. For that reason I think the whole resolution ought to be tabled.

I am much obliged to the Senator from South Carolina.

Mr. TILLMAN. Mr. President, it seems to be in order for all parties to this discussion to sweep around their doors. There has been much difference of opinion and difference of interpretation, one Senator saying this resolution means this and the other one saying it means that; but I suppose most people will finally arrive at the conclusion that it means what the English language means when it is written by men who know how to use it; that the general public will interpret it according to the words that are given, and this Senator's and that one's explanation of its purpose will not cut any figure.

In regard to my own attitude in this matter, I find myself for the first time since I have been a member of this body differing from all of my Democratic colleagues.

Mr. TELLER. Not all.

Mr. TILLMAN. Well, the Senator says "not all." I am glad to know there is another Democrat here who feels about it as I do. Possibly there may be still others, though we have got to a point now where there is no question on which to vote yea or nay. I expect everybody will vote yea on this resolution. Certainly I am in favor of an investigation.

In speaking about my own attitude, I knew as well as anybody else that the South would tumble over itself in this Chamber and out of it in approval of the President's action in the Brownsville case. My own constituents approve it. All the southern people approve it. Why? Because they do not believe there ought to be any negroes in the Army at all, and they are glad to get rid of them, however unjustly that riddance is

obtained. And recollecting the actions of the negro soldiers who were quartered in the South in 1866 and 1867, the outrages, the infamies, the cruelties that were perpetrated upon our people by them, there is no wonder that we hate the very idea of a negro soldier wearing the uniform of the United States and representing authority.

I therefore knew that my own people would be indorsing the President's attitude, but as far as I myself am concerned, while I have been charged with being a monomaniac in my personal antipathy and hatred of Theodore Roosevelt; that I am incapable of judging him fairly or treating him with justice, Senators will recall that last June when the railroad-rate bill was about to pass; when it was fresh in my mind and fresh in the mind of everyone that the Democrats who had been called to the President's aid had been betrayed, that he had thrown us down—what did I do? He had betrayed us in pursuit of this very party harmony which is so dear to Republicans, but even under those circumstances and with that provocation I declared on this floor that whatever credit was due and whatever benefit might come from that bill it would be due to Theodore Roosevelt, because without his help and his influence no bill on the subject could have been passed here at all. Yet in face of that acknowledgment I am charged with being so bitter, so narrow, so prejudiced that I can see nothing good in this man.

As far as this case is concerned, I plant myself on the bed-rock principle that we ought not to punish innocent men for the sins of the guilty, and that every man ought to be considered innocent until he is proved guilty; and I will rest my case there.

This question of negro soldiers will come up later, perhaps. Mr. President, from habit and training I have never found it agreeable or pleasant to write anything to be spoken, but have always been willing to rely on such thoughts as might come to me and to use such words as would plainly express my meaning. In the hurry of extemporaneous composition I have been unfortunate at times in saying some things which did not clearly express my own feelings or thoughts. I have not qualified words sufficiently to make myself clearly understood.

As I am dealing with a very serious and grave question—I am speaking now broadly—and desiring to say nothing that does not express clearly and exactly what I think and feel, I have taken the trouble to write out or to dictate and have typewritten most of what I propose to say to-day.

I had not expected to have anything more to say on this subject, and would have contented myself with the presentation I made in the speech I have already delivered, but the remarkable and unprecedented actions and utterances of the Senator from Wisconsin have made it necessary that I should trespass again upon the attention of the Senate. It seems that after ten years of service together we have both misunderstood one another. We have had many clashes in debate. Sometimes these were sharp, causing momentary anger, first on one side then on the other; but with me that feeling has always passed away at once, leaving no trace of bitterness or unfriendliness, and I had supposed it was the same with the Senator from Wisconsin until last week. I have been forced, reluctantly, to feel that I have, without knowing how or when, earned the malicious enmity of that Senator; and while I still bear him no malice, self-respect compels me to comment upon his latest utterances.

During my twelve years of service here I have borne malice toward no man, and I am sorry to find that without provocation, that I am aware of, I have excited it in a man whom until now I thought to be my friend.

It is but my nature to be blunt and outspoken, and I have never taught my tongue the art of double dealing; and if there is any vice in men I abhor more than any other it is hypocrisy, and I am too old to begin to practice it now.

A brief statement of facts which are fresh in the minds of all who heard the Senator's speech will explain my meaning. He began that speech with a sneering comment on my lynching record, or my ideas on lynching. In the course of his argument the Senator from Wisconsin was discussing the inability of the President to find out who the guilty soldiers were who had shot up Brownsville, and, having asserted with great positiveness that there were no grounds for criticism, I presumed, in an orderly and respectful way, to ask a question, and this was what was said on both sides:

Mr. TILLMAN. The Senator has not said anything about the crime or the omission to do their duty being an offense which was triable by court-martial. It is not a question of the affidavits which were offered. I think the Senator agrees with me that there have been a good many lies sworn to.

Mr. SPOONER. The Senator is not asking me any question. A reply to it would be difficult or, if made, would not elucidate in any way the question which I am discussing.

Mr. TILLMAN. The Senator was making an assertion, though, and I wanted to answer it.

Mr. SPOONER. What assertion did I make?

Mr. TILLMAN. You say these men, if I recall it, were not triable;

that they had done nothing that would give any excuse for a court-martial.

Mr. SPOONER. I did not say that.

Mr. TILLMAN. That was the meaning of your words, if I understood the language.

The Senator went on then to give his view of what he had intended to say, or had said, and coming on down to a point in which he praised Major Penrose—I quote from the RECORD—

Mr. TILLMAN rose.

Mr. SPOONER. No; not now. He stands by his men when he can. It is a part of the comradeship of the officer and men that he should. Moreover, no man could have a higher, intenser interest in the determination that his command was guiltless than Major Penrose, for he knew it would involve himself, as it has involved himself.

Mr. TILLMAN rose.

Mr. SPOONER. I am not discussing that part of it. That is not the point which I want to make.

Mr. TILLMAN. Will the Senator allow me a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. It depends on the nature of the question. What is it?

Mr. TILLMAN. I will make it like a bullet.

Mr. SPOONER. Well, you shoot your bullet very slowly. Go on.

Mr. TILLMAN. I like to look in the Senator's eyes.

Mr. SPOONER. Go on.

Mr. TILLMAN. Why did not the President, if he had so much regard for this officer's recommendation, follow it in regard to employing detectives and enlisting them in the company and trying to get at the facts?

Then, Mr. President, the Senator began what he said was not an attack on me, but a defense of the law.

While the Senator's manner was supercilious and his utterances none too courteous, I paid no attention to it; but when he continued to defend the President's action and to stress the point that the President had done all he could, and was proceeding to praise Major Penrose, I again, in a deferential and respectful way, tried to enter the debate by asking another question, which was entirely pertinent and bore directly on the point. I propounded this inquiry about the detectives. Instantly the Senator's manner changed to one of great aggressiveness and anger, and in a manner as insulting as it is possible for a man to assume he commenced an attack upon me personally that has never been paralleled in this body since I have been a member of it. When, for the purpose he had in view, I saw that he was laying the foundation for a justification for his harsh words by garbling and misquoting my own utterances, I interjected the remark, "Do not misquote me." His reply was, "No; I put it mildly; I do not intend to misquote you. Quote yourself, if you please."

Then this colloquy ensued:

Mr. TILLMAN. I said it is the fundamental principle of English and American liberty that every man shall be considered innocent until he is proved guilty.

Mr. SPOONER. Proved guilty where?

Mr. TILLMAN. In a court, of course. And that ten guilty had better escape than one innocent suffer. Does the Senator object to that?

Mr. SPOONER. Mr. President, the statement is accurate, generally speaking, but with what grace can the Senator, using that as a foundation, charge usurpation in this case and a violation of fundamental principles of liberty upon the President of the United States? Is not that principle applicable to a black man in the South as well as to the white man in the South or the white man in the North? The Senator, who says, "We shot them, we killed them, and we will do it again," on a former occasion—

Mr. TILLMAN. May I get in?

Mr. SPOONER. What do you want to get in for? I want to finish.

What is it?

Mr. TILLMAN. How much provocation will you give a man before you give him a chance to strike back a little?

Mr. SPOONER. Well, strike back; go on.

Mr. TILLMAN. On this proposition which you are discussing you first branch off on one phase of it. You had better sit down a little, if you please.

Mr. SPOONER. No; I do not intend to yield for a speech. The Senator can answer me later. If he wants to ask me a question, he is welcome.

Mr. TILLMAN. Is that all?

Mr. SPOONER. That is all.

Now, Mr. President, I would do the Senator from South Carolina no injustice.

Mr. TILLMAN. The Senator from Wisconsin, however, turns himself directly to me, mentions me by name, speaks of things I have said and of my motives, and all that sort of thing, and then says I may answer him hereafter, but he will only let me in now for a question.

Mr. SPOONER. I wish to finish what I want to say. What is the question?

Mr. TILLMAN. I did not start to ask a question.

Mr. SPOONER. Start to ask it.

Mr. TILLMAN. I said I did not start to ask a question.

Mr. SPOONER. I decline to allow the Senator to make a speech. I am anxious to get through.

At this stage of the debate it dawned on me for the first time that the Senator from Wisconsin had intentionally and in cold blood brought things to this pass in order to give him the opportunity to carry out his preconceived plan, and I recalled that in a preceding part of his speech he had used language which caused me at the time to feel aggrieved, but I let it pass, because I had no desire to get into an altercation with the Senator or to indulge in any of those running discussions which have marked our debates in the past, when it was a case of cut and thrust with no blows below the belt.

The phrase to which I alluded in the Senator's speech is that in which he had declared that it would not be decent for him to comment upon the actions of the officers Penrose and Macklin, because they were now under trial by court-martial. The word "decent" there is entirely, I suppose, parliamentary; and as my name was not mentioned, it was of no serious moment. I let it go by, although I had commented at length and severely upon both Penrose and Macklin, had called their actions in question, and had said that they were incompetent and were derelict in the discharge of their duties, or words to that effect.

The Senator's idea that these men being under charges should not be commented on here is a rightful one if he chooses to occupy that attitude. I do not dispute his rights in that particular, and I was not supersensitive about his saying it would not be decent. I had only used the language, not as harsh language as Blockson and Garlington and the Judge-Advocate-General used, in commenting on these same officers in the report sent to us, and I felt justified in criticizing them.

Having shut me off in a discourteous and brutal fashion—I had almost said ungentlemanly—the Senator went on to read me a lecture, to quote from my utterances in debate in this body and from extracts of supposed speeches given in newspapers, all the while deprecating the unpleasant work he was engaged in, excusing himself upon the plea of duty—public duty—and claiming that he had been "led off" from the orderly course of his debate. He repeated that phrase, "led off," "led off," three or four times in his anxiety to appear as a great public censor performing the unpleasant task solely from a sense of duty. It was a most excellent piece of acting, and was worthy of Uriah Heep in his most humble exhibition of himself.

Since when did it become the duty of the Senator from Wisconsin to play schoolmaster here and presume to teach other Senators the proprieties and decencies of life? What justification did he have for his conduct on that day?

He has the right, of course, to express his opinion of my utterances and actions, and as he has not minced words or been very careful of feelings, he must not blame me if I shall imitate his bad example.

I call attention to the fact that in all I interrupted him but four times, and two of these were after he had begun playing his subtle game and in answer to direct allusions to me by name and to things which I had said or was supposed to have said.

Take his first attack, which was indirect and which I let pass without comment. He declared it would not be decent to comment on the actions of Major Penrose or Captain Macklin, because they were on trial and ought to be left alone until after the court-martial. He knew as well as anyone else that I had commented at some length upon the actions of both of these officers, and I have never felt and do not feel now that there was any indecency in doing so.

Everything I said was based upon the official documents which had come to us. There could be no doubt at all of their authenticity. I said nothing that had not been said in stronger language by the inspection officers and authorities of the War Department, and while his own proclamation of unwillingness to criticize them may have arisen from a refinement of feeling, I would have passed it by without taking it to myself if it had not been for the manner of delivery and the other actions accompanying it and from what subsequently followed, compelling me to believe that the Senator had set out to provoke me to interrupt for the express purpose of shutting me off in the manner he did, and thus giving him a chance to abuse without having his unfairness and injustice exposed.

When I asked the question "Why did not the President adopt Major Penrose's suggestion and employ a detective," he dodged it most adroitly by following the old rule of strengthening your case by abusing the attorney on the other side.

I call attention, by the way, to the fact that each of the three champions on the other side who have been most vociferous in applauding the President's course and defending his conduct dodged this same question. My bluff friend from Georgia [Mr. CLAY], earnest and honest as he is, dodged it. The impetuous and brilliant champion from Tennessee [Mr. CARMACK] dodged it. The subtle Senator from Wisconsin [Mr. SPOONER] dodged it. Why were they unwilling to treat this question seriously? Simply because none of them have any answer to it. Here was a battalion of 167 men, no more than 20 of whom were under accusation of having committed the outrage at Brownsville, and yet in direct opposition to the advice of the officer most concerned the War Department and the President refused to adopt the only practical suggestion that was made, and in every way the President seems to have labored with no other end in view than to gain applause from unthinking men in the South. If there has been a single honest and sensible effort made to detect the murderers in this case I fail to find a record of it.

Reliance upon the inquiry set on foot among the soldiers by Major Blockson and General Garlington as the sole means of detection are to my mind nothing less than idiotic.

In this connection, Mr. President, I noticed in yesterday morning's Post the report of a speech made at Boston by Mr. Long, former Secretary of the Navy, a bosom friend of President Roosevelt. I will read one sentence, but I wish to have the whole extract printed in full in the RECORD. Ex-Secretary Long said:

Everybody knows that had time been taken, had efficient means of detection been set at work, had advantage been taken of the leaks which were sure to open in a matter of which so many are claimed to have had knowledge, the truth could have been got at and the offenders found out.

That is the gist of the Secretary's position, and it is the verdict, in my judgment, which will be finally arrived at by nine-tenths of the American people. I ask that the entire extract be inserted in the RECORD without reading.

The VICE-PRESIDENT. Without objection, permission is granted.

The extract referred to is as follows:

EXCUSE FOR PRESIDENT—JOHN D. LONG SAYS TROOPS' DISMISSAL WAS IMPULSE—APPROVES AN INVESTIGATION—FORMER SECRETARY OF NAVY INTIMATES ROOSEVELT'S ACTION IN BROWNSVILLE AFFAIR WAS HONEST, BUT HASTY—SUGGESTION OF IMPEACHMENT ABSURD—DECLARES MILITARY NOT RACE ISSUE IS INVOLVED.

BOSTON, January 19.

The Brownsville incident was discussed by former Secretary of the Navy John D. Long, at a dinner of the Massachusetts Club, an organization of prominent Republicans, here to-day. The speaker offered as a possible reason for the President's action in this affair what he termed "Mr. Roosevelt's impulsive nature," and said that it was right, as matters stand at present, for Congress to have a thorough investigation of the facts. He referred to the suggestion of impeachment as "absurd and trifling."

"In this Brownsville matter, while there is a very decided difference of opinion as to the propriety of the President's action," said Mr. Long, "I can not think that anybody doubts his honest purpose. In one sense the black man is not involved as such, because the principle at stake pertains not to him specially, but to all who are in the military service. It is often asked what actuated the President to such an unlimited sweep which, without a hearing of the parties accused, inflicted severe punishment, not only on those suspected of guilt, though not proved guilty on trial, but also, if there were guilty ones, on innocent and guilty alike.

ROOSEVELT'S IMPULSES.

"It has occurred to me that the reason is perhaps to be found in the impulsive nature of the President, whose impulses, always toward the right, are not always directed with sufficient consideration. No President has been more emphatic of his assertion of the rights and political equality of the negro, for whose sake he has braved criticism and contumely.

"What more natural than that, when occasion came, he should seize it to show that he is as quick to discipline the negro citizen as to defend him, and that he does not propose to make fish of one race and fowl of the other. It was an honest, if a hasty, impulse.

"Everybody knows that had time been taken, had efficient means of detection been set at work, had advantage been taken of the leaks which were sure to open in a matter of which so many are claimed to have had knowledge, the truth could have been got at and the offenders found out.

INVESTIGATION FITTING.

"Of course, it is right and fitting that, in the present posture of the matter, Congress should, as now proposed, have a thorough investigation of the facts, with a full hearing of all whose rights and fortunes are involved, and if innocent men have suffered do them justice. And surely nobody will then be readier to do it than the President, who by his manly withdrawal of that part of his order, which in his haste was improperly included in it, has again shown his readiness to correct an error."

Mr. TILLMAN. The grand jury could get no clew because they were only working among the citizens of the town, with the general result that the evidence was overwhelming that soldiers did it, but as to which soldier they had no evidence to learn. Can anybody be made to believe that the thirteen men who were by general suspicion pointed out, had they been placed in solitary confinement and allowed to see no one and an offer of amnesty for turning State's evidence been made, that something would not have come of it? Is it possible to believe that if a large number of the other men were accessories before or after the fact that black detectives enlisted and placed among them would not have discovered some clew? Is there anyone acquainted with criminal procedure bold enough to declare that a clew once obtained would not have soon led to the detection of all the guilty parties? The whole procedure has the appearance of a well-laid plan to shield and protect the real criminals, and in the most effective manner possible, and to hurry the expulsion of innocent and guilty men alike from the Army, so as to put it out of the power of anybody at any time to ever prove who the guilty men were and mete out adequate punishment to them.

No Senator, not even the Senator from Wisconsin, liked to answer the question about enlisting the detectives. Instead of doing so, he proceeded to abuse me to distract attention from this glaring failure of the authorities to do what every sensible man knows ought to have been done.

I return now to another point in the Senator's indictment. It is that part of his speech where he asks whether the law should not apply to the black man in the South as well as to the white man in the North.

With great emphasis and eloquence he made the inquiry, "Is not that principle applicable to a black man," etc. And what I wish to ask, in view of the attitude which has been shown by the War Department toward the negro soldiers at Brownsville and the white soldiers at Athens, Ohio, is not this principle as applicable in the one case as in the other?

It was adroit for the Senator to shift the minds of his auditors and the readers of the Record from the President's outrageous discrimination against the black soldiers and favoring the white ones to my own utterances and attitude toward the negro rapists, and the shrewdness and dishonesty of the argument and the indecency of the attack was emphasized when the Senator from Wisconsin proceeded to quote from a former speech of mine in this body, in which I said:

We shot them; we killed them; and we will do it again.

When I asked for permission to point this out and show how unfair and unmanly was the attack he shut me off incontinently, refusing absolutely to give me an opportunity to explain or defend myself.

Now, what about those words of mine: "We shot them," etc. In what connection did I utter them? If I mistake not the Senator from Wisconsin was in this Chamber when I used that language. There were present a large number of leading Republicans. I challenged each and every man here to show wherein the people of South Carolina were not justified, and no one dared reply. I will repeat the statement of fact and circumstances. It was in 1876, thirty years ago, and the people of South Carolina had been living under negro rule for eight years. There was a condition bordering upon anarchy. Misrule, robbery, and murder were holding high carnival. The people's substance was being stolen, and there was no incentive to labor. Our legislature was composed of a majority of negroes, most of whom could neither read nor write. They were the easy dupes and tools of as dirty a band of vampires and robbers as ever preyed upon a prostrate people. There was riotous living in the statehouse and sessions of the legislature lasting from year to year.

Our lawmakers never adjourned. They were getting a per diem. They felt that they could increase their income by remaining in session all the while. They were taxing us to death and confiscating our property. We felt the very foundations of our civilization crumbling beneath our feet, that we were sure to be engulfed by the black flood of barbarians who were surrounding us and had been put over us by the Army under the reconstruction acts. The sun of hope had disappeared behind a cloud of gloom and despair, and a condition had arisen such as has never been the lot of white men at any time in the history of the world to endure. Life ceased to be worth having on the terms under which we were living, and in desperation we determined to take the government away from the negroes.

We reorganized the Democratic party with one plank, and only one plank, namely, that "this is a white man's country and white men must govern it." Under that banner we went to battle. We had 8,000 negro militia organized by carpetbaggers. The carpetbag governor had come to Washington and had persuaded General Grant to transcend his authority by issuing to the State its quota of arms under the militia appropriation for twenty years in advance, in order to get enough to equip these negro soldiers. They used to drum up and down the roads with their fifes and their gleaming bayonets, equipped with new Springfield rifles and dressed in the regulation uniform. It was lawful, I suppose, but these negro soldiers or this negro militia—for they were never soldiers—growing more and more bold, let drop talk among themselves where the white children might hear their purpose, and it came to our ears. This is what they said:

The President is our friend. The North is with us. We intend to kill all the white men, take the land, marry the white women, and then these white children will wait on us.

Those fellows forgot that there were in South Carolina some forty-odd thousand ex-Confederate soldiers, men who had worn the gray on a hundred battlefields; men who had charged breastworks defended by men in blue; men who had held lines of battle charged by men in blue; men who had seen real battles, where heroes fought. They forgot that putting in uniform a negro man with not sense enough to get out of a shower of rain did not make him a soldier. So when this condition of desperation had reached the unbearable point; when, as I say, despair had come upon us, we set to work to take the government away from them.

We knew—who knew better?—that the North then was a unit in its opposition to southern ideas, and that it was their purpose to perpetuate negro governments in those States where it could be done by reason of there being a negro majority. Having made up our minds, we set about it as practical men.

I do not say it in a boastful spirit, although I am proud to say it, that the people of South Carolina are the purest-blooded Americans in America. They are the descendants of the men who fought with Marion, with Sumter, with Pickens, and our other heroes in the Revolution. We have had no admixture of outsiders, except a small trickling in from the North and from other Southern States.

Clashes came. The negro militia grew unbearable and more and more insolent. I am not speaking of what I have read; I am speaking of what I know, of what I saw. There were two militia companies in my township and a regiment in my county. We had clashes with these negro militiamen. The Hamburg riot was one clash, in which seven negroes and one white man were killed. A month later we had the Ellenton riot, in which no one ever knew how many negroes were killed, but there were forty or fifty or a hundred. It was a fight between barbarism and civilization, between the African and the Caucasian, for mastery.

It was then that "we shot them;" it was then that "we killed them;" it was then that "we stuffed ballot boxes." After the troops came and told us, "You must stop this rioting," we had decided to take the government away from men so debased as were the negroes—I will not say baboons; I never have called them baboons; I believe they are men, but some of them are so near akin to the monkey that scientists are yet looking for the missing link. We saw the evil of giving the ballot to creatures of this kind, and saying that one vote shall count regardless of the man behind the vote and whether that vote would kill mine. So we thought we would let you see that it took something else besides having the shape of a man to make a man.

Grant sent troops to maintain the carpetbag government in power and to protect the negroes in the right to vote. He merely obeyed the law. I have no fault to find with him. It was his policy, as he announced, to enforce the law, because if it were had then it would be repealed. Then it was that we stuffed ballot boxes, because desperate diseases require desperate remedies, and having resolved to take the State away, we hesitated at nothing.

It is undoubted that the Republicans will assume all responsibility for the condition in the South at that time. They have never shirked it. The Senator from Wisconsin acknowledged his participation in it the other day. He has no apology to make for it. I do not ask anybody to apologize for it; I am only justifying our own action. I want to say now that we have not shot any negroes in South Carolina on account of politics since 1876. We have not found it necessary. [Laughter.] Eighteen hundred and seventy-six happened to be the hundredth anniversary of the Declaration of Independence, and the action of the white men of South Carolina in taking the State away from the negroes we regard as a second declaration of independence by the Caucasian from African barbarism.

The other day the Senator from Wisconsin defined liberty. "Liberty is that," I believe he said, "which is permitted by law to be done." The Senator has the right to give whatever idea of liberty he may have, and I have no objection to that. In a general way it is a very good definition. But I here declare that if the white men of South Carolina had been content to obey the laws which had been forced down our throats at the point of the bayonet and submit to the reconstruction acts which had thrust the ballot into the hands of ignorant and debased negroes, slaves five years before, and only two or three generations removed from the barbarians of Africa, the State of South Carolina to-day would be a howling wilderness, a second Santo Domingo. It took the State fifteen years to recover and begin to move forward again along the paths of development and progress; and in consequence of the white men interpreting the word "liberty" to mean the liberty of white people and not the license of black ones, the State is to-day in the very vanguard of southern progress, and can point to the result as the absolute justification for every act which we performed in '76, however lawless our acts may be in the eyes of the Senator from Wisconsin.

South Carolina and Louisiana were the two last States to throw off the blood-sucking vampires which had been set over them by the reconstruction acts.

I would not have tried to do more than to give a statement of facts the other day, but I was not permitted to do so. I was ordered to take my own time, and I am now taking it in answer.

Now, Mr. President, a word about lynching and my attitude toward it. A great deal has been said in the newspapers, North and South, about my responsibility in connection with this

matter. My position has been purposely misrepresented, and the Senator from Wisconsin has assumed to himself the right to arraign me in this body and to pass judgment of condemnation in most biting and vindictive phrase. It is not worth while to ask who made JOHN C. SPOONER my keeper or gave him the right to assume this hectoring and masterful attitude. With a self-righteousness that is characteristic of his breed, he dons the robe of the Pharisee, spreads broad his phylacteries, and calls up the Senator from South Carolina for sentence and pronounces his decree. These are his words:

Mr. SPOONER. Now, Mr. President, I believe in law. I believe that wherever a man perpetrates a crime, or a crime is committed and the perpetrator or suspected perpetrator can be identified, the law should seize him. I believe he is entitled to a trial before sentence. I believe he is entitled to a day in court.

I am opposed, Mr. President, to any man making himself judge, juror, and executioner. I look upon it as shocking beyond expression in civilized communities, Mr. President, for the populace to seize a human being, charge him with crime, drag him to a tree protesting his innocence, and hang him or burn him at the stake. "In the corrupted currents of this world" it sometimes happens. All just men deplore it. No man ought to encourage it. It is a crime against civilization to encourage it.

I have looked with peculiar honor and pride upon the brave, continued efforts of southern governors to conserve the law, to maintain peace, to make that a real shield which the law in every civilized community is intended to throw around a man accused of crime. I have admired Governor Vardaman for it; I have admired the governors of other States in the South for it; I admire the governor anywhere who has done his uttermost to prevent lynching and to punish lynching.

And, Mr. President, I have been shocked more than once. I was shocked the other day here by the statement of the Senator from South Carolina justifying it and supporting its continuance. If there is one man under the sky who ought not to do it it is a maker of the laws which govern the people.

Mr. President, this is not an attack nor is it intended to be upon the Senator from South Carolina. It is a plea for good government, orderly government, real liberty—not the liberty of one man, but the liberty of all. What is liberty? It is not license. Liberty was once well defined to be "freedom to do that which the law permits." That is what liberty is. I say again that any man here or elsewhere who encourages lynching, murder, lawlessness, will have much to answer for, and the higher his position and the weightier his influence the more he will have to answer for.

Have I ever advocated lynch law at any time or at any place? I answer on my honor, "Never!" I have justified it for one crime, and one only, and I have consistently and persistently maintained that attitude for the last fourteen years. As governor of South Carolina I proclaimed that, although I had taken the oath of office to support the law and enforce it, I would lead a mob to lynch any man, black or white, who had ravished a woman, black or white. This is my attitude calmly and deliberately taken, and justified by my conscience in the sight of God.

Mr. President, the Senator from Wisconsin speaks of "lynching bees." As far as lynching for rape is concerned, the word is a misnomer. When stern and sad-faced white men put to death a creature in human form who has deflowered a white woman, there is nothing of the "bee" about it. There is more of the feeling of participating as mourner at a funeral. They have avenged the greatest wrong, the blackest crime in all the category of crimes, and they have done it, not so much as an act of retribution in behalf of the victim as a duty and as a warning as to what any man may expect who shall repeat the offense. They are looking to the protection of their own loved ones.

The Senator from Wisconsin prates about the law. He erects the law into a deity which must be worshiped regardless of justice. He has studied law books until his mind has become saturated with the bigotry which ignores the fundamental principle in this Government: "Law is nothing more than the will of the people." There are written laws and unwritten laws, and the unwritten laws are always the very embodiment of savage justice. The Senator from Wisconsin is incapable of understanding conditions in the South or else he has lost those natural impulses which for centuries have been the characteristics of the race to which we belong.

Tacitus tells us that the "Germanic people were ever jealous of the virtue of their women." Germans, Saxons, Englishmen, they are practically one, springing from the same great root. That trinity of words, the noblest and holiest in our language, womanhood, wifehood, motherhood, have Saxon origin. I believe with Wordsworth—it is my religion—

A mother is a mother still, the noblest thing alive.

And a man who speaks with lightness or flippancy or discusses cold-bloodedly a matter so vital as the purity and chastity of womanhood is a disgrace to his own mother and unworthy the love of a good wife.

Look at our environment in the South, surrounded, and in a very large number of counties and in two States outnumbered, by the negroes—engulfed, as it were, in a black flood of semi-barbarians. Our farmers, living in segregated farmhouses, more or less thinly scattered through the country, have negroes

on every hand. For forty years these have been taught the damnable heresy of equality with the white man, made the puppet of scheming politicians, the instrument for the furtherance of political ambitions. Some of them have just enough education to be able to read, but not always to understand what they read. Their minds are those of children, while they have the passions and strength of men. Taught that they are oppressed, and with breasts pulsating with hatred of the whites, the younger generation of negro men are roaming over the land, passing back and forth without hindrance, and with no possibility of adequate police protection to the communities in which they are residing.

Now let me suppose a case. Let us take any Senator on this floor—I will not particularize—take him from some great and well-ordered State in the North, where there are possibly twenty thousand negroes, as there are in Wisconsin, with over two million whites. Let us carry this Senator to the backwoods in South Carolina, put him on a farm miles from a town or railroad, and environed with negroes. We will suppose he has a fair young daughter just budding into womanhood; and recollect this, the white women of the South are in a state of siege; the greatest care is exercised that they shall at all times where it is possible not be left alone or unprotected, but that can not always and in every instance be the case. That Senator's daughter undertakes to visit a neighbor or is left home alone for a brief while. Some lurking demon who has watched for the opportunity seizes her; she is choked or beaten into insensibility and ravished, her body prostituted, her purity destroyed, her chastity taken from her, and a memory branded on her brain as with a red-hot iron to haunt her night and day as long as she lives. Moore has drawn us the picture in most graphic language:

One fatal remembrance, one sorrow that throws
Its bleak shade alike o'er our joys and our woes,
To which life nothing darker or brighter can bring,
For which joy hath no balm and affliction no sting.

In other words, a death in life. This young girl thus blighted and brutalized drags herself to her father and tells him what has happened. Is there a man here with red blood in his veins who doubts what impulses the father would feel? Is it any wonder that the whole countryside rises as one man and with set, stern faces seek the brute who has wrought this infamy? Brute, did I say? Why, Mr. President, this crime is a slander on the brutes. No beast of the field forces his female. He waits invitation. It has been left for something in the shape of a man to do this terrible thing. And shall such a creature, because he has the semblance of a man, appeal to the law? Shall men coldbloodedly stand up and demand for him the right to have a fair trial and be punished in the regular course of justice? So far as I am concerned he has put himself outside the pale of the law, human and divine. He has sinned against the Holy Ghost. He has invaded the holy of holies. He has struck civilization a blow, the most deadly and cruel that the imagination can conceive. It is idle to reason about it; it is idle to preach about it. Our brains reel under the staggering blow and hot blood surges to the heart. Civilization peels off us, any and all of us who are men, and we revert to the original savage type whose impulses under any and all such circumstances has always been to "kill! kill! kill!"

I do not know what the Senator from Wisconsin would do under these circumstances; neither do I care. I have three daughters, but, so help me God, I had rather find either one of them killed by a tiger or a bear and gather up her bones and bury them, conscious that she had died in the purity of her maidenhood, than have her crawl to me and tell me the horrid story that she had been robbed of the jewel of her womanhood by a black fiend. The wild beast would only obey the instinct of nature, and we would hunt him down and kill him just as soon as possible. What shall we do with a man who has outraged the brute and committed an act which is more cruel than death? Try him? Drag the victim into court, for she alone can furnish legal evidence, and make her testify to the fearful ordeal through which she has passed, undergoing a second crucifixion?

Here is the picture drawn by a southern poet:

A little woman, slight and deathly pale,
Within her eyes
The dim shame lingers of a sin unsinned.
She speaks.
Her voice is broken as her pride.
It hath
No music and no color and no warmth.
From eyes like hers and tones like hers a man
May learn how merciful is death.
She tells
The story of her guiltless infamy—
Tells it beneath a fire of interruptions,
Cross-questions, and objections, and the like,
Sanctioned by Law's procedure,
And insults from a shyster privileged

Thro' his employment to insult her so—
Tells it
From start to finish, and is not spared a word,
Until, at last,
A pitifully living corpse, she falls
Back into fearful silence.

And, facing her,
The while, the Beast leans forward, huge and black,
Its simian arms crossed on the breast of it—
Whispering, at times, in the attorney's ears
Suggestions as to questions to be asked—
And tho' the fear of death and hell agape
Be in its belly, still unable quite
To hide a grin of reminiscent lust
Behind a sweating palm.

That is the picture—
Do I hear you say
Again: "The Law should take its course?"
—H. R. R. Hertzberg, *New Orleans Harlequin*.

That is what the Senator from Wisconsin says he would do, and he is welcome to all of the honor he can get out of it. Our rule is to make the woman witness, prosecutor, judge, and jury. I have known Judge Lynch's court to sit for a week while suspect after suspect has been run down and arrested, and in every instance they were brought into the presence of the victim, and when she said, "That is not the man," he was set free; but when she said, "That is the man," civilization asserted itself, and death, speedy and fearful, let me say—certainly speedy—was meted out. I have never advocated, I have deprecated and denounced, burning for this or any other crime. I believe it brutalizes any man who participates in a cruel punishment like that. I am satisfied to get out of the world such creatures.

As far as the people of the South are concerned, it is said I do not represent them here. Somehow or other I seem to represent one State, and I do not hesitate to assert that it is my religious belief that on this subject of rape I voice the feeling and the purpose of 95 per cent of the true white men of the Southern States. Whether I do or not, I voice my own. I am not ashamed of them. I have no apologies to make for them.

The Senators from Wisconsin and Colorado may rave, the newspapers may howl, but men who were reared by virtuous mothers and who revere womanly purity as the most priceless jewel of their civilization will do as we of the South have done. On this question I take back nothing and apologize for nothing. I spurn and scorn the charlatany and cant, the hypocrisy and cowardice, the insolence and effrontery of any and all men who call my motives in question.

Now, Mr. President, I will give a very brief outline of my conception of conditions in the South to-day. I believe I understand the conditions there as well as any other man. I may be mistaken.

Never in the history of the world has a high-spirited and chivalrous people been called on to face a more difficult and dangerous situation. That a crisis is approaching every thoughtful man must confess. That there is a promise of a safe or happy solution is doubted by all. The Senator from Wisconsin dismisses the question with a wave of the hand and with an admonition to me and others who think like me to keep quiet and be good, urging that he had originally advocated the force bill, but confessed that he was wrong, and that it is better it did not pass. He contends the southern people, black and white, must live together and that the rest of the nation have for the time being left the matter alone; that there has been no discussion among the Republicans in this Chamber such as marked his earlier service in the Senate upon the subject. He says he knows of no better way to precipitate a race conflict than to be always talking about one. And he holds me up as the greatest sinner in that regard. You can not pick up a paper any day but that you will find an appeal from some negro in the North, some convention, some resolution of some kind somewhere denouncing the wrongs done the negroes in the South and demanding justice for them. Those papers circulate in the South. They go everywhere. Our schools, supported by the taxes paid by the white people, are educating these negroes to read such appeals.

If talking about a race conflict is going to precipitate one, I wish to ask, has the Senator forgotten the proclamation of William H. Seward that there was "an irrepressible conflict" between the North and the South on the matter of slavery and that his prophecy came true? Does he forget that Lincoln declared that the Republic could not exist half slave and half free? Are we to hide our heads in the sand, like an ostrich, and ignore the dangerous signs of the times and wait until the tempest bursts upon us in all of its fury? The Senator from Wisconsin, living in a northern Commonwealth where there are no negroes, who knows nothing about the situation, can not understand it and

will not take the trouble to go and study it. What right has he to criticize me, who sees down the road these dangers and would try to prevent them?

The Senator warns us that the fourteenth amendment contemplates the reduction of representation in the electoral college and in the House of Representatives on account of the South's attitude. Is it a question of political power or is it a question of the preservation of our civilization?

The Senate last week unanimously declared that the war of 1861-1865 was not a rebellion. It struck out the words "war of the rebellion" and substituted "civil war." If this means anything, it means that the lawmakers of this country have at last come to realize that it was a civil war and that it was a contest over constitutional interpretation, and that the southern people fought for what they believed to be their constitutional rights.

A couple of days ago, at Lexington, a distinguished citizen of Massachusetts, a man of affairs, a representative of northern civilization, a soldier in the Union Army, proclaimed that he had fought Lee during most of his service in the war, and would have been glad to kill him then; but he recognized the greatness of that grand man's character, and said that if he had been in the South he would have fought with Lee. That is all we want anybody to acknowledge—the purity and honesty of the South's attitude.

I say here, from my observation and experience, and I claim to know something about it, that there is among the northern people little or no sectional hatred left. I have been among them. I have tested them. I have touched their nerves, if they have any, on the raw. I have seen nowhere any indication of hatred for the South as the South. And the people of the North are no longer blinded by passion. Newspapers of a partisan character are contending for political reasons for the maintenance of the settlement and the continuance of the adjustment of the issue after the war. I do not care to go into the political phases of this question, to point out the number of negro votes in the North, which compel, in a way, the continuance of that attitude. We were told, until this happy adjustment in regard to this resolution about Brownsville, that the leader of the Republican cohorts had threatened and had prepared a resolution to investigate conditions in the South in regard to elections.

Mr. President, the South has no fear of an investigation of that kind. It might have been dangerous fifteen or twenty years ago, but it can no longer do us any harm. We court it; at least I do. We have no objection in the world to an investigation from top to bottom and from end to end of elections North, South, East, and West. Of course the composition of the committee might be partisan. They might not undertake to arrive at the facts and get a real insight into conditions, to set about a statesmanlike work of relieving an intolerable situation. But I do not hesitate to say here and now that if this issue is presented to the American people, unless I am mistaken about that people, if they are made clearly to understand what is involved in the conditions in the South now, and what will come inevitably in the near future, they can no longer and never will be rallied again under the cry of a "free vote and a fair count" for the negroes of the South.

The Republican party itself has forsaken its old war cry of "the fatherhood of God and the brotherhood of man." It has denied the Filipinos any participation in the Government, proclaiming that they are not fit. The southern people know they are unfit. We do not dispute it; but in the name of common sense and honest dealing, if the Filipinos are unfit, why are the negroes fit? Everybody knows that the Caucasian stands first, the Mongolian second, the Malay third, the Indian fourth, and the negro fifth in the scale of civilization as fixed by ethnologists. We have had to deal with the other four races besides our own. We have excluded the Chinese. Why? In order to satisfy the selfish desire of white men who are interested. We have butchered the Indian and taken his land. We have settled him. We have denied that the Malay is fit. Yet here we stand proclaiming that the African is fit.

The disfranchisement of the negro in the South for the time being has been acquiesced in by the people of the North without protest, but the fourteenth and the fifteenth amendments are the law of the land. Of course there is great doubt as to whether they were ever adopted in a constitutional way. I should like to hear the Senators from Wisconsin and Ohio, after studying the question a little, argue the point as a purely legal one, without reference to political conditions.

As a discussion of the race question in general goes on throughout the country and the future status of the negro in the United States and how to ameliorate conditions which are well-nigh intolerable now will more and more attract attention

to the fundamental question as to whether or not the races are equal, must come to the front. It will be settled finally on that basis, yes or no. If the majority of the white people make up their minds that the negroes are not their equals, they will sooner or later put it in the law that they shall not have a part of the inheritance of the white race.

There was an irrepressible conflict in 1860 between slavery and freedom; between the idea of a confederation of States and a perpetual Union. Is there any man bold enough to deny that there is an irrepressible conflict now between civilization and barbarism and that the living together upon an absolute plane of equality of the two races in the South—one the highest, the other—the lowest in the scale—is an impossibility without strife and bloodshed?

Let the newspapers of the country answer. Take up on any day you please a paper published anywhere and read of these conflicts and murders and ravishings, and all that sort of thing. Is it too much for me to say that the American people want this question investigated and discussed calmly and without passion or partisan bias, and have their lawmakers here set about trying to do something? That is all I am trying to accomplish. I do not expect to live to see any change in the Constitution of the United States one way or another. I doubt if there is a man in this Chamber who will ever see it changed by amendment.

But I do not plead for the white people of the South alone. In the ultimate conclusion of this issue we will take care of ourselves, and if we can not do it without help we will get in the North all the recruits who believe in white supremacy and white civilization that we want or need. Thank God, "blood is thicker than water." But we do not want to have to go through the fearful ordeal and crime of butchering the negro.

I realize that there are millions of good negroes, if they are let alone and not taught heresies and criminal thoughts and feelings and actions. I should like to see this good, good-for-nothing people given a chance to live. Give them justice; give them equal rights before the law; enable them to get property and keep it, and be protected in its enjoyment; give them life, liberty, and the pursuit of happiness, provided their happiness does not destroy mine.

The Senator from Wisconsin read the other day, with great pathos and effect, the eloquent speech of Henry Grady. There is not a line or a sentence in that noble deliverance to which I do not subscribe. The negroes whom Grady described were the negroes of the old slave days—the negroes with whom he played in childhood, the negroes with whom I played in childhood, the negroes who knew they were inferior and who never presumed to assert equality. For these negroes there is throughout the South a universal feeling of respect and love. I have not got it here, but I have at my home in the city a photograph of one of these. I might term him "Old Black Joe," for he is a full-blooded negro, about 60 years old. He has been living with me thirty-five years. He now has the keys to my home in South Carolina. He has full charge and control over my stock, my plantation. He is in every way a shining example of what the negro can be and how he can get along with the white man peacefully and pleasantly and honorably, enjoying all of his liberties and rights. But he has never meddled with voting. He occupies the same attitude as the white man and the negro do in this District. They do not meddle with voting. I do not hesitate to say, however, that a more loyal friend no man ever had. Every child that I have would share his last crust with that negro to-morrow.

Grady spoke of the loyalty of the slaves during the war, and the Senator from Wisconsin amplified the picture in eloquent phrase. I myself, as a schoolboy of 13, saw the Confederate soldiers as they took their departure for the front to battle for home and liberty. I saw the parting between the husband and his family, kissing one after another of his children, saving the last kiss for the wife and mother, and then turning to the group of faithful slaves and shaking them by the hand, give the parting injunction, "Take care of your mistress and the children." How did the slaves redeem the promise? They all said "Yes, master." How they lived up to the promise history tells. There were in the South at that time 4,000,000 negroes, 800,000 males of adult age. The women and children of the white men who were in the Confederate army were left there, entirely helpless for support and protection, with these negroes. With 800,000 negro men, there is not of record a solitary instance of one white woman having been wronged until near the close of the war, when some of the negro soldiers who had been poisoned by contact with northern ideas come along and perpetrated some outrages.

The negro slave was true to the faith. When Sherman's army marched through South Carolina, leaving behind it a

40-mile breadth of burned houses, the chimneys marking where the habitations of the Confederate soldiers had been, every house that had a plank on it gone, the women and children turned out in the rain and sleet of February to find shelter in the negro cabins, everything to eat burned or having been seized and carried off by the army, I knew some of these slaves to go behind in the track of the army and rake up the corn off the ground where the horses had been fed, wash it and dry it and carry it to the starving wives and children of the white men of the South.

Talk to me about hating these people! I do not do it. We took them as barbarians, fresh from Africa, the first generation we will say, or some of them twice removed, some of them once removed, some of them thrice removed, some of them a fourth removed from barbarism, but the bulk of them only twice. We taught them that there was a God. We gave them what little knowledge of civilization they have to-day. We taught them to tell the truth. We taught them not to steal. We gave them those characteristics which differentiate the barbarian and savage from the civilized man.

Slavery died, and it ought to have died. The South was not responsible for it. It had been recognized in the Constitution. It had been guaranteed. The slaves had not been brought from Africa in southern ships. The barbarian was civilized by us. You struck the shackles off of him. What have you made of him? With all the Confederate soldiers gone to war, no woman was harmed. With all the white men in the South at home, every week some woman is offered up as a sacrifice to this African Minotaur. Senators will all recall the myth of the Minotaur, the monster which came from the sea and ravaged the lands of the Athenians. In order that the Athenians might get relief he made an agreement that if they would pay a tribute of ten young men and young maidens every year he would relieve them from this depredation. The Minotaur was killed by Theseus, but, before this happened, once a year ten maidens were sent to him to be devoured. The South to-day is offering up anywhere from 40 to 100 maidens and matrons to this modern beast that has been bred by fanaticism and political greed.

If the two races are to live together in the South, as no doubt they must, there is no earthly doubt that unless something is done to relieve the situation in the near future there will be direful tragedies. It is doubtful whether anything that we can do can undo the wrong that has been perpetrated already, whether the poison can be extracted without producing its results. We in our country exemplify as near as has ever been exemplified in history a condition depicted in the Bible. There is a phrase there very little understood. I never myself understood it until I made an investigation into Jewish antiquities:

Oh, who will deliver me from the body of this death?

What does it mean? It was the law of the Jews that for certain forms of homicide, certain black and bloody murders, the murderer should be stripped naked and his victim stripped naked and the dead man's body chained to the body of the living man, back to back, limb to limb, and the two left alone. The flies and the vermin which are produced and attracted by putrefaction brought about the inevitable result. The decaying carcass fastened to the living in the end produced death in the most horrible form.

In 1865 the South, prostrate and bleeding and helpless, a very Niobe of nations, had the dead carcass of slavery chained to it by the fourteenth and fifteenth amendments. For eight years two States labored under it. One after another the others had thrown off for a little while the incubus—not getting loose, but simply getting relief, being able to stand up, to move, to breathe, and to make some progress. But there the carcass hangs, riveted to our civilization. The putrefaction is going on. A return to barbarism is evident in every day of our contact with these people in the South. Relieved from police control, they are no longer compelled, as the Indians have been by the troops, to stay on their reservations. These negroes move where they please. They have a little smattering of education. Some of them have white blood in their veins and taught that they are as good as the white man, they ask, Why not as good as a white woman? And when caste feeling and race pride and every instinct that influences and controls the white women makes them spurn the thought, rape follows. Murder and rape become a monomania. The negro becomes a fiend in human form.

We can not police those people to-day under the fourteenth amendment without taking from the whites their own liberties. In my desperation to seek some remedy to prevent rape and not have the necessity of avenging rape, I have gone so far as to plead with the people of the South to inaugurate a passport system, by which we should keep in control and under supervision all of the wandering classes, white and black.

Race hatred grows day by day. There is no man who is

honest, going through the South and conversing with the white people and blacks, but will return and tell you this is true.

Some of the negroes have a good excuse. I will not dispute it. If I were negro I would do probably as they do, but being a white man, I do just as I am doing, and I expect to do so, so help me God, as long as I have breath in my body.

Then I say to you of the North, who are the rulers of the land, who can change this or do something to relieve conditions, what are you going to do about it? Are you going to sit quiet? If nothing else will cause you to think, I notify you, what you already know, that there are a billion dollars or more of northern capital invested in the South in railroads, in mines, in forests, in farm lands, and self-interest, if nothing else, ought to make you set about hunting some remedy for this terrible situation.

As it is the South is helpless. We can do nothing. It is not worth while for us to propose anything. All we can do is to maintain our present attitude of resistance, to maintain our control of our State governments, and to submit to whatever you see fit to do in national affairs, because under no conditions do we ever hope that the South can regain control of this Government. We are one-third of the population. You are two-thirds. Every year your numbers are being added to by a million immigrants in the North, who stay there, while none go to us. The million who came in last year represent five Congressmen. Those who came in year before last represent five more Congressmen. There is no danger of political power ever drifting away from the North as long as it maintains their superiority in population. No one expects to see that in this day or generation.

Therefore we say to you—I take the responsibility, if I am alone, of saying to you—it is your duty to do something. It is your duty to move. It is your duty to begin the discussion.

For the time being the South is occupying an attitude of waiting. It is occupying an attitude of constant friction, race riot, butchery, murder of whites by blacks and blacks by whites, the inevitable, irrepressible conflict between a white civilization and a black barbarism.

I plead for the negro as much as for the white man. This body of death is chained to our backs by two constitutional amendments, and I ask you in God's name, I ask you in the name of civilization, I ask you in the name of the virtue and purity of the white women of the South, to do something to relieve us from the body of this death. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair will again admonish the occupants of the galleries that applause is not allowed under the rules of the Senate, and trusts that it will not be necessary to repeat this admonition.

During the delivery of Mr. TILLMAN'S speech,

The VICE-PRESIDENT. The Senator from South Carolina will suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. The bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from South Carolina will proceed.

After the conclusion of Mr. TILLMAN'S speech,

Mr. SPOONER. Mr. President, at this stage of the session I would not and ought not to be pardoned if I consumed much of the time of the Senate in reply to the Senator from South Carolina [Mr. TILLMAN]. I decline to be trunited or beguiled by the Senator from South Carolina into competition with him in the use of offensive epithets. The Senator was accurate when he said that we have served long together and have had sharp parliamentary contests. He will look in vain, unless my memory has departed, to find in all the RECORD any epithet applied by me to him or any assault upon his character as a man or a Senator.

The Senator says I have no right to set myself up as a mentor in the matter of manners in the Senate. I have not such a right. I never have usurped any such a function.

Mr. President, I made no attack, using the word in its just, fair, and right sense, upon the Senator from South Carolina. We all have a better and a worse side. If it were not so, a man would be perfect, and there is no perfect man, Mr. President, in the world. When the better side of the Senator from South Carolina resumes its sway over his worse side and the anger incident to this debate shall have passed away, my estimate of him is that he will regret as he reads them in the

RECORD some of the words which have fallen from his lips to-day.

Mr. President, the Senator imputes to me malice against him, and attributes my utterance the other day to not only malice, but a deliberate purpose to offend him. The Senator could not be more mistaken or more unjust. I have schooled myself, if I know myself, not to cherish malice, because I am not willing to so far surrender my happiness, my peace of mind, into the keeping of an enemy as to allow my heart to be corroded by the nursing and cherishing of hate.

If it were otherwise, I should have no malice against the Senator from South Carolina. He has never given me cause. And I will say here, if I may be permitted, that I think no member of this body has spoken here oftener or better of his ability and his real characteristics, and outside of this Chamber, than I have.

But, Mr. President, as an observation upon the personal part of the Senator's speech it is appropriate for me to say this, and upon no other hypothesis. I criticized the attitude and the utterances here and elsewhere of the Senator from South Carolina. That was within my right. I withdraw in no respect, nor do I qualify, the opinion which I expressed as to its injustice and danger of which the Senator from South Carolina complains.

If I, from this Chamber, should counsel the black men of the South to a course of revenge and violence; if I should utter words which, if they were of influence there, would spur the black men of the South to disregard the law; if I should say a word here or elsewhere, being a Senator of the United States, which would place obstacles in the pathway of the white people of the South and render it more difficult, Mr. President, for them to work out side by side with the colored race the destiny of each, there is not a Senator here from the South or from the North who would not feel it not only his right, but his duty, to criticize me. The Senator who can not tolerate criticism, if it be just, upon the sentiments which he utters in public as being other than a personal attack is unfortunate.

I was indignant over some of the utterances of the Senator from South Carolina. I was shocked, Mr. President, by some of the language uttered by the Senator from South Carolina in this debate and incorporated in the speech of the Senator from Colorado [Mr. PATTERSON]. I exercised the right of a Senator to criticize it, to deplore it, to express the wish that it had not been uttered, and my opinion that, uttered here and elsewhere, it is mischievous, as tending to lawlessness in the land.

If in later days and on reflection the Senator regards that as a just basis for the epithets which he has applied to me, and I know it, I shall feel then for the first time that I have not known the real Senator from South Carolina.

Mr. President, the Senator early in his speech characterized this entire battalion as a band of murderers and cutthroats. I do not give his language. Before he had proceeded far he characterized the regiment in the same way. I resented it as an injustice, which was entirely within my right. I did it, I thought, with courtesy, although I studied no word before I uttered it in that speech. I said, and I repeat as a proper rejoinder from an opposing side, that no man has a right to impeach the President of the United States, here or elsewhere, for injustice in discharging this battalion without a trial who advocates in public places the taking of human life without trial and judgment pursuant to law. Was that an insult to the Senator from South Carolina? If it was an insult to the Senator from South Carolina, Mr. President, the insult rested in repetition of language uttered by the Senator from South Carolina, not in any word of mine.

Mr. President, the Senator has repeated the doctrine, which he announced, and for which he contended the other day. Not only that, the Senator has to-day gone far beyond any utterance of his of which I have ever heard or which I have ever read. This is the only time I have doubted his accuracy about himself. If any man in the United States had told me of the Senator and his attitude what he has said in the Senate this morning of himself I would not have believed it. I would not have withheld, Mr. President, for an instant my denunciation of it as unjust and untrue.

The Senator from South Carolina tells us that as governor of South Carolina, having taken the oath which a governor takes, to support the constitution, having assumed the responsibility, in the sight of God, to take care that the laws be faithfully executed, he publicly announced that he would lead in putting to death without trial any black man who should commit the crime of rape upon a white or black woman, notwithstanding the Constitution of the United States and the constitution of the State have guaranteed him—him and all others without regard to color or nativity, those born without our limits and the

aliens dwelling among us—the protection of the judicial machinery which early in the history of civilization was devised to prevent one man, or a number of men, from becoming without trial the executioner of any human being.

As mankind has moved forward, Mr. President, on the lines of civilization, as Christianity has spread throughout the world, the lesson that all organized society is based upon law and an observance of law, and that without it there is anarchy and retrogression to the brutal days of tyranny—government without law is tyranny—people have come to realize how vital it is, not simply to the person involved, but to society at large, that all the safeguards thrown by constitutions and laws around human life must be everywhere observed.

Mr. President, this is no fanciful theory; it is the crux and heart of government. It is not only a law of man, but it is a law of God, and the only firm basis of organized society. To forget it, to lapse from it, is to lapse into anarchy and barbarism.

Under the Constitution neither the State of South Carolina nor any other State can by valid act deprive a person of the full enjoyment of the guaranties of the Constitution; among others the right to know accurately with what offense he is charged; the right to a fair trial, by a jury, in court. The enactment of any such law is beyond the power of the State itself. Think of a doctrine that asserts the right, and justifies it, of citizens to trample upon constitutional provisions and constitutional right, to take life for any cause which may seem for the moment, in their anger and passion, sufficient. I am not speaking of the South. I am speaking of the country. I am speaking of all our people, North and South. Mr. President, it will not do. The doctrine would be fatal North or South, East or West, to order, to civilization; and the man who justifies it here or anywhere does a wrong to our system of government and to the civilization of the age. The advocacy of a doctrine which justifies citizens, at their will, in taking human life as punishment for an alleged offense without trial whenever passion moves to it, is revolutionary and wicked.

I said in the speech which the Senator criticises, and I repeat it, that "in the corrupted currents of this world"—I think I used that quotation—the passions of men will sometimes overcome their sense of duty and the obligations of good citizenship, and that here and there—it may be in every State—these guaranties will be forgotten, and mobs will take into their own hands the functions of accusation, judgment, and execution; but, Mr. President, such occasional barbarity is to be deplored. It is not, as I said the other day, in high places and by men clothed with power to be flaunted and advocated or justified. Is that a personal attack upon anyone? It is an utter disagreement with anyone who advocates lynching, who arrogates to himself to say in what cases the Constitution and the laws of the United States shall be abrogated, and as to what men. That is all.

Mr. President, in the remarks which the Senator made as to the Fifty-fifth or Fifty-sixth Congress he included me. If I ever knew it I had forgotten it, nor did I have it in my memory when I spoke.

When that happened—

Referring to what transpired in South Carolina, growing out of it was alleged, of the horrors and wickedness of carpetbag government, the Senator said—

When that happened we took the government away. We stuffed ballot boxes. We shot them. We are not ashamed of it. The Senator from Wisconsin would have done the same thing. I see it in his eye right now. He would have done it. With that system—force, tissue ballots, etc.—we got tired ourselves. So we called a constitutional convention and we eliminated, as I said, all of the colored people whom we could under the fourteenth and fifteenth amendments.

Mr. President, the Senator thinks I am incapable of realizing the situation and the conditions in the South. Probably I had not full appreciation of the conditions at the time to which the Senator from South Carolina referred; I probably have no adequate appreciation of the situation in the South to-day. I know that it is dangerous; I know that it is delicate. I know that the colored people of the South must and will remain in the South. I know it is a problem which taxes the ingenuity, the statesmanship, and the humanity of all the brain and all the heart of the white people of the South. The question which I had in my mind the other day was this: Which is the better spirit in which to work toward a solution of it—the sentiment and spirit of Grady or the sentiment and spirit of the Senator from South Carolina? Surely the question answers itself.

Mr. President, when one advocates lawlessness among the whites he of necessity encourages lawlessness and reprisal among the blacks. When one constantly vituperatively speaks of the superiority and inferiority of races dwelling side by side, he lights a torch; he lays the foundation for trouble.

Equality of the races I never have discussed, and I never will

discuss it. It is bootless, Mr. President, and fruitless of anything but danger. It is enough to say that the races are different races. It is enough to say that undoubtedly the white race in the South will maintain the governments in the Southern States. We have not anywhere expected otherwise; but, Mr. President, leaving out politics, leaving out the ballot, before the law all men, without regard to color, must be equal. There can never be a day in this land, nor a spot, where the black man shall be less entitled than the white man to the guaranties which civilization has written into our Constitution and into the State constitutions. There is not a man so mean, so wicked, so homeless, so completely an outcast, that he is not entitled to the protection of the law; that he is not, before execution for an offense, entitled to his day in court, under the procedures which have been instituted, to have determined whether *he is the man who did the deed*. Does that attack anyone? That is a principle, Mr. President, which is at the very foundation of the Government. Without it this is not a Government either of liberty or of law.

The Senator, in a very feeling and eloquent way, spoke of the unspeakable crime sometimes committed by white men and black men, in the North as well as in the South, and proclaimed that the best blood of the Anglo-Saxon race flows in the veins of the people of South Carolina—a question I do not discuss. He paid a tribute to the men who appreciate woman—the mother, the wife, the sister, the daughter. The Senator will not claim that appreciation of womanhood and the crown jewel of woman's existence, her chastity, is limited to any State in either quality or degree. The men of the North and of the South and the East and the West, aye, in the palace and in the cabin, equally love the home. They know it is the foundation, the ultimate basis, of society and all that is builded on it up to the highest form of government. No man living can more bitterly denounce than I feel the crime to which the Senator from South Carolina alluded. No man, Mr. President, in the world more desires its punishment than do I; and as I feel we all feel throughout the land.

The mother! Mr. President, in the Bible nothing could be found with which to compare the love of God for his children but the love of a mother for her child. It is a bond which crime, ingratitude, misfortune, nothing in the world can sunder.

But, Mr. President, that is all apart from the question. The question is whether, wherever a man is charged with this fiendish crime, he has not a right, sacred as the ark of the covenant, to say in a court of justice, "I did not do it," and to have that question *tried in due form of law*. He has a right to the presumption of innocence which is thrown about every man accused of crime. He has a right to say, "You must establish the offense and furnish evidence beyond a reasonable doubt that I am the man before you take my life on the scaffold." Now, Mr. President, who is warranted in trampling anywhere upon that principle, universal in its application, as strong in the military, and no stronger, than it is in the administration of law in the civil courts?

In my speech I referred to the Senator from South Carolina, as I have always done, as "my friend from South Carolina," but that is unwelcome to him now. The doctrine, not the man, did I attack. I stated—and I think it offended the Senator from South Carolina—that I did not believe his attitude upon the subject, violently asserted as it is here and has been before, and as it is elsewhere, represents the sentiment which pervades the white men of the South, the men charged there with government. I have some reasons for that belief.

It has remained for the Senator from South Carolina to be the only one from that section sitting in this Chamber since I have had to do with this Chamber who, as I remember, has given utterance to any such justification of trial by mob and execution by mob. There are many Senators here from the South, all, including the Senator from South Carolina, faithful in their desire and in their effort to legislate wisely for the people of the United States and sensitive as the Senator from South Carolina can be to the real interests of the South; men who fought on many a field of carnage, Mr. President, who bared their breasts to the sheeted flame of battle for the establishment of the Confederate government; strong men, able, pure, devoted, giving every thought and bending every effort here and elsewhere to work out this problem in the South. I have served here with Gen. Wade Hampton, as brave a man as ever lived, crowned by South Carolina with the honor which she has bestowed so many times in the past and doubtless will in the future bestow upon the Senator from South Carolina. He had knowledge of the conditions in the South. He looked ahead and realized the dangers. I never heard a word uttered on this floor by him of the black man in the South

but words of kindness. I never heard from him on this floor one word in advocacy of dealing out one law to the black man and another to the white man in the South—one measure of justice to the black man and another measure of justice to the white man in the South.

One would have no better evidence that the Senator from South Carolina does not represent upon this subject the sentiment of the governing element in the southern States than is afforded by the silence of his associates on that side of the Chamber, with full knowledge of the conditions and of the danger and trouble which they involve. Through all the years of my service here every one of them and their predecessors have forebore violent utterances upon the subject, and from the lips of no one of them within my memory have ever fallen in this Chamber insulting characterizations of the colored race, or any advocacy, Mr. President, of lawless violence toward the race.

I have here other utterances of the same kind as those which have been made here by the Senator from South Carolina, to which I intended when I arose to call attention, but I pass them by.

Mr. TELLER rose.

Mr. SPOONER. Does the Senator desire to interrupt me?

Mr. TELLER. No. I thought the Senator had concluded. If the Senator has finished his speech—

Mr. SPOONER. I am not quite through.

Mr. TELLER. I will wait until the Senator concludes.

Mr. SPOONER. Now, Mr. President, a word in conclusion. I will not reargue the Brownsville question, and I will not go again into the race question, but I say again with all my heart from the standpoint of the North, whose sympathy the white people of the South need, and ought to have and will have, that any solution of this question, politics out of it, must be upon the basis of the black man's right under the Constitution to life, liberty, and the pursuit of happiness, and to the enjoyment of the guaranties of the Constitution which safeguard life, liberty, and the pursuit of happiness.

Now, once more repelling the imputation that any portion of the speech which has been criticized by the Senator from South Carolina was based upon personal ill will toward him, I yield the floor.

Mr. TELLER obtained the floor.

Mr. CARMACK. Mr. President—

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

Mr. CARMACK. Will the Senator from Colorado yield to me for a short while?

Mr. TELLER. I yield to the Senator from Tennessee for a brief time, but not for very long.

[Mr. CARMACK addressed the Senate.]

Mr. TELLER. Mr. President—

Mr. TILLMAN. Will the Senator from Colorado allow me?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. I will allow the Senator from South Carolina a moment.

Mr. CARMACK. If the Senator is going to yield—

The VICE-PRESIDENT. The Senator from Colorado is entitled to the floor. Does he yield?

Mr. TELLER. I refuse to yield to the Senator from South Carolina.

Mr. TILLMAN. Of course—

Mr. TELLER. The Senator has had his day.

Mr. TILLMAN. I wanted an opportunity to give my friend from Tennessee a real explanation; but if the Senator from Colorado does not yield, I can not do so.

The VICE-PRESIDENT. The Senator from Colorado declines to yield.

Mr. TELLER. I move that the doors of the Senate be now closed.

Mr. GALLINGER. I second the demand.

The VICE-PRESIDENT. The Sergeant-at-Arms will clear the galleries and close the doors.

The doors were thereupon closed; and at the expiration of one hour and forty-five minutes were reopened.

Mr. TILLMAN. Mr. President, when the Senator from Colorado [Mr. TELLER] moved that the Senate go into secret session some time back I had risen and asked that Senator to yield to me for a purpose.

Mr. TELLER. You did not state the purpose, though.

Mr. TILLMAN. I did not have a chance. The Senator from Colorado simply said, "No, no," and of course I had to yield to his wish and right.

I had discovered, very much to my surprise and regret, in lis-

tening to the naturally angry and bitter words of the Senator from Tennessee, that without the slightest purpose or intention or expectation of anything of the kind occurring I had very seriously wounded that Senator. Now, if there is any man on this side of the Chamber for whom I have more personal friendship and more admiration as a man and as a Senator than for the Senator from Tennessee, I do not know it. Our relations have been entirely pleasant from the time he came here. There has not been a hint or suspicion of friction or of anything other than the strongest, warmest friendship. Having discovered that that Senator was angry, and realizing that if he took seriously what I had read this morning he had a right to be, I was anxious to make an explanation and to let him understand that he was laboring under an error or misapprehension.

I now take occasion, Mr. President, to say what I wanted to say then, and that is that in so far as my first essay in the line of humor and wit has had such an unfortunate termination, inasmuch as I learn that others of my colleagues on both sides have felt that I had transgressed and had used words that they took to be offensive, I very much regret that I ever undertook to be funny. I believe I know how to be bitter, and I have a reputation of being able to use vitriolic language. Those characteristics of mine, which are my misfortune rather than my fault, have given me something of a notoriety along certain lines. But surely, having made such a dismal failure as a funny man at one end of the minstrel line, I will never do so any more.

Now, I want to say to one and all of the Senators whose names appeared in my maiden effort at humor that I intended no offense whatever. I had no idea or expectation of wounding any man in any way. Having wounded some of my friends—and all these men are my friends in a way—I shall most willingly and gladly keep out of my speech as it goes in the RECORD this humorous essay of mine.

I think it is unfortunate that I was not allowed to make this explanation before the Senate had the matter under consideration in secret session. I would have done it then as willingly, and even more willingly, than I do it now, because my temperament is frank, blunt, and open. When I do not intend to hurt a man's feelings no man is more willing than I to say so, but when I do intend to hurt them I know how to do it; and if I had that intention I would not take it back and no one could make me take it back; that is all there is about it. Now, then, I want to apologize to every man here who feels aggrieved.

As far as the Senate itself is concerned, if I have caused its dignity to shiver and people to think that I have said things and done things which are undignified, I beg to apologize to the Senate, too. I am a kind of a rara avis, a farmer, without very much association with polite society. My manners are brusque and bluff and all that kind of thing. But I want to do the right thing if I know it, and the right thing is, when you have wounded a man and did not intend it, to tell him so, to apologize as far as you can; and if he will not take you for what you say, let him alone. That is just my attitude. I am sorry I wounded anybody. I did not intend to do so. That is all I can say.

Mr. CARMACK. Mr. President, the Senator from South Carolina has spoken truly about the friendly relations that have existed between us in the past. He has spoken truly about our personal friendship. I will say, Mr. President, that it was because of that personal friendship in the past that I felt a keener resentment of what the Senator said.

No man is more ready than I am to accept a disclaimer of an intentional wrong, and there is no man from whom I accept it with more pleasure than from the Senator from South Carolina. The Senator had, among other things, taunted me with the fact that I had been defeated.

Mr. TILLMAN. If the Senator thinks it was a taunt I did not intend it so.

Mr. CARMACK. I know it now. If it had been said by an enemy I should have treated it with utter contempt, but I must confess that it came with exceeding bitterness when it came from one whom I regarded as a trusted friend. I accept in all good faith the Senator's disclaimer of any intention to utter anything offensive. I regret very much that it occurred. I regret very much that I made any reply whatever to the Senator, understanding now his motives and his intentions, and I cheerfully withdraw anything I may have said.

Mr. FORAKER. I ask that the resolution may be now voted upon, if there is no other Senator who desires to speak.

Mr. TELLER. Mr. President, I do not think we can vote on the resolution to-night. By the rule of the Senate it ought to go over until to-morrow.

Mr. FORAKER. I was hoping—

Mr. TELLER. It is now past 6 o'clock. If it is necessary to object to voting on it to-night, I shall do it.

Mr. FORAKER. I supposed, under all the circumstances, there would be no objection to taking a vote at this time. If the Senator prefers that it shall go over, we can vote on it to-morrow.

Mr. TELLER. Let it go over.

Mr. FORAKER. Of course it will go over.

Mr. TELLER. Some of us have not yet had any chance to read it.

Mr. DANIEL. Mr. President—

Mr. FORAKER. I ask that the resolution may go over as heretofore, to come up immediately after the routine morning business to-morrow morning.

Mr. DANIEL. Will the Senator from Ohio allow me to make a suggestion?

Mr. FORAKER. Certainly.

Mr. DANIEL. I beg leave to suggest to the Senator that he name some hour to-morrow.

Mr. FORAKER. I ask that it may come up immediately after the routine morning business.

Mr. DANIEL. The Senator does not name any hour to vote on it. Would it be agreeable to do so?

Mr. FORAKER. I should like if we could fix an hour when we would vote on it, but I do not know how many Senators there are who desire to speak. Could the Senator from Colorado indicate when he would be willing that we might have a vote?

Mr. TELLER. Mr. President, I do not have control of this matter. I think that to-morrow morning I may want to talk ten minutes on the question. I do not care about going on to-night.

Mr. CARMACK. I can say to the Senator from Ohio that there are not more than fifteen or twenty who desire to speak.

Mr. FORAKER. Mr. President, it is well enough to have that information. I asked for a time at which we should vote because of the suggestion of the Senator from Virginia. I do not want to hurry it to a vote. It may be that there will be a great many of us who will want to speak before it comes to a vote. The Senator from Tennessee will not have a monopoly of the talking. I give him and everybody else notice to that effect. There will be no monopoly of the talking on the part of the Senator from Tennessee.

Mr. ALDRICH. Mr. President—

Mr. CARMACK. If the Senator will permit me, I said that purely as a matter of jest. I do not expect to occupy any further time.

Mr. FORAKER. Mr. President, humor does not seem to be appreciated to-day.

Mr. ALDRICH. I move that the Senate do now adjourn.

Mr. CARMACK. I will say that was my first attempt at humor, and will be my last. [Laughter.]

Mr. FORAKER. Mr. President, in the exercise of the high prerogative which belongs to the Senator who has business in charge, I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 22, 1907, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, January 21, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

PENSION APPROPRIATION BILL.

Mr. GARDNER of Michigan, by direction of the Committee on Appropriations, reported the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes; which was read a first and second time, and, with the accompanying papers, reported to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order.

INCREASE OF EFFICIENCY OF ARTILLERY.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17347) to reorganize and to increase the efficiency of the artillery of the United States Army, with an amendment thereto, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the artillery of the United States Army shall consist of the Chief of Artillery, the Coast Artillery, and the

Field Artillery. The Coast Artillery and the Field Artillery shall be organized as hereinafter specified, and the artillery shall belong to the line of the Army: *Provided*, That on and after July 1, 1908, the Chief of Artillery shall cease to exercise supervision over the Field Artillery and shall thereafter be designated as the Chief of Coast Artillery.

SEC. 2. That the Chief of Artillery or Chief of Coast Artillery shall be an additional member of the General Staff Corps, and his other duties shall be prescribed by the Secretary of War.

When a vacancy occurs in the office of the Chief of Artillery or Chief of Coast Artillery the President may appoint to such vacancy, by and with the advice and consent of the Senate, an officer selected from the Coast Artillery, who shall serve for a period of four years unless reappointed for further periods of four years; and any officer who shall hereafter serve as Chief of Artillery or Chief of Coast Artillery shall, when retired, be retired with the rank, pay, and allowances authorized by law for a brigadier-general on the retired list. The position vacated by an officer appointed Chief of Artillery or Chief of Coast Artillery shall be filled by promotion in that arm according to existing law, but the officer thus appointed shall continue in the same lineal position in his arm which he would have held if he had not been so appointed, and shall be an additional number in the grade from which he was appointed or to which he may be promoted: *Provided*, That there shall not be at any time in the Coast Artillery more than one additional officer by reason of the appointment of a Chief of Artillery or Chief of Coast Artillery and the relief of an officer from such duty.

SEC. 3. That the Coast Artillery is the artillery charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses.

SEC. 4. That the Field Artillery is the artillery which accompanies an army in the field, and includes light artillery, horse artillery, siege artillery, and mountain artillery.

SEC. 5. That the Coast Artillery shall constitute a corps, and shall consist of one Chief of Coast Artillery with the rank, pay, and allowances of a brigadier-general, as provided in section 1 of this act; 14 colonels; 14 lieutenant-colonels; 42 majors; 210 captains; 210 first lieutenants, and 210 second lieutenants; and the captains and lieutenants provided for in this section not required for duty with companies shall be available for duty as staff officers of the various Coast Artillery commands and for such other details as may be authorized by law and regulations; 21 sergeants-major with the rank, pay, and allowances of regimental sergeants-major of infantry; 26 master electricians; 60 engineers; 74 electrician-sergeants, first class; 74 electrician-sergeants, second class; 42 sergeants-major with the rank, pay, and allowances of battalion sergeants-major of infantry; 42 master gunners; 60 firemen; 170 companies, and 14 bands, organized as now provided for by law for Artillery Corps bands.

SEC. 6. That each company of Coast Artillery shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 quartermaster-sergeant, 2 cooks, 2 mechanics, 2 musicians, and such number of sergeants, corporals, and privates as may be fixed by the President in accordance with the requirements of the service to which it may be assigned: *Provided*, That the total number of sergeants and corporals in the Coast Artillery so fixed shall not exceed 1,360 and 2,040, respectively, and that the total enlisted strength of the Coast Artillery, as provided under this act, shall not exceed 19,147, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

SEC. 7. That the Field Artillery shall consist of six regiments, each organized as follows: One colonel, 1 lieutenant-colonel, 2 majors, 11 captains, 13 first lieutenants, and 13 second lieutenants; 2 veterinarians, 1 sergeant-major, 1 quartermaster-sergeant, 1 commissary-sergeant, 2 battalion sergeants-major, 2 battalion quartermaster-sergeants, 2 color sergeants, 1 band, and 6 batteries organized into two battalions of three batteries each. Of the officers herein provided, the captains and lieutenants not required for duty with batteries shall be available for detail as regimental and battalion staff officers and for such other details as may be authorized by law and regulations. Battalion adjutants shall be detailed from the captains, and battalion quartermasters and commissaries from lieutenants. Each Field Artillery band shall be organized as provided by law for cavalry bands: *Provided*, That the President in his discretion may increase by nine mounted orderlies the regimental strength herein authorized.

SEC. 8. That each battery of Field Artillery shall consist of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 first sergeant, 1 quartermaster-sergeant, 1 stable sergeant, 1 chief mechanic, 6 sergeants, 12 corporals, 4 mechanics, 3 cooks, 2 musicians, and 102 privates, the commissioned officers to be assigned from among those hereinbefore authorized for the regiment: *Provided*, That the President in his discretion may increase the number of sergeants in any battery of Field Artillery to 8, the number of corporals to 16, the number of mechanics to 7, the number of musicians to 3, and the number of privates to 149: *Provided further*, That nothing contained in this act shall increase the total number of enlisted men in the line of the Army, together with the native scouts, as authorized by section 36 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States."

SEC. 9. That on and after the approval of this act the Coast Artillery and the Field Artillery shall be permanently separated, the separation to be effected as follows:

All officers in the present Artillery Corps shall remain on one list as regards promotion until sufficient promotions shall have been made, as far as the present number of officers permit, to provide in each grade, together with the officers remaining therein, the total number of officers of the grade provided for in this act for the Coast and Field Artillery combined. After such promotion they shall, in each grade, be assigned by the President to the Coast Artillery or to the Field Artillery, according to special aptitude and qualifications and agreeably to individual preference, so far as may be practicable and for the good of the service, such assignments to be permanent; and all officers promoted or appointed in the artillery thereafter shall be commissioned as officers of the Coast Artillery or the Field Artillery, as the case may be, and shall be promoted by seniority in their own branch, subject to the provisions of the laws governing promotion in the Army at large.

SEC. 10. That all vacancies created or caused by this act which can be filled by promotion of officers now in the Artillery Corps shall be filled by promotion according to seniority, subject to examination as now prescribed by law. Of the vacancies created or caused by this act which can not be filled by promotion of officers now in the Artillery Corps, one-fifth in each branch shall be filled in each fiscal year until the total number of officers herein provided for shall have been attained. The vacancies remaining in the grade of second-lieutenant shall be filled by appointment in the following order: First, of graduates of the United States Military Academy; second, of enlisted men whose

fitness for advancement shall have been determined by competitive examination; third, of candidates from civil life; and all such appointments shall be made in accordance with the provisions of existing law.

Sec. 11. That the regimental and battalion noncommissioned staff officers herein authorized for regiments of Field Artillery shall have the pay and allowances of corresponding grades in the cavalry; the battalion quartermaster-sergeant shall have the pay and allowances of sergeant-major, junior grade, of the Artillery Corps; the chief mechanic the pay and allowances of sergeant, and the mechanics of Field Artillery the pay and allowances of artificers of Field Artillery; engineer, \$65 a month and allowances of ordnance-sergeant; electrician-sergeant, first class, \$45 a month and allowances of ordnance-sergeant; electrician-sergeant, second class, \$35 a month and allowances of ordnance-sergeant; master gunner, the pay and allowances of ordnance-sergeant; fireman, \$30 a month and allowances of ordnance-sergeant; and that the rates of pay of all other enlisted men of the Coast and Field Artillery shall be as now provided by law. *Provided*, That casemate electricians, observers, first class, and plotters shall receive \$9 a month in addition to their pay; that chief planters, chief loaders, observers, second class, gun commanders, and gun pointers shall receive \$7 a month in addition to their pay, and that first-class gunners shall receive \$2 a month and second-class gunners \$1 a month in addition to their pay. *Provided further*, That the number of casemate electricians shall not exceed 44; that the number of observers, first class, shall not exceed 170; that the number of plotters shall not exceed 170; that the number of chief planters shall not exceed 44; that the number of chief loaders shall not exceed 44; that the number of observers, second class, shall not exceed 170; that the number of gun commanders shall not exceed 378, and that the number of gun pointers shall not exceed 378. *And provided further*, That no enlisted man shall receive under this section more than one addition to his pay.

Sec. 12. That in addition to the chaplains now authorized for the Artillery Corps the President is authorized to appoint, by and with the advice and consent of the Senate, and subject to the laws governing appointment of chaplains in the Army, one chaplain for each regiment of Field Artillery and two for the Coast Artillery, with the rank, pay, and allowances now authorized by law for chaplains in the Army.

Sec. 13. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. HAY. Mr. Speaker, I demand a second.

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

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second may be considered as ordered. Is there objection? The Chair hears none; and the gentleman from Iowa is entitled to twenty minutes and the gentleman from Virginia twenty minutes.

Mr. HULL. Mr. Speaker, at the request of several Members, I ask unanimous consent that the report of the Committee on Military Affairs may be printed in full in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The report of the committee is as follows:

The Committee on Military Affairs, which has carefully considered the bill (H. R. 17347) to reorganize and increase the efficiency of the artillery of the United States Army, begs leave to report the same back to the House of Representatives with the recommendation that it do pass without amendment.

The laws governing the present organization of the artillery are included in the acts of March 2, 1899, February 2, 1901, March 2, 1901, March 2, 1903, and March 3, 1903.

The act of February 2, 1901, discontinued the regimental organization of the artillery and organized it into a corps, composed of two branches, the Coast Artillery and the Field Artillery—the Coast Artillery being defined as that portion charged with the care and use of fixed and movable elements of land and coast fortifications, including submarine mine and torpedo defenses (the latter elements being added by the act); the Field Artillery being defined as that portion accompanying an army in the field, including light artillery, horse artillery, siege artillery, mountain artillery, and machine-gun batteries.

For personnel the act provided that the Artillery Corps should consist of a chief, selected from among the colonels of artillery; 650 field and company officers in same relative proportion as for infantry and cavalry, and in numbers in each grade equivalent to those required for 13 regiments; 48 sergeants-major, 1 electrician-sergeant at each artillery post, 10 bands, 30 batteries of Field Artillery, and 126 companies of Coast Artillery. It provided that each battery of Field Artillery and each company of Coast Artillery should have the organization of the companies and batteries fixed by the act of March 2, 1899. The total commissioned strength of the artillery was fixed at 651 officers; the maximum enlisted strength, exclusive of electrician-sergeants, at 18,920 men. This law provided for 12 chaplains, and the act of March 2, 1901, provided 12 veterinarians.

By the act of March 2, 1903, 25 master electricians were added to the Coast Artillery, and the number of electrician-sergeants authorized by the act of February 2, 1901 (one to each artillery post), was increased to 100, making the maximum enlisted strength of the artillery, including master electricians and electrician-sergeants, 19,045 men. Of this maximum enlisted strength, 18,165 are now authorized by the President, and of this number 14,153 are assigned to the Coast Artillery and 4,012 to the Field Artillery.

By the act of March 3, 1903, the Chief of Artillery was made a brigadier-general.

The bill provides for the separation of the Coast and the Field Artillery, retains the corps organization for the Coast Artillery, and provides a regimental organization for the Field Artillery. The elements of Coast Artillery material remain as heretofore, but the machine-gun battery is withdrawn from the elements provided by the act of February 2, 1901, for the Field Artillery.

The bill provides that the Chief of Artillery shall cease to exercise supervision over the Field Artillery on July 1, 1908, and that he shall thereafter be designated as the Chief of Coast Artillery; that when a vacancy occurs in the office of the Chief of Artillery, any officer of Coast Artillery may be selected as the next chief, to serve for four years only unless reappointed; provision is also made for the retirement of the chief and for filling a vacancy caused by the appointment of a chief.

For Coast Artillery personnel the bill provides that it shall consist of a chief; of 700 field and company officers in the same relative pro-

portions as in the infantry and cavalry, and in numbers in each grade equivalent to those required for 14 regiments; of 2 additional chaplains; of 63 sergeants-major, 26 master electricians, and 148 electrician-sergeants (the number of sergeants-major being 15 more than now authorized, the master electricians 1 more, and the electrician-sergeants being divided into two classes and increased by 48 more than authorized by the act of March 2, 1903); of 42 master gunners, 60 engineers, and 60 firemen (new grades); of 14 bands, instead of 10, and of 170 companies, instead of 126 as now authorized, both the strength and the organization of the company being made variable so far as relates to duty sergeants, corporals, and privates.

For Field Artillery personnel the bill provides that it shall consist of 6 regiments, each regiment to consist of 6 batteries, organized into 2 battalions of 3 batteries each. The personnel provided for each regiment is that considered proper by the War Department for modern war conditions, and the enlisted strength and organization of each battery, as in the case of Coast Artillery companies, is made variable within certain limits at the discretion of the President.

The total commissioned strength of both the Coast and the Field Artillery authorized by present law is 663 officers, including 12 chaplains, and there are 12 veterinarians. By the proposed bill it is fixed at 967, an increase of 296 officers, excluding chaplains. The enlisted strength of the Coast and Field Artillery as now authorized is 18,290, of which 14,278 are properly assignable to the Coast Artillery; 4,012 to the Field Artillery. By the proposed bill the enlisted strength of the Coast Artillery is fixed at 19,321, an increase of 5,043 over that now authorized.

For the Field Artillery personnel the enlisted strength is fixed by the proposed bill at 5,010 men, an increase of 998 over that at present authorized.

The proposed bill further provides for effecting the separation of the Coast and Field Artillery, how vacancies created by its passage shall be filled, fixes the pay of certain new grades of enlisted men, and finally provides extra pay for a certain number of Coast Artillery experts.

The four principal features of the bill, therefore, are: (1) Separation of the Coast and Field Artillery, (2) increase in the Coast Artillery, (3) increased pay for artillery experts, (4) regimental organization of the Field Artillery.

INCREASED PAY FOR ARTILLERY EXPERTS.

It was indicated above that the authorized strength of the Coast Artillery is 14,278. The actual strength, however, of this corps on October 15, 1906, was 11,218. The reason for this shortage is that it is impossible to get enlisted men for the Coast Artillery at the rates of pay now provided. There are certain duties connected with the Coast Artillery which require special training and skill. These duties are connected with electricity and machinery for coast defenses. After these duties have been learned the knowledge becomes of commercial value to the soldier, in that it fits him for positions in civil life which will pay him several times what is paid him by the Government. It has been found, therefore, that the Government after training these men, some of them in special schools, can not retain their services at the present rates of pay.

This bill provides increased compensation to 1,734 of these specially trained and valuable men while actually performing this high class of duty in which they are expert.

With respect to the cost of the proposed legislation it may be said:

The number of electrician-sergeants is increased from 100 to 148. These 100 electrician-sergeants now draw \$34 per month each, with allowances. The 148 provided for in this bill are divided into two classes, 74 of whom will draw \$35 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances. The total increase in cost for this special grade will be \$30,240.

The number of master electricians is increased from 25 to 26, the total cost being \$900.

Sixty engineers are provided for, at \$780 per annum; total cost, \$46,800.

Forty-two master gunners are provided for, at \$408 each per annum; total cost, \$17,136.

Sixty firemen are provided for, at \$360 each per annum; total cost, \$21,600.

In addition to the above grades created, the bill provides for a slight increase in pay for certain grades already in the service, as follows:

| | |
|--|---------|
| 44 casemate electricians, at \$108 per year in addition to pay | \$4,752 |
| 170 observers, first class, at \$108 per year in addition to pay | 18,360 |
| 170 plotters, at \$108 per year in addition to pay | 18,360 |
| 44 chief planters, at \$84 per year in addition to pay | 3,696 |
| 44 chief loaders, at \$84 per year in addition to pay | 3,696 |
| 170 observers, second class, at \$84 per year in addition to pay | 14,280 |
| 378 gun commanders, at \$84 per year in addition to pay | 31,752 |
| 378 gun pointers, at \$84 per year in addition to pay | 31,752 |

These men are now drawing the pay of sergeants and corporals in the Army, which is \$18 and \$15, respectively, with certain allowances for length of service.

The total annual cost of the additional grades and the increases provided for as above is \$243,324.

But it is proposed that no enlisted man shall receive more than one addition to his pay, and since it may be assumed that all these men for whom additional pay is proposed would be first-class gunners anyway, drawing \$2 a month in addition to their pay, there should be deducted from the above \$34,608, representing the first-class gunner's pay which these 1,442 men would draw. This would make the corrected total pay for experts \$208,716.

The estimated annual cost of this legislation, including the special grades enumerated above, is as follows:

| | |
|---------------------------|--------------|
| Pay Department: | |
| Pay, officers | \$463,830.00 |
| Pay, men | 1,221,204.00 |
| Total | 1,685,034.00 |
| Subsistence Department: | |
| Rations | 437,671.00 |
| Quartermaster Department: | |
| Clothing, etc | 378,169.00 |
| Total annual cost | 2,500,874.00 |

Since the increase of officers is to be 20 per cent per year, the principal cost the first year, as far as officer's pay is concerned, would be simply due to promotion of certain grades and the addition of one-fifth of the officers at the bottom. The cost of this the first year would be \$261,830, or about \$200,000 less the final cost five years from now. The cost indicated for the men is based upon an assumption that all

the companies are full. The companies would certainly not be all filled up the first year, and it is safe to say that we may assume them as short during the first year, as the companies of Coast Artillery now are, i. e., a general shortage of about 25 per cent. This would reduce, therefore, the cost of enlisted men the first year for pay, rations, and clothing to about \$1,427,785. This added to the \$261,830 indicated above as the cost of additional officers for the first year would bring up the cost of this increase for Coast and Field Artillery to \$1,689,615 as the cost for the first year.

EFFECT OF THE BILL UPON THE MAXIMUM STRENGTH OF THE REGULAR ARMY.

In establishing a maximum strength for each branch of the line of the Army the act of February 2, 1901, provides in each case, "but the total number of enlisted men authorized for the whole Army shall not, at any time, be exceeded;" and section 36 of that act provides, "and the total enlisted force of the line of the Army, together with such native force (Philippine Scouts), shall not at any one time exceed one hundred thousand."

That is, a maximum is prescribed for each branch of the Army and a maximum prescribed for the whole. The sum of the separate maxima of the different arms is greater than the maximum of the whole; thus—

| | |
|---|--------|
| Maximum for cavalry (section 2)..... | 18,540 |
| Maximum for artillery (section 6)..... | 18,920 |
| Maximum for infantry (section 10)..... | 55,080 |
| Maximum for engineers (section 11)..... | 2,002 |
| Maximum for native scouts (section 36)..... | 12,000 |

| | |
|---|---------|
| Total..... | 106,542 |
| Maximum for line of Army, together with native scouts (section 36)..... | 100,000 |

That is, the President can, by Executive order, maintain any branch at its maximum or can increase each a certain amount, but he can not maintain them all at their maximum strengths at the same time.

This bill, section 8, proposes to raise the maximum of the artillery, but to retain the maximum of the whole the same as it is, i. e., 100,000 men.

The maximum for the artillery would be increased 7,266 men, and the sum of the maximum for the separate branches would be increased to about 114,000 men. The increased maximum for the artillery will not necessarily be at the expense of either cavalry, infantry, engineers, or Philippine Scouts, but under the proposed law the President will not be able to raise all of the different branches to their maximum at the same time. This he can not do under the present law. Under the proposed law, and according to the necessities of the case, he may maintain the cavalry at its maximum, the infantry at its maximum, the engineers and native scouts at their respective maximum, and the artillery at such a figure that the total strength of the Army will not be a hundred thousand; or, he may maintain any of them at such numbers as the necessities may require, provided the total of them all is not more than 100,000.

It is now wholly discretionary with the President whether or not the different branches be maintained at their respective maxima. Under the new law this will be continued. He may, in his discretion, increase the Army to its maximum by cutting a little from the maximum from each arm, or he may do so by cutting it all from the maximum of any one.

Mr. HULL. Mr. Speaker, I desire to take but very few minutes unless some one asks a question. The bill has four principal features. First, it is a separation of the Coast and Field Artillery. The artillery now consists of one corps, the Field and Coast Artillery constituting the corps. The one is a mobile force, serving with the line of the Army. The other is a fixed force and can not be transferred from one field of operation to another, having charge only of the coast fortifications. The necessity for the bill is apparent. I think, to every Member of Congress, as it is to the country at large. We have gone on year after year erecting costly fortifications for the defense of our seacoast until they have far outstripped the power of the Army to even care for the guns. Within the last few years there has been a transfer of another important work to the artillery, in the torpedo service from the Engineering Department. The torpedo service is now all placed under the control of the artillery. As at present organized there is not available any force whatever for the torpedo defense of the country. There was a time when I doubted the wisdom of separating the Coast and Field Artillery, believing that they would be better officered and efficient all in one corps, but the overwhelming sentiment of all the experts is in favor of the separation, on the ground that there is but little in common between the two branches of the artillery service. The Field Artillery serves with the cavalry and infantry in the field. There is an increase of about 990 men in this branch of the service, and they are now to be organized into six regiments. The war between Japan and Russia has enlarged the views of all military experts as to the organization of artillery. When men of my age were in the civil war there was no regimental artillery assembling on the fields. Batteries served with different regiments, and of course were assembled in large numbers at central points in all the great battles, but not as regiments. This gives a regimental organization in the artillery in the field, looked after by the brigadier-generals of the line, not the Chief of Artillery; puts them in the different posts under the direct control of the commanding officer of each post, but still preserves their organization. I think, in view of the information that was given the committee, it is probably a wise move to separate them, and it was unanimously agreed to do so by the committee.

Another one of the principal features is the increase in the Coast Artillery, that I have referred to, of a little over 5,000 men. The Field Artillery has a total increase of about 990 men. To my mind, however, the most important provision of the bill is the increased pay for certain noncommissioned officers, by which the Government will more likely retain the services of those men who have become experts in electrical appliances. To-day we give an electrician or sergeant of artillery \$34 a month and allowances. This bill makes two classes of sergeants and gives to the second class \$35 a month and to the first class \$45 a month.

I think gentlemen will see that it is not an extravagant proposition, but it does hang up before these officers who now serve one term and then go out an inducement to stay in the service for this increased pay of \$11 a month. We give 148 master electricians. The law now provides for 100. We made an increase only in the pay of the noncommissioned officers of the artillery. There is no increase of a single dollar to any commissioned officer or to any other officer than this noncommissioned force.

Mr. GRAHAM. If the gentleman will permit, do you consider, in your judgment, that the increase made of privates in this service, 5,000, is sufficient to man the coast defenses of the country?

Mr. HULL. It is nearly six thousand. No; I will say, Mr. Speaker, that it will not be sufficient to man our batteries or in anyway near man our batteries in time of war, but it will be a relief in caring for them.

Mr. GRAHAM. Then, why do you not bring in a bill to carry a sufficient number to relieve that want? What is your reason for not doing so?

Mr. HULL. I will explain as briefly as I can. It will make an increased force of skilled men and will make possible larger assignments for different batteries, who can look after them better, and provide for men remaining in the service of such high skill that the common men who do the ordinary work around the battery can readily be recruited and made available in time of war, but without this increased skilled force in time of peace in time of war it will be impossible to have enough skilled men to look after the guns, and they will be useless. This bill, to my mind, will provide a skilled force that takes time to train in sufficient numbers to care for the batteries to defend our coasts. The larger part of battery work is of ordinary labor that any ordinary recruit can be educated for in a short time, but the higher part of it, the caring for the gun, the providing for the aiming of the gun, and looking after the machinery of the gun, requires high skill and knowledge of electrical appliances, and this bill will provide for that, leaving the country in a better shape by 100 per cent than it is to-day. Of course in time of war it will be necessary for us to recruit large numbers of men to do the hard work of handling ammunition, of training the gun around from one place to another, but it can all be done by labor not especially skilled under the direction of a skilled man. And I want to say one thing further to the gentlemen of this House. While it is no province of the Military Committee, and in all probability I have no right to find objections, yet in my judgment, with the modern high-power gun that has wonderfully multiplied the resisting and destructive power of our coast defenses, the committee having charge of fortifications should at least look carefully into this question: Are we or not putting more guns at each place than necessary for the defense of the country? In other words, in my judgment ten guns to-day, with the high explosives, with the marvelous power, with the long ranges, are worth more than a hundred guns when this Endicott Board plan was formed; and if I had my way about it, I would try to reduce the number of guns at each place and make it just as effective.

Mr. GRAFF. Will the gentleman yield?

Mr. HULL. Yes.

Mr. GRAFF. As I understand the plans have been changed in that regard. There are less guns assigned at different points than were under the Endicott plan. What I wanted to ask the gentleman was whether a raise of the pay of these noncommissioned officers would have any effect upon securing enlistments?

Mr. HULL. The general opinion is that it will have a very decided effect. But that can not be answered absolutely until it has been tried.

Mr. GRAFF. There was some testimony to that effect before the Committee on Appropriations.

Mr. HULL. All the department experts who appeared before us insisted it would have a material effect, and that as a matter of fact men now serve one enlistment of three years and become so proficient that they get such an increase from private parties, electrical companies, that they do not reenlist, and this

increase, together with length of service pay that comes to all enlisted men, would cause reenlistments and enable them to remain nearly all the most valuable men. That was our testimony. This of itself would be of great value to the country.

Mr. BUTLER of Pennsylvania. Will the gentleman permit a question?

Mr. HULL. Certainly.

Mr. BUTLER of Pennsylvania. If I understand the report correctly, we have now in the Coast and Field Artillery 18,290 men?

Mr. HULL. We have not that many. It is authorized.

Mr. BUTLER of Pennsylvania. It is intended to increase the Coast Artillery by 5,043 men?

Mr. HULL. Yes.

Mr. BUTLER of Pennsylvania. Why will you need an additional force of 210 captains for 5,000 men?

Mr. HULL. We increase this by one regiment of Field Artillery. It makes for the same number of organizations and men exactly the same organization as now applies to the cavalry and infantry.

Mr. BUTLER of Pennsylvania. Well; but if you increase the Field Artillery by a thousand men, that will make but 6,000 enlisted men, and why do you want 220 captains for 6,000 enlisted men?

Mr. HULL. Why, that is the total number authorized by the bill for all the artillery, both present law and increase. That is not for the increase, but the total strength of the officers.

Mr. BUTLER of Pennsylvania. Then, how many captains is it proposed by this bill to create?

Mr. HULL. I can tell the gentleman in a minute right here.

Mr. BUTLER of Pennsylvania. I want to learn something, if I can, about this organization.

Mr. HULL. I think we increase the captains by about sixty-eight.

Mr. BUTLER of Pennsylvania. How many colonels are in the increase?

Mr. HULL. We increase the colonels altogether seven.

Mr. BUTLER of Pennsylvania. How many men will a colonel command?

Mr. HULL. That is owing to how full his regiment is. In the Coast Artillery he commands a section of a country or so many geographical divisions, so many batteries, and in the Field Artillery he commands six companies of artillery, each of which may have 150 men.

Mr. BUTLER of Pennsylvania. Of course my purpose is to secure information—

Mr. HULL. I understand. I think it increases the first lieutenants about ninety to ninety-five, as I remember now, and the second lieutenants about the same. That includes the lieutenants outside of the line for staff duties.

Mr. BUTLER of Pennsylvania. About how many officers and men are usually stationed at one of these points?

Mr. HULL. It is owing to the number of guns. It may run down to only sixteen or seventeen men, and may run up to 700 men or even a greater number. The Coast Artillery is entirely subject to the demands of the service. They have no organization except batteries, and a captain's command may extend over a hundred miles or more up and down the coast. It is owing to the demands of the service. They are assigned under the order of the President, that order being necessarily brought out by the demands of the service as figured out by the coast fortifications and recommended by the War Department.

Mr. BUTLER of Pennsylvania. Can the gentleman inform me at how many points on the Atlantic seacoast these forts are located?

Mr. HULL. I think the gentleman from Illinois [Mr. GRAFF] can answer that. He is on the coast fortifications subcommittee. But it runs from the highest northern part of Maine clear along the Atlantic coast and the Pacific coast, every place where they have established seacoast fortifications.

Mr. BUTLER of Pennsylvania. Is it not a fact that it is not likely that at any one time a colonel will have in command as many as a thousand or twelve hundred men—that is, directly in his command?

Mr. HULL. I would say in the Coast Artillery sometimes more than that and sometimes less than that. The colonel is not confined to one place in the Coast Artillery. He has a geographical part of the country to look over. Take it in New York, and there will be probably more than one colonel there; but take it up in some of the small places in Maine, and there will probably be no colonels at all. One place may have a lieutenant and no captain at all, and other places may have two or three captains. It is all owing to the demands of the service as laid out for the Government in the erection of the

coast fortifications, and you can not have that organization in any other way on earth.

Mr. HEPBURN. Will the gentleman from Iowa [Mr. HULL] permit a question.

Mr. HULL. Certainly.

Mr. HEPBURN. Does this bill provide for or contemplate regimental organization of the Coast Artillery?

Mr. HULL. Not at all.

Mr. HEPBURN. Why, then, is there any necessity for field officers, officers who will never have control of a regimental organization?

Mr. HULL. One reason, as I have just stated, is that they will have jurisdiction over a scope of country involving as many men as a regiment, involving as much duty as that of a colonel of a regiment, receiving reports from all that geographical division; and if they have no organization, they can not discharge the duty as an artillery organization would probably do. If you provide for no field officer, you would not have command by an officer of the line of Field Artillery, because they would stop at the grade of captain.

Mr. HEPBURN. What is the reason and what is the necessity for a line officer of an organization where there never is to be a regimental organization, and where there would never be an assembly of that number of men that would at all approximate a regiment? Now, here is a provision for fourteen colonels and fourteen lieutenant-colonels and forty-two majors, men who will never command men at all. These men will be commanded, will they not, by the captains?

Mr. HULL. Under the supervision of superior officers, as much as if they had regimental organization.

Mr. HEPBURN. What is the difficulty about these officers commanding these batteries reporting directly?

Mr. HULL. My time will expire in about a minute, and I can not go into the details, but about the same thing could have been said about the infantry at the beginning of the Spanish war; they had never been assembled as regiments since the civil war.

Mr. HEPBURN. The reason for that was that it was expected that when these men should go into the field they would be in a regimental organization, and there would be a large number of men assembled, but this does not contemplate the assembling of a number of men, and they will be effective, if effective, in a small number. But here you have provided a very large number of high-grade officers who will never have command of men, but who must and will simply be bureau officers for the purpose of receiving and transmitting papers.

Mr. HULL. These men would have the supervision of the organization within the geographical division, which would amount in some cases to more than the number of men who would be in a regimental organization. They would inspect the work, and if you have no organization the force would be non-effective and utterly useless and utterly impossible to carry into effect the purpose for which there is to be an organization.

Mr. BUTLER of Pennsylvania. If the gentleman will permit me to ask him one further question. The gentleman stated that perhaps in one of these posts the usual number of men would not be more than sixteen. Will these sixteen men be under the command of a captain and two lieutenants?

Mr. HULL. Under the control of a lieutenant, unless it is a very important place.

Mr. BUTLER of Pennsylvania. What is the largest number of men that will likely be assigned to any one place?

Mr. HULL. New York would probably have two or three thousand men. The whole question is one that can not be gotten down to as to the number at every place, because the exigencies of the service would determine that entirely. It is impossible, I will state to the gentleman, to tell the exact number of men that would be needed at one place. The War Department has and can give that full information as to how it is to-day, but could not give it as it will be next year.

I reserve the balance of my time.

Mr. HAY. Mr. Speaker, I, together with the other members of the minority of the committee, are in favor of this bill. It meets a necessity which has existed for a long time, and it is made the more necessary by the large amount which has been expended on our coast defenses. As I understand it, there have been expended in the last few years \$119,000,000 for these coast defenses, and it is absolutely necessary, in order to keep them in proper condition, that there should be men to man these guns and take care of these coast defenses. This bill has been very carefully drawn and very thoroughly considered. If gentlemen will examine it, they will find that it does not increase the Army of the United States except as to officers. It provides for the better recruiting of the artillery service. The trouble has been

in obtaining men for the artillery, owing to the fact that after they had been enlisted for a term of three years they are trained in certain branches of electricity and machinery and can command better prices in civil pursuits. This bill cures that defect by giving them higher pay. I hardly deem it necessary to consume the time of the House in advocating a measure which is so manifestly important and so absolutely necessary for the interests of the country. I yield ten minutes, Mr. Speaker, to the gentleman from Texas. I do not see him, however, in the House, and reserve the balance of my time.

The SPEAKER. The gentleman from Iowa has one minute.

Mr. HULL. I have no desire to consume it.

Mr. HAY. Mr. Speaker, the gentleman from Texas [Mr. SLAYDEN] desires to address the House, but has gone to the committee room for a moment. I see he is returning.

Mr. SLAYDEN. Mr. Speaker, this bill for the increase of the Artillery Corps, which chiefly provides for an increase of the Coast Artillery, is one that in the judgment of the committee has been made necessary by a series of appropriations covering a period of twenty-two years. During the first Administration of Mr. Cleveland, upon the recommendation of a board of officers appointed by Secretary Endicott, a general scheme of coast defense was inaugurated, which so commended itself to the judgment of the Congress and has so persistently met with the approval of the people that year by year liberal appropriations have been made for the development of the plan then adopted. As a partisan and as a Democrat I am proud of the fact that the scheme of coast defenses, then inaugurated on so large a scale, was inspired by a great Democrat. Mr. Samuel J. Tilden, who had the misfortune to be cheated out of the rights which he acquired by the suffrages of the people in 1876, retained his influence over the people, and about the time of the first inauguration of a Democratic President since the war, he wrote a letter to Mr. Carlisle, whom he knew would be chosen Speaker of the House, in which he recommended the system of coast defense which was shortly thereafter adopted. It is a remarkable instance of the influence of a private citizen, and it is worth noting that this letter from a citizen of the State of New York commanded more attention, and resulted in more legislation, and has had a greater and more continuous influence upon the policies of Congress, and upon the appropriations made in pursuance of that policy, than most of the messages sent by men actually filling the office of President, and we have had lots of them.

Steady and large appropriations have been made in furtherance of the plan, which has been modified only when inventions of a mechanical or electrical nature made it evident that it should be so modified.

Up to this time there has been spent in the development in the plan of coast defenses \$126,000,000. If that plan is persevered in and if Congress shall appropriate, as I have no doubt that Congress will appropriate, the money which will be required to complete it according to the recommendations of the experts, who consider and advise as to the development of the project, there will yet have to be spent \$50,000,000 to bring it to a state of completion. In addition to that, Mr. Speaker, it will be necessary, if we persevere in our Asiatic folly, to spend many millions more. It will require the very large sum of \$22,000,000 to complete the coast defenses for the Philippines and for the Isthmus of Panama. Furthermore, and gentlemen who vote for this bill ought to remember that fact and ought to vote for it with the perfect knowledge of it, it will require a still more important increase in the Artillery Corps, if we persevere in the scheme of undertaking to defend about 1,400 islands, which many military experts believe it is impossible for us to defend against any strong and aggressive foe.

This increase will make the authorized size of our Artillery Corps about 26,000 men. We now have authorized by law a little more than 19,000 men, but because of the inadequacy of pay to the men who can take into civil life the skill which is required in the management, care, and manipulation of heavy guns and get a greater reward there for that skill, few enlist, and we have not yet been able to fill up this corps to the authorized legal limit. It will therefore be necessary, Mr. Speaker, if we intend to maintain the corps in a state of absolute efficiency, to increase the pay of these men until to some degree at least the pay given them plus the advantages of retirement, medical treatment, and other care given by the Government to all of its soldiers will balance the rewards which they might receive for an exercise of a similar degree of skill in civil pursuits.

Finally, Mr. Speaker, if we give all the personnel which military experts tell us will be necessary to man the guns which we are erecting in these coast fortifications, we must have 55,000 men in the Artillery Corps of the United States Army

alone. It is a far cry, Mr. Speaker, from the peaceful and economical position which we occupied prior to the war with Spain, when our entire Army consisted of about twenty-five or twenty-seven thousand men, to the present day, when we see in sight and nearly approaching a condition that will require more than twice that many men to equip adequately one branch of the military service. This bill does not provide, however, that there shall be an increase by law of the maximum limit to the size of the Army now fixed by statute. Indeed it expressly provides that it shall not be exceeded; but it will be necessary, of course, to still more skeletonize other branches of the military service, like the cavalry and the infantry.

When we shall have completed the scheme of coast defenses inaugurated twenty-two years ago we will give a desirable and necessary protection to nearly 6,000 miles of coast along the Pacific and Atlantic oceans. That project, I believe, meets with the hearty approval of all the American people. Certainly I can speak on behalf of a part of the people in the great State of Texas, and as their Representative I indorse the project.

We have on the coast of Texas one small city of about 35,000 people through which there was sent to the sea approximately \$125,000,000 worth of farm produce within the last six months. The city of Galveston is second in the United States in the value of its exports, and to-day there is practically nothing to prevent even an insignificant foe from coming into that port and putting a stop to that business unless we can fend them off with a navy; and for the defense of a port two or three well-placed batteries are worth a fleet of ships.

This scheme is purely defensive. It will not excite the jealousy or antagonism of our sister republics to the south, nor ought it to provoke the hostility and jealousy of any nation on earth. It is not like putting money into an overgrown navy for the purpose of sailing ships over the seas and engaging in inexcusable imperialistic ventures on the other side of the Pacific Ocean. Nor need these coast-defense projects excite the apprehension of any of the off-colored republics in the West Indies. Batteries which will adequately defend the great commercial centers of Boston, New York, Philadelphia, Baltimore, Savannah, and Galveston will not put in peril a single custom-house in Santo Domingo.

The SPEAKER. The question is on suspending the rules.

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

Mr. GAINES of West Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4563) to prohibit corporations from making money contributions in connection with political elections.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding \$5,000, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall upon conviction be punished by a fine of not exceeding \$1,000 and not less than \$250, or by imprisonment for a term of not more than one year, or both such fine and imprisonment in the discretion of the court.

The SPEAKER. Is a second demanded?

Mr. RUCKER. I demand a second.

Mr. GAINES of West Virginia. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. Mr. Speaker, pending that, I would like to ask the gentleman from West Virginia whether or not the gentleman has any information to the effect that any order has been given by anybody to the Republican national executive committee to refund to the insurance companies the amount contributed by them to the late campaign?

The SPEAKER. The gentleman from Mississippi is out of order.

Mr. WILLIAMS. I was reserving the right to object until the question was answered.

The SPEAKER. The gentleman, under the guise of reserving the right to object, can not enter upon debate under this rule.

Mr. WILLIAMS. I was not debating; I was reserving the right to object until after the question was answered. That is usual, as the Chair well knows, and occurs every day.

Mr. MANN. I will object unless—

The SPEAKER. Under the operation of this rule, the remarks of the gentleman from Mississippi were not in order.

It is not like the ordinary proceedings, where unanimous consent is asked. It is a motion to suspend all rules.

Mr. WILLIAMS. I understand that; but the Chair had asked unanimous consent, which has been granted.

The SPEAKER. Unanimous consent has not been granted. Do I understand the gentleman from Illinois to object?

Mr. MANN. I do not object, if they propose to proceed.

The SPEAKER. The Chair hears no objection. The gentleman from West Virginia is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. GAINES of West Virginia. Mr. Speaker, this bill has two provisions. The first will have the effect to make it unlawful for any national bank or any corporation authorized by any law of Congress to make a money contribution to any political campaign. That portion of the bill is limited in its effect to corporations authorized under the laws of the United States.

Unquestionably the Federal Government would have jurisdiction over its corporations and the right to enact, as this bill does propose to enact, that such corporations shall not make any contributions whatever to affect political elections. The second provision of the bill makes it unlawful for any corporation whether organized under the Federal Government or under the State—unlawful for any corporation of any character—to make a money contribution in connection with any election at which Presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature for a United States Senator. The bill will perhaps do some good, tending to remedy an evil which has been very much complained of in the country. In my own personal opinion no measure of Federal legislation will do much good toward preventing corruption at the polls and the corrupt use of money in connection with political elections until the Federal courts are given the power to indict and convict for those offenses. However, Mr. Speaker, the bill should do some good, and, in my opinion, can not by any possibility do any harm. I reserve the remainder of my time.

Mr. RUCKER. Mr. Speaker, I am heartily in favor of the passage of this bill. As stated by the gentleman from West Virginia [Mr. GAINES], the bill contains two very simple propositions. First, it prohibits any corporation organized under an act of Congress, or any national bank, from making a money contribution to any political campaign. The second clause prohibits corporations of any character from making money contributions to any political campaign fund to be used at any election at which Presidential or Vice-Presidential electors or Representatives in Congress are to be elected. This bill has passed the Senate. The House committee amended it so as to fix a minimum punishment and provide a jail sentence, in the discretion of the court. I take it that discussion of the bill is not required in view of the fact that it is of Democratic origin and strongly indorsed by the President of the United States in his annual message presented to this session of Congress. I understand, however, the distinguished gentleman from Illinois [Mr. MANN] desires to be heard in opposition to the bill, and I therefore yield to him one minute, the time he asks, and reserve the balance of my time.

Mr. MANN. Mr. Speaker, I am not in favor of the passage of this bill for two reasons. First, I do not believe that the Government of the United States has the constitutional authority to regulate and control all of the elections in the country; and, second, I do not believe it ought to be the policy of the Government of the United States to provide that nobody but a rich man can run for office. This, properly labeled, would be labeled "a bill to prevent a poor man from holding office in the United States." There is no more reason why a corporation should not contribute to political campaign funds than there is why an individual should not, and the same rule ought to be enforced against the individual as against the corporation. I can not see the consistency of providing that no corporation shall contribute to a campaign fund, while at the same time under various administrations of the Government individuals have been and will be rewarded, both here and abroad, for great campaign contributions, and that under the administrations of both political parties. Although I know of the popular demand of the country that we shall prevent the influence of corporations, and although doubtless that influence ought to be controlled, I shall have the courage of my convictions on this question as far as my vote is concerned.

Mr. GAINES of West Virginia. Mr. Speaker, unless some Member of the House desires to address the House, I shall ask for a vote.

Mr. POWERS. Mr. Speaker, I want to ask the gentleman in charge of the bill a question.

The SPEAKER. Does the gentleman yield?

Mr. GAINES of West Virginia. I yield.

Mr. POWERS. I want to ask the gentleman how he construes that portion of the bill on page 2 in which it is stated that every officer or director of any corporation who shall consent to any contribution by a corporation in violation of the foregoing, etc., shall be punished?

Mr. GAINES of West Virginia. I take it that that means to give his consent as a director, in his capacity as such director.

Mr. POWERS. It does not say consent by his vote.

Mr. GAINES of West Virginia. But it seems to me that the language is reasonably clear, and that is what it means.

Mr. POWERS. Would the gentleman understand it to include a man who might be an officer in a corporation and who did not enter a protest against it?

Mr. MANN. Why, certainly.

Mr. GAINES of West Virginia. Certainly not. Consent is active. The mere failure to register a protest would not mean consent within the meaning of this act. I take it that the old statement that "silence gives consent" is not a legal declaration.

Mr. POWERS. I know that in these days of wonderful reform we are all very eager to get something of this kind passed. So far as my observation has gone, I never knew one of these banks to contribute a dollar, or any other corporation, but I should not want to pass an act that would provide that if I happened to be a director of a bank I would be held criminally liable unless I entered a protest against what was doing, even though this is a time of great reform.

Mr. WILLIAMS. Why, one could just prior to each election send a certain protest to each corporation of which he was a director.

Mr. GAINES of West Virginia. How much time does the gentleman from Maine desire?

Mr. POWERS. I do not know that I care for any more. I apprehend that the House will pass the bill, and there is no use of my protesting against it.

Mr. RUCKER. Mr. Speaker, I yield three minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON of Arkansas. Mr. Speaker, I have had no opportunity to investigate the constitutional features or the unconstitutional features of this bill, but I want to say that the political history of this Republic during the last few years has emphasized the necessity for some such legislation as is provided for in this measure.

It is a step in the right direction; but it does not go far enough. We ought to include all corporations engaged in interstate commerce, and we ought also to provide an effective means for discovering violations of the law and for the enforcement of its provisions.

I would like to see this bill amended, if it were possible, so as to become retroactive and provide that both political parties should make an accounting to the people of the United States for the money which has been diverted and misappropriated during the last national campaign. [Applause.] I would like to see my friends of the other side of this Chamber come squarely up to the rack and say to the people of the United States that during the last Presidential campaign they took several hundred thousand dollars from the widows and orphans of this country whose ancestors had contributed in the way of premiums to insurance companies and misused them in illegitimate political expenditure, and that they are now willing to come up to the altar of repentance and not only do right in the future, but do right by paying back what has been taken from them wrongfully in the past. [Applause.]

Mr. Speaker, it is an undisputed fact to-day that some of the great corporations of this country, in order to corrupt the electorates of this Republic, took from their treasuries in the last national campaign many thousands of dollars. It is a fact that the money had been contributed by men who had desired to provide a means of support and maintenance to their widows and orphans when their strong arms had been paralyzed by the power of death. It is a fact, Mr. Speaker, that evidence has disclosed indisputably to the satisfaction of this body that the money was improperly received and improperly expended, and now to-day in our desire to do right let us do the proper thing. Let the secretaries and the chairmen of our national committees make an accounting that will show where we got the money, from whom we received it, and how we expended it.

Mr. WILLIAMS. Mr. Speaker, will the gentleman from Arkansas permit an interruption?

Mr. ROBINSON of Arkansas. Cheerfully.

Mr. WILLIAMS. Does the gentleman from Arkansas not believe that with his great power, influence, and popularity throughout this country one word from the President of the United States to the Republican national executive committee would cause them to refund to the widows and orphans the

money of which the trustees of insurance companies robbed them during the last campaign? [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER. Mr. Speaker, how much time have I remaining?

The SPEAKER. Thirteen minutes.

Mr. RUCKER. I yield three minutes more to the gentleman from Arkansas.

Mr. ROBINSON of Arkansas. Mr. Speaker, I had hoped when I was interrupted by the reception of the message by the House that the message was from the President of the United States explaining all about this matter. In answer to the question of the gentleman from Mississippi I will say that it is a significant fact that the chairman of the last national Republican committee who received these funds has been promoted in office, but no accounting and no restitution has yet been made or been asked for. [Applause on the Democratic side.] I think, Mr. Speaker, that it is also a significant fact that while the President of this Republic is reputed through the press and by an interview from Mr. Drake, the commissioner of insurance in the District of Columbia, to have inserted his powerful hand into the legislation of the different States of this Republic to prevent the reduction of the salaries of insurance officers that he has not seen fit as yet to call up to his desk and administer the proper instructions to the next Secretary of the Treasury, the present Postmaster-General, the last chairman of the national Republican committee, who received and administered this fund. The same effort on his part would have restored this misappropriated fund. Let us be honest, Mr. Speaker. There is no man in this great assembly who does not know that during the last national campaign this fund was received and expended in the interests of a great political party. While we now brand as criminal that which has heretofore been done, we recognize the fact that the necessity of this legislation which is now proposed grows out of conditions which existed and occurred during the last great national campaign. [Applause.] Let us then in our inspiration and endeavor to do right, while we pass this legislation, pay back what has been stolen. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ROBINSON of Arkansas. Mr. Speaker, I ask leave to extend my remarks.

The SPEAKER. The gentleman from Arkansas asks leave to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. Does the gentleman from West Virginia desire to use his time now?

Mr. GAINES of West Virginia. Mr. Speaker, how much time have I remaining?

The SPEAKER. Fifteen minutes.

Mr. GAINES of West Virginia. I yield three minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I do not rise to discuss the question of the purity of the elections in the United States. That is a great, big question, and far more important than the one that is directly involved here. I think it is fair to the national banks of this country to say that there are comparatively few of them that have ever made contributions to any election. They are interested in the prosperity of the country and in its success generally, and it would not hurt them, perhaps, in some cases to make small contributions, but I do not object to the bill so far as it relates to national banking associations. But we are all now on a virtuous footing. Substantially all of us, I think, are going to vote for this bill, although it has elements in it that suggest that it may be unconstitutional. The election of Members of the House of Representatives in the different States or in the general assemblies of the different States is pointed out as one of the cases where contributions are not to be made to aid in securing the election of anybody. How that comes within the purview of the Constitution I do not know. It is even doubtful about our right to prohibit corporations making contributions to control elections of the Members of this House. Under section 4 of Article I of the Constitution we find this provision:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The effect of this article and its construction is considered in *Ex parte Seibold* (100 U. S., 371, 382-385).

How are we by law to provide against contributions unless we have assumed to do that which we might do under the last clause of this section 4, to regulate the election of Representatives in different States. I only make this suggestion in the line of having it understood that while I vote for the bill I do it

with the mental reservation as to the constitutionality of it. We should be as ready to enforce the Constitution and all its plain provisions as we seem to be ready to attempt to attack something that is very vague or doubtful as to its general existence; but that will do for general talk on the rostrum over the country. We heard in the last campaign talk about a failure to pass a law to prohibit corrupt contributions at elections, but we did not hear very much about the principal things that in some sections of this country prevent the great majority of voters, white and black, from voting at all. I have recently read a very excellent paper delivered before a university in Athens, Ga., by a distinguished southern man by the name of Fleming, that tells us about these evils, and I wish that we had time to devote ourselves to the things that he discusses.

Mr. RUCKER. Mr. Speaker, I yield ten minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, the gentleman from Ohio [Mr. KEIFER] referred to a gentleman from my own State, who was my predecessor in this body, and who delivered the speech to which he referred, but at the University of Georgia, not of Alabama. However, that is immaterial. We have not time, under suspension of the rules, to take up the questions suggested by him for discussion, but at some future day I hope to make some remarks on that subject.

On this bill I desire to say this only, that the bill is right, in my judgment, and ought to pass. It has been carefully considered by your committee. It came from the Senate, where it was introduced by the distinguished Senator from South Carolina, and passed without opposition. The President of the United States, the great leader of the Republican party, has himself recommended its passage in his message to this Congress. He says:

I again recommend the law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill has already passed one House of Congress. Let individuals contribute as they desire, but let us prohibit in an effective fashion all corporations from making contributions for any political purposes, directly or indirectly.

Mr. KEIFER. If the gentleman will permit me, I want to correct my statement. I said "Alabama;" I meant "Georgia," and I want to make that correction.

Mr. HARDWICK. Certainly. I knew what the gentleman meant. Now, Mr. Speaker, the gentleman says that this bill under discussion is of doubtful constitutionality because it proposes to prohibit any corporation or corporations from making contributions in any election. Now, the bill does not propose that, but it does propose what it can rightfully propose, and that is, that any corporation chartered under an act of Congress shall not be allowed to make contributions to political campaigns. We can regulate the terms under which corporations of that character can live and move and have their being. We might only have the right to regulate corporations along certain lines if they are not national corporations, but when they are chartered under national laws we have the right to regulate the way in which they shall exercise the charter power granted to them by this Government.

Mr. KEIFER. Will the gentleman allow me one suggestion: That this bill provides that it shall be unlawful for any corporation, without regard to banking associations?

Mr. HARDWICK. The gentleman has not read the bill carefully.

Mr. KEIFER. I have the bill before me.

Mr. HARDWICK. I can not yield any more. The provision is, "It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for." Well, now, I will say that we clearly have the right to make laws applicable to the government of all corporations, so far as contributions to elections for electors for President and Vice-President and Members of Congress are concerned, and that is all that this bill provides as to that character of corporations.

But, Mr. Speaker, I arose not particularly to defend this bill, because it needs no defense from this side of the Chamber nor from that. Every honest man in this country is for it, and I doubt very much whether any Republican or Democrat can safely afford to face his constituency in opposition to it; but I do say this: That an effort ought to be made to get from the committee the bill to regulate the question of individual, as well as corporate, contributions and to provide for publicity of all contributions; and I am very much surprised that we have not given that subject proper consideration. The President himself, at the last session of Congress, recommended a measure of that kind, but he has virtually abandoned that position in this message. However, he has recommended the passage of this bill, and I assume that all my Republican friends will vote

for it for that reason, and as it is based on good Democratic principles, the Democrats will support it. Therefore there ought not to be any trouble about its passage.

One thing further. The President has progressed a great deal since the last election. He was charged, in express terms, by the Democratic candidate with having received contributions from corporations, and with that charge was coupled the intimation that there were improper purposes in making these contributions, and there was, perhaps, an implied promise as to what these corporations should receive in return for these contributions. He denied it in one of the bitterest statements ever issued to the American public. He admitted in that statement that there were such contributions being made by corporations; but he denied absolutely that there was any improper motive or agreement, and he challenged Mr. Parker to prove it. It is a pretty easy thing to challenge proof about motives, because when you have to prove motive, the only way you can do it is by the facts and circumstances, just as fraud is shown, and that is always difficult to show, even when it exists, as I believe it did in this case.

In 1904 the President was not opposed to contributions by the corporations; at least he did not object to them. Now we have got him advanced a little further, because in this bill he has at least and at last objected to it, and said he was opposed to it, and if we keep on improving him we may make a pretty fair Democrat out of him, after all. [Applause and laughter on the Democratic side.]

Now, Mr. Speaker, only one other thing. Reference has been made here to-day to what happened on the subject of campaign contributions in the last national campaign. I want to read to you the statement of a man named Andrew Hamilton, who was the legislative agent, lobbyist, or what not—I do not care what you call him—of the New York Life Insurance Company; a statement, not about some election long past, but about the last national election, the one about which Parker and Roosevelt got into their row, and the one about which the President was so free with his falsehood charges. Not long ago, when these insurance frauds and contributions first leaked out, and were exposed to public view, Mr. Hamilton said this, among other things:

I had nothing to do with the payment in 1900 and 1904.

Speaking of the payments to the Republican campaign committee, he said:

In the last campaign some of the trustees—

Listen to this, now—

Some of the trustees insisted upon having the honor of making the payment. I made no protest, as I was glad to get rid of the responsibility. The 1904 contribution, amounting to \$48,000, was paid to Mr. Bliss by G. W. Perkins, through J. P. Morgan & Co.

Now, I have seen it published in the papers as a boast and with all the pride and pomp of heraldry that the Republican party has a full treasury. I ask, as suggested by my friend from Mississippi and by my friend from Massachusetts and by my friend from Arkansas, why is it that with your overflowing coffers you do not give back to the widows and orphans this \$48,000 that these trustees of the New York Life Insurance Company have admittedly and confessedly paid, without warrant or authority of law or of right, into your campaign fund? Why don't you do it?

Mr. SHERMAN. Does the gentleman know what the politics of Andrew Hamilton and John A. McCall were?

Mr. HARDWICK. If the gentleman will permit me, I know that, no matter what Mr. Hamilton's professions are, he is a real Republican, in his conduct, at least.

Mr. SHERMAN. Does the gentleman know that Mr. Hamilton was a judge, elected on the Democratic ticket, in the city of Albany?

Mr. HARDWICK. Well, he never will be again. He has turned Republican, as evidenced by his practices.

Mr. SHERMAN. The fact is as stated, and it is also a fact that John A. McCall is a lifelong Democrat.

Mr. WILLIAMS. If the gentleman will pardon me, the very fact that he has intended to establish by his question makes this condition all the more sad a commentary, because it shows that even Democrats, when identified with great corporations, are compelled to contribute Democratic money to Republican campaign funds in order to expect justice from a Republican Administration. [Applause on the Democratic side.] Why, they have got the country in such a condition that the rottenness goes outside of the Republican party and permeates everybody standing under the law.

Mr. HARDWICK. Now, Mr. Speaker, if the gentleman from New York [Mr. SHERMAN] will pardon me, he holds a high position in the management of Republican party affairs. I want to know why it is that with full coffers, with your money that the

papers brag about as being left over from the campaign of 1904, you do not give back to the New York Life Insurance Company the \$48,000 that this man Hamilton swears was given to you without warrant or authority of law, which no man can claim was right? You ought certainly to return that if you have it to spare, as is boasted. [Applause on the Democratic side.]

Mr. GAINES of West Virginia. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, it is very delightful to witness the evidence of the approach of a sort of millennium of purity in the Democratic party. [Laughter.] I do not rise to discuss the merits or demerits of this bill. I shall vote for it. I want to suggest, however, as I shall not be here to point out the evidences later on, that no good will come of this legislation. It does not go far enough. If you want to purify the politics of this country by an assurance that there shall be no corrupting of the voters at the polls, you must go further than to suppress national corporations, and you must provide that no man shall contribute any money. The candidate shall not nor shall anyone else spend any money.

What is the necessity, what is the propriety, of picking out a corporation, which is an artificial person, which has not any conscience, is not capable of understanding the morals of the Democratic utterances that we have just heard, and forbid them to contribute to the corrupting of the populace of the country while you let the rich men put their money into the campaign?

Therefore you ought to go further and provide that no man shall be a candidate for office unless he can prove to a nonpartisan committee that he has not got a cent on God's earth and that he will not corrupt anybody. [Laughter.] You are making a long step in the direction of assembling in Congress a few years hence a club of millionaires and wealthy men, because if this operates successfully there is no possible reason why you should not forbid the contribution of individuals.

A corporation chartered under the laws of a State is just as much an individual as is a man, and Congress has just as much power over that individual, over all individuals, as it has over that corporation. Why not say that State corporations shall not earn more than a certain per cent upon their stock? Why stop? Why not legislate so that they shall not be able to contribute anything?

This is a step in the direction of the abolition of State lines and State rights that is the most startling of anything we have heard in Congress. You provide what shall be done and what shall not be done with the possible surplus and income of a corporation that is the individual of a State and over which Congress has no more power than it has over the rising and the setting of the sun.

But I did not rise solely for that purpose. This system of contributions to the national committees has been going on ever since we can remember. Why should you select the recent chairman of the Republican national committee to be attacked in the House of Representatives? What did he do more than any other man has done? I remember when one of the most efficient chairmen of the national committee of the Democratic party, and one who superintended some of the most unfortunate results, was a Senator of the United States, a gentleman of high character. I never heard him criticised; I never heard anybody try to find out how much money he got, although it was known that in the campaign of 1892 the campaign fund of the Democratic party was very large. He was a Senator. I never heard his relations to the Senate and the trust that was conferred upon him criticised. How does it happen that Mr. Cortelyou is assaulted here, and the fact that he is to be Secretary of the Treasury brought in here as reflecting somehow upon the passage of the bill and preventing the contribution and corruption of Presidential electors?

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GAINES of West Virginia. I yield three minutes more to the gentleman from Ohio.

Mr. GROSVENOR. I point to that gentleman, as he has been assaulted on the floor of this House, as a demonstration of what conditions in America can produce. He is a young man that since I have been in Congress came here as a clerk, coming out of the custom-house in New York, where he had been a stenographer. He has made his way and has set an example to the young men of America that we ought to be proud of. [Applause.] In every position he has held he has won the praise of all fair-minded men. Every fair-minded man is proud of it. To-day he stands indorsed for the highest position, in many respects, in the Cabinet of this President that you are so fond of eulogizing, and whom we on this side also indorse and admire, by the united votes of the Republicans of the Senate and by the concurrent votes of the Democrats of the Senate.

So, if he has done wrong, you have condoned it. But he has not done wrong, and he stands to-day par excellence a citizen in the full light of American judgment and indorsed by the good sense of the people of the country.

So now, Mr. Speaker, as we go ambling along, wabbling along, to the destruction of the independence of the States in the management of their own corporations, wabbling along in the direction of undertaking to purify the franchise of the country without striking a blow in the real direction where corruption comes from, we may as well stop slandering the men of the country and stop the imputations that have been cast out here. I shall vote for the bill, and I shall do it simply, as very often it has been my duty, to help give the American people an opportunity to test the thing which, in my judgment, will be a total and significant failure. [Applause.]

Mr. GAINES of West Virginia. I yield two minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, if it is proposed to return campaign-fund contributions, I should like to make a suggestion on behalf of the people of Missouri. [Laughter.] Why does not the great reform governor of that State return to the poor policemen of the city of St. Louis the \$28,000 that have been extorted from them for the purpose of electing the great reformer. [Applause on the Republican side.] This fact was ascertained by an official investigation of the Democratic senate at Jefferson City. At that time Mr. Vandiver was manager of the Democratic campaign committee, or of Mr. Folk's committee.

Mr. RUCKER. Will the gentleman permit a question?

Mr. BARTHOLDT. Not now; I have only two minutes. That gentleman was a Member of Congress at the time. Congress had adjourned, and it would have been very easy for him to go to Jefferson City, whither he had been summoned, and testify, but at the time it suddenly occurred to him that he had very important business in the city of New York. He went to New York for the purpose of avoiding the necessity of testifying about how he collected his campaign funds. As I say, a part of that fund was extorted from the poor policemen of the city of St. Louis to the extent of \$28,000. [Applause and laughter on the Republican side.]

Mr. GAINES of West Virginia. Mr. Speaker, this discussion, brief as it has been, has been sufficient to call the attention of the House to the difficulty of passing effective and practical legislation of this character. In the first place, the Federal Government can give no relief whatever, even if the public sentiment of the country has grown to a point where the people will aid in the enforcement of laws of this kind, unless gentlemen are willing to concede plenary power to the Federal Government. In the bill which we have now—the Senate bill, which we are now discussing—it is proposed to give the Federal Government jurisdiction over all corporations when they make any contributions in connection with the elections at which the Members of Congress and other officers named are elected. It does not merely make it unlawful for corporations to contribute to aid in the election of Members of Congress, but everybody appreciated that in order to make the law effective at all it would be necessary to take cognizance of contributions made in connection with the election at which Members of Congress and other Federal officers were elected. So you find that in order to give any effective relief at all it is necessary to invade a province where honest men doubt as to the jurisdiction of the Federal Government. So far as I am concerned, I hope at some time to see these doubts so far removed that we can compel publicity of all campaign contributions and campaign expenditures. [Applause.] There is, however, this objection to that, and that is the honest man who will tell the truth is at some disadvantage by comparison with the persons who are not so conscientious. I do not know, Mr. Speaker, whether the desire that the chairman of the Republican national committee shall make a public statement has come from the belief that he is more likely than other chairmen would be to tell the truth when he did make statements.

The SPEAKER. The time of the gentleman has expired. The question is on suspending the rules and passing the bill with the amendments.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. J. Res. 221. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution; and

H. B. 23114. An act extending to the support of Bellingham, in the State of Washington, the privileges of the seventh section

of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisalment.

The message also announced that the Senate had passed the following Senate concurrent resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 41.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 3671) granting an increase of pension to Louis Castinotte.

Senate concurrent resolution No. 42.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 5073) granting an increase of pension to Daniel G. Smith.

Senate concurrent resolution No. 43.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to submit to the Senate, from data already available, plan and estimates for improvement of the Sasanoa River, Maine.

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

S. 3923. An act to reorganize and to increase the efficiency of the artillery of the United States Army.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 221. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

SENATE CONCURRENT RESOLUTION REFERRED.

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

Senate concurrent resolution 43.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to submit to the Senate, from data already available, plan and estimates for improvement of the Sasanoa River, Maine.

To the Committee on Rivers and Harbors.

INCREASE IN EFFICIENCY OF ARTILLERY.

Mr. HULL. Mr. Speaker, I move to suspend the rules, reconsider the vote by which the House passed the bill H. R. 17347, lay the said bill on the table, and take from the Speaker's table the bill S. 3923, and pass the same, which is the same as the House bill passed a few minutes ago, and which I send to the desk and ask to have read.

The bill S. 3923 is as follows:

*Be it enacted, etc., That the artillery of the United States Army shall consist of the Chief of Artillery, the Coast Artillery, and the Field Artillery. The Coast Artillery and the Field Artillery shall be organized as hereinafter specified, and the artillery shall belong to the line of the Army: *Provided*, That on and after July 1, 1908, the Chief of Artillery shall cease to exercise supervision over the Field Artillery and shall thereafter be designated as the Chief of Coast Artillery.*

Sec. 2. That the Chief of Artillery or Chief of Coast Artillery shall be an additional member of the General Staff Corps, and his other duties shall be prescribed by the Secretary of War.

When a vacancy occurs in the office of the Chief of Artillery or Chief of Coast Artillery the President may appoint to such vacancy, by and with the advice and consent of the Senate, an officer selected from the Coast Artillery, who shall serve for a period of four years unless reappointed for further periods of four years; and any officer who shall hereafter serve as Chief of Artillery or Chief of Coast Artillery shall, when required, be retired with the rank, pay, and allowances authorized by law for a brigadier-general on the retired list. The position vacated by an officer appointed Chief of Artillery or Chief of Coast Artillery shall be filled by promotion in that arm according to existing law, but the officer thus appointed shall continue in the same lineal position in his arm which he would have held if he had not been so appointed, and shall be an additional number in the grade from which he was appointed or to which he may be promoted: *Provided*, That there shall not be at any time in the Coast Artillery more than one additional officer by reason of the appointment of a Chief of Artillery or Chief of Coast Artillery and the relief of an officer from such duty.

Sec. 3. That the Coast Artillery is the artillery charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses.

Sec. 4. That the Field Artillery is the artillery which accompanies an army in the field, and includes light artillery, horse artillery, siege artillery, and mountain artillery.

Sec. 5. That the Coast Artillery shall constitute a corps, and shall consist of one Chief of Coast Artillery, with the rank, pay, and allowances of a brigadier-general, as provided in section 1 of this act; 14 colonels; 14 lieutenant-colonels; 42 majors; 210 captains; 210 first lieutenants, and 210 second lieutenants; and the captains and lieutenants provided for in this section not required for duty with companies shall be available for duty as staff officers of the various Coast Artillery commands and for such other details as may be authorized by law and regulations; 21 sergeants-major, with the rank, pay, and allowances of regimental sergeants-major of infantry; 28 master electricians; 60 engineers; 74 electrician-sergeants, first class; 74 electrician-sergeants, second class; 42 sergeants-major with the rank, pay, and allowances of battalion sergeants-major of infantry; 42 master gunners; 60 firemen; 170 companies, and 14 bands, organized as now provided for by law for artillery corps bands.

Sec. 6. That each company of Coast Artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant,

one quartermaster-sergeant, two cooks, two mechanics, two musicians, and such number of sergeants, corporals, and privates as may be fixed by the President in accordance with the requirements of the service to which it may be assigned: *Provided*, That the total number of sergeants and corporals in the Coast Artillery so fixed shall not exceed 1,360 and 2,040, respectively, and that the total enlisted strength of the Coast Artillery, as provided under this act, shall not exceed 19,147, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

Sec. 7. That the Field Artillery shall consist of six regiments, each organized as follows: One colonel, 1 lieutenant-colonel, 2 majors, 11 captains, 13 first lieutenants, and 13 second lieutenants; 2 veterinarians, 1 sergeant-major, 1 quartermaster-sergeant, 1 commissary-sergeant, 2 battalion sergeants-major, 2 battalion quartermaster-sergeants, 2 color-sergeants, one band, and six batteries organized into two battalions of three batteries each. Of the officers herein provided, the captains and lieutenants not required for duty with batteries shall be available for detail as regimental and battalion staff officers and for such other details as may be authorized by law and regulations. Battalion adjutants shall be detailed from the captains, and battalion quartermasters and commissaries from lieutenants. Each Field Artillery band shall be organized as provided by law for cavalry bands: *Provided*, That the President, in his discretion, may increase by nine mounted orderlies the regimental strength herein authorized.

Sec. 8. That each battery of Field Artillery shall consist of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 first sergeant, 1 quartermaster-sergeant, 1 stable sergeant, 1 chief mechanic, 6 sergeants, 12 corporals, 4 mechanics, 3 cooks, 2 musicians, and 102 privates, the commissioned officers to be assigned from among those heretofore authorized for the regiment: *Provided*, That the President, in his discretion, may increase the number of sergeants in any battery of Field Artillery to 8, the number of corporals to 16, the number of mechanics to 7, the number of musicians to 3, and the number of privates to 140: *Provided further*, That nothing contained in this act shall increase the total number of enlisted men in the line of the Army, together with the native scouts, as authorized by section 36 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States."

Sec. 9. That on and after the approval of this act the Coast Artillery and the Field Artillery shall be permanently separated, the separation to be effected as follows:

All officers in the present Artillery Corps shall remain on one list as regards promotion until sufficient promotions shall have been made, as far as the present number of officers permit, to provide in each grade, together with the officers remaining therein, the total number of officers of the grade provided for in this act for the Coast and Field Artillery combined. After such promotion they shall, in each grade, be assigned by the President to the Coast Artillery or to the Field Artillery, according to special aptitude and qualifications and agreeably to individual preference, so far as may be practicable and for the good of the service, such assignments to be permanent; and all officers promoted or appointed in the artillery thereafter shall be commissioned as officers of the Coast Artillery or the Field Artillery, as the case may be, and shall be promoted by seniority in their own branch, subject to the provisions of the laws governing promotion in the Army at large.

Sec. 10. That all vacancies created or caused by this act which can be filled by promotion of officers now in the Artillery Corps shall be filled by promotion according to seniority, subject to examination as now prescribed by law. Of the vacancies created or caused by this act which can not be filled by promotion of officers now in the Artillery Corps, one-fifth in each branch shall be filled in each fiscal year until the total number of officers herein provided for shall have been attained. The vacancies remaining in the grade of second lieutenant shall be filled by appointment in the following order: First, of graduates of the United States Military Academy; second, of enlisted men whose fitness for advancement shall have been determined by competitive examination; third, of candidates from civil life; and all such appointments shall be made in accordance with the provisions of existing law.

Sec. 11. That the regimental and battalion noncommissioned staff officers herein authorized for regiments of Field Artillery shall have the pay and allowances of corresponding grades in the cavalry; the battalion quartermaster-sergeant shall have the pay and allowances of sergeant-major, junior grade, of the Artillery Corps; the chief mechanic the pay and allowances of sergeant, and the mechanics of Field Artillery the pay and allowances of artificers of Field Artillery; engineer, \$65 a month and allowances of ordnance-sergeant; electrician-sergeant, first class, \$45 a month and allowances of ordnance-sergeant; electrician-sergeant, second class, \$35 a month and allowances of ordnance-sergeant; master gunner, the pay and allowances of ordnance-sergeant; firemen, \$30 a month and allowances of ordnance-sergeant; and that the rates of pay of all other enlisted men of the Coast and the Field Artillery shall be as now provided by law: *Provided*, That casemate electricians, observers, first class, and plotters shall receive \$9 a month in addition to their pay; that chief planters, chief loaders, observers, second class, gun commanders, and gun pointers shall receive \$7 a month in addition to their pay, and that first-class gunners shall receive \$2 a month and second-class gunners \$1 a month in addition to their pay: *Provided further*, That the number of casemate electricians shall not exceed 44; that the number of observers, first class, shall not exceed 175; that the number of plotters shall not exceed 170; that the number of chief planters shall not exceed 44; that the number of chief loaders shall not exceed 44; that the number of observers, second class, shall not exceed 170; that the number of gun commanders shall not exceed 378, and that the number of gun pointers shall not exceed 378: *And provided further*, That no enlisted man shall receive under this section more than one addition to his pay.

Sec. 12. That in addition to the chaplains now authorized for the Artillery Corps the President is authorized to appoint, by and with the advice and consent of the Senate, and subject to the laws governing appointment of chaplains in the Army, one chaplain for each regiment of Field Artillery and two for the Coast Artillery, with the rank, pay, and allowances now authorized by law for chaplains in the Army.

Sec. 13. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded? [After a pause.] If not, the question is on suspending the rules, reconsidering the vote whereby the bill H. R. 17347 was passed, laying the said bill on the table, and taking from the Speaker's table the bill S. 3923 and passing the same.

The question was taken; and two-thirds having voted in favor thereof, the motion was agreed to.

AGREEMENT BETWEEN NEW JERSEY AND DELAWARE.

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4975) giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States, which I send to the desk and ask to have read.

The Clerk read as follows:

Whereas commissioners duly appointed on the part of the State of New Jersey and commissioners duly appointed on the part of the State of Delaware, for the purpose of agreeing upon and settling the jurisdiction and territorial limits of the two States, have executed certain articles, which are contained in the words following, namely:

"First, Whereas a controversy hath heretofore existed between the States of New Jersey and Delaware relative to the jurisdiction of such portion of the Delaware River as is included within the circle of 12-mile radius, an arc of which constitutes the northern boundary of the State of Delaware, and it is the mutual desire of said States to so settle and determine such controversy as to prevent future complications arising therefrom; and

"Whereas there is now pending in the Supreme Court of the United States a cause wherein the said State of New Jersey is the complainant and the said State of Delaware is the defendant, in which cause an injunction has been issued against the State of Delaware restraining the execution of certain statutes of the State of Delaware relating to fisheries in said river, which said litigation hath been pending for twenty-seven years and upward; and

"Whereas for the purpose of adjusting the differences between the said two States arising out of said conflict of jurisdiction, Edward C. Stokes, Robert H. McCarter, Franklin Murphy, and Channey G. Parker have been appointed commissioners on the part of the State of New Jersey by joint resolution of the legislature of said State, and Preston Lea, Robert H. Richards, Herbert H. Ward, and George H. Bates have been appointed commissioners on the part of the State of Delaware by joint resolution of the general assembly of said State, to frame a compact or agreement between the said States and legislation consequent thereon, to be submitted to the legislatures of said two States for action thereon, looking to the amicable termination of said suit between said States now pending in the Supreme Court of the United States, and the final adjustment of all controversies relating to the boundary line between said States, and to their respective rights in the Delaware River and Bay; Now, therefore,

"The said State of New Jersey, by its commissioners above named, and the said State of Delaware, by its commissioners above named, do hereby make and enter into a compact or agreement between said States as follows:

"ARTICLE I. Criminal process issued under the authority of the State of New Jersey against any person accused of an offense committed upon the soil of said State, or upon the eastern half of said Delaware River, or committed on board of any vessel being under the exclusive jurisdiction of that State, and also civil process issued under the authority of the State of New Jersey against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any portion of the Delaware River between said States from low-water mark on the New Jersey shore to low-water mark on the Delaware shore, except upon Reedy and Pea Patch islands, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the State of Delaware, or the shores of said islands, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest or such property shall be under seizure by virtue of process or authority of the State of Delaware.

"ART. II. Criminal process issued under the authority of the State of Delaware against any person accused of an offense committed upon the soil of said State, or upon the western half of said Delaware River, or committed on board of any vessel being under the exclusive jurisdiction of that State, and also civil process issued under the authority of the State of Delaware against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any portion of the Delaware River between said States from low-water mark on the Delaware shore to low-water mark on the New Jersey shore, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the State of New Jersey, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest or such property shall be under seizure by virtue of process or authority of the State of New Jersey.

"ART. III. The inhabitants of the said States of Delaware and New Jersey shall have and enjoy a common right of fishery throughout, in, and over the waters of said river between low-water marks on each side of said river between the said States, except so far as either State may have heretofore granted valid and subsisting private rights of fishery.

"ART. IV. Immediately upon the execution hereof the legislature of the State of New Jersey shall appoint three commissioners to confer with three commissioners to be immediately appointed by the general assembly of the State of Delaware for the purpose of drafting uniform laws to regulate the catching and taking of fish in the Delaware River and Bay between said two States, which said commissioners for each State, respectively, shall, within two years from the date of their appointment, report to the legislature of each of said States the proposed laws so framed and recommended by said joint commission. Upon the adoption and passage of said laws so recommended by the respective legislatures of said two States said laws shall constitute the sole laws for the regulation of the taking and catching of fish in the said river and bay between said States. Said laws shall remain in force until altered, amended, or repealed by concurrent legislation of the said two States. Said commissioners shall also ascertain the dividing line between said river and bay, and upon each of the shores of said two States where said dividing line extended shall intersect the same, shall, at the joint expense of said States, erect a suitable monument to mark the said dividing line. Said dividing line between said monuments shall be the division line between the said river and bay for the interpretation of and for all purposes of this compact, and of the concurrent legislation provided for therein.

"The faith of the said contracting States is hereby pledged to the enactment of said laws so recommended by said commissioners, or to such concurrent legislation as may seem judicious and proper in the premises to the respective legislatures thereof.

"Each State shall have and exercise exclusive jurisdiction within said river to arrest, try, and punish its own inhabitants for violation of the concurrent legislation relating to fishery herein provided for.

"ART. V. All laws of said States relating to the regulation of fisheries in the Delaware River not inconsistent with the right of common fishery hereinabove mentioned shall continue in force in said respective States until the enactment of said concurrent legislation as herein provided.

"ART. VI. Nothing herein contained shall affect the planting, catching, or taking of oysters, clams, or other shell fish, or interfere with the oyster industry as now or hereafter carried on under the laws of either State.

"ART. VII. Each State may, on its own side of the river, continue to exercise riparian jurisdiction of every kind and nature, and to make grants, leases, and conveyances of riparian lands and rights under the laws of the respective States.

"ART. VIII. Nothing herein contained shall affect the territorial limits, rights, or jurisdiction of either State of, in, or over the Delaware River, or the ownership of the subaqueous soil thereof, except as herein expressly set forth.

"ART. IX. This agreement shall be executed by the said commissioners when authorized to do so by the legislatures of the said States. It shall thereupon be submitted to Congress for its consent and approval. Upon the ratification thereof by Congress it shall be and become binding in perpetuity upon both of said States; and thereupon the suit now pending in the Supreme Court of the United States, in which the State of New Jersey is complainant and the State of Delaware is defendant, shall be discontinued without costs to either party and without prejudice. Pending the ratification hereof by Congress said suit shall remain in statu quo.

"Done in two parts (one of which is retained by the commissioners of Delaware, to be delivered to the governor of that State, and the other one of which is retained by the commissioners of New Jersey, to be delivered to the governor of that State) this 21st day of March, A. D. 1905."

EDWARD C. STOKES.
ROBERT H. MCCARTER.
FRANKLIN MURPHY.
CHAUNCEY G. PARKER.

PRESTON LEA.
ROBERT H. RICHARDS.
HERBERT H. WARD.
GEO. H. BATES.

And whereas the said agreement has been confirmed by the legislatures of the said States of New Jersey and Delaware, respectively: Therefore

Be it enacted, etc., That the consent of the Congress of the United States is hereby given to the said agreement and to each and every part and article thereof: *Provided,* That nothing therein contained shall be construed to impair or in any manner affect any right or jurisdiction of the United States in and over the islands or waters which form the subject of the said agreement.

The SPEAKER. Is a second demanded?

Mr. BURTON of Delaware. Mr. Speaker, I demand a second.

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

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Wisconsin is entitled to twenty minutes and the gentleman from New Jersey to twenty minutes.

Mr. JENKINS. Mr. Speaker, this bill merely gives the consent of the Congress of the United States to an agreement entered into between the States of New Jersey and Delaware with reference to a question of boundary between those two States, a question having arisen between the States with reference to the boundary line and suit being brought in the Supreme Court of the United States on the part of the State of New Jersey as complainant against the State of Delaware as defendant. That suit is still pending. This agreement merely discloses that the two States have arrived at a settlement of the boundary question and agreed that the suit pending in the Supreme Court of the United States shall be discontinued. This bill protects the rights of the United States fully and completely. It is unanimously reported from the Committee on the Judiciary, and its passage is asked for by the legislatures and the executive officers of both States. I now yield, Mr. Speaker, ten minutes to the gentleman from Delaware [Mr. BURTON].

Mr. BURTON of Delaware. Mr. Speaker, it is not my intention to oppose the passage of this act. I have held it up for a purpose and simply desire to make a statement in order that my position may be understood. A suit has been pending in the United States courts for more than a quarter of a century to determine the boundary question here involved. Two years ago the legislatures of New Jersey and Delaware passed acts agreeing to appoint commissioners to settle this boundary dispute. In article 4 of that agreement the two States were to appoint three commissioners whose duty it should be to draft uniform fisheries laws. Those commissioners have assembled from time to time, but until the 16th of this month had not been able to agree upon the laws to be submitted to the legislatures for their passage. Up to the time when those commissioners should agree I have requested that the bill be held up in the Judiciary Committee, it having passed the Senate some time during the first session of this Congress. So far as I am individually concerned I was opposed to that method of settling the dispute. The rights and privileges of the Delaware River in the location involved either belong to the State of Delaware or they do not belong to it. This suit has been pending in the Supreme Court of the United States, where the question of jurisdiction and ownership should be settled. So far as I am concerned I have always opposed any compromise short of such a decision.

I admit that in all probability my opposition to a compromise is largely sentimental, because my maternal ancestor arrived on the shores of the Delaware River and landed on the west side in 1682 as a member of the party brought over to this country by that great and good man William Penn. From that day down to the present we have always regarded the 12-mile circle forming the northern boundary of our State as something sacred to the Delawareans. But the legislature of my State agreed to this compromise. As I say, where principle is at stake I do not believe in any compromise and think matters of this kind should only be settled by a court of competent jurisdiction; but in obedience to the sentiment expressed by the Delaware legislature I now withdraw any further opposition to the measure, more especially as commissioners appointed by the two States have agreed upon uniform laws to govern the fisheries situation. My judgment is that those laws should have been passed by the two States before this agreement was ratified by this Congress. However, a joint resolution brought in the legislature of my State asking Congress to delay the ratification of this agreement was laid upon the table by a decisive vote. Therefore I yield to the command of the proper authority and withdraw further objection to this bill.

Mr. JENKINS. Mr. Speaker, I ask for a vote.

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

WOMAN AND CHILD WORKERS IN THE UNITED STATES.

Mr. BARTHOLDT. Mr. Speaker, I move to suspend the rules, to discharge the Committee on Labor from the further consideration of, and pass the bill S. 5469.

The SPEAKER. The gentleman from Missouri moves to suspend the rules, discharge the Committee on Labor from the further consideration of a Senate bill, and pass the same. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5469) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to investigate and report on the industrial, social, moral, educational, and physical condition of woman and child workers in the United States wherever employed, with special reference to their age, hours of labor, term of employment, health, illiteracy, sanitary and other conditions surrounding their occupation, and the means employed for the protection of their health, person, and morals.

Sec. 2. And for the purpose of this act the Secretary of Commerce and Labor is hereby directed to utilize in so far as they may be adequate the forces of the Bureau of Labor and Bureau of Census.

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

Mr. TAWNEY. Mr. Speaker, I demand a second.

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

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri is entitled to twenty minutes and the gentleman from Minnesota has twenty minutes.

Mr. BARTHOLDT. Mr. Speaker, the only difference between the Senate bill, which I am asking the House to consider and pass at this time, and the bill which has been reported by the Committee on Labor and which is on the House Calendar, is that the bill we are now considering carries no appropriation. It has been found expedient to leave the appropriation out for the reason that we do not know exactly how much the investigation will cost. To start the investigation the present force of the Department of Commerce and Labor might be sufficient; and if additional funds will be required, the Committee on Appropriations, upon the basis of this legislation, can insert the necessary item in an appropriation bill. As to the merits of this legislation there can be no doubt. All civilized countries of the world have had investigations of this kind.

It is comparatively a new question, and in no country is it more important than in the United States, for the reason that proportionately more women are employed in the United States in industrial pursuits than in almost any other country on earth. We have never had a national investigation of this question. About twenty years ago the Bureau of Labor made a limited study of it, and then about five or six years after that the Industrial Commission took up this question, but merely touched upon it without going into details. The census reports, as you are all aware, merely give figures without going into the sociological aspect of the case whatsoever. The census figures, in other words, are merely statistical, while under this bill it is proposed to have a thorough investigation as to the effects of the employment of women and children upon their health and upon the social conditions of the people.

Mr. Speaker, I reserve the remainder of my time in order that I may answer possible objections.

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

Mr. BARTHOLDT. Yes, sir.

Mr. BARTLETT. Where do you get the power to authorize the Secretary of Commerce and Labor to make the investigation in manufacturing establishments or otherwise that employ women and children at labor in the States? In other words, where will you get the power to send the Secretary of Commerce and Labor, or employees under him, into factories or stores not in the District of Columbia or in the Territories to make these investigations?

Mr. BARTHOLDT. Mr. Speaker, my answer to that is that that power was no doubt conferred at the time when the Department of Commerce and Labor was created. Surely that Department has not been created for the sole purpose of looking into the affairs of the District of Columbia and the Territories.

Mr. BARTLETT. No; not at all. The Department of Commerce and Labor, if the gentleman will permit me to say so in his time, now investigates the business of corporations engaged in interstate commerce, but there is no such restriction or provision in this bill. Now, what authority has Congress to send the Secretary of Commerce and Labor, or Government employees under him, to Missouri or to Georgia, and to authorize him to say, "Open your factories, open your stores, send for your employees, and let me now investigate what you did with reference to these particular subjects that Congress has authorized me to make investigation of according to the bill?"

Mr. BARTHOLDT. I do not think that by an investigation the rights of anyone will be invaded or abridged. This bill merely aims at securing knowledge and information, and certainly that does not affect the rights of anyone. My friend no doubt has in mind the question of State rights, and believes that there are matters which are reserved to the States. We do not object to the States supplementing the information which the United States will gather on this subject. On the contrary, it will be highly desirable for them to do so. And, more than that, the labor boards and labor commissioners in the several States of the Union are all asking for this information, because only under national control can it be gathered in a proper way, or along the same lines, and viewed from the same standpoint, while if you leave it to the individual States you will not get the exact information you desire and upon which you can base proper legislation.

Mr. BARTLETT. Granting all that the gentleman says is true as to the requirement for the information, suppose a factory or a store that employs women and children refused to permit the representatives of the Department of Commerce and Labor to come in to make an investigation, what power or authority—

Mr. BARTHOLDT. Let such a case come up, Mr. Chairman, and the courts will pass upon it. I reserve the remainder of my time.

Mr. BARTLETT. The gentleman has not answered the question.

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

Mr. BARTHOLDT. Certainly.

Mr. MANN. Is there anything in the law that is compulsory about the attendance of witnesses, or anything of that kind?

Mr. BARTHOLDT. There is no provision in the bill which makes anything compulsory.

Mr. MANN. Nothing to compel the violation of legal rights?

Mr. BARTHOLDT. No, sir.

Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I am heartily in favor of the pending bill, and I hope it will pass without any material opposition. The bill authorizes and directs the Secretary of Commerce and Labor to make a thorough and exhaustive investigation of the industrial, social, moral, educational, and physical conditions of women and children who are employed in shops, factories, mines, and other industrial establishments. The investigation will be one of incalculable value to the country and will no doubt result in the adoption of measures in the various States for the amelioration of the surroundings of women and children in the industries. Its influence will be educative, and it will doubtless attract the attention of the philanthropic sentiment of our people toward the improvement of industrial conditions all along the line. That women and children should be protected from the impositions and cruelties that are inflicted upon them by avaricious employers in some parts of the country is a question that will admit of no debate. The problem of child labor particularly is one of the vital social questions of the day, and it is engaging the thought

and attention of those who are interested in the welfare of the people.

It is impracticable for the States, each acting for itself, to make an investigation along the lines proposed by the pending bill that will be of any considerable value. They would of necessity adopt different methods and standards for their investigations, and it would be exceedingly difficult, if not altogether impossible, to coordinate the results in such a fashion as to enable students of these problems to reach safe and intelligent conclusions. While the Federal Government may not have the authority to legislate for the States respecting conditions that are purely industrial and local, it may investigate conditions throughout the country and give them such publicity as will direct the public mind toward evils that imperatively demand correction. Public opinion is the most powerful remedial factor in our civilization, and evils connected with the employment of women and children in gainful occupations will so excite public opinion and concentrate it upon such evils as to surely bring about wholesome and necessary remedies.

[Here the hammer fell.]

Mr. BARTHOLDT. I yield additional time to the gentleman.
Mr. CRUMPACKER. The Government has never provided for a thorough and exhaustive investigation of the subjects mentioned in the bill. There have been special reports in relation to labor conditions in one part of the country and the other and special reports upon women and children in the industries, but they have not involved so broad a scope as that contemplated by this bill. They have not been so broad and comprehensive as the proposed investigation will be.

The investigation contemplated by the bill is of infinitely greater importance than a merely statistical and economic examination could possibly be. The Government spends millions of dollars every year for the investigation of economic and commercial questions. Hundreds of thousands of dollars are spent annually to promote better methods of agriculture, to improve stock raising and fruit growing, and several bureaus of the great Departments are engaged exclusively in studying the effects of insects upon stock, fruit, and farm products and in devising ways and means to extirpate them. If we have money to use in this fashion, it seems to me there ought to be no hesitancy in appropriating a sufficient amount of money to make a thorough investigation of the condition of women and children in factories, mines, shops, and mercantile institutions, with a view of surrounding them with the best and most wholesome conditions practicable. The glory of our country is not in its Army and Navy, nor in its great cities, nor in its magnificent industrial institutions, nor in its stupendous aggregate of wealth, but in the freedom and the sturdy, self-reliant character of its citizenry. The very object of wealth, honor, culture, and government itself is to elevate the standard of manhood and womanhood.

I believe in any policy that will tend to secure equality of opportunity, industrial as well as political, to all the citizens of the land. I believe in any policy that will tend to promote in a legitimate way a more equitable distribution of the products of labor and capital. Those problems must be solved largely by the intelligence and the independence of our citizens, and it is of vital importance to the future of the country to so surround the children of the land that they be permitted to develop into strong, self-reliant, worthy citizens—citizens that may become helpful factors in the elevation of the race.

The distinguished chairman of the Committee on Labor of the House [Mr. GARDNER of New Jersey] some time during the last session of the present Congress reported a bill from that committee, the first section of which was exactly like the first section of the pending bill. The second section of that bill contained some additional provisions, among others, an appropriation of \$300,000 to carry the bill into execution. On the 16th of last April that gentleman moved to suspend the rules and adopt a resolution giving the bill a privileged status upon the Calendar of the House for the balance of that session. I demanded a second for the purpose of putting in the Record a statement furnished me by the Director of the Census respecting an investigation upon the subject of women and children in the industries which the Census Office had taken in connection with the general census of 1900 and the special census of manufactures in 1905. I announced at that time that I had no objection to the bill being given a privileged status upon the Calendar, but I said that the Census Office had collected information and was then engaged in the preparation of a report upon that subject, and my impression at that time was that the Census Office report was substantially of the same character as that contemplated by the Gardner bill. In order that the Members of the House and the country might know exactly

what the scope and character of the census report would be, I had the statement prepared by the chief of the division of review and results, furnished me by the Director of the Census, printed in the RECORD.

The resolution giving the bill a privileged status on the Calendar was adopted without opposition, but the bill never was called up for consideration afterwards and stands upon the Calendar to-day. It was not my purpose to oppose the bill, but believing then that the subject had better rest until the census report was issued, and if any supplemental investigation should be necessary it could then be authorized and thus save a possible duplication of work, I interposed to call attention of the House to the question. On subsequent investigation I discovered that while the report in preparation by the Census Office was more than statistical, that it involved more than the economic and industrial side of the question, yet it was not complete in that it did not include the sanitary, moral, and social conditions and surroundings of women and children employed in gainful occupations, and it was not general. It did not include all of the large industries of the country. I would have supported the Gardner bill in the last session of Congress if it had been brought up for consideration. I have been ready at all times to contribute by speech and vote what I could to secure a thorough investigation of this vital question. I believe in statistics of all kinds, and I believe them to be valuable for sociological and moral purposes as well as political and economic.

I am informed by the Director of the Census that two reports will be made upon the subject, one upon children employed in gainful occupations and the other upon women. The child report, I am informed, will be ready for the public within a week or ten days.

I will append at the end of my remarks, with the consent of the House, the statement which I had published in the RECORD on the 16th day of last April, showing the character and scope of the investigation by the Census Office.

Mr. GAINES of Tennessee. Will the gentleman yield a minute or two to me?

Mr. BARTHOLDT. Are you against the proposition?

Mr. GAINES of Tennessee. Do you suppose I would be against a measure that would do anything to help women to make a living? Never in this world, if I could legally help her. I ask for two minutes to make some inquiries of the gentleman who has just taken his seat, because I know he is a good lawyer and has given this subject a great deal of investigation. Suppose, after we pass this law, an agent of the Government should go down, say, to Nashville, and go out to the cotton factory to investigate and the manager of that factory should shut the door in his face. Now, I want you to tell me, under the law as it will be if this bill is passed, how could Congress compel that door to be opened to show how many and how women and children are being worked in that factory—sometimes, possibly, wrongfully.

Mr. CRUMPACKER. I will be frank with the gentleman and state that I doubt the power of Congress to compel private institutions, located in the States, to submit to any such investigation. I think the Department would be obliged to conduct this investigation just as it does the investigation for the collection of statistics on cotton or any other industry.

Mr. GAINES of Tennessee. Suppose you apply it to cotton gins where there may be a number of women and children working, and Congress wants to investigate gins, and the owner shuts the door.

Mr. CRUMPACKER. Well, my judgment is Congress does not possess power to compel the manager or proprietor of such a factory to submit to any investigation. It is on the same basis as the cotton investigation.

Mr. GAINES of Tennessee. I have asked these questions for the purpose of eliciting the propositions of law if I could on which the bill may be based. We have never had a chance to investigate it or to have the attention of the courts drawn to it, and hence they have never passed upon the question, because it is new legislation. Whenever we pass this law, are we not making laws that do not equip our agents with power, and ought we then, after we get only such information as these people are willing to give, to take a half a loaf and build a law on that?

Mr. CRUMPACKER. Congress has conferred or will by this bill confer all the power it has. If Congress specifically authorizes special agents to go into the factories and compel their submission to an examination, I believe it would transcend its power. But any establishment that would refuse to be investigated would be under suspicion, and no reputable industry would refuse.

The SPEAKER. The time of the gentleman has expired.

The statement referred to by Mr. CRUMPACKER is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, April 5, 1906.

Memorandum in regard to the scope and character of the proposed report on employment of women and children.

The proposed report on the employment of women and children, according to the present plans, will embrace the following classes of data:

1. A classification by race and nativity of the number of children of each sex, 10 to 15 years of age, employed in each of the principal occupations for children. This will show the numbers of native white children, native white born of native parents, native white born of foreign parents, foreign white, negro, and other colored children in each of these occupations. The data will be compiled separately for each State and Territory and for each city of over 50,000 population.

2. A classification by year of age for the total number of children of each sex, 10 to 15 years of age, employed in all occupations. This will be shown separately for the native white children, native white of native parentage, native white of foreign parentage, foreign white, and negro children. The data will be presented for each State and Territory and for each city of over 50,000 population.

3. A tabulation showing the number of women or girls engaged in occupations in each of the following age periods: Ten to 15 years, 16 to 20, 21 to 24, 25 to 34, 35 to 44, 45 to 54, 55 to 64, 65 and over. This will be combined with a tabulation giving the same classification by age periods of the total number of women and girls in the entire population, so as to show what proportion or per cent of the women and girls in each age period are engaged in occupations. A tabulation will be presented for all classes combined and also separately for the native white, native white of native parentage, native white of foreign parentage, foreign white, and negro. The data will be compiled separately for each State and Territory, and for each city of over 50,000 population.

4. Data in regard to the families which have children engaged in occupations. From the population schedules it is possible to collate the following data in regard to these families: The number of persons in the family, with sex and age; the number of breadwinners (persons reported as having gainful occupations) and the number of dependents (persons not having gainful occupations); the occupation, sex, and marital condition of the head of the family; the nationality of the family, as determined by the country in which the head of the family was born; the year in which the head of the family, if of foreign birth, immigrated to the United States, and the school attendance and illiteracy of the children in the family. It would be practically impossible to compile and tabulate these data for all families in the United States having children at work, but it is believed that it will be sufficient if such compilations as are significant are made for certain typical groups, so as to show the conditions in some of the principal industries in which child labor is employed in different parts of the country—for instance, the cotton-mill industry in Fall River, also in some of the southern mill towns, the glass industry in Pennsylvania, etc. The extent to which this particular branch of the investigation is carried will depend partly upon the significance of the results which are obtained and partly upon the clerical force that can be employed on this work without interfering with other lines of work in the Bureau of the Census. One of the tabulations which it is proposed to compile from these data will show how many of the children of each year of age in these families are employed in the selected industry, how many in other industries, how many are at school, and how many are at home; that is, neither employed nor at school.

Another tabulation shows the classification of these families according to the number of older breadwinners in the family, thus segregating those families which have no older breadwinners, and therefore are apparently entirely dependent upon child labor. Those families having older breadwinners will be classified according to the number of such breadwinners (families with one older breadwinner, with two, with three, etc.); and then each class of families as determined by the number of breadwinners will be subclassified according to the number of dependents (persons without gainful occupation) thus showing, for instance, how many of the families having only one older breadwinner have no dependents, how many have one dependent, two, three, etc. It is believed that this tabulation will be very valuable as indicating the extent to which the families are dependent upon the earnings of the child. It will be possible also to segregate those families who have no male heads, representing, for the most part, the families of widows. Another tabulation may be prepared classifying the families according to size—that is, number of members in the family, families consisting of two members, three, and four, etc. The total number of persons in each class of families, as determined by size, can then be subdivided into two groups, viz, breadwinners and dependents, and each group may, if deemed advisable, be further subdivided by age. The tabulations here enumerated are in some degree tentative, but the work has been carried far enough to indicate that this class of data is of great importance in connection with this subject and may be presented in such a way as to bring out certain significant and interesting results.

5. A tabulation of women (females 16 years of age and over) engaged in each of the principal occupations for that sex, showing how many of these women are living in families (that is with relatives) and how many are boarding; and of those living in families, how many are heads of families and how many are living with their fathers, how many with mothers, and how many with other relatives, and furthermore, how many are living in families in which there are no other breadwinners, and how many in families in which there is one other, two other, more than two. This tabulation will be shown separately for the native white women, the native white of native parentage, the native white of foreign parentage, and the negro women, and for each of these classes of population the data can be presented by marital conditions so as to show the results separately for the single women, the married, and the widowed and divorced. The data thus compiled will afford some indication of the extent to which women engaged in gainful occupations are living outside home influences and will make possible a comparison as regards this question between the different classes of working women as determined by nativity, marital status, and kind of occupation.

This tabulation, like the preceding one, is too elaborate to be carried out for the entire United States. It is expected, however, that the data can be compiled for the six cities having more than 500,000 population—New York, Chicago, Philadelphia, Boston, St. Louis, and Baltimore—and perhaps for some of the smaller towns or cities in which there are industries employing a large number of women.

6. Certain data in regard to the wages of women and children in

manufacturing industries can be derived from the material collected by the recent census of manufactures.

This data will show, first, the relative importance of men, women, and children among the wage-earners of each manufacturing industry as indicated by the average number of wage-earners of each class employed in that industry during the year. These data can be shown for each State and Territory and for each individual city, so far as may be deemed advisable.

Second, the earnings of women and children as compared with those of men in the same industry. In connection with the census of manufactures a transcript of the pay roll for the busiest week of the year 1904 was obtained from each manufacturer if available. On the basis of this transcript the men, women, and children employed in that week are separately classified according to the scale of their earnings, so as to show the number receiving under \$3 per week; number receiving \$3 to \$4; \$4 to \$5, etc. Since this statement covers the busiest week in the year it is probable that most of the employees were working on full time, and that their earnings, therefore, will correspond closely to their wages or rates of pay.

The Bureau of the Census might, if thought best, collect data of a similar character showing the earnings of women and children in some of the more important mercantile pursuits not covered by the census of manufactures—for instance, in the department stores. This possibility is under consideration.

7. It may also be worth while to tabulate the number of children born to married women engaged in occupations for comparison with the number born to other married women. The extent to which this tabulation should be carried would depend upon the results secured from experimental work.

All the above tabulations will present new data—that is, data never before published. A part of the data will be derived from the population schedules of the census of 1900, and a part from the schedules of the census of manufacturers taken in 1905. The fact that five years have elapsed since the census of 1900 was taken does not, it is believed, impair the value of the data for the purposes of this report. Economic conditions have not changed so rapidly as that, and human nature has not changed at all. Moreover, it is important to have knowledge of the conditions in 1900 as a starting point from which to measure the future changes, whether in the nature of progress or of retrogression, which may be revealed by the census of 1910 or later censuses.

8. Besides these original sources of information, the statistics published in the main census report on occupations and in other census publications will be utilized so far as they can be made to contribute to the completeness of the discussion by further analysis or new correlations. An illustration of the possible value of work of this character is presented by the recent census bulletin on Negroes, the statistical data for which were derived almost exclusively from reports already published.

9. A study will be made of the census statistics of other countries with a view to introducing international comparison, so far as comparable statistics on this subject can be obtained.

It is hardly possible at this stage of progress to estimate very closely the size of the report. It is my expectation, however, that it will comprise between three and four hundred pages, making it about the size of the bulletin on Negroes.

Respectfully submitted.

J. A. HILL, *Chief of Division.*

Mr. GAINES of Tennessee. I should like about one minute more.

Mr. TAWNEY. I yield the gentleman one minute of my time.

Mr. GAINES of Tennessee. Under the census law, giving us the power to take the census every ten years, Congress may have the right to make these investigations, so that when the ten years come around we could have nearly all the information on this subject we require for a census.

Mr. CRUMPACKER. Any institution that would refuse to submit to such investigation would be under the suspicion of the entire country.

Mr. GAINES of Tennessee. I understand that—

Mr. CRUMPACKER. All these institutions have voluntarily submitted to the investigation of the Federal agents.

Mr. GAINES of Tennessee. I dare say that is true, and no doubt it would be so, but still I do not want to make a law that in a certain sense blackmails a man into letting you in his front door when he has the legal right to shut his door and keep it shut.

I am going to vote for the bill. I doubt its constitutionality. We need for many purposes the information these agents may secure in considering other legislation. The courts can settle the validity of the law.

Mr. TAWNEY. Mr. Speaker, my objection to this bill is, first, that under existing law the Department of Commerce, through the Bureau of Labor, has the power and the authority to make the investigation it authorizes. It can now make the investigation proposed without any additional authority. It is therefore unnecessary to duplicate this authority. The Bureau of Labor was established twenty-two years ago. It has for twenty-two years had the power and authority to make this investigation, but has never exercised it presumably because they did not deem it necessary. No estimate or request for an appropriation for this purpose was ever asked until a year ago, and it was not then included in the regular annual estimates. Not until the last session of Congress has it ever been proposed to make this investigation under the authority of the Labor Bureau. All propositions for that purpose have heretofore been submitted to and considered in connection with the Census Bureau, and investigations of this character have been made by that Bureau, as stated by the gentleman from Indiana [Mr. CRUMPACKER].

This proposition therefore merely authorizes a duplication of the service now being performed by that Bureau.

I can therefore see no justification for authorizing two different bureaux of the same Department to make identically the same investigation, and for that reason alone this bill should not pass. I have here the act of 1884 creating the Bureau of Labor and defining the scope of its authority, its jurisdiction, and its powers. It is "to collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of labor of men and women, and the means of promoting their material, social, intellectual, and moral prosperity." Now, if the purpose of this investigation is as claimed by those who are advocating it, there is ample authority to-day for making it, provided Congress will appropriate the money necessary therefor.

Mr. BARTHOLDT. Have you done that?

Mr. TAWNEY. We have not done it. We have not been asked to do it prior to this Congress.

Mr. BARTHOLDT. Well, you are asked to do it now.

Mr. TAWNEY. We were asked to do it at the last session of this Congress. In proof of the fact that in the judgment of the Department they have authority to make this investigation under existing law, let me refer to the record. A supplemental estimate was submitted at the last session of Congress to defray the expenses of this investigation. This estimate was based upon the authority conferred upon the Bureau of Labor in the existing law. It was not favorably reported by the Committee on Appropriations to the House.

The appropriation was refused for the reason that the head of the Bureau of Labor could give no intelligent idea—could give the committee no information whatever as to what the ultimate cost of this investigation would be, or as to how long it would take to complete; and also because Congress possesses no power under the Constitution to correct by legislation any abuses or other unfavorable conditions surrounding the employment of women and children by private individuals or domestic corporations. In fact, the Commissioner of Labor, when before the committee, said that in view of the constantly changing conditions under which women are employed, it would require a constant investigation to keep abreast of the conditions surrounding their employment in this country, without which the information first obtained would be of no value.

Now, as I say, we have the authority to do this. We have the Bureau of the Census engaged in the performance of this service. Why is it necessary for us to duplicate that service? It is not, unless it is the purpose of Members of this House to add unnecessary expense to the Government for the sake of gratifying the wishes of a social organization the influence of whose members is sufficiently potential to overcome our judgment.

Mr. Speaker, this matter has not originated here. It does not come to us as a result of complaints regarding the conditions surrounding the employment of women in the various industries of the country. When Mr. Neill, the Commissioner of Labor, was before the Committee on Appropriations in the last session he was asked about the origin of this proposition, and I will read what he said in reply:

Mr. TAWNEY. How long has it been since the Bureau of Labor was established?

Mr. NEILL. About twenty years.

Mr. TAWNEY. How long has it been since industrial enterprises have commenced the employment of female labor in this country to any great extent?

Mr. NEILL. I do not know. The employment of women has been almost—

Mr. TAWNEY. The employment of female labor was going on in this country before the Bureau of Labor was established?

Mr. NEILL. Undoubtedly.

Mr. TAWNEY. How long ago was the idea of gathering these statistics first suggested?

Mr. NEILL. I do not know that.

Mr. TAWNEY. Was any suggestion made prior to the last annual message of the President of the United States?

Mr. NEILL. I do not know that, Mr. Chairman. I know that for many years I have constantly heard from various sources an expression of regret that there was not more information available in that field.

Mr. TAWNEY. Do you know whether any request was made prior to this time for that purpose?

Mr. NEILL. No, sir.

Mr. TAWNEY. There has not been, as a matter of fact?

Mr. BURLESON. I would like to know where this suggestion emanated? Whose suggestion was it?

Mr. COURTS. It was submitted to Congress as a supplemental estimate in a special document.

Mr. TAWNEY. I shall just ask you if it is not a fact that the suggestion was made subsequent to the submission of the estimates of your Bureau? Did not this new document come in as a supplemental estimate, showing that it was an afterthought on the part of somebody?

Mr. NEILL. No; it was not at all, Mr. TAWNEY.

Mr. TAWNEY. It was not included in the annual estimates. If you had thought of it before, why did you not include it in the annual estimates?

Mr. NEILL. I might give you the history of the matter as I know it. Probably a month after I took up the matter of the administration of

the Bureau of Labor I was written to by some ladies in Chicago and asked if our Bureau would not undertake an investigation of the conditions of working women in the United States. They had been interested in the subject for a number of years, and were anxious to have it done. I wrote back to them that it was a larger investigation than our Bureau could carry on with our scope and with our appropriation. A month or so later they came on to Washington and came to see me again, and asked if we could not possibly undertake that. I said it was a much larger investigation than we could attempt with the present force. They said, "Well, suppose we try to secure the passage of a bill directing that investigation. Could you undertake it then?" I said, "If Congress directs it and furnishes the means, we will undertake it," and there dropped the matter.

I believe they then went to see the President about the matter, and he agreed with them as to the importance of the investigation and recommended it in his message. I believe it was proposed at the time to introduce a special bill, and I gave no further attention to the matter, and said, when asked about it, that I had nothing to do with it. I said, "I do not want to be in the position of urging it along."

In the meantime a number of the women's clubs took the matter up, and shortly after the meeting of Congress several ladies came on here with the bill which they intended to have introduced. I am not sure, but I believe it was suggested to them that a bill was not at all necessary; that the Bureau of Labor already had the authority; it did not need further authority if an appropriation was available; and it was suggested to us, without having a special bill introduced—the suggestion was made to them to have an amount of that kind included in the appropriation measure. Then they came down to see the Secretary of the Department of Commerce and Labor about the matter, and called attention to the fact of the recommendation by the President. I think they were told up here that it was a matter that would have to originate in our Department.

Now, as to the purpose of the investigation, so far as these worthy ladies are concerned, I have nothing to say. They are mistaken, however, in assuming that it is the business of the Federal Government to make the investigation beyond obtaining the information concerning the employment of female labor which the law now authorizes. They are advocating this measure not because of any special knowledge they have regarding conditions surrounding female laborers in any particular line of employment, but because of their desire to demonstrate to the country the power of their organization, which is the women's clubs, in matters concerning which they are able to concentrate their influence. I continue reading from the hearings:

Mr. BRICK. It is for the benefit of the race. They have no definite purpose.

Mr. NEILL. I think they expect to carry on a campaign in some of the States.

Mr. LIVINGSTON. Against the employment of female labor under certain conditions?

Mr. NEILL. Probably. Not so much against the employment as against their being surrounded by certain conditions. I think their idea is that in many of the lines of employment men have taken care of themselves, through their organizations; men have insisted upon many changes for the protection of health and of life and limb. In many factories those things are provided by the proprietors where women work as well as men. I think their idea was to find out where women and children are working in factories without the safeguards for their protection which are provided in factories where men work, and if it were found that they were without such safeguards they would endeavor to secure legislation to remedy those conditions.

But, Mr. Speaker, if this investigation is to extend beyond the authority the Bureau of Labor now has, it will enter upon a field of investigation which, as Mr. Neill says, these ladies propose beyond anything we have ever before undertaken. It must extend to all the conditions surrounding the employment of women and children in factories and all other lines of industry—the sanitary conditions, the safeguards to protect them against personal injury, the effect of their employment upon the home, upon matrimony, and every other phase of their social existence. Then, as these conditions are disclosed, they propose, where the report or result of the investigation justifies it, to come back to Congress and recommend legislation for the purpose of correcting and improving the conditions under which they are employed.

Mr. Speaker, if the Federal Government had the power under the Constitution to correct by legislation the evils these investigations may disclose respecting the conditions surrounding the employment of women, I would have no objection whatever to the investigation being made as proposed. In that case, however, I should want to know with some definite certainty the extent of the investigation and the probable time and amount of money necessary to complete it. The advocates of the measure admit that Congress has no power to impose any restrictions or limitations upon the employers of female or child labor where their employment is in industrial or in domestic service within the State. Legislative restriction of any kind respecting the employment of labor, whether male or female, adult or child labor, can be imposed only by the States. Why, then, I ask, should the Federal Government be compelled to embark upon an investigation the result of which it is powerless to deal with by either affirmative or negative legislation.

No matter what abuses the investigation may disclose, they can not be corrected or the condition of the laborer can not be ameliorated by Congressional enactment. It is the States alone that can act, and they would act if public sentiment was directed toward State legislatures instead of toward Congress.

Mr. BARTLETT rose.

Mr. TAWNEY. I will yield to the gentleman from Georgia. Mr. BARTLETT. The gentleman unintentionally, perhaps, uses the words "child and female employees in the factories." That is not the sole intention of the bill, because it says "wherever employed."

Mr. TAWNEY. Yes; it applies to female labor in whatever capacity employed—in the kitchen as well as in the factories.

Mr. BARTLETT. And in the stores.

Mr. BARTHOLDT. Will the gentleman allow me?

Mr. TAWNEY. I will yield to the gentleman.

Mr. BARTHOLDT. I want to ask my friend whether he thinks the information gathered by the National Government on the subject we are discussing might not be of value to the States, which have the right and the authority to legislate on the subject?

Mr. TAWNEY. I think the information, if it is of any value at all, would be of value to the State in legislating upon this question; but, Mr. Speaker, I want to ask what right have the States to thus encroach upon the Federal Treasury for the purpose of having the Federal Government do that which belongs to the States and which they have reserved the right to do? Under what authority can we appropriate money out of the Federal Treasury for the benefit of the States or for securing the information which is of benefit only to the States in so far as that information discloses irregularities or injurious conditions surrounding the employment of women, thus enabling the States to legislate or perform their duty to their own citizens upon information obtained by the General Government? What authority have we to appropriate money from the National Treasury for a purpose of that kind?

Mr. GAINES of Tennessee. If the gentleman will pardon me, the Government of the United States buys products from private industries, and possibly those produced by women; they do the stitching and sewing and so do some of the children, and possibly some of them may work in the Government factories or arsenals. Certainly we would have a right to investigate that. Can we not make an investigation based on the right that we have to take a census? That would give us a right to get information and get the facts. Of course we could not go down into the States and meddle with their matters. I agree with the gentleman in that. The States do not do enough for themselves in this matter.

Mr. TAWNEY. The authority for all the investigations the Government of the United States has any right to make exists to-day under the present law. If that authority is to be extended or if this bill extends that authority, as is claimed by the gentlemen who are advocating it, then we are embarking upon a field of investigation the boundaries of which no man can contemplate, the end of which no man can see, the cost of which no man knows—not even the Department itself—and the results of which the Federal Government is powerless to deal with by the enactment of corrective legislation. When before the committee in the last session of Congress the Bureau of Labor was asked what the probable expense would be, and the answer was that it would run up into the millions; that \$200,000 would only provide for the beginning of the investigation. It would take a long series of years to complete it. The value of these statistics therefore would be far less, because of the magnitude of the investigation and the time consumed in making it.

Whereas every State in the Union can make this investigation as to employment of women within the State in a very short time, and those who are interested in it would then have the benefit of that information before the conditions surrounding the employment of women have changed.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question on the subject of the power of the Federal Government to make this investigation. I want to ask him if the Federal Government has not as much power to make this investigation as it has to investigate the cattle tick in Texas and Louisiana, the gypsy moth in Massachusetts, and the San Jose scale in California? Has not the Government as much power to make this investigation as it has to make any of the investigations made now by the Department of Agriculture?

Mr. TAWNEY. A distinction between the investigation here proposed and the investigation of the cattle tick is the difference between investigating an insect for the benefit of the general public and investigating conditions surrounding individual citizens of a State employed in a private institution. Mr. Speaker, I submit in the first place that the authority exists to-day for making all the investigation that is necessary or that they ostensibly want to determine sociological conditions or the physical conditions surrounding the employment of female labor, and that if we continue to encourage the doing of that by the

Federal Government which belongs to the States to do there is no telling where we will end. We are confronted to-day with measures in this House which if enacted into law will merely authorize that which belongs to the States to do and which will require the expenditure of more than \$150,000,000 from the Federal Treasury.

I could refer to a great many propositions that are now pending before this House involving the expenditure of large sums of money for the doing of that which does not involve any Federal governmental function whatever, and it is only a question of how far we are going and when we are going to attempt to check this tendency or cease to encourage States to unload upon the Federal Treasury the cost of doing things which the States themselves should do and would do were it not for the fact that in that case the cost must be paid by the State through direct taxation, whereas if the States can impose this cost upon the General Government the expense is borne out of the Federal Treasury, which is supplied with funds by indirect taxation. [Applause.]

Mr. BARTHOLDT. Mr. Speaker, how much time have I left?

The SPEAKER. Seven minutes.

Mr. BARTHOLDT. I yield two minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, if the gentleman from Minnesota [Mr. TAWNEY] were correct in supposing that the States could readily make this investigation at a low expense, I very much doubt whether the gentleman from Massachusetts [Mr. McNARY] and I would have introduced the resolutions on which this bill is founded. The fact is that all the State reports on this subject are inadequate and must necessarily be inadequate, for the reason that they are never prepared on the same basis. A minor means one thing in New York and quite another thing in South Carolina.

The question of child labor has been investigated to some extent by individual sociologists and by several States of the Union. No investigation worthy of the name has ever been undertaken in order to determine the facts relative to woman labor.

The State of Massachusetts published the results of Doctor Sewall's investigations of child labor in 1904. We think highly of the treatise, although it only deals with thirteen of the States. After all, no individual and no State can extract reluctant testimony as well as the United States.

State statistics are most unsatisfactory. Often every boy and girl under 16 years of age is included, without further specification, in the list of "children." Such information is valueless as a basis for legislation.

To draw laws intelligently we must know whether the children employed are 10 years of age or 15 years of age, whether they are employed at night or during the school season, whether the surrounding conditions are sanitary, etc.

There is a vast difference of principle involved between the case of an ignorant girl of 11 working in a cotton mill during the school season and a strapping lad of 15 weeding onions in summer. Yet many State statistics make no distinction between these two classes of child workers.

The gentleman on the left asks what object is to be obtained by this investigation. He says that we have not the constitutional right to limit the hours of labor in any State of the Union, and he evidently believes that the statement of this fact ends the argument.

Now, I am not such a humbug as to pretend that I believe that the regulation of commerce clause of the Constitution gives us the right to regulate child labor. I know just as well as the gentleman that such power is reserved for the States by our instrument of Government. But the world moves, and the American people may change the Constitution, as they have done before.

Even if we have no power to legislate on the hours of labor in the factories of our States, we have nevertheless most distinctly and undoubtedly the power to legislate with regard to the hours of child labor in the District of Columbia and the Territories. Does the gentleman on the left think we can do so intelligently without this investigation?

Does the other gentleman there believe that model child-labor laws for the Territories and the District of Columbia would not be followed promptly by the enlightened States? Does he not know that the lead of the progressive States would promptly be followed by their neighbors, until even the most backward of our communities would feel the beneficent impulse?

Purposely I have said nothing about woman labor, although exactly the same reasons exist for its investigation. As you know, the time allowed me is short and has even now expired. The gentleman who reported this bill will deal with that part of it which relates to women.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. HUNT].

Mr. HUNT. Mr. Speaker, as a member of the committee having this bill under consideration, or a similar bill, which I would rather have seen reported than the present one, because it contains a limit upon the amount of money that might be expended in making this investigation, and in order not to take up the time of the House, and also in order that the good people who are interested in bringing this matter before the attention of Congress may be heard, I ask permission to have the Clerk read a brief argument which they have prepared and which I send to the desk.

The SPEAKER. The Clerk will read in the gentleman's time.

The Clerk proceeded to read.

The SPEAKER (interrupting the reading). The time of the gentleman has expired.

Mr. HUNT. Mr. Speaker, I would ask unanimous consent that time be allowed the Clerk to read the argument for the benefit of Members of the House. It will only take a minute or two.

The SPEAKER. The gentleman asks unanimous consent that time may be extended to read the argument for the benefit of the House.

Mr. TAWNEY. Mr. Speaker, if the gentleman will extend the time on the other side correspondingly, in case it is desired, I have no objection.

Mr. HUNT. I have no objection to that.

The SPEAKER. The Chair is informed the reading will require about fifteen minutes.

Mr. BARTHOLDT. Mr. Speaker, I ask that it be printed in the RECORD.

The SPEAKER. The gentleman from Missouri asks that the article be printed in the RECORD.

Mr. HUNT. Mr. Speaker, I did not understand that the good gentleman from Minnesota objected. He did not object.

The SPEAKER. But the other gentleman from Missouri asks unanimous consent that it may be printed in the RECORD, which is equivalent to an objection.

Mr. HUNT. Am I to consider that the gentleman from Missouri objects?

Mr. BARTHOLDT. I do not object, Mr. Speaker, if the House is willing to listen to it.

Mr. TAWNEY. I understand it will take fifteen minutes to read it.

Mr. HUNT. No; it will not; it will not take three minutes. Do you object?

Mr. MANN. Mr. Speaker, I move that it be printed in the RECORD.

The SPEAKER. The gentleman from Illinois asks that it may be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The argument is as follows:

THE ARGUMENT.

The rapid increase in the gainful employment of women has given rise to many serious social questions, which are of national importance because they threaten the vigor of coming generations. Such problems as these can be dealt with properly only after a careful investigation of the conditions of the employment of women. The last census showed that more than 5,000,000 women were engaged in gainful occupations, and that their average wage was less than \$270 a year, and that more than 50 per cent of them were not 24 years old. The census also stated that "the proportion of women employed in manufactures is increasing more rapidly than that of men." (Census of manufactures, vol. 9, CXXVI.) For such facts we can properly look to the census, but it is beyond the province of the census to show what the sanitary conditions of their employment are, their hours of labor, what the effect of this work is upon the morals of young girls, upon the health of women, upon their homes, upon their children, upon the wage-earning power of their husbands, upon family desertion, upon the birth rate and marriage rate, upon the industrial displacement of men by women. Moreover, while the census can properly show the number of women engaged in various industries, it can not show what work women are really doing, whether they are running heavy machinery or working side by side with men under improper conditions, whether or not women are doing skilled as well as unskilled work, or whether men and women are getting equal pay for equal work. The census, for example, can show how many thousand women are employed in the cotton mills or packing houses, but it can not show what a single woman employed is really doing or earning.

Such an investigation is needed not merely to point out social facts and tendencies, but also as a basis for sane legislation in regard to women's work. Protective legislation for women has already been undertaken in many States on the ground that their presence in certain employments causes immorality or injuriously affects the health of women and imperils the vigor of the next generation; that excessive hours of work, long standing, night work, and the employment of married women, or the physical and nervous strain involved in working with heavy machinery may unfit women for the burden of motherhood. Such restrictions upon the industrial freedom of women should be imposed only after the facts have been carefully investigated, and the work of investigation is moreover of national importance, for the future race concerns the nation more than any individual State.

The English Government first took up this work on a large scale in 1892, when the royal commission on labor made a thorough study of

women's work in England, Ireland, and Scotland, and since 1893 the labor department of the board of trade has published several additional reports on the employment of women and girls in England on women's work in the flax and jute mills, etc.

The inadequacy of the work of the census on this subject of the census data has been shown by Miss Breckinridge and Miss Abbott, of the University of Chicago, in a study published in the January number of the Journal of Political Economy. For example, it is pointed out with regard to the sewing trades that the census statistics show them to be a declining occupation for women, a more strikingly declining occupation for men, while the number of children employed has increased more than 100 per cent. The census does not and can not explain these changes. The census further shows that the number of men in dressmaking is increasing and the number of women decreasing, but again this is not explained.

In order to get at causes and conditions and results as well as mere numbers, it is asked that this work be done by the Bureau of Labor, whose work is investigation, rather than by the Census, whose work is enumeration.

However earnestly we may deplore the fact that women are in factories instead of homes, we must squarely face conditions as they exist. There are hundreds of thousands of helpless, untrained, unorganized women without the power of legislating for themselves, who are forced by stress of circumstances to earn their livelihood, and it is of vital importance that they be given the chance to be decently self-supporting under conditions which will not unfit them for wifehood and motherhood and the care of homes.

Mr. BARTHOLDT. Mr. Speaker, in answer to the argument of the gentleman from Minnesota, I desire to state briefly that if this investigation were asked when an appropriation bill is under discussion in the House an amendment to that effect would be subject to a point of order, because it would be new legislation, and for that reason we are here now asking this legislation, so that at the proper time an appropriation might be made for this purpose.

Mr. TAWNEY. Will the gentleman permit?

Mr. BARTHOLDT. I have only two minutes left.

Mr. TAWNEY. I wanted to point out the fact that in authorizing the Bureau of Labor to have this investigation made you duplicate—

Mr. BARTHOLDT. Now, as to the cost about which exaggerated statements have been made here, I wish to say that other and poorer countries than the United States have made such national investigation, and it seems to me that the United States can afford to make it. If it is left to the individual State, what does it mean? Each State will attempt to protect its own industries and we will have as a result one-sided and partial statements which do not convey the exact truth to the country, but if the investigation is undertaken under the auspices of the National Government, which does not individualize between the States and will not discriminate in favor of one against the other industry in the several States, we can be sure of a fair and impartial investigation. I hope, Mr. Speaker, that this bill will pass the House.

Mr. TAWNEY. Will the gentleman permit an inquiry?

Mr. BARTHOLDT. Yes, sir.

Mr. TAWNEY. Why is it necessary to have this investigation duplicated by the Bureau of Labor, which is identically the investigation the Census Bureau has made and has—

Mr. BARTHOLDT. Mr. Speaker, in answer to that I will say that there is no duplication involved here. The Department of Labor has not made the investigation. The Census Office has not made the investigation. Here it is proposed merely by Congress to give directions to a bureau of the Government to make it, and surely every man who has given any attention to this subject knows how necessary and important it is.

Mr. CRUMPACKER. Will the gentleman allow a suggestion?

Mr. BARTHOLDT. Certainly.

Mr. CRUMPACKER. This bill does not require the Bureau of Labor to make an investigation. The Secretary of Commerce and Labor is authorized to investigate, and he may utilize the Bureau of Labor or the Census Bureau or both of them.

Mr. BARTHOLDT. One more suggestion, Mr. Speaker. The Department of Agriculture is making investigations every day concerning bugs and insects. It seems to me that the life of a human being is about as important as an insect. [Applause.] And furthermore let me call attention to the fact that we are having investigations into the value and quality of coal and of building material all over the country. We are having investigations on the subject of cotton raising in the South; we are having investigations in all lines of industries, and why should not we ascertain whether women and children are employed under proper conditions in this country? [Applause.]

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

LUCRETIA WILLIAMS.

Mr. BENNET of New York. Mr. Speaker, by direction of the Committee on Private Land Claims, I move to suspend the rules and pass the bill (H. R. 15242) to confirm to the legal repre-

sentatives of Lucretia Williams the title to 1 square league of land in Louisiana.

The SPEAKER. The gentleman from New York [Mr. BENNET] moves to suspend the rules and pass the bill, which the Clerk will report.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that the amendments only be read, the original bill having been entirely stricken out.

The SPEAKER. The gentleman from New York asks unanimous consent that the amendments in the nature of a substitute be read in lieu of the original bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill as amended.

The Clerk read as follows:

A bill (H. R. 15242) to confirm to the legal representatives of Lucretia Williams the title to one square league of land in Louisiana.

Be it enacted, etc., That the titles to all lands for which patents have heretofore been issued by the United States, and all lands for which bona fide homestead entries have heretofore been allowed, lying within that portion of township 6 north, range 13 west, which was segregated and surveyed under the order of the surveyor-general of Louisiana as the private land claim of Isaac Crow, assignee of Vincent Michele, embracing in whole or in part sections 9, 14, 15, 16, 17, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 33, and 34 of said township, be, and the same are hereby, confirmed.

SEC. 2. That the remaining portion of the land embraced within the limits described in the foregoing section upon which bona fide homestead entries have not been allowed prior to the approval of this act, be, and the same is hereby, confirmed to the heirs, assigns, or legal representatives of Lucretia Williams, and that all the right, title, and interest of the United States in and to the same be, and are hereby, granted and confirmed to the heirs, assigns, or legal representatives of the said Lucretia Williams.

SEC. 3. That the heirs, assigns, or legal representatives of Lucretia Williams shall have the right to enter upon any of the public lands of the United States, not mineral, and subject to homestead entry, a quantity of land equal in extent to that heretofore patented or entered under the laws of the United States within the sections described in the first section of this act, under such rules and regulations as the Commissioner of the General Land Office may prescribe.

Amend the title so as to read: "A bill to confirm titles to certain lands in the State of Louisiana."

The SPEAKER. Is a second demanded?

No second was demanded; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EXPATRIATION AND PROTECTION OF CITIZENS.

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 24122) in reference to the expatriation of citizens and their protection abroad, with the amendments reported from the committee.

The SPEAKER. The gentleman from New York [Mr. PERKINS] moves to suspend the rules and pass the bill as amended, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 24122) in reference to the expatriation of citizens and their protection abroad.

Be it enacted, etc., That the Secretary of State shall be authorized to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided,* That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.

SEC. 2. That the Secretary of State may issue, under such regulations as the President may prescribe, certificates of nativity to native-born American residents, setting forth the place and date of birth and place of permanent residence in the United States.

SEC. 3. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

When any naturalized citizen shall have resided for five years continuously in a foreign state it shall be presumed that he has ceased to be an American citizen: *Provided, however,* That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: *And provided also,* That no American citizen shall be allowed to expatriate himself when this country is at war.

SEC. 4. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

SEC. 5. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

SEC. 6. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization or resumption of American citizenship by the parent: *Provided,* That such naturalization or resumption takes place during the

minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

SEC. 7. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section 1993 of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of 18 years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

SEC. 8. That duplicates of any evidence, registration, or other acts required by this act shall be filed with the Department of State for record.

The SPEAKER. The Chair will suggest to the gentleman the propriety of striking out the word "bill," in section 8, line 9, and inserting the word "act."

Mr. PERKINS. Mr. Speaker, I move the amendment that the word "bill" be stricken out and that the word "act" be inserted.

The SPEAKER. Is a second demanded?

Mr. BONYNGE. Mr. Speaker, I demand a second.

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

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. PERKINS] is entitled to twenty minutes and the gentleman from Colorado [Mr. BONYNGE] is entitled to twenty minutes.

Mr. BONYNGE. Mr. Speaker, I demanded a second for the purpose of getting an explanation from the gentleman in regard to the bill and a comparison of this bill with the naturalization law that was passed at the last session. As I heard it read, I want to make one statement now before the gentleman from New York [Mr. PERKINS] makes an explanation. I think that there are some provisions in this bill that conflict with the naturalization law that passed at the last session.

Mr. PERKINS. Mr. Speaker, I think the gentleman will find that there are no provisions in this law that conflict with the naturalization laws. This bill was unanimously reported from the Committee on Foreign Affairs at the request of the Department of State, and in answer to a report made, which the gentleman may have seen, by a committee appointed by the Secretary of State to investigate and report upon certain evils which have arisen in the Department of State, chiefly in reference to the issue of passports and the protection exercised by this Government in favor of its citizens in other countries.

The first section meets an evil of this character. A young man comes to this country and files his naturalization papers. By that act he renounces his allegiance to the country from which he came, and therefore has no right to ask its protection. Under the present law the Department of State can not issue a passport, and therefore can grant no protection until the man has been fully naturalized—that is, until at the expiration of five years. Very many of these young men have occasion to go to other countries and many of them are sent to other countries by their employers as traveling agents, for which purpose they are often specially adapted. It results that until the five years have expired they must go, for instance, to a country like Asia and other eastern countries where a passport is required, without being able to have any protection from any country. To meet that evil the Secretary of State is authorized—he is not directed—when a man has lived here three years after filing his naturalization papers, to issue a passport that shall be good for six months. I think there can be no objection to this provision.

Mr. RYAN. Will the gentleman permit a question right at that point?

Mr. PERKINS. Certainly.

Mr. RYAN. Suppose a man filed his application for papers, as you call it, and lived here ten or fifteen years afterwards without completing his citizenship, what would be done in his case?

Mr. PERKINS. He would be entitled to receive a temporary passport, good for six months, and not good in the country from which he originally came. The Government would extend no protection except that brief protection.

Other provisions, Mr. Speaker, cover this question. Under the law as it now is, because in large part this act is merely declaratory, a woman who marries a foreigner takes the citizenship of her husband. It is not infrequently the case that such a woman may desire to return to her American citizenship, alike for her own sake and for the sake of her children. The bill provides that where the marital relation has terminated—which may either be by the death of her husband or by absolute divorce—the woman shall have the right, either by returning to this country or by filing a declaration before proper officers, to retake her citizenship in the United States. I think the justice of that provision, Mr. Speaker, will be evident to the entire House; and we have extended a corresponding provision, as of

course we should, to foreigners who take American citizenship by reason of marrying Americans.

Mr. CRUMPACKER. Will the gentleman answer a question with reference to section 3?

Mr. PERKINS. I am coming to section 3 in a moment. The other provision, and the most important one in the bill, is section 3, which was drawn at the request of the State Department to meet a very serious evil. We all desire that the full protection of the United States should be extended everywhere and at all times over every man who is a bona fide citizen of this land; but the protection of the flag is intended for those who intend to dwell under it. It should not be perverted to a fraudulent shield under which those who do not intend to share our lot seek to escape from the responsibilities they may be under to other governments. A large number of persons, larger than many Members of this House would suppose, come to this country; they become naturalized at the expiration of five years; they then return to their own country, to some other foreign country, without any intention of bearing their share in our lot, without any thought of returning to this land, with the intention of spending their entire days in a foreign land, but under the fraudulent protection of the United States. And, Mr. Speaker, when there is any question arising, when any one of these men who has come from Asia Minor, or no matter where else, is involved in any difficulty he shouts and shrieks for the protection of the American flag with more clamor than if his ancestors had fought and bled in every battle from the days of the Revolution down to this day.

Now, Mr. Speaker, as I have said, we desire to exercise full protection, the State Department desires to exercise full protection, to every man who is really one of us, but this act puts into the statute what has been suggested by the courts frequently, a fixed, definite provision to prevent abuses. The act provides that where a naturalized citizen shall for five continuous years absent himself from this country, the presumption shall arise that he intends to renounce his citizenship. He may overcome that presumption if he can convince the proper officers that there is sufficient reason for his act, that he still intends to be one of us; that he intends to return here; that he is a citizen and expects to remain a citizen of the United States. But this bill provides that the presumption shall arise at the expiration of five years; and I think the same provision is in the naturalization bill.

Mr. BONYNGE. I want to ask the gentleman if he has considered in connection with section 3 section 15 of the naturalization law passed last session?

Mr. PERKINS. I wish to state, Mr. Speaker, that not only myself, but the committee which had the special investigation of this subject did consider it. But let me suggest to the gentleman that this bill is intended especially for the assistance of the State Department to save our Government becoming involved in any trouble or question with foreign countries where there is no just reason. The naturalization law provides that if a person resides abroad for five years proceedings may be had.

Mr. BONYNGE. That if within five years after the issuance of a certificate he goes abroad to remain permanently, that then the presumption arises that he did not bona fide make his application for naturalization, and provides for the cancellation of the certificate when issued under these circumstances.

Mr. PERKINS. Precisely.

Mr. BONYNGE (continuing). Which is a different proposition to that contained in section 3 of your bill.

Mr. PERKINS. There are two reasons why this bill is required for the State Department. In the first place the provision of the naturalization bill merely authorizes the proceedings to be taken for the cancellation of the naturalization papers.

A man formerly living here goes to Asia Minor and becomes involved in some complication and calls upon this Government to send its war ships to protect him. There is no opportunity to have proceedings taken in court by which, after due notice to him, his naturalization may be canceled. But the Department can say, "For five years you have been absent from this country. Therefore, in the absence of evidence furnished by you, we shall presume that you have ceased to be a citizen, and we shall not extend to you the protection of the United States." Any legal rights, any rights of children, any rights of property, of course, still remain to be disposed of by the courts; but the State Department can say, "We decline to mingle in your contest, because there is a presumption that you have renounced the citizenship you obtained."

Mr. LACEY. I should like to ask the gentleman in charge of the bill whether the motion is to pass the bill as amended?

Mr. PERKINS. Yes.

Mr. LACEY. So that it does not affect American-born citizens in their residence abroad.

Mr. PERKINS. No; that was stricken out.

Mr. BENNET of New York. Suppose a case like this: An American-born woman marries abroad and subsequently separates from her husband and returns to this country. Under this bill she has forever forfeited her American citizenship, has she not?

Mr. PERKINS. No; but she has forfeited her American citizenship unless her husband dies.

Mr. BENNET of New York. But during his lifetime?

Mr. PERKINS. During his lifetime. That is not this bill; that is the present law. The courts have decided that a woman takes the citizenship of her husband, only the decisions of the courts provide no means by which she may retake the citizenship of her own country on the expiration of the marital relation. This bill contains nothing new in that respect, except a provision that when the marital relation is terminated the woman may then retake her former citizenship.

Mr. BENNET of New York. Then this is simply declaratory of existing law?

Mr. PERKINS. As to the first part, that she takes the citizenship of her husband, it is declaratory of existing law.

I reserve the balance of my time.

Mr. BONYNGE. Mr. Speaker, I am not familiar with the provisions of the bill now before the House, never having had an opportunity to examine the bill until this afternoon. It does seem to me, however, Mr. Speaker, that there is a very material conflict between the provisions of section 3 of the proposed bill and section 15 of the naturalization law passed in the last session of Congress. Section 3 of the bill now under consideration provides that when any naturalized citizen shall have resided for five years continuously in a foreign state it shall be presumed that he has ceased to be an American citizen, and then it throws the burden upon him to establish that it was not his intention to give up his American citizenship. It has been held by the courts that the granting of naturalization by the courts is in effect a judgment. This provision of section 3, therefore, is to the effect that a judgment of a court, solemnly entered, shall be set aside upon a mere presumption, and it shall become the duty of the party in whose favor that judgment has been entered to establish by satisfactory evidence that the judgment ought not to be set aside.

Under the provisions of the bill passed at the last session it has been now provided that there shall be kept a record of every person in whose favor naturalization certificates are issued, and one of the main arguments in favor of that provision of the law was to guide the Department of State in just such cases as the gentleman from New York [Mr. PERKINS] has called to the attention of the committee. Under section 15 of the bill passed at the last session the party in whose favor the naturalization certificate has been issued is given an opportunity to be heard before the certificate is canceled. It raises the presumption, it is true, under section 15 of the law passed at the last session, that if he goes abroad within five years after the certificate has been issued to him, and goes abroad with the intention to remain there, that he had not bona fide made his application for naturalization.

But then the section gives him an opportunity, as I remember it, to be heard before that certificate is canceled. The bill as now presented does not give him that opportunity at all, but provides simply that if he has been abroad and has been living abroad permanently for five years, without any sort of proceedings being instituted, the American consul abroad shall have the right to say that this man has lived in a foreign country five years, and having lived there for five years cancel the judgment of the court issued in the United States upon the presumption that his certificate was issued illegally, and thereby throw the burden upon him to establish its legality.

Mr. CRUMPACKER. Will the gentleman allow a suggestion?

Mr. BONYNGE. I will.

Mr. CRUMPACKER. The provision contained in the naturalization bill passed at the last session of the present Congress for the cancellation of certificates for citizenship held by those who have been abroad for five years is predicated on the theory that the certificate was fraudulently obtained in the first place, and therefore there never was any naturalization in the sense of the law.

Mr. BONYNGE. I see that distinctly.

Mr. CRUMPACKER. Now, the Constitution determines the question of citizenship, and after one has become a citizen by naturalization that status has attached; and I understand the judgment of some of the officers in the State Department is that Congress itself can not decitizenize him; he can only expatriate himself in a formal manner by renouncing his allegiance to this country and announcing his allegiance to some foreign country or doing something irreconcilable with his status

as a citizen. I think this section intends to enact into law the practice carried on in the State Department in relation to citizens in foreign countries, and that is to withhold from them—not decitizenize them, but to withhold from them—the ordinary protection of a citizen if they have become permanent residents abroad. I think it is a proper practice, and I think it ought to be enacted into law; but this section goes beyond that, because it says that one ceases to become an American citizen by simply residing abroad.

Mr. BONYNGE. Yes; that he has ceased to be an American citizen.

Mr. CRUMPACKER. He may abandon his citizenship simply by residing abroad.

Mr. MANN. Does that apply to anyone but a naturalized citizen?

Mr. CRUMPACKER. It only applies to naturalized citizens; but when one is naturalized he is a citizen as completely and thoroughly as if he were a native. The Constitution and laws of the country make no difference between native and naturalized citizens.

Mr. MANN. If this becomes a law, then, it does make a difference.

Mr. CRUMPACKER. Then it will conflict with the Constitution.

Mr. MANN. We are not talking about the authority to naturalize a person, but under what terms and by which he may lose his citizenship.

Mr. BONYNGE. Once he becomes a citizen, all the rights under the Constitution and the law attach to him as they do to a native-born citizen.

Mr. PERKINS. What difference of principle between this provision and that in the naturalization act, which says that if he goes abroad—

Mr. BONYNGE. And lives there permanently, it shall be presumed that his application was not made in good faith.

Mr. PERKINS. That does not apply to a man born in this country.

Mr. BONYNGE. No; but there are proceedings by which this naturalization certificate is set aside under the law passed at the last session, and he is given an opportunity to be heard in court, whereas under the provisions of the gentleman's bill as now presented he has no opportunity to be heard.

Mr. PERKINS. It merely raises a presumption as the result of which the State Department would not exercise protection. If he had any legal rights, those would be disposed of in court before the State Department would be relieved from obligation of affording him protection.

Mr. CRUMPACKER. Fraud vitiates all proceedings, and the provision of the naturalization bill passed last winter was that one guilty of fraud in the proceeding was never legally a citizen of the United States.

Mr. BONYNGE. Mr. Speaker, section 6 of the bill I do not know that I thoroughly understand. That section provides that a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization, or the resumption of American citizenship by the parents. In what respect does that change existing law, I will ask the gentleman from New York?

Mr. PERKINS. Mr. Speaker, that only changes existing law to meet the provision of this bill which gives to the woman who has married a foreigner, where the marriage relations have been terminated, the right to resume her citizenship. Under this act the children of such a woman would have the same right as the children of aliens to take American citizenship by coming to this country to reside permanently. Otherwise I do not think it changes the law.

Mr. BONYNGE. Mr. Speaker, I do not know that I have any serious objections to this bill except to section 3. I believe there is a conflict between the provisions of that section and section 15 of the law—a conflict at least in the proceeding by which the party is to be deprived of the benefits of the naturalization certificate. It is true, as the gentleman from Indiana [Mr. CRUMPACKER] says, that section 15 of the law passed at the last session provides for cases instituted to set aside the certificate of naturalization, whereas section 3 of the present bill relates more especially to the benefits or the advantages that he acquires by virtue of his naturalization. I believe, however, that there ought to be some proceeding by which he could be deprived of those benefits and an opportunity to be heard exactly as is provided in the bill of the last session—that the proceeding ought to be instituted in court to set aside the certificate of naturalization. For that reason, while approving the other sections of the bill, I shall feel compelled to vote against it at this time. I reserve the balance of my time.

Mr. PERKINS. How much time have I remaining?

The SPEAKER. Seven minutes.

Mr. BONYNGE. How much time have I left, Mr. Speaker?

The SPEAKER. Ten minutes.

Mr. BONYNGE. I yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I entirely agree with the gentleman from Colorado [Mr. BONYNGE] as to section 3. I think it is too broad. In addition to the consideration that he urged upon the House, there is also the consideration of property rights and of property rights inhering in American-born citizens who might take through these foreign-born naturalized citizens. This bill will apply to a man who has now been abroad four years and eleven months, and if he remain abroad the other month he would be forced, under this statute, to become no longer a citizen of the United States, but a citizen of the country where he was.

Mr. PERKINS. Allow me to correct the gentleman. That certainly is not the result of the statute at all.

Mr. BENNET of New York. Why not?

Mr. PERKINS. The statute provides that, having remained there five years continuously, there shall be a presumption which, unless he satisfies the officers of the State Department, their consuls, or ministers to the contrary, would authorize the State Department to refuse to extend him protection. It can not affect any other rights, which of course he can present in court. No presumption is conclusive on a court. It is a mere presumption, but the presumption would protect the State Department. That is the object of the bill and the result of the bill and the only result of it.

Mr. BENNET of New York. Here is the situation: A man lives abroad to-day. He lives abroad for four years and eleven months. He never hears of this act, and two days after the next month he dies, and it might be two or three years just as well, because the diffusion of the knowledge of the passage of this act will probably be slow. The only right this bill gives him is a personal right. His heirs can never prove that he had not ceased to be an American citizen, and yet you deprive his American-born heirs—

Mr. MANN. Not his American-born heirs.

Mr. BENNET of New York. Why, yes.

Mr. MANN. Why, American-born heirs have their own citizenship.

Mr. BENNET of New York. Well, yes; but there is the question of taking through an alien. In our own State of New York there is a difference between land descending through a citizen and land descending through an alien.

Mr. PERKINS. The gentleman knows that even in our State that has been practically done away with.

Mr. BENNET of New York. My colleague will pardon me for disagreeing with him.

Mr. McNARY. I would like to ask the gentleman a question. Will the gentleman yield?

Mr. BENNET of New York. Yes.

The SPEAKER. The time of the gentleman has expired.

Mr. BONYNGE. I yield so much time to the gentleman as he may desire of my remaining time.

Mr. McNARY. I would like to ask the gentleman a question. As I understood him, he contended that this act would apply to a man who is now living abroad, who has lived there for four years and eleven months continuously. Does he wish the House to understand that that is his idea of the law, that it would work backward?

Mr. BENNET of New York. It would not have to work backward.

Mr. McNARY. Why not?

Mr. BENNET of New York. The man's term of residence has commenced abroad, but it concludes after the act. The act says when any naturalized citizen shall have resided five years continuously in a foreign country it shall be presumed he is, etc., and therefore one month from the date of the passage of this act he will become in a condition where he "shall have" resided five years abroad and ceased to be a citizen, and you take away American citizenship from that large class of people who are abroad and know nothing of this and give them no chance. Further than that, it seems to me very doubtful whether a man once naturalized can have any more rights taken away from him than can be taken away from a native-born citizen, for citizenship is citizenship whether citizenship through being born here or having been naturalized here. I grant we had the power to pass what we did in the naturalization law, saying that a man must swear when he makes his declaration of intention and petition that he intends to reside here permanently, and then, if within five years he went abroad and remained abroad, that was presumptive evidence that his initial oath was perjury, and the courts could declare after notice that

he never had become a citizen. There is decision after decision with which my colleague from New York is unquestionably familiar, that we can make no distinction between the rights and privileges granted a native-born citizen and a naturalized citizen, and I think, with all due respect, that he has made section 3 too broad. The rest of the bill, I think, is all right, but section 3 has too much to it.

Mr. McNARY. Mr. Speaker, I will only take a few minutes' time.

The SPEAKER. How much time does the gentleman yield?

Mr. PERKINS. I yield three minutes to the gentleman from Massachusetts.

Mr. McNARY. It seems to me, Mr. Speaker, that the objections to this bill are rather finical. As a matter of fact, it does not lay down a hard and fast rule. It only does what the gentlemen who are on the Committee on Immigration and Naturalization did themselves last year in the bill they reported, raise the presumptive question whether or not a man had forfeited his citizenship, and that presumption is in the cognizance of the State Department. Now, as a matter of fact, the committee does not consider that this bill is a retroactive bill, or it is apparent that the State Department would not so apply the bill to those who are now living abroad; that it would only apply the bill to those men who would hereafter take up their residence abroad. The bill has been very carefully considered. I do not think it conflicts in any degree at all injuriously with the provisions of the naturalization bill of last year, and I do not feel the objections brought against it are of great weight. At least they have not convinced me, and I would have been perfectly willing for my part, as a member of the committee, to an amendment bringing this bill into entire harmony with the bill of last year if it were necessary, but I do not feel that the bill conflicts in any way with the provisions of that bill. It is a fact, as shown to the members of the Foreign Affairs Committee, that a bill of this character is necessary, in view of what has taken place in the countries of the Orient and in view of the troubles our State Department has had, particularly in the case of certain naturalized citizens who, after receiving their citizenship papers here, have gone to those countries, remained there, and have caused our State Department and this country much needless embarrassment. I believe the bill is proper, and with proper reasoning and common sense on the part of our State Department, it will work well, and I think it should be passed.

Mr. BONYNGE. Mr. Speaker, I demanded a second for the purpose of bringing out a discussion on those two particular sections of the bill, sections 3 and 6. I am not satisfied myself that section 3 does not conflict with the naturalization laws, and I shall therefore have to vote against the bill. I do not desire to take up any further time in argument. If some gentleman on the floor desires me to yield him time, I shall be glad to do so.

Mr. CRUMPACKER. I would like two or three minutes.

Mr. BONYNGE. I will yield such part of my time to the gentleman from Indiana [Mr. CRUMPACKER] as he may desire.

Mr. CRUMPACKER. Now, Mr. Speaker, I am inclined to favor this bill. I want to support it, for I believe in its purpose. The practice of the State Department is, as I understand it, to extend the protection that goes along with a citizen abroad and that is implied by an American passport. The practice is to extend that protection to all citizens except those who have gone abroad and have taken up permanent domicile, who have practically left this country permanently, and to that class of citizens only passport rights and protection are withheld. It does not deprive them of the rights of citizenship at home, the right of inheritance under our law. It recognizes those rights and, of course, would of necessity, because the State Department would not have the right to deprive a citizen of those rights, the property rights of citizenship at home. It simply withholds from them the protection that is usually accorded citizens in foreign countries. Now, this section provides that if one who has been naturalized goes abroad and remains for five years, it shall be presumed that he ceases to be an American citizen. What does that mean? He is no longer a citizen. It involves all of his rights. It involves the right of protection while he is abroad; it involves the rights he may have acquired under the property and inheritance laws of the United States here at home. It decitizenizes him, while the policy of the State Department does not do that excepting in so far as it relates to the protection of citizens while they are in foreign countries, and still leaves to them all of the rights as citizens that the property and inheritance laws of this country and the various States of this country may confer upon them.

The criticism that I have of this section is that it does take away from this class of citizens the individual rights that pertain to citizenship in this country. I believe that the practice

of the State Department ought to be enacted into law, and if section 3 could be so reframed as to provide that with men who have gone abroad, native as well as naturalized, who have lived abroad five years, at least, showing no evidence of returning, the State Department is not required to afford the usual protection of citizens.

The SPEAKER pro tempore (Mr. STERLING). The time of the gentleman has expired.

Mr. PERKINS. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Five minutes.

Mr. PERKINS. I yield five minutes to the gentleman from Illinois [Mr. LOWDEN].

Mr. LOWDEN. Mr. Speaker, I rise to correct what seems to me a misapprehension as to existing law. Under the law as it is enforced now there are other methods of surrendering citizenship besides swearing allegiance to some other country. The decisions are numerous that either a native-born American or a naturalized alien may by his own act voluntarily surrender his American citizenship. The decisions are numerous that a native-born American who goes abroad with the intention to abide there permanently does lose his citizenship in America without any other act whatever. It has also been held in numerous decisions that a foreign-born citizen who leaves this country after an absence of a number of years will be presumed to have abandoned his citizenship. No distinction is made between the American-born citizen and the foreign-born citizen beyond this, that a presumption has been indulged in in the case of the foreign-born citizen that he intends to remain away permanently. And whenever that fact is made clear with reference to either a native-born American or a naturalized American, he has forfeited under the laws his right to American citizenship and therefore the protection of the United States. And this section 3, as a matter of fact and law, is only declaratory of the unwritten law, making it a little more definite as to the exact time when the presumption attaches.

Why, I remember to have read that it was very warm around the Capitol here almost a hundred years ago because we urged the right of any man of any country to expatriate himself if he wanted to, and that has been the recognized law of this country ever since. [Loud applause.]

Mr. PERKINS. I yield one minute to the gentleman from Iowa.

Mr. LACEY. Mr. Speaker, I would like to call the attention of the House to just one feature of the law of citizenship of our sister Republic across the Rio Grande. If a man buys a piece of land or a piece of real estate it is necessary for him to say in the deed that he does not desire to be a Mexican citizen. The mere fact of recording the deed otherwise makes him a citizen of Mexico. I would like to ask my friend how far we would recognize that peculiar state of the Mexican law?

Mr. PERKINS. It does not go so far. In the remaining minute I wish to say that I entirely agree with the gentleman from Illinois that this law is substantially declaratory, except it does distinctly state the terms under which any man, for the purposes of protection, may make claim on this country.

Mr. OLMSTED. I want to ask the gentleman whether in his opinion section 3 would apply to a man whose five years expired on yesterday?

Mr. PERKINS. No law is presumed to be retroactive.

Mr. OLMSTED. Would it be sufficiently retroactive as to apply to four years and ten months, or two months after the passage of this act?

Mr. PERKINS. The general provision is, and no one knows better than the gentleman, that no laws are presumed to be retroactive in the absence of express provision in the bill.

Mr. OLMSTED. I think there is a pretty serious question as to that in the way in which this bill is drawn.

The question was taken on the motion to suspend the rules and pass the bill.

Mr. BONYNGE. Division, Mr. Speaker.

The House divided, and there were—ayes 89, noes 10.

So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

BRIDGE ACROSS POTOMAC RIVER AT SHEPHERDSTOWN, W. VA.

Mr. PEARRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 24111, with the amendments recommended by the committee.

The bill was read, as follows:

A bill (H. R. 24111) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River, at or near Shepherdstown, W. Va.

Be it enacted, etc., That the Norfolk and Western Railway Company, a corporation organized under the laws of the State of Virginia, its successors and assigns, be, and they are hereby, authorized, in the improvement and relocation of its line, to construct, maintain, and op-

erate a bridge and approaches thereto across the Potomac River, at or near Shepherdstown, W. Va., where the Potomac River forms the boundary line between the States of West Virginia and Maryland, as the said company may deem suitable for the passage of its road over the said river, 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 this act shall be null and void unless the actual construction of the bridge authorized by this act be commenced within two years and completed within three years from the date of the passage of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 4. That this act shall take effect from the date of its passage.

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

On page 1, in lines 10, 11, and 12, strike out the following: "As the said company may deem suitable for the passage of its road over the said river."

Strike out sections 2 and 4 and change section 3 to section 2.

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

The amendments recommended by the committee were agreed to.

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

On motion of Mr. PEARRE, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECALL OF BILLS FROM THE PRESIDENT.

The SPEAKER laid before the House the following concurrent resolution, which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,
January 21, 1907.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 3671), entitled "An act granting a pension to Louis Castinette."

The SPEAKER also laid before the House the following concurrent resolution, which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,
January 21, 1907.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 5073) entitled "An act granting an increase of pension to Daniel G. Smith."

DISTRICT APPROPRIATION BILL.

Mr. GILLET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MANN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24103, the District of Columbia appropriation bill.

Mr. GILLET. Mr. Chairman, there was one clause which had been adopted by the subcommittee, but which by accident was not printed as a part of the bill, and in order that that may be adopted as an amendment, I ask unanimous consent that the committee return to page 29, line 22, to offer an amendment.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. I ask the gentleman to have his amendment sent to the desk and have it read, so that we will know what it is.

The CHAIRMAN. The gentleman from Alabama reserves the right to object, and the amendment will be read for information.

The Clerk read as follows:

Page 29, at the end of line 22, insert: "Provided further, That no street railway company shall use the bridge herein authorized by its tracks until such company shall have paid to the Treasurer of the United States a sum equal to one-sixth of the total cost of said bridge, one half thereof to be credited to the United States and the other half to the credit of the District of Columbia."

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. UNDERWOOD. Reserving the right to object, I would like to ask the gentleman from Massachusetts whether this right has been granted or whether it is a limitation upon a power already granted?

Mr. GILLET. I do not know that the general power has not already been granted. This is a new bridge across the Baltimore and Ohio Railway, and at present the street railway company's track terminates at that crossing. When this bridge is built, so that there will be no grade crossing, the street railway company will undoubtedly wish to extend its tracks across the bridge. We are told on investigation that if it is to be used for that purpose the expense would be increased 16 per cent by reason of the additional width and strength necessary in order to enable the street railway to go over, and we thought it was

no more than fair that if they do so that they should pay a sixth part of the expense.

Mr. UNDERWOOD. Is this a highway bridge or a railroad bridge?

Mr. GILLETT. It is a highway bridge over a railroad.

Mr. UNDERWOOD. Will that interfere in any way with the travel of vehicles going over?

Mr. GILLETT. Oh, no; but it is always true that where a highway bridge is put across a railway the street railways may cross. This bridge, in order to allow them to do so, would have to be built wider and stronger, and therefore we say it is but fair that they should pay a part of the expense.

Mr. UNDERWOOD. Does this provide that on the building of the bridge they shall be allowed to go across on condition that they pay this?

Mr. GILLETT. We do not say they shall be allowed to go across. That question will have to be settled hereafter. They will have to apply to the proper authorities and be granted the right. This simply makes provision that if they are permitted to go across they must pay that portion of the cost of the bridge which we thought was caused by them.

Mr. UNDERWOOD. Then the question whether the street-railway companies shall hereafter be allowed to cross the bridge is not determined now?

Mr. GILLETT. Not determined now.

The CHAIRMAN. Is there objection to returning to the paragraph for the purpose of offering this amendment?

There was no objection.

Mr. GILLETT. I offer the amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 29, at the end of line 22, insert:
"Provided further, That no street-railway company shall use the bridge herein authorized for its tracks until such company shall have paid to the Treasurer of the United States a sum equal to one-sixth of the total cost of said bridge, one half thereof to be credited to the United States and the other half to the credit of the District of Columbia."

The amendment was agreed to.

The Clerk read as follows:

For twelve heads of departments in high schools, a \$2,000 each.

The CHAIRMAN. The Chair will call the attention of the gentleman from Massachusetts to a typographical error at the end of line 12, page 39.

Mr. GILLETT. I move that the letter "t" be added at the end of the line.

The CHAIRMAN. If there be no objection, the word "a" will be changed to the word "at."

There was no objection.

The Clerk read as follows:

For fuel, gas, and electric light and power, \$85,000.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in charge of the bill with reference to contracts for fuel, gas, and electric light and power in the school buildings. Do the Commissioners of the District make these contracts, or the school authorities?

Mr. GILLETT. The Commissioners of the District do it.

Mr. JOHNSON. I should like to ask further what rate are they paying for the use of gas in the public schools?

Mr. GILLETT. At the regular rate of \$1 a thousand.

Mr. JOHNSON. Did the committee look into the question as to whether that was an excessive charge?

Mr. GILLETT. No; they did not.

Mr. JOHNSON. There is no law fixing the rate at \$1 a thousand, is there?

Mr. GILLETT. That is the regular rate. The gentleman will remember that at the last session of Congress we went at length into the question of the expense of the gas. The gentleman read the hearings, which were published. This year we did not go into that question at all.

Mr. JOHNSON. Does the gentleman know whether the Commissioners have made any effort to find out whether these prices were excessive or whether they could do any better?

Mr. GILLETT. The gentleman knows, of course, that there has recently been a hearing before the Commissioners on the general subject of the price of gas. We may get the benefit of any action which results from that, but at present that is the price fixed by law.

Mr. JOHNSON. If the proposition to reduce the price of gas, which I understand is now before another committee, should be finally acted on before the 4th of March, does this provision contemplate that they shall pay for the ensuing year under the existing law or under the law as it will then stand?

Mr. GILLETT. This, of course, makes a gross appropriation, which will be paid under whatever law is in force at the time.

Mr. JOHNSON. This is based upon the idea of \$1 a thousand?

Mr. GILLETT. Yes; it is based on the present law. We could not base it on anything else.

Mr. JOHNSON. I withdraw the pro forma amendment.

The Clerk read as follows:

For contingent expenses, including furniture and repairs of same, stationery, printing, ice, purchase and repair of equipments for high school cadets, and other necessary items not otherwise provided for, including an allowance of \$300 livery of horse or garage of automobile for the superintendent, and including not exceeding \$1,000 for books, books of reference, and periodicals, \$40,000.

Mr. OLCOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 6, page 53, insert the following:

"For free evening lectures, to be given in the public school buildings or such halls as may be designated under rules and regulations of the board of education, \$1,500."

Mr. BURLESON. To that amendment, Mr. Chairman, I make the point of order that it is not authorized by existing law.

The CHAIRMAN. The gentleman from Texas makes the point that it is not authorized by existing law. Does the gentleman make the point or reserve it?

Mr. BURLESON. I will reserve it if the gentleman from New York desires to discuss it.

Mr. OLCOTT. I would like to be heard on the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. OLCOTT. There was an appropriation in last year's bill for free lectures, and such lectures are a part of the educational system provided for in the city of Washington. I scarcely think that the amendment suggests any new matter or is contrary to existing law. As far as the merits of the question are concerned, it seems to me that anyone who has considered it can appreciate the value of free lectures as a part of the public educational system, and must believe that they are matters of very great importance. Numbers of people who are dependent for their education and the continuance of their education upon the public school system are unable by reason of employment during school hours to obtain the benefits and advantages of the day schools. To such people these lectures are of great benefit. The lectures have been in existence not only in Washington, but in most of the cities, and always have been most beneficial in their results. I know that in the city of New York it is a part of the educational system of the community which under no circumstances would be dispensed with by the well-thinking people of that community.

Now, the amount asked for in this amendment is only \$1,500, and in my mind, and I think in the minds of those who have carefully considered it, it is of great importance, and it will be a mistake on the part of this Congress to decline to make the appropriation, and I therefore hope that the point of order will be overruled and the amendment passed.

The CHAIRMAN. Will the gentleman from New York inform the Chair whether under existing law the curriculum or course of study as prepared for the schools is controlled by the board of education or by the officials in the District?

Mr. OLCOTT. I do not quite understand the question of the Chair.

The CHAIRMAN. Under existing law, who has authority to determine as to the course of instruction and policy to be pursued in the schools; does the board of education have that control over the school curriculum?

Mr. OLCOTT. The board of education has control over the schools; it is given certain powers by Congress to control schools and to appoint a superintendent.

The CHAIRMAN. Would this be a limitation on the power of the board of education?

Mr. OLCOTT. It would direct a certain amount of money to be expended for a special purpose.

The CHAIRMAN. The Chair is asking for information, whether, under existing law, a specific direction to the board of education does not change the authority which they now have under the law over the schools and courses to be pursued in the schools?

Mr. OLCOTT. I think this merely gives them the money to provide for specific instruction that Congress has determined heretofore is a part of the public instruction.

The CHAIRMAN. The Chair will ask the gentleman how Congress has determined that this is a part of public instruction?

Mr. OLCOTT. By putting such provision in previous appropriation bills, such appropriation to be expended for such specific use under the general authority that Congress has given to the board of public education.

The CHAIRMAN. Then the contention might be that it was a work in progress?

Mr. OLCOTT. It is a work in progress.

The CHAIRMAN. The fact that it is in a previous appropriation bill would not make it law for the ensuing year.

Mr. OLCOTT. But this is merely continuing an appropriation for, as the Chair just remarked, a work which is now in progress.

Mr. CRUMPACKER. It seems to me, Mr. Chairman, that the committee would have a right to make an appropriation for a branch of instruction that the board of education may not have provided for in its course of instruction, and that is all this amendment is. General control over the public schools has been vested by a general law in the board of public education, and that general authority includes the authority or power to provide for this branch of instruction, that and the other, and among other things doubtless a course of lectures, because it is essentially a branch of discipline and instruction in the public schools. It seems to me that the committee would have the right to say that \$1,500 or \$15,000, or any other sum, shall be used for the maintenance of a course of lectures. It is making an appropriation and directing its application, and there is authority for this course of instruction under the law. There is no doubt about that. Therefore there is authority for the appropriation, and the committee has the right to direct how the appropriation shall be used. It is a sort of general limitation. It seems to me that we have not surrendered the right to say that a particular branch of instruction shall be provided for in an appropriation bill, that there shall be so much money used for a particular branch or line of instruction, because it comes within the general law. The general law authorizes it. The amendment does not control the discretion of the board any more than any other limitation would control a discretion. A limitation of necessity does in a degree control the discretion of the officer who expends the money, and it is allowable if it controls the discretion within the legal authority of the board or officer. It can not go outside of that power, but it can specifically control within the power that already exists. Therefore it would strike me, without giving the subject a great deal of thought, that this amendment is in order.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the Chair to the fact that there is no specific authority under the law for such power in the board of education. As a matter of fact, there is a limitation upon the power of the board of education to admit pupils to public schools. A law that was enacted at the last session of Congress specifically prohibits free tuition in the public schools to any pupils except certain designated pupils. This is an attempt, at least, to take out of the limitation upon the power of the board fixed in that act the power to permit certain instruction for the benefit of all persons. Nothing in the school act of the last session provides for free lectures under the control of the board in the different schools. There is no law which authorizes free lectures. This provision itself contains the authority as well as makes the appropriation. The mere fact that in the present act making appropriations for the current fiscal year an item is carried for this purpose does not under the practice of the House make it an authorization to incorporate such a provision in this bill as if there were authority in the law for that purpose. So that this provision is contrary to existing law. I call the attention of the Chair to the act approved April 4, 1906.

The CHAIRMAN. Will the gentleman from New York [Mr. FITZGERALD] allow the Chair to call his attention to the wording of the amendment which provides for lectures in buildings as may be designated under the rules and regulations of the board of education.

Mr. FITZGERALD. But there is no statutory authority for the board of education to make any such rules and regulations to have free lectures for any person in the District. As a matter of fact, the law specifically prohibits certain classes of persons from receiving free tuition in the public schools of the District of Columbia.

Mr. CRUMPACKER. Does the law specifically authorize the teaching of grammar or geography? Does it not put the whole subject under the control of the board of education?

Mr. FITZGERALD. But this is different.

Mr. CRUMPACKER. I do not see why it is.

Mr. FITZGERALD. I am pointing out the difference. The public schools of this District are not free to all classes of persons.

The CHAIRMAN. Will the gentleman from New York inform the Chair whether under this sort of a provision it would not be the duty of the board of education to make rules and regula-

tions so that the lectures should be free only to those persons who are entitled to free tuition?

Mr. FITZGERALD. There is no doubt about it; but in that respect it changes the existing law, which prohibits the board from receiving pupils or giving tuition to certain classes of persons in the District except upon the payment of certain fees.

The CHAIRMAN. Of course the power of Congress over the public schools is plenary, and Congress has provided by law for the government of the schools of the District through the board of education. As the Chair understands, the board of education has power under that law to provide in reference to the curriculum and has full authority within the limitations of the law. It seems to the Chair that it would not be within the province of Congress on an appropriation bill to add a provision requiring the board of education to teach a particular thing or use a particular text-book. On an appropriation bill an item limiting or changing the authority of the board of education would be subject to a point of order, and the Chair thinks that this item is for something not provided by law directly; that it is a limitation upon the power of the board of education not proper on an appropriation bill, and that it can not be called a work in progress, because the appropriation one year for that fiscal year does not indicate that it shall be continued by Congress. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

Hereafter every male pupil in attendance at the high schools shall be admitted to and shall serve in the high school cadets unless excused from such service by the principal, on certificate of one of the medical inspectors of schools that he is physically disqualified for such service, or on the written request of his parent or guardian.

Mr. JOHNSON. Mr. Chairman, I wish to make the point of order on that paragraph, beginning on line 7 and ending on line 12.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. JOHNSON. I will reserve the point of order.

The CHAIRMAN. The gentleman from South Carolina reserves the point of order on lines 7 to 12, inclusive, page 53.

Mr. GILLETT. If the gentleman will allow me to explain the reason for that clause, I am in hopes he will withdraw his point of order. There is now in the high schools a cadet corps in each school. There is a good deal of rivalry in the different companies in the different schools as to who shall have the best drilled and the best appearing company, and consequently in some of the larger schools it has been the custom, prompted thereto by the desire to have the best appearing company, to try to prevent the small boys of the school from belonging to the company, who are very apt to be the ones who need the exercise and drilling more than any other; but in order that they may have a company of large boys, uniform in size, and consequently of excellent appearance, with a better chance of winning the prize, they kept the small boys out. Now, we thought that it was best that every boy should at least have the right to belong to a company; that if the physician thought he ought not join, or if his parents did not want him to join, it could be arranged that he need not be obliged to join, but that he had the right to join if he desired to do so, and for that reason we put in this clause.

Mr. JOHNSON. Will the gentleman permit me?

Mr. GILLETT. Certainly.

Mr. JOHNSON. To this extent I would be willing to go. As I read this language, it makes it obligatory upon every boy entering the high school to join these cadet companies. In other words, it forces the boy, unless he furnishes a certificate from the doctor or the written consent of his parents or guardian, to go into this military organization.

Mr. GILLETT. If his parents do not object.

Mr. JOHNSON. Now, I would be willing to do this: To employ language so that any boy can be permitted, not that it shall be obligatory on his part, to go into this cadet organization, and it shall be obligatory on the part of the cadet organization of the schools to accept him if he does go. In other words, it would prevent them from keeping out the small boys.

Mr. GILLETT. It is the only purpose we are aiming at, Mr. Chairman, and if the gentleman can suggest any language which he thinks will provide better than this, I am perfectly willing to accept it; but I think if the gentleman will consider he will see we have to make it obligatory upon these boys who are officering the companies that they must accept the small boys. All we say is they shall be admitted, and we provide that if his parents or guardian excuse him he need not become a member thereof. Now we are aiming at the very purpose the gentleman has in mind, but I am perfectly willing, if he does not think this exactly effects that end, to accept any amendment

that does; but I think the gentleman, if he reads the paragraph more carefully, will see it accomplishes what is desired.

Mr. JOHNSON. Am I correct in my impression of this language, that every boy in a high school shall join these companies?

Mr. GILLETT. He shall be admitted unless the medical inspector or his parents ask that he be excused, and if his parents do not want him to join, then he is not compelled to do so. All they have to do is to say so. We do not leave it to the boy himself; we leave that to his parents; and I think the gentleman will recognize that the parents rather than the boy ought to decide.

Mr. JOHNSON. I withdraw the point of order.

The Clerk read as follows:

For apparatus for the equipment and maintenance of school playgrounds, \$1,500.

Mr. NORRIS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 54, line 6, after the last word, insert: "For purchase of additional playgrounds, \$75,000."

Mr. JOHNSON. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The gentleman from South Carolina makes the point of order.

Mr. NORRIS. I desire to be heard briefly on the point of order.

Mr. JOHNSON. I will reserve it, of course.

Mr. NORRIS. I take it, Mr. Chairman, from the decision of the Chair that was made the other day when we had this bill under consideration, that this amendment in the words in which I have offered it, and in the place in the bill where I have offered it, obviates all of the objections that were made by the Chairman in his reasons given for his decision when this amendment was offered to a prior paragraph. This comes in in the bill where the bill itself is speaking of and making provisions for the equipment and maintenance of playgrounds connected with the public schools. I think there can be no doubt that as the amendment is offered it is a part of the public school system of this city, just as much so and to the same extent as the paragraph which immediately precedes it, which provides for the maintenance and equipment of playgrounds, and to the same extent and in the same way as is provided a little later on in the bill for the purchase of sites for additional school buildings and the erection of school buildings thereon. So that it seems to me that in the same sense that these other items are considered as a work in progress, this would be likewise considered. I take it also from the decision that was made by the present occupant of the chair when we had under consideration the fortification appropriation bill, that certainly this item, coming as it is offered in this particular place in the bill, would be considered as a part of the school system and as a work in progress.

The CHAIRMAN. Will the gentleman from Nebraska permit the Chair to ask a question?

Mr. NORRIS. Yes, sir.

The CHAIRMAN. Under his amendment does the gentleman from Nebraska think that the persons in authority would have the right to purchase ground for playgrounds anywhere within the District?

Mr. NORRIS. Now that, of course, is a question, as I look at it, Mr. Chairman, that does not arise in the consideration of this amendment, even on its merits or on the technical proposition as to whether it is new legislation. I presume we might say in the amendment that it should be within a certain distance of the school building or something of that kind, but I do not see, as a technical proposition, how that would make it any less subject to a point of order than in the words in which I have offered it. I take it, Mr. Chairman, it does not necessarily have to be on the same lot or the same block. I take it that if there is a playground provided for the school children that the board of education would have the legal authority to make rules and regulations so that it can be used, when as a matter of fact the school itself might not be adjacent or be in session. A playground should not be only for the purpose of being used during the noon intermission or recess intermission, or something of that kind. It does not follow that it must be located right exactly contiguous to the school building. I take it that it could be as far as the technical proposition is concerned about its being in order or out of order, located anywhere, and provision could be made for allowing the children to play thereon without regard to whether school is actually in session or not.

Mr. BANNON. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. NORRIS. I am pleased to do so.

Mr. BANNON. Does not the gentleman think there is less necessity for playgrounds in the city of Washington for the children than in cities that are devoted largely to commercial business and manufacture, and where the streets are more crowded than they are here and where there are not so many parks as there are here? In other words, does the same argument that applies in the larger cities, where they have manufacturing and commercial businesses, apply with the same effect in the city of Washington?

Mr. NORRIS. I would like to say, Mr. Chairman, in reply to my friend from Ohio [Mr. BANNON] that I think he asked a very pertinent and proper question as far as the merits of the bill are concerned, but, as I understand it, he just came in, and I will say that it is on a question of order that we have this matter up now. I will be glad, if the point of order is overruled, to answer that question at length, but I do not care, Mr. Chairman, at the present time to indulge in any discussion that does not properly come under the question of the point of order.

The CHAIRMAN. The Chair does not feel called upon to express any opinion as to whether an item would be in order to enlarge any present playground or the purchase of land adjacent to them. It has been held in a number of cases that where the Government owns land for a particular purpose, that it has bought or otherwise has, it was in order to add to the amount of ground by an appropriation as a work in progress. The Chair thinks that it has been the uniform ruling that the purchase of a new piece of ground for a new project, unless authorized by existing law, is subject to the point of order. While the present occupant of the chair is very much in sympathy with the idea of an appropriation for playgrounds, he feels constrained, as Chairman, to hold that the item is not authorized by law, and is not in order. The Chair therefore sustains the point of order.

Mr. BOUTELL. I offer an amendment at this point.

The Clerk read as follows:

Strike out, in line 6, page 54, after the word "playgrounds," the word "one" and insert "seventy-six;" and at the end of line 6 add: "provided none of this sum shall be available unless \$75,000 are spent in purchasing new sites for playgrounds."

Mr. JOHNSON. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The gentleman from South Carolina makes the point of order upon the amendment. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. BOUTELL. I do not; I leave that to the Chair.

Mr. NORRIS. I would like the Clerk to read the paragraph as it would read if amended.

The CHAIRMAN. If there be no objection, the Clerk will read the paragraph as it would read if amended by the amendment of the gentleman from Illinois.

The Clerk read as follows:

For apparatus for the equipment and maintenance of school playgrounds, \$76,000, provided none of this sum shall be available unless \$75,000 are spent in purchasing new sites for playgrounds.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That the plans and specifications for school buildings shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the Commissioners of the District, and shall be constructed by the Commissioners in conformity therewith; and the plans and specifications for all other buildings provided for in this act shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the superintendent of the Capitol building and the Commissioners of the District, and shall be constructed in conformity therewith.

Mr. OLCOTT. I offer the following amendment, after line 19. The Clerk read as follows:

Amend by inserting after line 19, page 56, the following:

"Provided, That no part of the appropriations to provide for the expenses of the public schools shall be available, and that no warrant shall be drawn against these appropriations, unless the meetings of the board of education and all its committees shall be open to the public."

Mr. GILLETT. I reserve the point of order upon that.

Mr. OLCOTT. Mr. Chairman, my object in offering that amendment is because after a report from the District of Columbia Committee last year, which embodied practically a reorganization of the entire school system of the District, a bill was passed which contained a proviso for public hearings in all sessions of the board of education and the several committees of the board. It has been generally reported that in several instances hearings have been held which were not public, but, on the contrary, which were purposely held behind closed doors, so that the public could not know exactly what was going on in the committees and, in some instances, the board itself. It seemed to me that at least the spirit of the law which we passed at the last session has been violated by the board of education. It therefore seemed to me a proper time to offer an amendment to ask the committee in appropriating for the board

of education to indicate to that body that the action of this House at its first session was worthy of some consideration by the board of education.

The CHAIRMAN. Does the gentleman from New York desire to be heard upon the point of order?

Mr. OLCOTT. I think it is simply a limitation upon the appropriation. I have no particular remarks to make upon the point of order.

The CHAIRMAN. Under the rule a limitation is in order. Under the rules, however, an amendment in the form of a limitation which is not a limitation of expenditure, but is an affirmative change of law, is not in order. The Chair thinks this is not a limitation upon expenditures of money, but a change of the law. The Chair therefore sustains the point of order.

The Clerk read as follows:

In all, \$6,180.

Mr. GILLETT. I offer an amendment.

The Clerk read as follows:

Page 16, line 22, after the word "all," strike out "six thousand one hundred and eighty," and insert in lieu thereof "four thousand two hundred and twenty."

Mr. GILLETT. That simply corrects the total.

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

The Clerk read as follows:

For general incidental expenses of the service, \$500.

The CHAIRMAN. The Chair assumes that the notes in the bill are only there for convenience.

Mr. GILLETT. For the information of the House.

The CHAIRMAN. And not to be considered as a part of the bill and will be stricken out by the Clerk.

The Clerk resumed and completed the reading of the bill.

Mr. GILLETT. Mr. Chairman, I move that the committee do now rise and report the bill and amendments favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24103—the District of Columbia appropriation bill, and had directed them to report the same back to the House with sundry amendments, and with recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the vote upon the amendments will be taken in gross.

The amendments were agreed to.

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

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

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 121. An act authorizing the extension of Seventeenth street NW.;

H. R. 128. An act for the opening of a connecting highway between Water Side drive and Park road, District of Columbia;

H. R. 8435. An act for the opening of Fessenden street NW., District of Columbia;

H. R. 10843. An act authorizing the extension of Kenyon street NW.;

H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia;

H. R. 14900. An act to extend Fourth street NE.;

H. R. 16944. An act to amend section 878 of the Code of Law for the District of Columbia;

H. R. 21689. An act to increase the limit of cost of five light-house tenders heretofore authorized; and

H. J. Res. 221. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

ADJOURNMENT.

Mr. GILLETT. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, submitting an

estimate of appropriation for rent of temporary quarters for the post-office at Watertown, N. Y.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of transfer of appropriation for employees—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Hudson River with a view to extending the existing project to Watertown, N. Y.—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of the Treasury, recommending an appropriation for temporary quarters for Government offices at Richmond, Va.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for temporary quarters for the post-office, etc., at Rochester, N. Y.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for temporary quarters for the post-office and other offices at Peoria, Ill.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for temporary quarters for the post-office at South Bend, Ind.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24363) to protect the public lands on the lower Colorado River, and for other purposes, reported the same with amendment, accompanied by a report (No. 6585); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22842) granting an increase of pension to William H. Hodges, reported the same with amendment, accompanied by a report (No. 6443); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15136) granting an increase of pension to George H. Justin, reported the same without amendment, accompanied by a report (No. 6444); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15012) granting an increase of pension to Oliver Curry, reported the same with amendment, accompanied by a report (No. 6445); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12095) granting an increase of pension to Atticus Lewis, reported the same with amendment, accompanied by a report (No. 6446); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2777) granting an increase of pension to Albert F. Durgin, reported the same without amendment, accompanied by a report (No. 6447); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12033) granting an increase of pension to George W. Irwin, reported the same without amendment, accompanied by a report (No. 6448); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 8673) granting an increase of pension to Marcena C. S. Gray, reported the same with amendment, accompanied by a report (No. 6449); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7918) granting an increase of pension to John M. Buxton, reported the same without amendment, accompanied by a report (No. 6450); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7538) granting an increase of pension to Thompson H. Hudson, reported the same with amendment, accompanied by a report (No. 6451); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6589) granting an increase of pension to M. W. Dunkin, reported the same with amendment, accompanied by a report (No. 6452); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1373) granting an increase of pension to Florence Bacon, reported the same with amendment, accompanied by a report (No. 6453); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20684) granting an increase of pension to William M. Neal, reported the same with amendment, accompanied by a report (No. 6454); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20616) granting an increase of pension to Isaac Fornwalt, reported the same with amendment, accompanied by a report (No. 6455); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20446) granting a pension to Andrew H. Groves, reported the same with amendment, accompanied by a report (No. 6456); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19131) granting an increase of pension to Edward K. Mull, reported the same with amendment, accompanied by a report (No. 6457); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18344) granting an increase of pension to William Todd, reported the same with amendment, accompanied by a report (No. 6458); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13960) granting an increase of pension to Thomas B. Manning, reported the same without amendment, accompanied by a report (No. 6459); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22601) granting an increase of pension to John J. Clark, reported the same with amendment, accompanied by a report (No. 6460); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22318) granting an increase of pension to James D. Cox, reported the same without amendment, accompanied by a report (No. 6461); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22297) granting an increase of pension to Hugh L. Dicus, reported the same with amendment, accompanied by a report (No. 6462); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22285) granting an increase of pension to Dennis Remington, reported the same with amendment, accompanied by a report (No. 6463); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22240) granting an increase of pension to James M. Ping, reported the same with amendment, accompanied by a report (No. 6464); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22215) granting an increase of pension to Eliza A. Hughes, reported the same with amendment, accompanied by a report (No.

6465); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22099) granting an increase of pension to Libbie D. Lowry, reported the same with amendment, accompanied by a report (No. 6466); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22089) granting an increase of pension to Adaline G. Bailey, reported the same with amendment, accompanied by a report (No. 6467); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21769) granting a pension to Emma Aiken, reported the same with amendment, accompanied by a report (No. 6468); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21718) granting an increase of pension to Franz Z. F. W. Jensen, reported the same with amendment, accompanied by a report (No. 6469); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21462) granting an increase of pension to William Wickham, reported the same with amendment, accompanied by a report (No. 6470); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21433) granting an increase of pension to George W. Lasley, reported the same without amendment, accompanied by a report (No. 6471); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21425) granting an increase of pension to Jasper N. Brown, reported the same with amendment, accompanied by a report (No. 6472); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21426) granting an increase of pension to John J. Ross, reported the same without amendment, accompanied by a report (No. 6473); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21374) granting an increase of pension to Charles H. Hornan, reported the same with amendment, accompanied by a report (No. 6474); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21316) granting an increase of pension to Samuel Rhodes, reported the same with amendment, accompanied by a report (No. 6475); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21301) granting an increase of pension to John Goodier, reported the same with amendment, accompanied by a report (No. 6476); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21097) granting an increase of pension to Harry Martin, reported the same with amendment, accompanied by a report (No. 6477); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21022) granting an increase of pension to Thomas N. Gootee, reported the same with amendment, accompanied by a report (No. 6478); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20740) granting an increase of pension to Guthridge L. Phillips, reported the same with amendment, accompanied by a report (No. 6479); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23810) granting an increase of pension to Ira J. Everson, reported the same with amendment, accompanied by a report (No. 6480); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23645) granting an increase of pension to Isaac L. Griswold, reported the same with amendment, accompanied by a report (No. 6481); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 20413) granting a pension to Eva Louise Eberlin, reported the same with amendment, accompanied by a report (No. 6482); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23608) granting an increase of pension to John Manley, reported the same with amendment, accompanied by a report (No. 6483); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23593) granting an increase of pension to Charles M. Buck, reported the same with amendment, accompanied by a report (No. 6484); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23549) granting an increase of pension to Isaiah Carter, reported the same without amendment, accompanied by a report (No. 6485); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23526) granting an increase of pension to Stephen D. Jordan, reported the same with amendment, accompanied by a report (No. 6486); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2781) granting an increase of pension to Martin V. B. Wyman, reported the same without amendment, accompanied by a report (No. 6487); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22034) granting an increase of pension to James A. Wonder, reported the same with amendment, accompanied by a report (No. 6488); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22990) granting an increase of pension to Francis A. Lander, reported the same with amendment, accompanied by a report (No. 6489); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15189) granting an increase of pension to Sidney S. Skinner, reported the same with amendment, accompanied by a report (No. 6490); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13769) granting an increase of pension to David Angle, reported the same with amendment, accompanied by a report (No. 6491); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12250) granting an increase of pension to Samuel Naus, reported the same with amendment, accompanied by a report (No. 6492); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11098) granting an increase of pension to Joseph A. Robinson, reported the same with amendment, accompanied by a report (No. 6493); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10598) granting an increase of pension to Robert W. Mills, reported the same with amendment, accompanied by a report (No. 6494); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8718) granting a pension to William T. Rowe, reported the same with amendment, accompanied by a report (No. 6495); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2878) granting a pension to John M. Cheevers, reported the same with amendment, accompanied by a report (No. 6496); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20688) granting an increase of pension to Joseph M. Storey, reported the same with amendment, accompanied by a report (No. 6497); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20493) granting an increase of pension to Charles F. Connery, reported the same without amendment, accompanied by a report (No. 6498); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19175) granting an increase of pension to Josiah B. Arnott, reported the same without amendment, accompanied by a report (No. 6499); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22428) granting an increase of pension to Dora T. Bristol, reported the same with amendment, accompanied by a report (No. 6500); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22282) granting an increase of pension to Edward H. Lunn, reported the same with amendment, accompanied by a report (No. 6501); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22279) granting an increase of pension to Thomas M. Griffith, reported the same without amendment, accompanied by a report (No. 6502); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22035) granting an increase of pension to Benjamin Swayze, reported the same with amendment, accompanied by a report (No. 6503); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21604) granting an increase of pension to William Girdler, reported the same with amendment, accompanied by a report (No. 6504); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21508) granting an increase of pension to Samuel Barber, reported the same with amendment, accompanied by a report (No. 6505); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23508) granting an increase of pension to William M. Veach, reported the same with amendment, accompanied by a report (No. 6506); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23475) granting an increase of pension to T. J. Green, reported the same with amendment, accompanied by a report (No. 6507); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23481) granting an increase of pension to John G. Price, reported the same with amendment, accompanied by a report (No. 6508); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23365) granting an increase of pension to William Seitz, reported the same with amendment, accompanied by a report (No. 6509); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23357) granting an increase of pension to James M. Houston, reported the same with amendment, accompanied by a report (No. 6510); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23339) granting an increase of pension to Martha Louise Burnham, reported the same with amendment, accompanied by a report (No. 6511); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23281) granting an increase of pension to William T. Fisher, reported the same without amendment, accompanied by a report (No. 6512); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23234) granting an increase of pension to James W. Walsh, reported the same with amendment, accompanied by a report (No. 6513); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23195) granting an increase of pension to Aurora G. Ellis, reported the same with amendment, accompanied by a report (No. 6514); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23187) granting a pension to Jennie Luckenback, reported the same with amend-

ment, accompanied by a report (No. 6515); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23135) granting a pension to Rosanna King, reported the same with amendment, accompanied by a report (No. 6516); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22820) granting an increase of pension to George S. Schmutz, reported the same with amendment, accompanied by a report (No. 6517); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22764) granting an increase of pension to Samuel V. Carr, reported the same with amendment, accompanied by a report (No. 6518); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22762) granting an increase of pension to John M. Gilbert, reported the same with amendment, accompanied by a report (No. 6519); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22750) granting an increase of pension to William Jenkins, reported the same with amendment, accompanied by a report (No. 6520); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22642) granting an increase of pension to John Gregory, reported the same with amendment, accompanied by a report (No. 6521); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20577) granting a pension to Mary Kaisted, reported the same with amendment, accompanied by a report (No. 6522); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20957) granting an increase of pension to William Chagnon, reported the same without amendment, accompanied by a report (No. 6523); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22985) granting an increase of pension to Henry Bauerlin, reported the same with amendment, accompanied by a report (No. 6524); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16855) granting an increase of pension to Milton H. Peden, reported the same with amendment, accompanied by a report (No. 6525); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13920) granting an increase of pension to Oren D. Curtis, reported the same with amendment, accompanied by a report (No. 6526); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12458) granting an increase of pension to Thomas J. Saylor, reported the same without amendment, accompanied by a report (No. 6527); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11740) granting an increase of pension to R. R. Dill, reported the same with amendment, accompanied by a report (No. 6528); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9576) granting an increase of pension to Henry Wagner, reported the same without amendment, accompanied by a report (No. 6529); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6575) granting an increase of pension to Rawleigh M. Monin, reported the same with amendment, accompanied by a report (No. 6530); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5709) granting an increase of pension to Mary Patterson, reported the same with amendment, accompanied by a report (No. 6531); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19369) granting

an increase of pension to John F. G. Cliborne, reported the same without amendment, accompanied by a report (No. 6532); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22434) granting an increase of pension to Peter McCormick, reported the same with amendment, accompanied by a report (No. 6533); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22284) granting an increase of pension to George Ruhle, reported the same with amendment, accompanied by a report (No. 6534); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21588) granting an increase of pension to Robert Medworth, reported the same with amendment, accompanied by a report (No. 6535); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21506) granting an increase of pension to Jacob Howe, reported the same with amendment, accompanied by a report (No. 6536); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22609) granting an increase of pension to Thomas Bayley, reported the same with amendment, accompanied by a report (No. 6537); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23858) granting an increase of pension to Hugh M. Cox, reported the same with amendment, accompanied by a report (No. 6538); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23846) granting an increase of pension to Sarah Ann Kendig, reported the same with amendment, accompanied by a report (No. 6539); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23845) granting an increase of pension to George W. Cassle, reported the same without amendment, accompanied by a report (No. 6540); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23795) granting an increase of pension to Patrick McMahon, reported the same with amendment, accompanied by a report (No. 6541); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23781) granting a pension to Honora Higgins, reported the same with amendment, accompanied by a report (No. 6542); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23792) granting an increase of pension to Zenrial McCulloch, reported the same with amendment, accompanied by a report (No. 6543); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23783) granting an increase of pension to George W. Buzzell, reported the same without amendment, accompanied by a report (No. 6544); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23777) granting an increase of pension to James Marshall, reported the same with amendment, accompanied by a report (No. 6545); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23773) granting an increase of pension to Samuel H. Pierce, reported the same with amendment, accompanied by a report (No. 6546); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23764) granting an increase of pension to Joseph C. Fisher, reported the same with amendment, accompanied by a report (No. 6547); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23762) granting an increase of pension to Adelaide Wagner, reported the same with amendment, accompanied by a report (No. 6548); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23705) granting an increase of pension to Frederick P. Gaudineer, reported the same with amendment, accompanied by a report (No. 6549); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23699) granting an increase of pension to Joseph Countryman, reported the same without amendment, accompanied by a report (No. 6550); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23686) granting an increase of pension to William H. Kehlbeck, reported the same with amendment, accompanied by a report (No. 6551); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23656) granting an increase of pension to John Kilpatrick, reported the same with amendment, accompanied by a report (No. 6552); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23653) granting an increase of pension to Dewitt C. Chapman, reported the same with amendment, accompanied by a report (No. 6553); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23652) granting an increase of pension to William H. Zimmerman, reported the same with amendment, accompanied by a report (No. 6554); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22846) granting an increase of pension to Martin Holmes, alias George Langin, reported the same with amendment, accompanied by a report (No. 6555); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16978) granting a pension to J. Max Mueller, reported the same with amendment, accompanied by a report (No. 6556); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10188) granting an increase of pension to James L. Conn, reported the same with amendment, accompanied by a report (No. 6557); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6161) granting an increase of pension to Horatio Ernest, reported the same without amendment, accompanied by a report (No. 6558); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20687) granting an increase of pension to John M. Dixon, reported the same with amendment, accompanied by a report (No. 6559); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19775) granting an increase of pension to Greenup Meece, reported the same with amendment, accompanied by a report (No. 6560); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19499) granting an increase of pension to Thomas Milson, reported the same with amendment, accompanied by a report (No. 6561); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22239) granting an increase of pension to Elizabeth T. Hays, reported the same with amendment, accompanied by a report (No. 6562); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21476) granting an increase of pension to Hiram A. Winslow, reported the same with amendment, accompanied by a report (No. 6563); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23651) granting an increase of pension to John W. Wilson, reported the same with amendment, accompanied by a report (No. 6564); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24099) granting

an increase of pension to Benjamin J. Puckett, reported the same with amendment, accompanied by a report (No. 6565); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24096) granting an increase of pension to Oscar F. Peacock, reported the same with amendment, accompanied by a report (No. 6566); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20953) granting an increase of pension to James D. Walker, reported the same without amendment, accompanied by a report (No. 6567); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24078) granting an increase of pension to Warren J. Sevey, reported the same with amendment, accompanied by a report (No. 6568); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24023) granting an increase of pension to Joseph H. Clark, reported the same with amendment, accompanied by a report (No. 6569); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23969) granting an increase of pension to William Morson, reported the same with amendment, accompanied by a report (No. 6570); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23915) granting a pension to William Stegal, reported the same with amendment, accompanied by a report (No. 6571); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23899) granting an increase of pension to James P. Hanna, reported the same with amendment, accompanied by a report (No. 6572); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23877) granting an increase of pension to Mary A. Edwards, reported the same with amendment, accompanied by a report (No. 6573); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23872) granting an increase of pension to Charles Blacker, reported the same with amendment, accompanied by a report (No. 6574); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23874) granting an increase of pension to William R. Horn, reported the same without amendment, accompanied by a report (No. 6575); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23870) granting an increase of pension to America J. Austin, reported the same with amendment, accompanied by a report (No. 6576); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23778) granting an increase of pension to Henry Clapper, reported the same with amendment, accompanied by a report (No. 6577); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24360) granting an increase of pension to Jeremiah F. Pittman, reported the same with amendment, accompanied by a report (No. 6578); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24321) granting an increase of pension to Belah H. Wilcox, reported the same with amendment, accompanied by a report (No. 6579); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24259) granting an increase of pension to H. A. Johnson, reported the same with amendment, accompanied by a report (No. 6580); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24208) granting an increase of pension to Albert Sunderland, reported the same with amendment, accompanied by a report (No. 6581); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24182) granting

an increase of pension to John Delaney, reported the same without amendment, accompanied by a report (No. 6582); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24155) granting a pension to Richard N. Porter, reported the same with amendment, accompanied by a report (No. 6583); which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 23993) for the relief of Harry A. Young, reported the same without amendment, accompanied by a report (No. 6586); which said bill and report were referred to the Private Calendar.

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5869) for the relief of Larvan Gordon, reported the same without amendment, accompanied by a report (No. 6587); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24185) granting an increase of pension to William S. Weller, reported the same with amendment, accompanied by a report (No. 6588); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GARDNER of Michigan, from the Committee on Appropriations: A bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes—to the Union Calendar.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 24641) to regulate pipe lines in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. RHINOCK (by request): A bill (H. R. 24642) to amend the practice in suits for divorce and maintenance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CHARLES B. LANDIS: A bill (H. R. 24643) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to install, equip, and maintain upon their lines of railroad a block protecting system and to protect their stations and terminals therewith, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 24644) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations—to the Committee on the Judiciary.

Also, a bill (H. R. 24645) to regulate the inspection and sale of flour within the District of Columbia—to the Committee on the District of Columbia.

By Mr. DENBY: A bill (H. R. 24646) to amend section 9 of an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.

By Mr. McCALL: A bill (H. R. 24647) to provide rebate of duty on all coal imported into the United States—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: A bill (H. R. 24648) ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz.—to the Committee on the Territories.

By Mr. SHEPPARD: A bill (H. R. 24649) for a survey and examination to determine the advisability of constructing a dam at the foot of Caddo Lake, on the waterway connecting Jefferson, Tex., with Shreveport, La.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 24650) for a survey of upper Red River from Fulton, Ark., to the mouth of the Washita, in Oklahoma—to the Committee on Rivers and Harbors.

By Mr. MANN: A bill (H. R. 24651) to provide for thirty light-keepers' dwellings—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: A bill (H. R. 24652) fixing the compensation of the assistant weighers at the port of New York—to the Committee on Ways and Means.

Also, a bill (H. R. 24653) to increase the salaries of the deputy appraisers of merchandise at the port of New York—to the Committee on Ways and Means.

By Mr. BEDE: A bill (H. R. 24654) for the establishment of

a light-house and fog-signal station at the easterly end of Gull Island, Apostle group, westerly end of Lake Superior, Wis.—to the Committee on Interstate and Foreign Commerce.

By Mr. McGUIRE: A bill (H. R. 24655) to authorize the legislature of Oklahoma to dispose of a certain section of school land—to the Committee on the Public Lands.

By Mr. ENGLEBRIGHT: A bill (H. R. 24656) to amend an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907—to the Committee on the Public Lands.

By Mr. LOWDEN: A bill (H. R. 24657) to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. VOLSTEAD: A bill (H. R. 24658) for the relief of certain settlers on the public lands, and for other purposes—to the Committee on the Public Lands.

By Mr. BURLESON: A bill (H. R. 24659) to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto—to the Committee on Agriculture.

By Mr. MARSHALL: A bill (H. R. 24660) to extend the time within which entrymen may make and establish residence upon the public domain in the State of North Dakota—to the Committee on the Public Lands.

By Mr. DE ARMOND: A bill (H. R. 24661) to provide for securing interests upon deposits of public funds, and for other purposes—to the Committee on Ways and Means.

By Mr. McNARY: A bill (H. R. 24745) to increase the compensation of the civil officers and employees and of the military and naval officers and enlisted men of the Government of the United States—to the Committee on Appropriations.

By Mr. OLCOTT: A bill (H. R. 24746) for free lectures—to the Committee on the District of Columbia.

By Mr. FOSTER of Vermont: A joint resolution (H. J. Res. 223) relating to the holders of medals of honor—to the Committee on Military Affairs.

By Mr. LILLEY of Pennsylvania: A resolution (H. Res. 780) to increase the pay of the assistant file clerk of the House—to the Committee on Accounts.

By Mr. McKINLEY of Illinois: A resolution (H. Res. 781) to increase the pay of the eight assistants in the document room of the House—to the Committee on Accounts.

By Mr. BURLEIGH: A resolution (H. Res. 782) increasing the pay of the assistant enrolling clerk of the House—to the Committee on Accounts.

By Mr. WATSON: A resolution (H. Res. 783) increasing the compensation of the messenger to the Speaker—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 24662) granting an increase of pension to William P. Banc—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 24663) granting an increase of pension to Alvernous Barnhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24664) granting an increase of pension to Sherwood Tackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24665) granting an increase of pension to Sebasten Abrams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24666) granting an increase of pension to Allen Bocook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24667) granting an increase of pension to George Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24668) granting an increase of pension to James Biven—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24669) granting an increase of pension to John L. Miner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24670) granting an increase of pension to Burton Vaughn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24671) granting an increase of pension to Augustine Sorrell—to the Committee on Pensions.

Also, a bill (H. R. 24672) granting a pension to Darkie Warren—to the Committee on Pensions.

Also, a bill (H. R. 24673) granting a pension to Garrad T. Short—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24674) granting a pension to Sarah Staggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24675) granting a pension to Eliza H. Bullock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24676) granting a pension to Mary A. Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24677) for the relief of Daniel Porter—to the Committee on Military Affairs.

Also, a bill (H. R. 24678) for the relief of Enoch Edens—to the Committee on Military Affairs.

Also, a bill (H. R. 24679) for the relief of William A. Goble—to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 24680) granting an increase of pension to Ella B. Deweese—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 24681) granting an increase of pension to Lewis M. Jarvis—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 24682) granting a pension to Mary A. Laurient—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 24683) granting an increase of pension to Walter P. Davis—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 24684) granting an increase of pension to Esther M. Noah—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 24685) granting an increase of pension to Mary A. Defendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24686) granting an increase of pension to Eliza J. Corn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24687) granting an increase of pension to John Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24688) granting an increase of pension to Bartley Inkoff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24689) granting an increase of pension to Henry Hermann—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 24690) granting a pension to Harriet P. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24691) granting an increase of pension to Edward Burtch—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 24692) granting a pension to Lucia M. Beard—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 24693) granting an increase of pension to Bazel Hall—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 24694) granting an increase of pension to John Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24695) granting an increase of pension to Prior P. Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24696) granting a pension to Andrew Goddard—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 24697) granting an increase of pension to Amelia M. Salmon—to the Committee on Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 24698) granting an increase of pension to Lydia Hunt—to the Committee on Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 24699) granting an increase of pension to Rufus G. Tole—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 24700) granting an increase of pension to Joseph Brooks—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 24701) granting an increase of pension to Joseph Strasburger—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 24702) granting an increase of pension to Perry Tawney—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 24703) to remove the charge of desertion from the military record of David A. Lindsay—to the Committee on Military Affairs.

By Mr. FREDERICK LANDIS: A bill (H. R. 24704) granting an increase of pension to Amelia C. Kloenne—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 24705) granting an increase of pension to Ida W. Maples—to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 24706) for the relief of the congregation of the Kingston Baptist Church, of Kingston, Ga.—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 24707) granting an increase of pension to Peter Campbell—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 24708) for the relief of John P. Hart—to the Committee on War Claims.

Also, a bill (H. R. 24709) granting a pension to James O. Taylor—to the Committee on Invalid Pensions.

By Mr. MCKINNEY: A bill (H. R. 24710) granting an in-

crease of pension to Jacob Riner—to the Committee on Pensions.

By Mr. McMORRAN: A bill (H. R. 24711) to correct the military record of John L. Rogers, alias John Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 24712) granting an increase of pension to Henry S. White—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 24713) for the relief of Michael Curley—to the Committee on Claims.

Also, a bill (H. R. 24714) for the relief of Joseph Manning—to the Committee on Claims.

Also, a bill (H. R. 24715) for the relief of William W. Stewart—to the Committee on Claims.

By Mr. MOON of Pennsylvania: A bill (H. R. 24716) granting a pension to Hannah Tomlinson—to the Committee on Pensions.

Also, a bill (H. R. 24717) granting a pension to Christina Brown—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 24718) granting an increase of pension to Eveline Taylor—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 24719) granting an increase of pension to Alpheus L. Woodard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24720) granting an increase of pension to Thomas Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24721) granting an increase of pension to E. A. H. Beyland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24722) granting an increase of pension to Michael Oberle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24723) granting an increase of pension to Coleman Reynolds—to the Committee on Pensions.

Also, a bill (H. R. 24724) granting a pension to Herbert Montgomery—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 24725) granting an increase of pension to John H. Hayes—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 24726) granting an increase of pension to S. R. Sanders—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 24727) granting a pension to Mary F. Bitely—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 24728) granting an increase of pension to George W. Moyer—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 24729) granting an increase of pension to Ezra Davison—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 24730) for the relief of John Smith and Jane Isaac—to the Committee on Indian Affairs.

By Mr. SAMUEL W. SMITH: A bill (H. R. 24731) granting a pension to Almira Clark—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 24732) granting an increase of pension to Rosa A. Penfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24733) granting an increase of pension to John H. Morrison—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 24734) granting an increase of pension to Charles Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24735) granting an increase of pension to John J. Whitacre—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 24736) granting a pension to Emma B. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24737) granting a pension to Wielt Bilyeu, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24738) granting an increase of pension to Samuel Hilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24739) granting an increase of pension to Francis M. Kirkpatrick—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 24740) granting an increase of pension to William E. Chase—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 24741) granting a pension to Mary Brady—to the Committee on Invalid Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 24742) granting a pension to John D. Benjamin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24743) granting an increase of pension to Mary E. Starr—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 24744) for the relief of the heirs of William Woods—to the Committee on Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9140) granting a pension to Amanda Hoover—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23311) granting an increase of pension to Jeremiah Burke—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23312) granting an increase of pension to William Lewis—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 24621) granting an increase of pension to Elizabeth P. Hargrave—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Henry Well et al., citizens of Greater New York, against intervention in the affairs of the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the legislature of Illinois, for protection of the interests of the Chicago Sanitary District in its drainage canal in any legislation relating to deep water—to the Committee on Rivers and Harbors.

Also, petition of the legislature of South Dakota, for legislation to extend time within which persons may lawfully establish reservations on certain homestead claims within that State—to the Committee on the Public Lands.

Also, petition of Drago E. Proskowetz, of Johnstown, Pa., for national assistance in familiarizing Slavic immigrants with the English language—to the Committee on Education.

By Mr. ACHESON: Petition of the Consumers' League of Philadelphia, for the Beveridge-Parsons bill relative to child labor—to the Committee on Labor.

By Mr. BARCHFELD: Petitions of citizens of Mount Pleasant, Tex.; Montrose, Colo.; Grant Pass, Oreg.; Pulaski, Ill.; Greencastle, Ind.; Portland, Me.; Elmira, N. Y.; Pike, Miss.; Rapid City, S. Dak.; Barron, Wis.; Clarksburg, W. Va.; Drew, Ark., and Everett, Wash., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNETT of New York: Petition of Thomas J. Dillon, against interference in the affairs of the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of William A. Goble—to the Committee on War Claims.

Also, papers to accompany bills for relief of Mary A. Jacobs, John Riddle, Eliza H. Bullock, Alvernous Bernhart, John L. Miner, Sarah Stagg, and Burton Vaughan—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Darkee Warren and Augustine Sorrell—to the Committee on Pensions.

By Mr. BRICK: Petition of Rev. N. E. Buchanan, of Elkhart, Ind., for closing United States post-offices on Sunday—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of three women's clubs of Skowhegan, Me., for enactment of a child-labor law—to the Committee on Labor.

Also, petition of the Skowhegan (Me.) Board of Trade, for reclassification and increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMPACKER: Petitions of M. T. Didlake et al., of Monticello, Ind., for an amendment of the copyright law—to the Committee on Patents.

By Mr. DRAPER: Petition of the National Private Commercial School Managers' Association, favoring legislation to revise the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of the Wisconsin Retail Implement and Vehicle Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of the Chamber of Commerce of New York City, for an increase of the Coast Artillery—to the Committee on Military Affairs.

Also, petition of John Nutzel, against interference in the affairs of the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Twenty-sixth Ward Board of Trade, of Brooklyn, N. Y., for increase in the salaries of postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Private Commercial School Managers'

Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Paper to accompany bill for relief of Samuel S. Smith—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elizabeth Jenkins—to the Committee on War Claims.

Also, petition of citizens of Kingdon Springs, Ark., for permission to use the water of White River for electrical power purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Indiana: Petition of Cigar Makers' Union No. 54, of Evansville, Ind., against employment of Asiatic coolies within the Canal Zone—to the Committee on Labor.

Also, petition of the Prisoners of War Association of Evansville, Ind., for a just and equitable pension for ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. FOWLER: Petition of Thomas Klinedinst, of Morristown, N. J., against amendment to the copyright bill inimical to photographers—to the Committee on Patents.

Also, petition of the New Jersey State Federation of Women's Clubs, for regulation of child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of W. W. Wood, of Belvidere, Ill., for the McCumber (Senate) pension bill—to the Committee on Pensions.

Also, petition of the National Private Commercial School Managers' Association, for legislation to revise the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAFF: Petition of citizens of Pekin, Ill., against the Lodge-Gardiner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of the Tarentum (Pa.) Board of Trade, for increase in salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Keystone Powder Manufacturing Company, of Emporium, Pa., for a law to expend \$3,000,000 to establish plants for smokeless powder—to the Committee on Military Affairs.

Also, petition of the Keystone National Bank, of Pittsburg, Pa., favoring bill H. R. 23017, for improvement of the currency—to the Committee on Banking and Currency.

Also, petition of H. R. Fuller, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Consumers' League of Philadelphia, for the Beveridge-Parsons bill regarding child labor—to the Committee on Labor.

Also, petition of the Private Commercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Elizabeth Coates—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Paper to accompany bill for relief of Frank S. Lowry—to the Committee on War Claims.

By Mr. HAYES: Petition of A. L. Jones et al., against the employment of Asiatic labor on the Panama Canal and that the terms of Chinese-exclusion act be extended to cover Japanese and other Asiatic laborers—to the Committee on Foreign Affairs.

By Mr. HERMANN: Petition of Indian war veterans, of Linn County, Oreg., for increase of pension for said veterans—to the Committee on Pensions.

By Mr. HIGGINS: Petition of Horeb Lodge, No. 25, Independent Order B'nai Brith, of New Haven, Conn., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HILL of Connecticut: Petition of Horeb Lodge, No. 25, Independent Order B'nai Brith, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah: Petition of C. R. Savage et al., against amendment to the copyright law inimical to photographers—to the Committee on Patents.

Also, petition of the Black Hawk Indian war veterans, of Utah, for extension of the pension laws to include Indian wars in Utah in 1867-1878—to the Committee on Pensions.

Also, paper to accompany bill for relief of Lydia Hunt—to the Committee on Pensions.

By Mr. JENKINS: Petition of citizens of River Falls, Wis., for amendment of the free-alcohol law—to the Committee on Ways and Means.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of F. H. Loud—to the Committee on Military Affairs.

By Mr. KINKAID: Petition of the Swine Breeders' Association, against free seed distribution—to the Committee on Agriculture.

By Mr. KNAPP: Paper to accompany bill for relief of Rosa A. Penfield—to the Committee on Invalid Pensions.

By Mr. KNOFF: Paper to accompany bill for relief of Amanda Hoover (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petition of the Vermont Dairy Association, for raising the rank of the dairy division to that of a bureau under the Secretary of Agriculture—to the Committee on Agriculture.

Also, petition of the Fruit Growers' Association of Bedford County, Pa., for legislation securing admission of American fruits into German markets under minimum duties—to the Committee on Ways and Means.

By Mr. LAW: Papers to accompany bills for relief of John D. Lane and Benjamin T. Horton—to the Committee on Invalid Pensions.

By Mr. LILLEY of Connecticut: Papers to accompany bills for relief of Mrs. Elisha R. Starr and John D. Benjamin—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the National Private Commercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Adam J. Bennett, against interference in Kongo Free State affairs—to the Committee on Foreign Affairs. Also, petition of La Motte Hartshorn, favoring the Navy personnel bill—to the Committee on Naval Affairs.

Also, petition of the Twenty-sixth Ward Board of Trade, of Brooklyn, N. Y., for increase of salaries of postal clerks (H. R. 9751, the Wilson bill)—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of citizens of Cheboygan County, Mich., for October 12 as a legal holiday (Columbus Day, commemorating the discovery of America)—to the Committee on the Judiciary.

Also, petition of J. E. Betz et al., for an appropriation for survey and improvement of the Au Sable River at or near its outlet into Lake Huron—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Peter Campbell—to the Committee on Invalid Pensions.

By Mr. McCALL: Paper to accompany bill for relief of Carlos L. Buzzell—to the Committee on Invalid Pensions.

By Mr. McCARTHY: Petition of the Nebraska State Swine Breeders' Association, against free seed distribution—to the Committee on Agriculture.

Also, petition of the Nebraska Duroc Jersey Breeders' Association, against free seed distribution—to the Committee on Agriculture.

By Mr. McMORRAN: Papers to accompany bills for relief of Rev. Henry S. White and John Rogers, alias John Moore—to the Committee on Invalid Pensions.

By Mr. MOORE: Petition of H. Allen Knips, Pott & Faltz, and others, against amendment to the copyright law abridging rights of photographers—to the Committee on Patents.

By Mr. PAYNE: Paper to accompany bill for relief of William Hawley—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of the Nebraska Duroc Jersey Breeders' Association, against free distribution of garden seeds—to the Committee on Agriculture.

By Mr. ROBINSON of Arkansas: Papers to accompany bill for an appropriation to enlarge the public buildings at Hot Springs, Ark.—to the Committee on Public Buildings and Grounds.

Also, paper to accompany bill for relief of David Hurbert—to the Committee on Invalid Pensions.

By Mr. RYAN: Petitions of Fred. Buechsenschuety et al. and Robert Stier et al., of Buffalo, N. Y., against certain clauses in the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Paper to accompany bill for relief of Mrs. Alice O'Connor—to the Committee on Military Affairs.

Also, petition of the Private School Managers' Association, of Cleveland, Ohio, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEPPARD: Petitions of citizens of Lawton, Okla.; Fulton, Ark., and Texarkana, Tex., for an appropriation to improve upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Dennis T. Kirby et al.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Robert H. Gulick et al.—to the Committee on War Claims.

By Mr. SOUTHARD: Petition of the New Immigrant Pro-

tection League, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Association of Army and Navy Nurses of the Civil War, for pensions to all nurses of the war as per the Dalzell bill—to the Committee on Invalid Pensions.

Also, petition of Samuel Holmes, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. STANLEY: Paper to accompany bill for relief of Absalom R. Shacklett (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. VAN WINKLE: Petition of the Board of Trade of Hoboken, N. J., for higher salaries for postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEMS: Petition of the German Society, against the Dillingham bill—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of the Bridgeport (Ohio) National Bank—to the Committee on Claims.

SENATE.

TUESDAY, January 22, 1907.

Prayer by Rev. WILLIAM LAWRENCE, D. D., Bishop of the Diocese of Massachusetts.

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

The VICE-PRESIDENT. The Journal stands approved.

EDWIN S. HALL.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to return the bill (H. R. 1050) for the relief of Edwin S. Hall; and by unanimous consent the request was ordered to be complied with.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

H. R. 5. An act to provide for the refunding of certain money, etc.;

H. R. 8. An act for the relief of the Harbison-Walker Company, of Pittsburg, Pa.;

H. R. 1371. An act to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned;

H. R. 2326. An act for the relief of J. W. Bauer and others;

H. R. 8685. An act for the relief of Charles E. Danner & Co.;

H. R. 8727. An act for the relief of James W. Kenney and the Union Brewing Company;

H. R. 8749. An act to refund a fine of \$200 paid by Charles H. Marsden, owner of the tug *Owen*;

H. R. 10305. An act to provide for the repayment of certain customs dues;

H. R. 14125. An act for the relief of The Nebraska Mutual Life Insurance Company, of Stromburg, Nebr.;

H. R. 14464. An act for the relief of Wiley Corbett;

H. R. 16085. An act for the relief of Gordon, Ironsides & Fares Company (Limited);

H. R. 16581. An act for the relief of George W. Schroyer; and

H. R. 19275. An act for the relief of T. E. Boyt.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

H. R. 1561. An act authorizing the Secretary of the Navy to grant a discharge to Peter O'Neil;

H. R. 13605. An act to satisfy certain claims against the Government arising under the Navy Department;

H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce;

H. R. 19284. An act for the relief of James Behan; and

H. R. 22291. An act to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

H. R. 4271. An act for the relief of Patrick J. Madden;

H. R. 5169. An act for the relief of W. B. Sutter;

H. R. 6104. An act to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails;

H. R. 8699. An act for the relief of James A. Carroll;

H. R. 13418. An act for the relief of W. S. Hammaker; and

H. R. 14381. An act authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department.